Journal *of* Proceedings

of the

Senate
of
Maryland

2011 Regular Session

Volume III

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, March 24, 2011
10:00 A.M. Session

The Senate met at 10:13 A.M.

Prayer by Reverend LoisAnn Furgess–Oler, Trinity United Church of Christ, guest of Senator Getty.

(See Exhibit A of Appendix III)

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

QUORUM CALL

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

(See Roll Call No. 509)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #42

Senate Bill 15 – Senator Madaleno

AN ACT concerning

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 510)

The Bill was then sent to the House of Delegates.

Senate Bill 258 – Senator Montgomery

AN ACT concerning

State Board of Physical Therapy Examiners – Licensure and Regulation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 511)

The Bill was then sent to the House of Delegates.

Senate Bill 452 – Senator Simonaire

AN ACT concerning

Anne Arundel County Board of Education – Members – Expense Reimbursement Procedures and Guidelines

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

Affirmative – 47 Negative – 0 (See Roll Call No. 512)

The Bill was then sent to the House of Delegates.

Senate Bill 489 – Senators Conway, Ferguson, Forehand, Frosh, Gladden, Kelley, Klausmeier, Madaleno, Montgomery, Pugh, and Young

AN ACT concerning

Nonpublic Schools ~~Accepting State Funds~~ That Participate in State Programs – Bullying, Harassment, and Intimidation – Policies

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

Affirmative – 47 Negative – 0 (See Roll Call No. 513)

The Bill was then sent to the House of Delegates.

Senate Bill 576 – ~~Senators Muse and Miller~~ Senator Muse

AN ACT concerning

Prince George's County Board of Education – Student Member – Voting Rights

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

Affirmative – 41 Negative – 5 (See Roll Call No. 514)

The Bill was then sent to the House of Delegates.

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 – Availability for Occupation and Use

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

Affirmative – 47 Negative – 0 (See Roll Call No. 515)

The Bill was then sent to the House of Delegates.

Senate Bill 644 – Senators Ferguson and Madaleno

AN ACT concerning

Joint Committee on Transparency and Open Government Act

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

Affirmative – 47 Negative – 0 (See Roll Call No. 516)

The Bill was then sent to the House of Delegates.

Senate Bill 664 – Senator Middleton

AN ACT concerning

Health Occupations – Dental Hygienists – Nitrous Oxide

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

Affirmative – 46 Negative – 0 (See Roll Call No. 517)

The Bill was then sent to the House of Delegates.

Senate Bill 925 – Senator Conway

AN ACT concerning

Family Law – Family Child Care – Large Family Child Care Homes

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

Affirmative – 47 Negative – 0 (See Roll Call No. 518)

The Bill was then sent to the House of Delegates.

Senate Bill 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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 519)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #43

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 520)

The Bill was then sent to the House of Delegates.

Senate Bill 475 – Senator Benson

AN ACT concerning

Business Occupations – Plumbers and Gas Fitters – Apprentice License Renewal

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

Affirmative – 47 Negative – 0 (See Roll Call No. 521)

The Bill was then sent to the House of Delegates.

Senate Bill 476 – Senator Benson

AN ACT concerning

~~Counselors Home Study – Online Study~~
Professional Counselors and Therapists – Continuing Education – Home Study

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

Affirmative – 46 Negative – 0 (See Roll Call No. 522)

The Bill was then sent to the House of Delegates.

Senate Bill 529 – Senators Simonaire, Getty, Jacobs, Ramirez, Raskin, Shank, and Stone

AN ACT concerning

Maryland General and Limited Power of Attorney Act – Modifications

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

Affirmative – 47 Negative – 0 (See Roll Call No. 523)

The Bill was then sent to the House of Delegates.

Senate Bill 532 – Senators Currie and Benson

AN ACT concerning

Real Property – Homeowners Association Elections – Enforcement by the Division of Consumer Protection

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

Affirmative – 36 Negative – 11 (See Roll Call No. 524)

The Bill was then sent to the House of Delegates.

Senate Bill 595 – ~~Senator Raskin~~ Senators Raskin, Kelley, Forehand, and Jacobs

AN ACT concerning

Corporations and Associations – Limited Liability Companies – Election to Be a Benefit ~~Corporation~~ Limited Liability Company

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

Affirmative – 47 Negative – 0 (See Roll Call No. 525)

The Bill was then sent to the House of Delegates.

Senate Bill 641 – Senator Benson

AN ACT concerning

Polysomnography – Technologists ~~and Technicians – Licensing Requirements~~ Licensure

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

Affirmative – 47 Negative – 0 (See Roll Call No. 526)

The Bill was then sent to the House of Delegates.

Senate Bill 696 – Senator Forehand

AN ACT concerning

Estates and Trusts – Tenancy by the Entirety Property – Transfer to Trustee or Trustees

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

Affirmative – 47 Negative – 0 (See Roll Call No. 527)

The Bill was then sent to the House of Delegates.

Senate Bill 756 – ~~Senator Kelley~~ Senators Kelley, Brochin, Forehand, Raskin, Ramirez, and Gladden

AN ACT concerning

Maryland Revised Uniform Anatomical Gift Act

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

Affirmative – 47 Negative – 0 (See Roll Call No. 528)

The Bill was then sent to the House of Delegates.

Senate Bill 845 – Senator Dyson

AN ACT concerning

~~Health Occupations –~~ Pharmacists – Administration of Vaccinations~~,~~ ~~Epinephrine, and Diphenhydramine~~ – Children

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

Affirmative – 47 Negative – 0 (See Roll Call No. 529)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #44

Senate Bill 2 – ~~Senator Colburn~~ Senators Colburn, Forehand, Jacobs, Ramirez, Raskin, Stone, Zirkin, Peters, and Montgomery

AN ACT concerning

Vehicle Laws – Registration and Driver's License Renewal Fees – No Charge for Recipients of Medal of Honor

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

Affirmative – 47 Negative – 0 (See Roll Call No. 530)

The Bill was then sent to the House of Delegates.

Senate Bill 19 – ~~Senator Colburn~~ Senators Colburn and Edwards

AN ACT concerning

Vehicle Laws – ~~Gross Weight Limits~~ Exceptional Hauling Permits – Farm ~~Vehicles and Vehicles Carrying Farm~~ Products

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

Affirmative – 47 Negative – 0 (See Roll Call No. 531)

The Bill was then sent to the House of Delegates.

Senate Bill 138 – Senator Zirkin

AN ACT concerning

Courts – Evidence – ~~Unpaid Bills and Written Estimates for Goods or Services~~ Vehicle Repair Estimates

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

Affirmative – 41 Negative – 6 (See Roll Call No. 532)

The Bill was then sent to the House of Delegates.

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~~

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

Affirmative – 40 Negative – 7 (See Roll Call No. 533)

The Bill was then sent to the House of Delegates.

Senate Bill 306 – Senator Mathias

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – ~~Motor Scooters – Definition~~ Motorized Minibike – Use in Ocean City

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

Affirmative – 47 Negative – 0 (See Roll Call No. 534)

The Bill was then sent to the House of Delegates.

Senate Bill 361 – Senators Raskin and Ramirez

AN ACT concerning

Vehicle Laws – Provisional Driver's Licenses – Driver Education Requirements

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

Affirmative – 47 Negative – 0 (See Roll Call No. 535)

The Bill was then sent to the House of Delegates.

Senate Bill 374 – Senator Gladden

AN ACT concerning

Baltimore City – Circuit Court – Grand Jury Investigation

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

Affirmative – 46 Negative – 0 (See Roll Call No. 536)

The Bill was then sent to the House of Delegates.

Senate Bill 457 – Senator Forehand

AN ACT concerning

Lawyers – Bar Admission Requirement – Exception for Rent Escrow Proceedings

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

Affirmative – 47 Negative – 0 (See Roll Call No. 537)

The Bill was then sent to the House of Delegates.

Senate Bill 497 – Senator Glassman

AN ACT concerning

Vehicle Laws – Registration Classifications – ~~Special~~ Class G Farm or Livestock Trailer or Semitrailer

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

Affirmative – 47 Negative – 0 (See Roll Call No. 538)

The Bill was then sent to the House of Delegates.

Senate Bill 531 – Senators Peters, Astle, Brochin, Colburn, Edwards, Garagiola, Glassman, Raskin, ~~and Reilly~~ Reilly, Forehand, Jacobs, Ramirez, and Stone

AN ACT concerning

Task Force on Military Service Members, Veterans, and the Courts

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

Affirmative – 47 Negative – 0 (See Roll Call No. 539)

The Bill was then sent to the House of Delegates.

Senate Bill 689 – Senator Middleton

AN ACT concerning

Motor Vehicle Dealers – Issuance of Temporary Registration Plate – Lapsed Security – Registration

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

Affirmative – 47 Negative – 0 (See Roll Call No. 540)

The Bill was then sent to the House of Delegates.

Senate Bill 780 – Senators Ramirez and Muse

AN ACT concerning

Vehicle Laws – ~~Stolen~~ Abandoned Vehicles – ~~Towing and Impoundment Charges~~ Notice

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

Affirmative – 44 Negative – 3 (See Roll Call No. 541)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 542)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #45

Senate Bill 115 – Senators Robey, Raskin, Forehand, Madaleno, Manno, Rosapepe, Shank, ~~and Stone~~ Stone, Brochin, Gladden, Jacobs, Ramirez, and Young

AN ACT concerning

Criminal Law – ~~Abuse or Neglect of Animals~~ Animal Abuse, Neglect, or Cruelty – ~~Sentencing~~ Conditions of Probation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 543)

The Bill was then sent to the House of Delegates.

Senate Bill 172 – Senators McFadden, Kelley, and Miller

AN ACT concerning

Inmates – Life Imprisonment – Parole Approval

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

Affirmative – 32 Negative – 15 (See Roll Call No. 544)

The Bill was then sent to the House of Delegates.

Senate Bill 278 – Senator Colburn

AN ACT concerning

Juvenile Law – Truancy Reduction Pilot Program – Talbot County

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

Affirmative – 47 Negative – 0 (See Roll Call No. 545)

The Bill was then sent to the House of Delegates.

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 – Affirmative Defenses – Maryland Medical Marijuana Model Program Workgroup

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

Affirmative – 41 Negative – 6 (See Roll Call No. 546)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 547)

The Bill was then sent to the House of Delegates.

Senate Bill 362 – Senators Raskin and Ramirez

AN ACT concerning

Correctional Services – Division of Parole and Probation – Supervision Fee

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

Affirmative – 37 Negative – 10 (See Roll Call No. 548)

The Bill was then sent to the House of Delegates.

Senate Bill 494 – Senator Edwards

AN ACT concerning

Income Tax Credit – Teachers at State and Local Correctional Facilities for Adults and Juveniles

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

Affirmative – 47 Negative – 0 (See Roll Call No. 549)

The Bill was then sent to the House of Delegates.

Senate Bill 652 – Senator Ramirez

AN ACT concerning

Public Safety – Use of Electronic Control Devices – Reports

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

Affirmative – 37 Negative – 10 (See Roll Call No. 550)

The Bill was then sent to the House of Delegates.

Senate Bill 656 – Senator Kelley

AN ACT concerning

Property and Casualty Insurance – Certificates of Insurance and Certificate of Insurance Forms

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

Affirmative – 47 Negative – 0 (See Roll Call No. 551)

The Bill was then sent to the House of Delegates.

Senate Bill 672 – ~~Senator Kasemeyer~~ Senators Kasemeyer, Brinkley, Colburn, Currie, DeGrange, Edwards, Jones–Rodwell, King, Klausmeier, Madaleno, Manno, McFadden, Peters, and Robey

AN ACT concerning

~~Income Tax –~~ Maryland Film Production ~~Activity Credit~~ Employment Act of 2011

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

Affirmative – 47 Negative – 0 (See Roll Call No. 552)

The Bill was then sent to the House of Delegates.

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

AN ACT concerning

Baltimore County – Miscellaneous Business Licenses – Fees

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

Affirmative – 45 Negative – 2 (See Roll Call No. 553)

The Bill was then sent to the House of Delegates.

Senate Bill 898 – Senator Dyson

AN ACT concerning

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

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

Affirmative – 44 Negative – 3 (See Roll Call No. 554)

The Bill was then sent to the House of Delegates.

Senate Bill 899 – Senator Dyson

AN ACT concerning

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

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

Affirmative – 43 Negative – 4 (See Roll Call No. 555)

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 847 – The President (By Request – Administration)

AN ACT concerning

Natural Resources – Aquaculture

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (10) AND THE FAVORABLE REPORT.

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 and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 244 – Senators Pugh and Stone

AN ACT concerning

Public Service Commission – Customer Education on Customer Choice

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

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 and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 704 – Senators Klausmeier and Pugh

AN ACT concerning

Electric Companies and Gas Companies – Customer Account Information

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

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 and adopted.

Senator Rosapepe moved, duly seconded, to make the Bill and Report a Special Order for March 25, 2011.

The motion was adopted.

SPECIAL ORDERS

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

Senate Bill 14 – Senator Gladden

AN ACT concerning

Vehicle Laws – Race–Based Traffic Stops – Reporting Requirements

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (6) AND THE FAVORABLE REPORT.

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 and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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 and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0344/453420/1
BY: Senator Middleton

AMENDMENTS TO SENATE BILL 344, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0344/504730/1), in lines 1 and 2 of Amendment No. 1, strike "Change in Date and"; strike beginning with "date" in line 3 down through "State;" in line 6; and in line 9, after "adjustment" insert "and certain recommendations".

On page 1 of the bill, in line 3, strike "altering the"; and in line 8, strike "with" and substitute "without".

AMENDMENT NO. 2

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments, in line 4 of Amendment No. 2, strike the brackets; and in the same line, strike "**2016**".

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments, in line 8 of Amendment No. 3, after "to" insert ":

(1) determine whether it is feasible to implement the certification of residential child and youth care practitioners in 2015; and

(2)";

in line 9, strike "in 2016"; in line 10, after "In" insert "determining the feasibility of implementing certification in 2015 and in"; in the same line, after the first "the" insert "implementation"; and in line 18, strike "2016".

On page 3 of the Education, Health, and Environmental Affairs Committee Amendments, in line 7 of Amendment No. 3, after "The" insert "implementation"; in line 9, strike "and"; and in line 11, after "budget" insert "; and

(3) a recommendation for an alternate date for implementation of certification if the workgroup determines that it is not feasible to implement certification in 2015".

The preceding 2 amendments were read and adopted.

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 and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0410/813829/1
BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 410
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after "facts;" insert "providing a certain exception; authorizing the placement and maintenance of a sign in certain areas during certain periods of time before and after an election;"; and in line 17, after "erected;" insert "defining a certain term;".

AMENDMENT NO. 2

On page 3, in line 27, after the second "**ADMINISTRATION**" insert "**AND EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION**".

On page 4, after line 35, insert:

"**(6) (I) IN THIS PARAGRAPH, "CLEAR ZONE" MEANS THE AREA WITHIN A RIGHT–OF–WAY OF A STATE HIGHWAY THAT EXTENDS 10 FEET FROM, AND PERPENDICULAR TO, THE EDGE OF THE PAVEMENT.**

(II) A SIGN MAY BE PLACED AND MAINTAINED IN THE PORTION OF A RIGHT–OF–WAY THAT IS NOT A CLEAR ZONE DURING THE 30 DAY PERIODS BEFORE AND AFTER AN ELECTION.".

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

Affirmative – 17 Negative – 30 (See Roll Call No. 556)

Read the second time and ordered prepared for Third Reading.

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

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

FLOOR AMENDMENT

SB0248/933025/2
BY: Senator Raskin

AMENDMENTS TO SENATE BILL 248, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 24, before the second "making" insert "requiring the Comptroller to submit a certain report to the General Assembly on or before a certain date;".

AMENDMENT NO. 2

On page 10 of the bill, in line 19, after "That" insert ":

(a) On or before December 31, 2010, the Comptroller shall submit a report to the General Assembly, in accordance with § 2–1246 of the State Government Article,

on the viability and efficacy of instituting in Maryland a policy of allowing direct shipment of wine from licensed Maryland retailers to consumers in the State.

(b) The report shall include:

(1) an evaluation of the economic costs and benefits of allowing direct wine shipment from in–state retailers to consumers in the 26 states and the District of Columbia that allow retailers to ship to consumers within their jurisdiction, including:

(i) the benefits and costs to consumers in these 27 jurisdictions of having a policy of allowing licensed in–state retailers to ship in–state, including:

1. the effect on consumer access to specialty wines and wines used for religious purposes; and

2. the availability of:

A. a more or less diverse range of wine varieties, vintages, and brands;

B. a more or less meaningful price competition; and

C. a greater or lesser selection of religious and sacramental wines for interested consumers than are currently available in Maryland;

(ii) the financial benefits and costs in these 27 jurisdictions to licensed retailers, including specialty wine retailers, in–state wholesalers, and in–state distributors, of having a policy of allowing licensed in–state retailers to ship in–state; and

(iii) the economic benefits and costs to these 27 jurisdictions, including the effects on their tax revenues and general business and economic activity, of having a policy of allowing licensed in–state retailers to ship in–state;

(2) an analysis of the best practices for permitting in–state retailers to ship to in–state consumers and consumers in other states; and

(3) an analysis of any legal and constitutional issues facilitating or impeding the policy of in–state retail shipment, including especially the decision in, and impact of, Wine Country Gift Baskets.com v. Steen, 612 F.3d 809 (5th Cir. 2010).

SECTION 5. AND BE IT FURTHER ENACTED, That".

AMENDMENT NO. 3

On page 12 of the Education, Health, and Environmental Affairs Committee Amendments (SB0248/624033/1), in the second line from the bottom of Amendment No. 6, strike "5." and substitute "6.".

The preceding 3 amendments were withdrawn.

Senator Raskin moved, duly seconded, to make the Bill a Special Order for March 25, 2011.

The motion was adopted.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 93 – Delegates Cardin, Rosenberg, Barkley, Bobo, Carr, Frick, Healey, Hixson, Howard, Ivey, Kaiser, Lafferty, Lee, Luedtke, Morhaim, Stein, and F. Turner

AN ACT concerning

Election Law – Independent Expenditures and Electioneering Communications – Reporting

FOR the purpose of altering the definition of "independent expenditure" ~~to include independent expenditures relating to ballot issues~~; authorizing the State Board of Elections to audit certain independent expenditure reports and certain electioneering communication reports; requiring a person to file an independent expenditure or electioneering communication report on a certain date when the person makes aggregate ~~independent~~ expenditures of more than a certain amount in an election cycle on ~~campaign material that is a public communication~~ certain communications; requiring a person who files an independent expenditure or electioneering communication report to file an additional ~~independent expenditure~~ report on a certain date when the person makes aggregate ~~independent~~ expenditures of more than a certain amount on ~~campaign material that is a public communication~~ certain communications following the closing date of the person's previous independent expenditure or electioneering communication report; requiring an independent expenditure or electioneering communication report to cover certain periods; requiring an independent expenditure or electioneering communication report to include certain information; providing that a person is considered to have made an independent expenditure or disbursement for electioneering communications if

the person has executed a contract to make an independent ~~expenditure;~~ expenditure or disbursement for electioneering communications; requiring that certain costs of creating and disseminating campaign material be considered in making a certain determination under this Act; requiring the ~~highest ranking official of~~ treasurer or other individual designated by an entity required to file an independent expenditure or electioneering communication report to sign the report and be responsible for filing the report; subjecting an individual who fails to file properly an independent expenditure or electioneering communication report to certain sanctions; requiring an entity that files an independent expenditure or electioneering communication report to include certain information concerning independent expenditures or electioneering communications in ~~any regular, periodic report it submits to its shareholders, members, or donors on its finances or activities; requiring an entity that files an independent expenditure report to post a~~ a certain report distributed to certain individuals or post a certain hyperlink on any Internet site ~~it~~ the entity maintains ~~to the Internet site where the entity's independent expenditure report information is publicly available for a certain period of time~~; requiring a person required to file an independent expenditure or electioneering communication report under this Act to keep certain records for a certain period of time; authorizing the State Board of Elections to adopt regulations as necessary to implement this Act; providing for ~~the application of this Act;~~ a delayed effective date; making the provisions of this Act severable; defining certain terms; and generally relating to reporting of independent expenditures and electioneering communications.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 1–101(k)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 1–101(bb) and 2–102(b)(5)
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article – Election Law
Section 13–306 and 13–307
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 104 – Chair, Ways and Means Committee (By Request – Departmental – Disabilities)

AN ACT concerning

Higher Education – Community Colleges – Tuition Waiver for Disabled Individuals

FOR the purpose of clarifying and amending the requirements for obtaining an exemption from the payment of tuition at community colleges for certain disabled individuals; establishing certain conditions for the tuition waiver; limiting the tuition waiver to a maximum number of credits per semester; clarifying that receipt of certain benefits under the Social Security Act provides eligibility for the tuition waiver; and generally relating to tuition waivers for disabled individuals at community colleges.

BY repealing and reenacting, with amendments,
Article – Education
Section 16–106(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 111 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – Fishing – Regulatory Authority

FOR the purpose of authorizing the ~~Department~~ Secretary of Natural Resources~~, subject to certain standards and requirements, to adopt regulations governing the manner, methods, and gear for catching and possessing fish~~ to adopt regulations, in consultation with certain commissions, governing the use of certain types of fishing gear under certain circumstances; requiring the Department to consider certain factors before adopting certain regulations; repealing provisions of law that require a person to possess a valid fishing license before using certain devices to catch or attempt to catch finfish; prohibiting the Department from adopting regulations governing the use of certain crabbing gear for certain purposes; and generally relating to the regulatory authority of the Department of Natural Resources with respect to catching and possessing fish.

BY adding to
Article – Natural Resources

Section 4–221
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–704 and 4–803(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4–803(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 130 – Delegates Braveboy, Burns, Cane, Carr, Carter, Gaines, Howard, Pena–Melnyk, B. Robinson, Ross, V. Turner, Valderrama, Washington, ~~and Wilson~~ Wilson, and Glenn

AN ACT concerning

Vehicle Laws – Race–Based Traffic Stops

FOR the purpose of requiring certain law enforcement officers to record certain information pertaining to traffic stops; requiring certain law enforcement agencies to report certain information to the Maryland ~~Justice~~ Statistical Analysis Center (~~MJAC~~ MSAC); requiring the Police Training Commission to develop a certain format and guidelines and a standardized format for the reporting of certain data; requiring the Police Training Commission to develop a certain model policy; requiring the ~~MJAC~~ MSAC to analyze certain data based on a methodology developed in conjunction with the Police Training Commission; requiring the ~~MJAC~~ MSAC to make certain reports to the General Assembly, the Governor, and law enforcement agencies; requiring law enforcement agencies to adopt certain policies regarding race–based traffic stops for certain purposes; requiring the ~~MJAC~~ MSAC to report to the Police Training Commission law enforcement agencies that fail to comply with certain reporting requirements; requiring specified actions following a report on the failure of a law enforcement agency to comply; providing certain exceptions applicable to law enforcement agencies that are subject to certain agreements; defining certain terms; ~~requiring the Governor to appropriate certain funding in each fiscal year to assist local law enforcement agencies to implement certain provisions of this Act;~~ altering certain definitions; repealing certain provisions of this Act; providing for the termination of a certain provision of this Act;

providing for a delayed effective date for certain provisions of this Act; and generally relating to law enforcement procedures and traffic stops.

BY adding to
Article – Transportation
Section 25–113
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 25–113
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)
(As enacted by Section 1 of this Act)

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

House Bill 162 – The Speaker (By Request – Administration) and Delegates Clagett, Arora, Cullison, Dumais, Lee, Mitchell, Niemann, Reznik, Stein, and Valderrama

AN ACT concerning

Criminal Law – Child Neglect ~~– Penalties~~

FOR the purpose of prohibiting a parent, family member, household member, or other person who has permanent or temporary care or custody or responsibility for supervision of a minor from neglecting the minor; establishing the misdemeanor of child neglect and providing certain penalties for a violation of this Act; establishing ~~a certain affirmative defense for a violation of this Act; providing that a sentence imposed for a violation of this Act may be separate from and consecutive to or concurrent with a certain other sentence; providing for the construction of this Act~~ 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; defining certain terms; and generally relating to child neglect.

BY adding to
Article – Criminal Law
Section 3–602.1
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

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)

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

House Bill 208 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Aquaculture – Shellfish Leasing Areas – Expansion

FOR the purpose of altering the areas within which the Secretary of Natural Resources may establish certain limits relating to aquaculture; authorizing the Department of Natural Resources to resurvey certain areas for a certain purpose; requiring the Department to amend natural oyster bar charts or coordinates by regulation under certain circumstances; altering the location restrictions for Aquaculture Enterprise Zones and submerged land leases; establishing certain restrictions for Aquaculture Enterprise Zones and leases of submerged land located within a sanctuary; ~~providing that certain riparian owners have the right of first refusal to apply on or before a certain date for an aquaculture lease under certain circumstances;~~ providing that the Department may only issue a shellfish lease to a corporation under certain circumstances; providing that certain restrictions on the locations of submerged land leases do not apply to certain persons with certain riparian rights; making a certain technical correction; making the provisions of this Act severable; altering certain definitions; defining a certain term; and generally relating to oysters and shellfish aquaculture.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–1001(o), 4–1009, 4–1101(i), 4–11A–01(f) and (j), 4–11A–05, 4–11A–06, 4–11A–07, and 4–11A–16
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article – Natural Resources
Section 4–1102 and 4–11A–01(r)
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 221 – ~~Delegate Malone~~ Delegates Malone, Glenn, and Kipke

AN ACT concerning

Motor Vehicles – Use of Text Messaging Device While Driving

FOR the purpose of establishing that a certain prohibition against a person under a certain age using a wireless communication device while operating a motor vehicle does not apply to the use of a wireless communication device as a text messaging device; clarifying that a certain prohibition against a person using a text messaging device to write or send a text message while operating a motor vehicle under certain circumstances includes a prohibition against writing or sending an electronic message; making a certain technical correction; altering a certain definition; and generally relating to the use of a text messaging device while driving.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1124 and 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 320 – Delegate Frush

AN ACT concerning

~~Motor Vehicles – Disposal Under Indemnity Agreement – Repeal~~
Vehicle Laws – Towed and Stored Vehicles – Disposal

FOR the purpose of ~~repealing a provision of law that authorizes certain persons to transfer certain inoperable motor vehicles to an automotive dismantler and recycler or scrap processor without providing a certificate of title or fulfilling certain notice requirements; repealing a provision of law that authorizes an automotive dismantler and recycler or scrap processor to require certain motor vehicle transferors to execute an indemnity agreement; and generally relating to the disposal of inoperable motor vehicles~~ providing that an automotive dismantler and recycler or scrap processor takes unencumbered title to certain inoperable vehicles under certain circumstances; authorizing an automotive dismantler and recycler or scrap processor to dispose of certain vehicles under certain circumstances; altering the records an automotive dismantler and recycler or scrap processor is required to keep for each vehicle acquired; altering the time period within which an automotive dismantler and recycler or scrap processor is required to electronically transmit the records to the Motor Vehicle Administration; requiring an automotive dismantler and recycler or scrap processor to electronically transmit the records to the Department of State Police for a stolen vehicle inspection; requiring the Department of State Police to perform a stolen vehicle inspection, provide certain notice of the result of the

inspection, and take possession of any vehicle found to be stolen; altering the process for the disposal of certain vehicles by an automotive dismantler and recycler or scrap processor; establishing certain administrative penalties for certain possession of a stolen vehicle by an automotive dismantler and recycler or scrap processor; establishing an exception to the prohibition against storing certain vehicles on private property; repealing a provision of law that exempts certain vehicles from a certain process governing the disposal of vehicles with lost or defective titles; requiring certain persons who deliver certain vehicles to an automotive dismantler and recycler or scrap processor to provide certain notice to certain persons; establishing certain civil liability for failure to provide the required notice; authorizing certain persons to reclaim certain vehicles under certain circumstances; requiring certain persons to provide to an automotive dismantler and recycler or scrap processor certain documentation of certain notice; requiring an automotive dismantler and recycler or scrap processor to keep and make available for inspection by a law enforcement agency for a certain period of time certain notice documentation; and generally relating to the disposal of towed and stored vehicles.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 15–502(c) and 25–209
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 15–502(d), 15–509, 15–511, 15–514, and 25–210
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 362 – Chair, Economic Matters Committee

AN ACT concerning

Maryland Home Improvement Commission – Sunset Extension and Program Evaluation

FOR the purpose of continuing the Maryland Home Improvement 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 the statutory and regulatory authority of the Commission; continuing the Maryland Mold Remediation Services Act in accordance with the provisions of the sunset law by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Commission under the Maryland Mold Remediation Services Act; requiring that an evaluation of the Commission and

the statutes and regulations that relate to the Commission and the Maryland Mold Remediation Services Act be performed on or before a certain date; requiring the Commission to submit certain reports about a certain fund to certain committees of the General Assembly under certain circumstances; requiring the Commission to publish certain consumer education materials on its Web site; requiring the Commission to develop a certain searchable Web site that includes certain information; altering certain fees; requiring a home improvement contract to contain the telephone number of the contractor; expanding the notice requirements for home improvement contracts; altering certain criminal penalties for certain individuals; authorizing the Commission to issue certain civil citations under certain circumstances; authorizing a certain hearing for civil citations; authorizing the Commission to establish certain violations and fines by regulation; creating a certain separate account within the Home Improvement Guaranty Fund for collection of certain money; specifying the disposition of the money collected as a civil citation; extending the date by which certain companies or firms providing mold remediation must be licensed by the Commission; requiring the Commission to submit a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to the Maryland Home Improvement Commission.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 8–101(a), (b), and (e) and 8–707(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY adding to
Article – Business Regulation
Section 8–215 and 8–216
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 8–303(a), 8–308(d), 8–312(a), 8–403, 8–501, 8–601(d), 8–620, 8–718, and 8–802
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

~~BY repealing and reenacting, without amendments,~~
~~Article – Business Regulation~~
~~Section 8–707(a)~~
~~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)(29) and (39)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Chapter 537 of the Acts of the General Assembly of 2008
Section 3

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

House Bill 392 – Delegates Feldman, Barkley, and W. Miller

AN ACT concerning

Labor and Employment – Workers' Compensation – Venue for Appeal

FOR the purpose of altering the venue available to certain individuals and employers appealing a certain decision of the Workers' Compensation Commission; clarifying certain language; and generally relating to the venue for appeal available in workers' compensation cases.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–738
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 402 – Delegates Simmons and Kramer

AN ACT concerning

Family Law – Grounds for Absolute Divorce ~~– Time Requirements~~

FOR the purpose of altering ~~certain grounds~~ a certain ground for absolute divorce by reducing the amount of time required for the parties to have lived separate and apart without cohabitation; repealing a certain ground for divorce; making a conforming change; and generally relating to grounds for absolute divorce.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 7–103(a) and (c)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 505 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Metropolitan Commission – Public Ethics Law

FOR the purpose of defining each commissioner and employee of the St. Mary's County Metropolitan Commission as a "local official" for the purposes of the St. Mary's County Public Ethics Law; and generally relating to Public Ethics.

BY repealing and reenacting, without amendments,
Article – State Government
Section 15–803
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 510 – Delegates Waldstreicher, Anderson, Carter, Clippinger, Lee, McComas, Niemann, and Wilson

AN ACT concerning

Criminal Law – ~~Peace Orders, Stalking, and~~ Harassment – Penalties

FOR the purpose of ~~altering the penalty for the second or subsequent offense of failure to comply with the relief granted in an interim, a temporary, or a final peace order; altering the definition of stalking to include communicating with another in a certain manner and knowingly cause another mental distress under certain circumstances;~~ altering the penalty for harassment for a second or subsequent offense; and generally relating to ~~peace orders and the offenses of stalking and~~ harassment.

~~BY repealing and reenacting, with amendments,~~
~~Article – Courts and Judicial Proceedings~~
~~Section 3–1508~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2010 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section ~~3–802 and~~ 3–803
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

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

House Bill 653 – Delegate Niemann

AN ACT concerning

Lawyers – Bar Admission Requirement – Exception for Rent Escrow Proceedings

FOR the purpose of providing an exception to certain requirements to practice law in the State for a person representing a landlord in a rent escrow proceeding in the District Court of Maryland and for a person representing a tenant in a rent escrow proceeding in the District Court of Maryland under certain circumstances; and generally relating to exceptions to the requirements to practice law in the State.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 10–206(a)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 10–206(b)(1) and (2)
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 666 – Delegates Lee, Barkley, Cane, Conway, Cullison, Dumais, Frick, Frush, Gutierrez, Healey, Hucker, A. Kelly, A. Miller, B. Robinson, ~~and Wilson~~ Wilson, and Waldstreicher

AN ACT concerning

Courts – Peace Orders – Penalties

FOR the purpose of altering the penalty, for a second or subsequent offense, for a person who fails to comply with the relief granted in an interim, a temporary, or a final peace order; and generally relating to peace orders.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–1508
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 751 – Delegates Luedtke, Barkley, Carr, Frick, Kaiser, S. Robinson, Rosenberg, and Waldstreicher

AN ACT concerning

Agriculture – Jane Lawton Farm–to–School Program – Reporting

FOR the purpose of requiring each local educational agency participating in the Jane Lawton Farm–to–School Program to report by a certain date each year to the Department of Agriculture the types and amounts of farm products purchased from farms in the State; and generally relating to reporting requirements for the Jane Lawton Farm–to–School Program.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 10–1601
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 817 – Delegate Mizeur

AN ACT concerning

Environment – Composting

FOR the purpose of requiring the Department of the Environment to maintain certain information on its Web site related to composting for certain purposes; requiring the Department, in consultation with the Department of Agriculture and the

Maryland Environmental Service, to study certain matters related to composting and to make certain recommendations related to the promotion of composting, including certain information; requiring the Department, on or before a certain date, to report its findings and recommendations under the study to the General Assembly including a certain summary; and generally relating to composting.

BY adding to
Article – Environment
Section 9–1722
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 879 – Delegates Sophocleus, Barkley, DeBoy, Frank, McComas, Minnick, Niemann, and Stocksdale

AN ACT concerning

Criminal Law – Counterfeiting – Venue

FOR the purpose of including the county in which an alleged counterfeit deed or other instrument is filed or recorded in a certain manner as a venue to prosecute a certain counterfeiting crime or other crime based on an act that establishes a certain counterfeiting crime; and generally relating to counterfeit deeds or other instruments.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 8–601
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

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

House Bill 1041 – Delegates Vaughn, Arora, Barkley, Barnes, Braveboy, Dumais, Frick, Frush, Gaines, Gilchrist, Gutierrez, Hucker, Jameson, Kach, Kaiser, Kramer, Lee, Love, Minnick, Mitchell, Mizeur, Niemann, Reznik, Stukes, Tarrant, Waldstreicher, and Washington

AN ACT concerning

Business Regulation – Definition of Home Builder

FOR the purpose of altering the definition of "home builder" to include a person who enters into a contract with a consumer under which the person agrees to provide the consumer with a new home; excluding from the definition of "home builder" a real estate developer who does not enter into contracts with consumers to provide or construct homes; excluding from the definition of "home builder" a buyer's agent representing a prospective buyer in the purchase of a new home; and generally relating to the definition of home builder for the purpose of home builder registration.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 4.5–101(g)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

House Bill 1049 – Delegates Vaughn, Braveboy, Haddaway–Riccio, W. Miller, Minnick, and Schulz

AN ACT concerning

Real Estate Brokers – Intracompany Agents

FOR the purpose of authorizing a designee of a real estate broker to designate two members of a team as intracompany agents for the seller and the buyer in the same transaction under certain circumstances; prohibiting the broker's designee from being a member of the real estate team under certain circumstances; and generally relating to intracompany agents providing real estate brokerage services.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 17–546
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 1050 – Delegates Beidle, Barnes, Braveboy, Clagett, Frush, Hogan, Holmes, Norman, O'Donnell, ~~and Otto~~ Otto, Jacobs, Vitale, James, Bohanan, Rudolph, Glenn, and McMillan

~~EMERGENCY BILL~~

AN ACT concerning

Construction Permits – Expiration Dates

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

BY repealing and reenacting, with amendments,
Article – State Government
Section 11–103(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – State Government
Section 11–201 to be under the new subtitle "Subtitle 2. Permit Extensions"
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 23–101 to be under the new title "Title 23. Construction and Development Permits"
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 1072 – Delegates Conaway, Alston, Anderson, Arora, Branch, Carter, Clagett, Clippinger, Dumais, Frush, Glass, Glenn, Jameson, K. Kelly, Lee, McComas, Mitchell, Norman, Oaks, B. Robinson, Rosenberg, Simmons, Stukes, Summers, Tarrant, Valderrama, Valentino–Smith, Vallario, and Washington

AN ACT concerning

Criminal Law – Salvia Divinorum – Regulations

FOR the purpose of requiring the Department of Health and Mental Hygiene to adopt and enforce certain regulations regarding the sale of Salvia divinorum; specifying certain required contents of the regulations to be adopted; and generally relating to Salvia divinorum.

BY adding to
Article – Criminal Law
Section 10–134
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

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

House Bill 1116 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Secondhand Precious Metal Object Dealers – Precious Metal Objects – Holding Period
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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; providing a certain exception regarding the applicable holding period in Prince George's County for certain pawned 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 Education, Health, and Environmental Affairs.

House Bill 1118 – Delegates Valderrama, Dumais, and Rosenberg

AN ACT concerning

Children in Need of Assistance – Hearings – Written Findings

FOR the purpose of requiring the juvenile court, in certain child in need of assistance hearings, to send certain written findings to certain individuals and agencies if

the court finds that certain reasonable efforts were made but that a certain condition exists; and generally relating to children in need of assistance.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–816.1
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 1134 – Delegates Hucker, Barkley, Burns, and Frick

AN ACT concerning

Consumer Protection – Household Goods Movers – Estimates and Charges

FOR the purpose of requiring a household goods mover to provide a written estimate to a consumer before providing household goods moving services for an intrastate move; specifying the contents of the written estimate; providing that a consumer ~~that~~ who receives a binding estimate may not be required to pay more than a certain price for certain household goods moving services; providing that a consumer ~~that~~ who receives a nonbinding estimate may not be required to pay more than a certain percentage of a certain price for certain household goods moving services, plus certain excess charges; authorizing a consumer to waive the right to receive a written estimate under certain circumstances; and generally relating to the regulation of household goods movers.

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 14–3101(a) and (c) through (f)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 14–3102.1, 14–3103, and 14–3104
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article – Commercial Law
Section 14–3103
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

House Bill 1223 – Delegate Malone

EMERGENCY BILL

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety Task Force – Reconstitution

FOR the purpose of reconstituting the Maryland Quiet Vehicles and Pedestrian Safety Task Force; providing for the membership and duties of the Task Force; providing for the staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation; authorizing a member of the Task Force to receive reimbursement for certain expenses; requiring the Task Force to report to the Governor and the General Assembly by a certain date; making this Act an emergency measure; providing for the termination of this Act; stating the intent of the General Assembly; and generally relating to the Maryland Quiet Vehicles and Pedestrian Safety Task Force.

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

House Bill 163 – The Speaker (By Request – Administration) and Delegates Barve, Hixson, Cardin, Kaiser, Rosenberg, Stein, ~~and F. Turner~~ F. Turner, Howard, Luedtke, Glass, George, Ivey, and Stukes

AN ACT concerning

Income Tax – Tax Credit for Electric Vehicle Recharging Equipment

FOR the purpose of allowing a credit against the State income tax for certain qualified electric vehicle recharging equipment for certain tax years; requiring the Maryland Energy Administration to administer the tax credit program; providing for the amount of tax credit certificates that may be issued by the Administration; authorizing the Administration to adopt certain regulations; transferring certain money from the Strategic Energy Investment Fund to the General Fund in certain fiscal years; and generally relating to an income tax credit for certain qualified electric vehicle recharging equipment.

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 Budget and Taxation.

House Bill 233 – Delegates Barve, Gilchrist, and Simmons

AN ACT concerning

Counties and Municipal Corporations – Direct Deposit of Wages

FOR the purpose of authorizing counties and municipal corporations to pay wages of employees by direct deposit; prohibiting a county or municipal corporation from requiring the payment of wages by direct deposit for an employee unless the employee was hired after a certain date, received certain notice, and has not requested an exemption from direct deposit; authorizing certain employees of certain counties and municipal corporations to elect to receive the payment of wages by direct deposit; requiring counties and municipal corporations that elect to pay wages by direct deposit to provide certain employees with a certain form, deposit the wages in a certain personal bank ~~accounts~~ 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 generally relating to the payment of wages by direct deposit by counties and municipal corporations.

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 241 – Delegate Anderson (By Request – Baltimore City Administration), the Speaker (By Request – Administration), and Delegates Conaway, Oaks, B. Robinson, Tarrant, Washington, ~~and Wilson~~ Wilson, Arora, Barkley, Clippinger, Davis, Dumais, Mitchell, Niemann, Reznik, and Waldstreicher

AN ACT concerning

Criminal Law – Restrictions Against Use and Possession of Firearms

FOR the purpose of expanding the prohibition against the use of handguns and certain antique firearms in the commission of certain crimes of violence or felonies to include the use of any firearm, whether loaded or unloaded; altering the predicate crimes and increasing the maximum term of imprisonment applicable to a violation of the prohibition against a ~~certain~~ person who was previously

convicted of a certain crime of violence or drug–related crime possessing a certain regulated firearm; providing that the imposition of certain mandatory minimum sentences are within the discretion of the court under certain circumstances; providing that certain mandatory minimum sentences may not be imposed unless the State's Attorney notifies a certain person in writing at a certain time of the State's intention to seek a certain sentence; prohibiting a person from possessing a rifle or shotgun if the person was previously convicted of a certain crime of violence or drug–related crime; establishing certain penalties; ~~prohibiting a certain court from suspending any part of a certain sentence; providing that a certain person is not eligible for parole during a certain mandatory minimum sentence, with a certain exception;~~ providing that each violation of a certain provision of law is a separate crime; defining a certain term; and generally relating to the use and possession of firearms.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 4–204
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 5–133(c)
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 5–143
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

BY adding to
Article – Public Safety
Section 5–206
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

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

House Bill 244 – ~~Delegate Costa~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Workers' Compensation – Occupational Disease – Deputy Sheriffs

FOR the purpose of extending the presumption of a compensable occupational disease under workers' compensation law to include Anne Arundel County deputy sheriffs who suffer from heart disease or hypertension resulting in partial or total disability or death under certain circumstances; requiring that workers' compensation benefits received under this Act are in addition to certain retirement benefits, subject to a certain adjustment; requiring certain Anne Arundel County deputy sheriffs to submit certain medical reports to the Anne Arundel County Sheriff on or before a certain date; clarifying language; and generally relating to compensability under workers' compensation law to include Anne Arundel County deputy sheriffs.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–503(b) and (e)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 253 – Chair, Ways and Means Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Motor Fuel Tax – Personal Liability – ~~Corporations,~~ Limited Liability Companies~~,~~ and Limited Liability Partnerships

FOR the purpose of establishing personal liability of certain ~~officers of corporations, members~~ persons who exercise certain control over the fiscal management of limited liability companies~~, partners of~~ and limited liability partnerships~~, and other individuals~~ for payment of the motor fuel tax, interest, and penalties under certain circumstances; and generally relating to liability for the payment of motor fuel taxes.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 9–314
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 255 – Chair, Judiciary Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Adoption Search, Contact, and Reunion Services – ~~Contact with Adopted~~ Siblings of Minors in Out–of–Home Placement

FOR the purpose of ~~requiring that a local department of social services have access to any local department adoption records on the biological siblings of a minor in out–of–home placement for a certain purpose;~~ altering the definition of "search, contact, and reunion services" to include contacting certain adopted siblings of a minor in out–of–home placement for a certain purpose; authorizing ~~an out–of–home placement worker~~ a director of a local department of social services acting on behalf of a minor in out–of–home placement to apply for search, contact, and reunion services; exempting ~~an out–of–home placement worker~~ a director of a local department of social services applying for search, contact, and reunion services on behalf of a minor in out–of–home placement from certain ~~requirements to execute certain written agreements~~ provisions relating to the authority of a confidential intermediary to charge an applicant certain fees; and generally relating to ~~adopted siblings of minors in out–of–home placement~~ adoption search, contact, and reunion services.

BY repealing and reenacting, with amendments,
Article – Family Law
Section ~~5–357,~~ 5–4B–01, 5–4B–02, 5–4B–05, and 5–4B–11
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 319 – Delegate Frush

AN ACT concerning

Motor Vehicle Dealers – Issuance of Temporary Registration Plate – Lapsed Security – Registration

FOR the purpose of authorizing a licensed motor vehicle dealer to issue a temporary registration plate to a vehicle buyer who is subject to a penalty for lapsed security; establishing an exception for certain vehicles to the prohibition against the Motor Vehicle Administration issuing a new registration if the vehicle owner is subject to a penalty for lapsed security; making a certain technical correction; and generally relating to registration of a motor vehicle owned by a person who is subject to a penalty for lapsed security.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–602 and 17–106(e)(3)
Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 17–104(a) and 17–106(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 499 – Delegates Szeliga and A. Miller

AN ACT concerning

Admissions and Amusement Tax – Exemption – Hot Air Balloons

FOR the purpose of providing that the admissions and amusement tax may not be imposed by a county or municipal corporation on gross receipts derived from any charge for admission to or use of a ~~hot air balloon or tethered~~ nontethered hot air balloon; and generally relating to the admissions and amusement tax imposed by counties and municipal corporations.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 4–103(b)(3)
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 502 – Delegates Barve, Cardin, Carr, Gilchrist, Ivey, A. Miller, Rosenberg, ~~and F. Turner~~ F. Turner, and Howard

AN ACT concerning

Sales and Use Tax – Sale of Electricity Generated by Solar Energy and Residential Wind Energy Equipment – Exemption

FOR the purpose of providing an exemption from the sales and use tax for the sale of electricity generated by certain solar energy equipment or certain residential wind energy equipment for certain purposes; and generally relating to a sales and use tax exemption for the sale of certain electricity.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11–207(a)
Annotated Code of Maryland

(2010 Replacement Volume)

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

House Bill 519 – Delegates Arora, Clippinger, Anderson, Carter, Conaway, Dumais, Frick, Lee, Luedtke, Mitchell, Niemann, Simmons, Sophocleus, Summers, Tarrant, Valderrama, Valentino–Smith, and Waldstreicher

AN ACT concerning

Firearms – ~~Knowing~~ Violation of Specified Prohibitions – Ammunition and Penalty

FOR the purpose of repealing a certain prohibition against the possession of ammunition solely designed for a regulated firearm by a person who is under a certain age; 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 5–133(d) and 5–143
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

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

House Bill 558 – Delegates Barve and Branch

AN ACT concerning

Property Tax Credit – Habitat for Humanity

FOR the purpose of altering certain authority for the Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation to grant, by law, a property tax credit against the county or municipal corporation property tax imposed on certain real property owned by Habitat for Humanity; providing for the application of this Act; and generally relating to authorization

for a property tax credit for certain real property owned by Habitat for Humanity.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–252
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 573 – Delegates Hubbard, Bobo, and Clagett, and Delegates Braveboy, Frush, Pena–Melnyk, ~~and Wood~~ Wood, and Glenn

AN ACT concerning

Fertilizer Use Act of 2011

FOR the purpose of ~~altering~~ establishing certain ~~specialty fertilizer~~ labeling requirements for specialty fertilizer used on certain turf; removing the exemption for certain contractors, salespersons, employees, and other agents of certain contractors from a certain prohibition; exempting certain organic fertilizer sold to certain professional fertilizer applicators from a certain prohibition; requiring the Department of Agriculture, in consultation with the University of Maryland, to establish a professional fertilizer applicator certification program in accordance with certain requirements; requiring the Department to publish and maintain a certain list; requiring the Department, in consultation with the University of Maryland, to develop a certain public education program; requiring the University of Maryland to identify certain laboratories; requiring the University of Maryland to revise certain guidelines in accordance with a certain schedule; providing the Department with exclusive authority to establish certain standards; prohibiting a local government entity from adopting certain laws, regulations, rules, or ordinances; establishing certain maximum limits for nitrogen and phosphorus in certain ~~specialty~~ fertilizer under certain circumstances; prohibiting a person from selling ~~at retail certain specialty~~ certain fertilizer; prohibiting a person from applying certain fertilizer to certain surfaces under certain circumstances; authorizing a person to apply certain fertilizer under certain circumstances; establishing certain penalties for certain violations; authorizing a county or municipality to enforce certain provisions of law; authorizing the Department to adopt certain regulations; requiring the Department to adopt certain regulations on or before a certain date; prohibiting a professional fertilizer applicator from applying certain fertilizer without first obtaining a certain certification; prohibiting a professional fertilizer applicator from using or applying certain fertilizer under certain circumstances; providing for delayed effective dates for certain provisions of this Act; defining certain terms; making certain technical changes; and generally relating to the use of fertilizer in the State.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 6–201, 6–210(d) and (e), 6–219(a) and (b), 6–222(a) and (b), 8–801, and 8–803.4
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY adding to
Article – Agriculture
Section 6–223, 6–224, ~~6–225, 6–226, 6–227, and 6–228~~ 8–803.5, 8–803.6, 8–803.7, 8–803.8, and 8–803.9
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing
Article – Agriculture
Section 8–803.5
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 625 – Carroll County Delegation

AN ACT concerning

Carroll County – Deer Hunting on Private Property – Sundays

FOR the purpose of authorizing a person in Carroll County to hunt deer on certain Sundays on private property with a bow and arrow during certain months; removing Carroll County from the list of counties in which deer hunting on private property on certain Sundays is prohibited; and generally relating to deer hunting on private property in Carroll County on Sunday.

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 671 – The Speaker (By Request – Administration) and Delegates Barve and O'Donnell

AN ACT concerning

Federal Military and Overseas Voter Empowerment (MOVE) Act Compliance

FOR the purpose of making certain changes to the State election law to comply with the federal Military and Overseas Voter Empowerment (MOVE) Act; requiring certain local boards of elections to provide certain information relating to certain candidates to the State Board of Elections in accordance with regulations adopted by the State Board; altering certain deadlines for the filing of certain certificates of candidacy, petitions, certificates of withdrawal, and certificates of designation of candidacy; altering certain primary dates; altering the dates by which the State Board is required to certify the content and arrangement of certain ballots and deliver a copy to each local board; requiring the State Board to display the content and arrangement of certain ballots on its Web site for a certain period of time after certification; altering the number of days of public display of the content and arrangement of certain ballots that is required for purposes of determining when specified actions may be taken; altering the date by which a registered voter may seek judicial review of the content and arrangement of certain ballots; and generally relating to primary and general elections.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 5–302(c), 5–303, 5–305, 5–502, 5–901, 8–201, 8–502(d), 9–207, and 9–209
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 682 – Delegate K. Kelly

AN ACT concerning

Criminal Procedure – Pretrial Release and Bail Bonds

FOR the purpose of prohibiting a District Court commissioner from authorizing the pretrial release of a defendant who is charged with failure to appear, violation of probation, or violation of parole; providing that a judge may authorize the pretrial release of a certain defendant on suitable bail or certain conditions or both; requiring a judge to order the continued detention of a certain defendant under certain circumstances at a certain time; creating a rebuttable presumption that a certain defendant will flee and pose a danger to another person or the community; authorizing in circuit courts and in the District Court "cash bail", or "cash bond" to be posted in the form of cash, surety bond, or

property bond by the defendant or by a private surety acting for the defendant; requiring "cash bail", or "cash bond" to be posted by the defendant only, unless the order setting bail expressly provides otherwise, in cases involving a defendant's failure to pay support to certain individuals; prohibiting a court that exercises criminal jurisdiction from giving back a forfeiture of bail or collateral at a certain time unless a private surety pays a forfeiture of bail or collateral within a certain time period after a defendant's failure to appear; requiring a court to give back a forfeiture of bail bond or collateral that was not paid within a certain time period after a defendant's failure to appear if on motion a private surety produces evidence that the defendant was incarcerated when the judgment of forfeiture was entered and the court strikes the judgment for fraud, mistake, or irregularity; providing for the repeal of laws inconsistent with this Act; and generally relating to pretrial release and bail bonds in circuit courts and in the District Court.

BY adding to
Article – Criminal Procedure
Section 5–202(j)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 5–203, 5–205, and 5–208
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 724 – Delegates A. Miller, Dumais, Glenn, Kaiser, Lee, Luedtke, McDermott, Summers, Valderrama, Valentino–Smith, and Wilson

AN ACT concerning

Sexual Offense in the Fourth Degree – Statute of Limitations – Increase

FOR the purpose of altering the period of time within which a prosecution for any sexual offense in the fourth degree must be instituted after the offense was committed, if the victim was a minor at the time of the offense; and generally relating to the statute of limitations for prosecuting a sexual offense in the fourth degree.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 5–106(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–106(z)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 3–308
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

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

House Bill 730 – Delegates Simmons, Rosenberg, and Dumais

AN ACT concerning

~~Public Safety – Regulated Firearms – Mental Disorder~~
Task Force to Study Access of Individuals with Mental Illness to Regulated Firearms

FOR the purpose of ~~altering certain provisions relating to regulated firearms dealer's licenses, the application for a permit to possess, and the possession of regulated firearms, and the sale, rental, or transfer of regulated firearms to limit certain permits, transactions, and the possession of a firearm if a person has been treated within a certain time period for a mental disorder described in a certain version of the American Psychiatric Association's "Diagnostic and Statistical Manual – Mental Disorders"; making a certain conforming change; and generally relating to regulated firearms~~ establishing a Task Force to Study Access of Individuals with Mental Illness to Regulated Firearms; providing for the membership, staffing, and duties of the Task Force; requiring the Governor to appoint the chair of the Task Force; prohibiting a member of the Task Force from receiving certain compensation; authorizing a member of the Task Force to receive reimbursement for certain expenses; requiring the Task Force to report to the Governor and the General Assembly by a certain date; providing for the termination of this Act; and generally relating to the establishment of a Task Force to Study Access of Individuals with Mental Illness to Regulated Firearms.

~~BY repealing and reenacting, with amendments,~~
~~Article – Public Safety~~
~~Section 5–107(b)(4)(viii), 5–114(b)(2)(vi), 5–118(b)(3)(vii), 5–133(b)(7), and 5–134(b)(9)~~
~~Annotated Code of Maryland~~
~~(2003 Volume and 2010 Supplement)~~

~~BY repealing and reenacting, without amendments,~~
~~Article – Public Safety~~
~~Section 5–133(b)(6) and 5–134(b)(8)~~
~~Annotated Code of Maryland~~
~~(2003 Volume and 2010 Supplement)~~

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

House Bill 812 – Delegates Kramer, Dumais, Howard, Hucker, Luedtke, Reznik, Simmons, Valderrama, and Waldstreicher

AN ACT concerning

Public Schools – Dating Violence – Policy and Disciplinary Standards

FOR the purpose of adding dating violence to provisions of law requiring the reporting of incidents of certain other conduct by a county board of education; altering the content of a certain form and report, policies, and educational programs to include incidents of dating violence; requiring the State Board of Education to develop, by a certain date, a certain model policy that includes a prohibition on dating violence; altering the date by which each county board is required to submit a certain policy to the State Superintendent of Schools; altering certain provisions of law granting certain immunity to certain school employees; altering certain provisions of law relating to the legal rights of certain victims; defining certain terms; and generally relating to dating violence in the public schools.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–424 and 7–424.1
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 831 – Delegates S. Robinson, Arora, Barkley, Braveboy, Carr, Clippinger, Cullison, Frick, Gilchrist, Holmes, Hucker, A. Kelly, Luedtke, A. Miller, Niemann, Reznik, B. Robinson, Wilson, and Zucker

AN ACT concerning

Agriculture – Invasive Plants – Prevention and Control

FOR the purpose of establishing the Invasive Plants Advisory Committee in the Department of Agriculture; providing for the membership and charge of the Committee; providing for the terms of the members; requiring the Committee to

elect a chair, a vice chair, and a secretary of the Committee; requiring the Department to provide staff for the Committee; prohibiting a member from receiving certain compensation, but authorizing a member to receive certain reimbursement; requiring the Secretary of Agriculture to adopt certain regulations by a certain date; prohibiting certain activities involving certain invasive plants under certain circumstances; requiring a person to receive certain approval from the Secretary before engaging in certain activities involving certain invasive plants; ~~requiring~~ authorizing the Secretary to take certain action upon finding certain invasive plants; requiring a person to dispose of certain invasive plants in a certain manner; requiring the Secretary to take certain action if certain invasive plants are not disposed of properly; requiring the ~~State's Attorney~~ Attorney General to institute certain proceedings for certain purposes; requiring the Secretary to issue stop sale orders of certain invasive plants under certain circumstances; authorizing the Secretary to bring an action for injunction under certain circumstances; establishing certain penalties for certain violations under this Act; defining certain terms; and generally relating to the prevention and control of invasive plants.

BY adding to
Article – Agriculture
Section 9.5–101 through 9.5–306 to be under the new title "Title 9.5. Invasive Plants Prevention and Control"
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 840 – Chair, Ways and Means Committee (By Request – Departmental – Children, Office for)

AN ACT concerning

Children, Youth, and Families – Services to Children with Special Needs

FOR the purpose of altering a certain State policy relating to children and families; altering the membership of local management boards; altering the membership and chairmanship of the State Coordinating Council for Children; altering the duties of the Council; renaming local coordinating councils to be local care teams; altering the membership of local care teams; altering the duties of local care teams; providing for the administration of local care teams; providing for compensation for certain members of local care teams; altering and repealing certain definitions; defining certain terms; making certain conforming changes; and generally relating to services to children with special needs.

BY repealing and reenacting, with amendments,
Article – Human Services

Section 8–101, 8–102, 8–302, 8–402, 8–403, 8–404, 8–405, 8–406, 8–408, and 8–409
Annotated Code of Maryland
(2007 Volume and 2010 Supplement)

BY repealing
Article – Human Services
Section 8–407
Annotated Code of Maryland
(2007 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–525(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 852 – Delegates Mizeur, Holmes, Beidle, Bobo, Carr, Frick, Frush, Gilchrist, Glenn, Healey, Hubbard, Lafferty, Luedtke, McHale, A. Miller, Niemann, Pena–Melnyk, Reznik, B. Robinson, S. Robinson, Stein, and Wilson

AN ACT concerning

The Marcellus Shale Safe Drilling Act of 2011

FOR the purpose of ~~prohibiting the Department of the Environment from issuing certain permits for the drilling of wells in the Marcellus Shale until certain conditions are met; requiring the Department to consult with the governing body of certain local governments in evaluating certain permits for the drilling of wells in the Marcellus Shale~~ requiring the Department of the Environment and the Department of Natural Resources jointly to convene a certain Advisory Commission; providing for the membership of the Advisory Commission; requiring the Department of the Environment and the Department of Natural Resources jointly to undertake a certain study in accordance with certain requirements; requiring the Department of the Environment and the Department of Natural Resources jointly to make a draft of a certain report available under certain circumstances; requiring the Advisory Commission to make certain recommendations; requiring the Department of the Environment and the Department of Natural Resources jointly to publish a certain report in accordance with certain requirements; prohibiting the Department of the Environment from issuing a certain permit under certain circumstances; requiring certain owners of a certain gas interest to file a certain notice with the Department of the Environment in accordance with certain requirements; requiring certain owners to pay to the Department of the Environment a certain

amount of money under certain circumstances; establishing certain grounds for the denial of a certain permit, subject to a certain exception; requiring the Department of the Environment to deposit certain funds in the Oil and Gas Fund; requiring the Department of the Environment to make a certain refund under certain circumstances; authorizing certain funds to be deposited in the Oil and Gas Fund; requiring a certain amount of money to be used to pay for a certain study; authorizing the Department of the Environment to enter into certain agreements for goods and services under certain circumstances; defining certain terms; and generally relating to natural gas drilling in the Marcellus Shale.

BY repealing and reenacting, without amendments,
Article – Environment
Section 14–102 and 14–104
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY adding to
Article – Environment
Section 14–107.1 and 14–107.2
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 14–122
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 921 – Delegate Simmons

AN ACT concerning

Courts and Judicial Proceedings – Prelitigation Discovery – Insurance Coverage

FOR the purpose of requiring ~~a property and casualty insurer to disclose to a certain claimant~~ certain insurers to disclose to certain claimants under certain circumstances certain limits of coverage in any insurance agreement under which certain persons may be liable to satisfy all or part of the claim or to indemnify or reimburse for payments made to satisfy the claim; requiring disclosure of certain limits of coverage within a certain time period under certain circumstances; 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 or a certain waiver of certain terms, conditions, or rights; providing that certain documentation is not admissible as evidence by reason of a certain disclosure; defining certain terms; providing for the application of this Act; and generally relating to the disclosure of certain coverage limits in certain insurance agreements.

BY adding to
Article – Courts and Judicial Proceedings
Section 10–1101 through 10–1105 to be under the new subtitle "Subtitle 11. Prelitigation Discovery"
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 959 – Delegate Davis

AN ACT concerning

Insurance – Surplus Lines

FOR the purpose of ~~authorizing a surplus lines broker to place certain surplus lines insurance with certain insurers under certain circumstances; authorizing a surplus lines broker to place coverage with certain nonadmitted insurers that meet certain qualifications; authorizing the Maryland Insurance Commissioner to make a certain finding concerning certain nonadmitted insurers based on certain criteria; authorizing~~ 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 ~~and amount~~ of the premium receipts tax on certain surplus lines insurance premiums that cover certain property, risks, and exposures that are ~~wholly or partly~~ located or to be performed entirely in the State or both in and outside the State; ~~providing for the receipt and distribution of certain premium taxes in and for certain states;~~ providing that, for policies effective on or after a certain date, only the home state of an insured ~~shall~~ may receive certain tax payments and reports for certain nonadmitted insurance; requiring the

Commissioner to cooperate with ~~certain~~ other states to adopt and implement ~~certain~~ ~~multistate~~ 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; ~~providing for the allocation, collection, and distribution of certain premium taxes and reports concerning certain insurance under certain circumstances; authorizing the Commissioner to enter into a certain agreement or compact or to establish certain procedures to implement a certain multistate system for certain purposes; authorizing the Commissioner to enter into an agreement with a certain clearinghouse or other entity for certain purposes;~~ ~~authorizing the Commissioner to establish certain fees for certain purposes;~~ altering certain requirements for certain ~~insurers~~ surplus lines brokers and insureds to file certain statements and reports and pay certain taxes at certain times; ~~authorizing the Commissioner to prescribe certain forms for certain tax allocation reports;~~ 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.

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, ~~and 4–210~~ 4–209, 4–210, and 4–211
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY adding to
Article – Insurance
Section ~~3–324.1 and~~ 4–211.1
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

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

House Bill 1020 – Delegates Valderrama, Stifler, and Vallario

AN ACT concerning

Criminal Procedure – Sex Offender Registry

FOR the purpose of altering a certain retroactive applicability of certain provisions of law so as to include a person who is convicted of any felony rather than any crime on or after a certain date under certain circumstances; renaming a certain listing to be a certain registry; altering the predicate offenses and minimum age for inclusion on a certain registry of juvenile sex offenders; requiring the Department of Juvenile Services to maintain a certain registry; ~~altering the term of registration on a certain registry of juvenile sex offenders; providing for a reduction in the term of registration for certain juvenile registrants under certain circumstances;~~ requiring certain juvenile registrants to appear at a certain location at certain times to provide certain information and to allow the Department of ~~Public Safety and Correctional~~ Juvenile Services to take a digital image of the juvenile registrant; requiring the ~~Department of Public Safety and Correctional Services in conjunction with the~~ Department of Juvenile Services to adopt certain regulations; defining a certain term; making a clarifying change; making conforming changes; and generally relating to sex offender registration.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–701(p)(1), 11–702.1, and 11–704.1
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1067 – Delegates Ivey, Afzali, Glass, Murphy, Rosenberg, Ross, ~~and Walker~~ Walker, and Howard

AN ACT concerning

Education – Public Charter Schools – ~~Appeals,~~ Policies~~,~~ and Regulations

FOR the purpose of ~~requiring an appeal of a decision by a county board of education to deny an application for a public charter school to be heard de novo by the State Board of Education;~~ requiring each county board to develop a charter school policy that is consistent with certain regulations and includes certain specific criteria; requiring the charter school policy to be reviewed and approved by the State Board and to be available on the State Board's Web site; requiring a county board to review a public charter school application in accordance with the charter school policy; requiring the State Board to adopt certain regulations that establish certain criteria, guidelines, and procedures regarding public charter schools; and generally relating to ~~appeals,~~ policies~~,~~ and regulations for public charter schools.

BY repealing and reenacting, with amendments,
Article – Education
Section ~~4–205(c)(3),~~ 9–104~~,~~ and 9–110

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 1082 – Delegates Braveboy and Hucker

AN ACT concerning

Homeowner's Insurance – Model Information – People's Insurance Counsel

FOR the purpose of requiring ~~that the People's Insurance Counsel Division shall have access to certain information in certain insurer filings concerning rates, issuance, and renewal of homeowner's insurance~~ certain insurers to make arrangements for the vendor of a certain risk planning model to explain to the People's Insurance Counsel the data used in the model and the manner in which the output is obtained; requiring the ~~Division~~ People's Insurance Counsel to maintain the confidentiality of certain information; and generally relating to homeowner's insurance, risk planning models, and the People's Insurance Counsel ~~Division~~.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 19–211
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 1174 – Delegates Mitchell, Vallario, and Conaway

AN ACT concerning

Correctional Services – Revocation of Parole – Application of Diminution Credits and Reimposition of Sentence

FOR the purpose of altering a provision relating to the effect of parole violation on diminution credits so as to grant discretion to the parole commissioner hearing the parole revocation to apply certain diminution credits toward the inmate's term of confinement at a certain time; altering a provision relating to the revocation of a parole order so as to authorize the parole commissioner who conducted the hearing on the revocation of an inmate's order of parole to require the inmate to serve any unserved portion of the sentence originally imposed on the inmate; and generally relating to the revocation of parole.

BY repealing and reenacting, with amendments,

Article – Correctional Services
Section 3–711, 7–401, and 7–403(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1222 – Delegate Malone

AN ACT concerning

Vehicle Laws – Dealers – Licensing and Temporary Registration Plates

FOR the purpose of altering the number of vehicles that a person may sell during a certain time period before being included under the defined term "dealer" as the term applies to certain provisions of the vehicle law; repealing a certain provision of law that requires a motor vehicle dealer that issues temporary registration plates to apply for at least a certain number of the temporary registration plates; and generally relating to vehicle dealers.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 11–111 and 13–601
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

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 #7

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 #7
March 24, 2011

Juvenile Services, Department of

1. Sam Abed District 44
118 N. Howard Street, Apt. 213
Baltimore, MD 21201

Secretary of Department of Juvenile Services; appointed to serve at the pleasure of the Governor

Correctional Training Commission

2. Wallis Q. Norman District 11
10043 Ardenne Way
Owings Mills, MD 21117

Member of the Correctional Training Commission; appointed to serve remainder of a term of three years from July 1, 2008 and a term of three years from July 1, 2011

Criminal Injuries Compensation Board

3. Sandy Bromley District 20
7611 Maple Avenue, #511
Takoma Park, MD 20912

Member of the Criminal Injuries Compensation Board; appointed to serve a term of five years from July 1, 2011

Health and Mental Hygiene, Board of Review of the Department of

4. Joy C. Naden District 41
20 Cross Keys Road
Baltimore, MD 21210

Member of the Board of Review of the Department of Health and Mental Hygiene; reappointed to serve a term of three years from July 1, 2009

5. Deborah A. Wilson District 33
1611 Parkridge Circle
Crofton, MD 21114

Member of the Board of Review of the Department of Health and Mental Hygiene; appointed to serve remainder of a term of three years from July 1, 2008 and a term of three years from July 1, 2011

Historic St. Mary's City Commission

6. William L. George, S.J. District 36
320 Pioneer Lane
Centreville, MD 21617

Member of the Historic St. Mary's City Commission; appointed to serve remainder of a term of four years from July 1, 2007 and a term of four years from July 1, 2011

7. Michael S. Loughran District 29
45355 Stark Drive, P.O. Box 275
Piney Point, MD 20674

Member of the Historic St. Mary's City Commission; appointed to serve remainder of a term of four years from July 1, 2010

8. Michael J. Whitson District 29
28264 Old Village Road
Mechanicsville, MD 20659

Member of the Historic St. Mary's City Commission; appointed to serve remainder of a term of four years from July 1, 2010

Infants and Toddlers, Interagency Coordinating Council for

9. Miji Kim District 13
12168 Linden Linthicum Lane
Clarksville, MD 21029

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve a term of three years from July 1, 2010

10. Amy Nicholas Sargent District 46
526 South Ellwood Avenue
Baltimore, MD 21224

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

Judicial Disabilities, Commission on

11. Alexander Wright, Jr. District 11
361 Rowe Boulevard
Annapolis, MD 21401

Member of the Commission on Judicial Disabilities; appointed to serve remainder of a term of four years from January 1, 2011

Maryland Economic Development Corporation Board of Directors

12. Herbert D. Frerichs, Jr., Esq. District 11
642 Oak Farm Court
Timonium, MD 21093

Member of the Maryland Economic Development Corporation Board of Directors; appointed to serve remainder of a term of four years from July 1, 2010

Police Training Commission

13. Charles H. Hinnant District 1
1111 Cherrywood Avenue
Cumberland, MD 21502

Member of the Police Training Commission; appointed to serve remainder of a term of three years from June 1, 2009

Professional Standards and Teacher Education Board

14. Cathy Cerveny District 35
331 Royal Oak Drive
Bel Air, MD 21015

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2011

15. Darren R. Hornbeck District 12
5423 El Camino
Columbia, MD 21044

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2011

16. Mary Ellen Lewis District 43
5016 Plymouth Road
Baltimore, MD 21214

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2011

17. Michelle Revells District 29
6325 Stiles Place
Hughesville, MD 20637

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2011

Real Estate Appraisers and Home Inspectors, State Commission of

18. Don de Castro District 26
5005 Rayburn Court
Camp Springs, MD 20748

Member of the State Commission of Real Estate Appraisers and Home Inspectors; appointed to serve a term of three years from January 1, 2011

Social Work Examiners, State Board of

19. Denise A. Capaci District 28
2306 Watertrumpet Court
Waldorf, MD 20603

Member of the State Board of Social Work Examiners; appointed to serve remainder of a term of four years from July 1, 2007 and a term of four years from July 1, 2011

St. Mary's College of Maryland, Board of Trustees

20. Gary A. Jobson District 30
10 Thompson Street
Annapolis, MD 21401

Member of the Board of Trustees of St. Mary's College of Maryland; reappointed to serve a term of six years from June 1, 2010

21. Michael P. O'Brien District 29
24317 North Patuxent Beach Road
California, MD 20619

Member of the Board of Trustees of St. Mary's College of Maryland; reappointed to serve a term of six years from June 1, 2011

22. Katharine Russell District 99
368 Cypress Point Drive
Palm Desert, CA 92211–1713

Member of the Board of Trustees of St. Mary's College of Maryland; appointed to serve remainder of a term of six years from June 1, 2007

Stadium Authority, Maryland

23. Weldon H. Latham, Esq. District 16
7004 Natelli Woods Lane
Bethesda, MD 20817

Member of the Maryland Stadium Authority; appointed to serve a term of four years from July 1, 2010

University System of Maryland Board of Regents

24. David W. Kinkopf, Esq. District 43
5409 Purlington Way
Baltimore, MD 21212

Member of the University System of Maryland Board of Regents; appointed to serve a term of five years from July 1, 2011

25. Collin Wojciechowski District 31
8044 Forest Glen Drive
Pasadena, MD 21122

Member of the University System of Maryland Board of Regents; appointed to serve a term of one year from July 1, 2011

Veterans' Home Commission, Maryland

26. Mary R. Boyd, USA (Ret.) District 28
6523 Hawkins Gate Road
La Plata, MD 20646

Member of the Maryland Veterans' Home Commission; reappointed to serve a term of five years from July 1, 2011

27. Jason E. Franklin District 14
18623 Shadowridge Terrace
Olney, MD 20832

Member of the Maryland Veterans' Home Commission; appointed to serve remainder of a term of five years from July 1, 2006 and a term of five years from July 1, 2011

Washington Suburban Transit Commission

28. Michael Barnes District 18
7313 Maple Avenue
Chevy Chase, MD 20815

Member of the Washington Suburban Transit Commission; appointed to serve a term of three years from June 1, 2010

29. Alvin J. Nichols District 22
8105 Felbrigg Hall Road
Glen Dale, MD 20769

Member of the Washington Suburban Transit Commission; appointed to serve a term of three years from June 1, 2010

Wellmobile Program Advisory Board, Governor's

30. Charles B. Hofmann, M.D. District 38
217 South Clairmont Avenue
Salisbury, MD 21801

Member of the Governor's Wellmobile Program Advisory Board; appointed to serve remainder of a term of three years from October 1, 2009

Women, Maryland Commission for

31. Tanesha Boldin District 10
7114 Neville Court
Baltimore, MD 21244

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2010

32. Darlene Breck District 28
8425 Welcome Woods Place
Welcome, MD 20693

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2009

33. Ginger Miller District 27
609 Mattawoman Way
Accokeek, MD 20607

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2008

34. Cecilia J. Stegall District 26
7200 Jaywick Avenue, #220
Fort Washington, MD 20744

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2007 and a term of four years from July 1, 2011

35. Cara Tenenbaum District 20
1401 Blair Mill Road, #1706
Silver Spring, MD 20910

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2010

Youth Camp Safety, Advisory Council on

36. Margaret C. Kaufman District 36
405 Watson Road
Centreville, MD 21617

Member of the Advisory Council on Youth Camp Safety; appointed to serve a term of three years from July 1, 2010

37. Blessing Matthews District 24
2806 Foxglove Way
Springdale, MD 20774

Member of the Advisory Council on Youth Camp Safety; appointed to serve a term of three years from July 1, 2011

Statewide Nominees

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

Patuxent Institution Board of Review

S–1. Margaret Ruth Doxzen District 32
2042 Horseshoe Circle
Jessup, MD 20794

Member of the Patuxent Institution Board of Review; reappointed to serve a term of four years from March 21, 2011

S–2. John R. Simpson District 36
245 Devon Drive
Chestertown, MD 21620

Member of the Patuxent Institution Board of Review; reappointed to serve a term of four years from March 21, 2011

Police Training Commission

S–3. Larry M. Brownlee, Sr. District 24
4002 Bald Hill Terrace
Mitchellville, MD 20721

Member of the Police Training Commission; reappointed to serve a term of three years from June 1, 2011

Professional Standards and Teacher Education Board

S–4. Theresa D. Stafford District 37
2429 Rock Drive
Cambridge, MD 21613

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2011

Real Estate Appraisers and Home Inspectors, State Commission of

S–5. Nathaniel W. Hauser District 9
3729 Chatham Road
Ellicott City, MD 21042

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve a term of three years from January 1, 2011

S–6. David J. Hodnett, Esq. District 11
18 Bailey Lane
Owings Mills, MD 21117

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve a term of three years from January 1, 2011

Residential Boarding Education Programs, Board of Trustees of

S–7. Carmen Sylvia Brown District 7
11102 Old Carriage Road
Glen Arm, MD 21057

Member of the Board of Trustees of Residential Boarding Education Programs; reappointed to serve a term of three years from July 1, 2010

S–8. Kevin Liles District 99
75 Rockefeller Plaza, 32nd Floor
New York, NY 20019

Member of the Board of Trustees of Residential Boarding Education Programs; reappointed to serve a term of three years from July 1, 2010

St. Mary's College of Maryland, Board of Trustees

S–9. Cynthia L. Broyles District 29
18419 Herring Creek Road, P.O. Box 131
Tall Timbers, MD 20690

Member of the Board of Trustees of St. Mary's College of Maryland; reappointed to serve a term of six years from June 1, 2011

S–10. Gail M. Harmon District 29
Tippity Wichity Island
Great Mills, MD 20634

Member of the Board of Trustees of St. Mary's College of Maryland; reappointed to serve a term of six years from June 1, 2011

S–11. Walton Neil Irwin District 99
400 West 119th Street, 10W–W
New York, NY 10027

Member of the Board of Trustees of St. Mary's College of Maryland; reappointed to serve a term of six years from June 1, 2011

S–12. Lawrence E. Leak, Ph.D. District 13
6505 Burgundy Lane
Clarksville, MD 21029

Member of the Board of Trustees of St. Mary's College of Maryland; reappointed to serve a term of six years from June 1, 2011

S–13. Molly Mahoney Matthews District 16
6911 Radnor Road
Bethesda, MD 20817

Member of the Board of Trustees of St. Mary's College of Maryland; appointed to serve a term of six years from June 1, 2011

S–14. John Chambers Wobensmith District 99
130 West 15th Street, Apt. PH–K
New York, NY 10011

Member of the Board of Trustees of St. Mary's College of Maryland; reappointed to serve a term of six years from June 1, 2011

Tourism Development Board, Maryland

S–15. Christopher S. Schardt District 46
2918 Hudson Street
Baltimore, MD 21224

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2011

S–16. Greg Shockley District 38
10148 Queen's Circle
Ocean City, MD 21842

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2011

S–17. Matthew McLeod Taylor District 1
112 N. 2nd Street
Oakland, MD 21550

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2011

University System of Maryland Board of Regents

S–18. Barry P. Gossett District 30
490 South River Landing
Edgewater, MD 21037

Member of the University System of Maryland Board of Regents; reappointed to serve a term of five years from July 1, 2011

S–19. James L. Shea, Esq. District 11
10909 Baronet Road
Owings Mills, MD 21117

Member of the University System of Maryland Board of Regents; reappointed to serve a term of five years from July 1, 2011

Local Nominees

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

Allegany College Board of Trustees

L–1. Jane A. Belt District 1
13119 Quarry Ridge Road, SW
Cumberland, MD 21502

Member of the Allegany College Board of Trustees; reappointed to serve a term of six years from July 1, 2011

Anne Arundel Community College Board of Trustees

L–2. Walter Joseph Hall District 31
507 Lake Shore Drive
Pasadena, MD 21122

Member of the Anne Arundel Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2011

L–3. Cynthia Robichaud District 30
1100 Skyway Drive
Annapolis, MD 21409

Member of the Anne Arundel Community College Board of Trustees; appointed to serve a term of one year from July 1, 2011

Baltimore County Community College, Board of Trustees

L–4. Sheldon Caplis District 11
113 River Oaks Road
Baltimore, MD 21208

Member of the Board of Trustees of Baltimore County Community College; reappointed to serve remainder of a term of five years from July 1, 2011

L–5. Michael P. Ertel District 42
505 West Joppa Road
Towson, MD 21204

Member of the Board of Trustees of Baltimore County Community College; appointed to serve remainder of a term of five years from July 1, 2007

L–6. Wayne McDowell District 12
37 Anderson Ridge Road
Catonsville, MD 21228

Member of the Board of Trustees of Baltimore County Community College; appointed to serve remainder of a term of five years from July 1, 2007

L–7. Gloria Nelson District 6
7908 Lynch Road
Baltimore, MD 21222

Member of the Board of Trustees of Baltimore County Community College; reappointed to serve a term of five years from July 1, 2011

L–8. Patricia Reed Norman District 6
809 Cedar Grove Road
Baltimore, MD 21221

Member of the Board of Trustees of Baltimore County Community College; reappointed to serve a term of five years from July 1, 2011

Calvert County Board of License Commissioners

L–9. Alonzo Barber, III District 27
9720 Smith Way
Dunkirk, MD 20754

Member of the Calvert County Board of License Commissioners; appointed to serve remainder of a term to expire June 6, 2011 and a term of two years to expire June 3, 2013

Cecil County Board of Elections

L–10. Jack Beaston District 36
4 Squirrel Court
Elkton, MD 21921

Member of the Cecil County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–11. Nelson K. Bolender District 36
22 Highland Avenue
Elkton, MD 21921

Member of the Cecil County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–12. Margaret McMahon Gagnon District 34
42 Carpenter's Point Loop
Perryville, MD 21903

Member of the Cecil County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–13. Brenda K. Ross District 36
214 East Main Street
Cecilton, MD 21913

Member of the Cecil County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–14. Nancy Rothwell Simpers District 36
584 Kirk Road
Elkton, MD 21921

Member of the Cecil County Board of Elections; appointed to serve a term of four years from June 6, 2011

Charles County Board of Elections

L–15. James R. Anderson District 28
5240 Well Spring Road
La Plata, MD 20646

Member of the Charles County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–16. Fern G. Brown District 28
4690 Pickeral Street, P.O. Box 293
White Plains, MD 20695

Member of the Charles County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–17. Gloria D. Hampton District 28
11810 General Hampton Place
Nanjemoy, MD 20662

Member of the Charles County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–18. Katherine M. O'Malley–Simpson District 28
8305 Clamber Hill Place, P.O. Box 163
Port Tobacco, MD 20677

Member of the Charles County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–19. Norman J. Saunders, Jr. District 28
11955 Woodbury Road
Nanjemoy, MD 20662

Member of the Charles County Board of Elections; reappointed to serve a term of four years from June 6, 2011

College of Southern Maryland, Board of Trustees of the

L–20. Mary Maddox Krug, Esq. District 27
4050 Buck Board Lane, P.O. Box 133
Dunkirk, MD 20754

Member of the Board of Trustees of the College of Southern Maryland; appointed to serve a term of five years from July 1, 2011

Dorchester County Board of Elections

L–21. William E. Batson District 37
5525 Finchville Reliance Road, P.O. 218
Hurlock, MD 21643

Member of the Dorchester County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–22. Thomas M. Corkran District 37
3409 Choptank Drive
East New Market, MD 21631

Member of the Dorchester County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–23. Janet M. Livingston District 37
4403 Pine Top Road
Taylors Island, MD 21669

Member of the Dorchester County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–24. George Philip Reed District 37
111 Lee Drive
Cambridge, MD 21613

Member of the Dorchester County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–25. Jeanne H. Webster District 37
2 Shady Drive
Cambridge, MD 21613

Member of the Dorchester County Board of Elections; appointed to serve a term of four years from June 6, 2011

Frederick Community College Board of Trustees

L–26. Nicanor "Nick" Diaz District 4
8208 James Street
Middletown, MD 21769

Member of the Frederick Community College Board of Trustees; reappointed to serve a term of five years from July 1, 2011

Frederick County Board of Elections

L–27. Raymond E. Bentz District 3
125 Cody Drive, #33
Frederick, MD 21788

Member of the Frederick County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–28. Mary Lou Green District 3
3602 Petersville Road
Knoxville, MD 21758

Member of the Frederick County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–29. Garold R. Hays District 4
201 Cobble Way
Walkersville, MD 21793

Member of the Frederick County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–30. Mark P. Jeffers, Jr. District 4
4908 Ed McClain Road
Monrovia, MD 21770

Member of the Frederick County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–31. Earlene Hairstone Thornton, Ed.D. District 3
5503 Hines Road
Frederick, MD 21701

Member of the Frederick County Board of Elections; reappointed to serve a term of four years from June 6, 2011

Garrett College Board of Trustees

L–32. Duane E. Yoder District 1
301 Roanoke Avenue
Oakland, MD 21550

Member of the Garrett College Board of Trustees; appointed to serve a term of six years from July 1, 2011

Hagerstown Community College Board of Trustees

L–33. Carolyn Williams Brooks District 2
19207 Jamestown Court
Hagerstown, MD 21742

Member of the Hagerstown Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2011

Howard Community College Board of Trustees

L–34. Dennis W. Miller District 12
11212 Silver Tree Place
Columbia, MD 21044

Member of the Howard Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2006

Montgomery Community College Board of Trustees

L–35. Kenneth Jay Hoffman, M.D. District 17
1511 Auburn Avenue
Rockville, MD 20850

Member of the Montgomery Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2011

L–36. Michael D. Priddy District 15
15137 Rollinmead Drive
Gaithersburg, MD 20178

Member of the Montgomery Community College Board of Trustees; appointed to serve a term of six years from July 1, 2011

Somerset County Board of Elections

L–37. Richard A. Barnhart District 38
24350 Hideaway Lane, P.O. Box 91
Deal Island, MD 21821

Member of the Somerset County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–38. Mary L.T. Handy District 38
28152 Holland Crossing Road
Marion, MD 21838

Member of the Somerset County Board of Elections; reappointed to serve a term of four years from June 6, 2011

Talbot County Board of Elections

L–39. Walter Weldon Black, Jr. District 37
8672 Misty Brook Way
Easton, MD 21601

Member of the Talbot County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–40. Mary–Beth Goll District 37
814 Applewood Court
Easton, MD 21601

Member of the Talbot County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–41. Susan J. MacKinnon District 37
105 Willows Avenue
Oxford, MD 21654

Member of the Talbot County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–42. Joseph H. Secrist, Jr. District 37
11638 Longwoods Road
Easton, MD 21601

Member of the Talbot County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–43. Venita L. Southworth District 37
707 Lomax Street
Easton, MD 21601

Member of the Talbot County Board of Elections; reappointed to serve a term of four years from June 6, 2011

Washington County Board of Elections

L–44. John R. Benchoff District 2
20201 American Way
Hagerstown, MD 21742

Member of the Washington County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–45. Tammy E. Downin District 2
20103 Daniels Circle
Hagerstown, MD 21742

Member of the Washington County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–46. Carroll H. Earp District 2
20315 Ayoub Lane
Hagerstown, MD 21742

Member of the Washington County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–47. Clyde J. Tate District 2
11101 Shalom Lane
Hagerstown, MD 21742

Member of the Washington County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–48. Eileen W. Wiggins District 2
18534 Kent Avenue
Hagerstown, MD 21740

Member of the Washington County Board of Elections; reappointed to serve a term of four years from June 6, 2011

Wicomico County Board of Elections

L–49. Leonard S. Jett District 38
7061 Cromwell Avenue
Salisbury, MD 21804

Member of the Wicomico County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–50. Katrina A. Purnell District 38
334 Trooper's Way
Salisbury, MD 21804

Member of the Wicomico County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–51. Marva R. Purnell–Greene District 38
630 Terrapin Lane
Salisbury, MD 21804

Member of the Wicomico County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–52. Darlene S. White District 37
26908 Nanticoke Road
Salisbury, MD 21801

Member of the Wicomico County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–53. Woodland B. Willing District 38
31986 Shavox Road
Salisbury, MD 21804

Member of the Wicomico County Board of Elections; reappointed to serve a term of four years from June 6, 2011

Worcester County Board of Elections

L–54. Alfred F. Bridgman, Jr. District 38
8 Pinehurst Road
Ocean Pines, MD 21811

Member of the Worcester County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–55. Jane Carmean District 38
6350 Snow Hill Road
Snow Hill, MD 21863

Member of the Worcester County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–56. Hinson F. Finney District 38
2317 Oak Hill Road
Pocomoke City, MD 21851

Member of the Worcester County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–57. Kay Ann Hickman District 38
10 Fells Point, P.O. Box 1422
Ocean Pines, MD 21811

Member of the Worcester County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–58. Anna L. Hudson District 38
509 B Dighton Avenue
Snow Hill, MD 21863

Member of the Worcester 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 25, 2011.

The motion was adopted.

THE COMMITTEE ON FINANCE REPORT #17

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

Senate Bill 75 – Senator Astle

AN ACT concerning

Commercial Law – Maryland Consumer Protection Act – Scope

SB0075/777472/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 75
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Astle" and substitute "Senators Astle and Muse"; in line 5, strike ", consumer services,"; in line 6, after "realty" insert "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"; in line 7, after "a" insert "certain"; in lines 7 and 8, strike ", consumer services,"; and in line 17, after "13–101(c)" insert "and (g)".

AMENDMENT NO. 2

On page 2, in line 8, strike "**, CONSUMER SERVICES,**"; after line 10, insert:

"(g) **(1)** "Merchant" means a person who directly or indirectly either offers or makes available to consumers any consumer goods, consumer services, consumer realty, or consumer credit.

(2) "MERCHANT" INCLUDES A PERSON:

(I) WHO DIRECTLY OR INDIRECTLY PURCHASES OR OFFERS TO PURCHASE ANY CONSUMER GOODS OR CONSUMER REALTY FROM A CONSUMER; AND

(II) WHOSE BUSINESS INCLUDES PAYING OFF CONSUMER DEBT IN CONNECTION WITH THE PURCHASE OF ANY CONSUMER GOODS OR CONSUMER REALTY FROM A CONSUMER.";

in line 20, strike "**BY A MERCHANT**"; in line 21, strike "**GOODS,**" and substitute "**GOODS OR**"; in the same line, strike "**, OR CONSUMER SERVICES**"; and in line 22, after "**CONSUMER**" insert "**BY A MERCHANT WHOSE BUSINESS INCLUDES PAYING OFF CONSUMER DEBT IN CONNECTION WITH THE PURCHASE OF ANY CONSUMER GOODS OR CONSUMER REALTY FROM A CONSUMER**".

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 183 – The President (By Request – Administration) and Senators Middleton, Benson, Forehand, Frosh, Garagiola, King, Klausmeier, Madaleno, Manno, Mathias, Montgomery, Pinsky, Ramirez, Raskin, and Rosapepe

AN ACT concerning

Health Insurance – Conformity with Federal Law

SB0183/377072/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 183
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after the semicolon, insert "requiring the Commissioner to file certain documents in a court in which a certain appeal is pending;"; in the same line, after the second "certain" insert "health insurance coverage issued or delivered by certain"; in line 10, after "requiring" insert "certain health insurance coverage issued or delivered by"; in line 15, after "timeframes," insert "notices,"; and in line 16, after the semicolon, insert "requiring the Commissioner to seek advice from certain independent review organizations or certain medical advisors on certain complaints; altering the information that a certain independent review organization must submit to the Commissioner;".

On page 2, in line 11, after "2–215(a)" insert ", (b), (d), and (g)"; in line 16, after "15–10A–01(m)," insert "15–10A–04(e),"; and in line 22, after "15–10A–04(a)" insert ", 15–10A–05".

AMENDMENT NO. 2

On page 3, in line 24, strike "**TITLE 15, SUBTITLE 10A**" and substitute "**§ 15–10A–04**"; and after line 25, insert:

"(b) An appeal under this subtitle may be taken by:

(1) a party to the hearing; **[**or**]**

(2) an aggrieved person whose financial interests are directly affected by the order resulting from a hearing or refusal to grant a hearing**; OR**

(3) A PARTY TO THE DECISION ISSUED UNDER § 15–10A–04 OF THIS ARTICLE.

(d) To take an appeal, a person shall file a petition for judicial review with the appropriate circuit court within 30 days after:

(1) the order resulting from the hearing was served on the persons entitled to receive it;

(2) the order of the Commissioner denying rehearing or reargument was served on the persons entitled to receive it; **[**or**]**

(3) the refusal of the Commissioner to grant a hearing**; OR**

(4) THE DECISION ISSUED UNDER § 15–10A–04 OF THIS ARTICLE WAS SERVED ON THE PERSONS ENTITLED TO RECEIVE IT.

(g) (1) In an appeal of an order resulting from a hearing, after receiving a copy of the petition for judicial review and within the time specified in the Maryland Rules, the Commissioner shall file in the court in which the appeal is pending:

(i) a copy of the order of the Commissioner from which the appeal is taken;

(ii) a complete transcript, certified by the Commissioner, of the record on which the order was issued; and

(iii) all exhibits and documentary evidence introduced at the hearing.

(2) In an appeal of a refusal by the Commissioner to grant a hearing, within the time specified in the Maryland Rules, the Commissioner shall file in the court in which the appeal is pending certified copies of all documents on file with the Commissioner that directly relate to the matter on appeal.

(3) IN AN APPEAL OF A DECISION ISSUED UNDER § 15–10A–04 OF THIS ARTICLE, AFTER RECEIVING A COPY OF THE PETITION FOR JUDICIAL REVIEW AND WITHIN THE TIME SPECIFIED IN THE MARYLAND RULES, THE COMMISSIONER SHALL FILE IN THE COURT IN WHICH THE APPEAL IS PENDING:

(I) A COPY OF THE DECISION OF THE COMMISSIONER FROM WHICH THE APPEAL IS TAKEN;

(II) A COPY OF THE REPORT OF THE INDEPENDENT REVIEW ORGANIZATION OR MEDICAL EXPERT; AND

(III) ALL DOCUMENTARY EVIDENCE PROVIDED TO THE COMMISSIONER AND THE INDEPENDENT REVIEW ORGANIZATION OR MEDICAL EXPERT THAT DIRECTLY RELATES TO THE MATTER ON APPEAL.".

AMENDMENT NO. 3

On pages 3 and 4, strike beginning with "**FEDERAL**" in line 28 on page 3 down through "**STATE**" in line 6 on page 4 and substitute "**AFFORDABLE CARE ACT APPLY TO INDIVIDUAL HEALTH INSURANCE COVERAGE AND HEALTH INSURANCE COVERAGE OFFERED IN THE SMALL GROUP AND LARGE GROUP MARKETS, AS THOSE TERMS ARE DEFINED IN THE FEDERAL PUBLIC HEALTH SERVICE ACT, ISSUED OR DELIVERED IN THE STATE BY AN AUTHORIZED INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION**".

On page 4, in line 21, after "**(B)**" insert "**THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION DO NOT APPLY TO COVERAGE FOR EXCEPTED BENEFITS, AS DEFINED IN 45 C.F.R. § 146.145(C).**

(C)".

AMENDMENT NO. 4

On page 5, strike in their entirety lines 29 through 31, inclusive, and substitute:

"**(I) INDIVIDUAL HEALTH INSURANCE COVERAGE AND HEALTH INSURANCE COVERAGE OFFERED IN THE SMALL GROUP AND LARGE GROUP MARKETS, AS THOSE TERMS ARE DEFINED IN THE FEDERAL PUBLIC HEALTH SERVICE ACT, ISSUED OR DELIVERED IN THE STATE BY AN AUTHORIZED INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION**";

and after line 34, insert:

"**(II) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH DO NOT APPLY TO COVERAGE FOR EXCEPTED BENEFITS, AS DEFINED IN 45 C.F.R. § 146.145(C).**".

On page 6, in line 1, strike "**(II)**" and substitute "**(III)**"; and in line 3, after "**RATIO**" insert "**REPORTED IN THE MANNER REQUIRED UNDER 45 C.F.R. § 158**".

AMENDMENT NO. 5

On page 10, in line 25, after "**COMMISSIONER**" insert "**AND THE HEALTH ADVOCACY UNIT**".

On page 11, in line 27, after "member" insert "**OR THE MEMBER'S REPRESENTATIVE**".

On page 12, in line 33, strike "and".

On page 13, in line 2, after "number" insert "**;**

C. A STATEMENT THAT THE HEALTH ADVOCACY UNIT IS AVAILABLE TO ASSIST THE MEMBER OR THE MEMBER'S REPRESENTATIVE IN FILING A COMPLAINT WITH THE COMMISSIONER; AND

D. THE ADDRESS, TELEPHONE NUMBER, FACSIMILE NUMBER, AND ELECTRONIC MAIL ADDRESS OF THE HEALTH ADVOCACY UNIT".

AMENDMENT NO. 6

On page 15, strike beginning with "In" in line 10 down through "may" in line 11 and substitute "**THE COMMISSIONER SHALL**"; and in lines 16, 17, 18, and 20, in each instance, strike the bracket.

AMENDMENT NO. 7

On page 16, strike beginning with "**THAT**" in line 25 down through "**ARTICLE**" in line 29 and substitute "**OF THE AVAILABLE REMEDY TO THE PARTY DESCRIBED UNDER SUBSECTION (E) OF THIS SECTION AND THE TIME PERIOD FOR REQUESTING THE REMEDY**".

AMENDMENT NO. 8

On page 16, after line 29, insert:

"**(E) (1) A FINAL DECISION OF THE COMMISSIONER MADE ON A COMPLAINT UNDER THIS SUBTITLE:**

(I) IS NOT SUBJECT TO A REQUEST FOR A HEARING UNDER THIS SUBTITLE FOR A CARRIER; AND

(II) IS SUBJECT TO A RIGHT TO FILE A PETITION FOR JUDICIAL REVIEW UNDER § 2–215 OF THIS ARTICLE FOR A CARRIER OR A MEMBER.

(2) UNLESS PROHIBITED UNDER FEDERAL LAW, A MEMBER MAY REQUEST A HEARING TO BE HELD IN ACCORDANCE WITH § 2–210 OF THIS ARTICLE OF A FINAL DECISION OF THE COMMISSIONER MADE ON A COMPLAINT UNDER THIS SUBTITLE.

15–10A–05.

(a) For **[**complaints**] A COMPLAINT** filed with the Commissioner under this subtitle that **[**involve**] INVOLVES** a question of whether the health care service provided or to be provided to a member is medically necessary, the Commissioner**:**

(1) SHALL SELECT AN INDEPENDENT REVIEW ORGANIZATION OR MEDICAL EXPERT TO ADVISE ON THE COMPLAINT; AND

(2) may **[**select and**]** accept and base the final decision on **[**a**] THE** complaint on the professional judgment of an independent review organization or medical expert.

(b) To ensure access to advice when needed, the Commissioner, in consultation with the Secretary of Health and Mental Hygiene and carriers, shall compile a list of independent review organizations and medical experts.

(c) Any expert reviewer assigned by an independent review organization or medical expert shall be a physician or other appropriate health care provider who meets the following minimum requirements:

(1) be an expert in the treatment of the member's medical condition, and knowledgeable about the recommended health care service or treatment through actual clinical experience;

(2) hold:

(i) a nonrestricted license in a state of the United States; and

(ii) in addition, for physicians, a current certification by a recognized American medical specialty board in the area or areas appropriate to the subject of review; and

(3) have no history of disciplinary actions or sanctions, including loss of staff privileges or participation restrictions that have been taken or are pending by any hospital, governmental agency or unit, or regulatory body that the Commissioner, in accordance with regulations adopted by the Commissioner, considers relevant in meeting the requirements of this subsection.

(d) An independent review organization may not be a subsidiary of, or in any way owned or controlled by, a health benefit plan, or a trade association of health benefit plans, or a trade association of health care providers.

(e) In addition to subsection (d) of this section, to be included on the list compiled under subsection (b) of this section, an independent review organization shall submit to the Commissioner the following information:

(1) if the independent review organization is a publicly held organization, the names of all stockholders and owners of more than 5% of any stock or options of the independent review organization;

(2) the names of all holders of bonds or notes in excess of $100,000, if any;

(3) the names of all corporations and organizations that the independent review organization controls or is affiliated with, and the nature and extent of any ownership or control, including the affiliated organization's type of business; **[**and**]**

(4) the names of all directors, officers, and executives of the independent review organization as well as a statement regarding any relationships the directors, officers, and executives may have with any carrier or health care provider group**; AND**

(5) EVIDENCE, IN THE FORM REQUIRED BY THE COMMISSIONER, THAT THE INDEPENDENT REVIEW ORGANIZATION IS ACCREDITED BY A NATIONALLY RECOGNIZED PRIVATE ACCREDITING ORGANIZATION.

(f) An expert reviewer assigned by an independent review organization or the independent review organization or medical expert selected by the Commissioner under this section may not have a material professional, familial, or financial conflict of interest with any of the following:

(1) the carrier that is the subject of the complaint;

(2) any officer, director, or management employee of the carrier that is the subject of the complaint;

(3) the health care provider, the health care provider's medical group, or the independent practice association that rendered or is proposing to render the health care service that is under review;

(4) the health care facility at which the health care service was provided or will be provided; or

(5) the developer or manufacturer of the principal drug, device, procedure, or other therapy that is being proposed for the member.

(g) For any independent review organization selected by the Commissioner under subsection (a) of this section, the independent review organization shall have a quality assurance mechanism in place that ensures:

(1) the timeliness and quality of the reviews;

(2) the qualifications and independence of the expert reviewers; and

(3) the confidentiality of medical records and review materials.

(h) (1) The carrier that is the subject of the complaint shall be responsible for paying the reasonable expenses of the independent review organization or medical expert selected by the Commissioner in accordance with subsection (a) of this section.

(2) The independent review organization or medical expert shall:

(i) present to the carrier for payment a detailed account of the expenses incurred by the independent review organization or medical expert; and

(ii) provide a copy of the detailed account of expenses to the Commissioner.

(3) The carrier that is the subject of the complaint may not pay and an independent review organization or medical expert may not accept any compensation in addition to the payment for reasonable expenses under paragraph (1) of this subsection.".

AMENDMENT NO. 9

On page 21, in line 11, strike "and"; and in line 13, after "number" insert "**;**

3. A STATEMENT THAT THE HEALTH ADVOCACY UNIT IS AVAILABLE TO ASSIST THE MEMBER IN FILING A COMPLAINT WITH THE COMMISSIONER; AND

4. THE ADDRESS, TELEPHONE NUMBER, FACSIMILE NUMBER, AND ELECTRONIC MAIL ADDRESS OF THE HEALTH ADVOCACY UNIT".

The preceding 9 amendments were read only.

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

The motion was adopted.

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

Senate Bill 393 – Calvert County Senators

AN ACT concerning

Calvert County – Regulation of Roads

SB0393/167275/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 393
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "regulate" in line 5 down through "in" in line 6 and substitute "establish standards for utility cuts in and across".

AMENDMENT NO. 2

On page 2, strike beginning with "**REGULATE**" in line 10 down through "**IN**" in line 11 and substitute "**ESTABLISH STANDARDS FOR UTILITY CUTS IN AND ACROSS**"; and in line 24, after "**ROADS**" insert "**AND UTILITY CUTS**".

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 556 – Senators Pugh, Benson, Forehand, Jacobs, Jones–Rodwell, Kelley, King, Klausmeier, and Montgomery

AN ACT concerning

Mental Hygiene Administration – Facilities – Trauma–Informed Care

SB0556/817372/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 556
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "provide" insert "certain"; in line 4, after "principles" insert "under certain circumstances"; strike beginning with "prohibiting" in line 12 down through the semicolon in line 13 and substitute "requiring the Administration to develop and implement a certain plan to secure the sleeping quarters of male and female patients at State facilities;"; in line 16, strike "requiring State facilities to

establish a certain female–only unit;"; and in line 19, after the semicolon insert "requiring the Administration to utilize a certain team to develop and conduct a certain survey; requiring the Administration to design and implement a certain pilot; requiring the Administration to assess the current design of units at each State facility in a certain manner;".

AMENDMENT NO. 2

On page 4, in line 20, after "**A**" insert "**STATE**"; in line 21, after "**ALL**" insert "**CLINICAL, DIRECT CARE, AND OTHER DESIGNATED**"; in the same line, after "**STAFF**" insert "**WITH REGULAR PATIENT INTERACTION**"; in line 28, after "**IF**" insert "**THE MODIFICATIONS:**

(I) ARE";

and in line 29, after "**PRINCIPLES**" insert "**; AND**

(II) CAN BE FUNDED THROUGH THE STATE'S OPERATING BUDGET OR CAPITAL BUDGET".

On page 7, in line 9, strike "**AND**" and substitute "**OR**".

On page 8, in line 28, strike "**DO NOT DISCOURAGE PATIENTS FROM**" and substitute "**PROVIDE ASSISTANCE TO PATIENTS WHO HAVE REQUESTED ASSISTANCE IN**"; and strike beginning with "**AND**" in line 29 down through "**COMPLAINTS**" in line 30.

On page 9, strike beginning with "**(1)**" in line 8 down through "**INFRASTRUCTURE**" in line 14 and substitute "**THE ADMINISTRATION SHALL DEVELOP AND IMPLEMENT A PLAN TO SECURE THE SLEEPING QUARTERS OF MALE AND FEMALE PATIENTS AT ALL STATE FACILITIES THAT MAXIMIZES THE USE OF AVAILABLE RESOURCES AND INFRASTRUCTURE**"; in line 18, strike "**MAKE**" and substitute "**CONSIDER THE ASSESSMENT OF RISK IN MAKING**"; in line 19, strike "**BASED ON THE ASSESSMENT OF RISK**"; strike beginning with the comma in line 21 down through the comma in line 22; in line 23, strike "**AT ANY TIME**"; strike beginning with "**HAVE**" in line 24 down through "**(4)**" in line 27; in line 28, strike "**EVIDENCE–BASED**"; in the same line, after "**EDUCATION**" insert "**THAT IS**

EVIDENCE–BASED OR REFLECTIVE OF BEST PRACTICES"; and in line 31, strike "**(5)**" and substitute "**(4)**".

AMENDMENT NO. 3

On page 10, in line 1, after "shall" insert ":

(1) utilize the Maryland Consumer Quality Team to develop and conduct a survey of female patients at each State facility;

(2) design and implement a 3–year pilot of a voluntary single gender unit at a State facility, with a priority toward a voluntary all–female unit;

(3) assess the current design of units at each State facility, including an assessment of the separation of sleeping quarters by gender and mechanisms to prevent unauthorized access to sleeping quarters and individual bedrooms; and

(4)";

in the same line, after "assistance" insert "and a consultant"; in line 3, after "Act" insert "and to conduct the assessment of relevant factors and draft a report of observations and recommendations for implementing the pilot for a single gender unit at a State facility"; in line 6, after "and" insert "of the pilot of a single gender unit required under this section and"; and in line 16, after "Act" insert ", the pilot for a single gender unit required under this section,".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 571 – Senator Pugh

AN ACT concerning

Insurance – Delivery of Notices by Electronic Means – Authorized

SB0571/777774/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 571
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "an" insert "applicant,"; in the same line, after "insured" insert a comma; in the same line, after "required" insert "to be given by an insurer"; strike beginning with "requiring" in line 8 down through "law;" in line 9 and substitute "establishing certain requirements, procedures, and conditions for the delivery of a notice by electronic means; requiring an insurer to give certain notices to a party under certain circumstances; providing that an oral communication or a recording of an oral communication may qualify as a notice delivered by electronic means under certain circumstances; specifying the manner in which certain requirements relating to a signature or record may be satisfied; providing for the effect, construction, and application of this Act;"; in lines 9 and 10, strike "a certain term" and substitute "certain terms"; in line 10, after the second "to" insert "applicants,"; and in the same line, after "insureds" insert a comma.

AMENDMENT NO. 2

On page 1, in line 20, after "**(A)**" insert "**(1)**"; in the same line, strike the comma and substitute "**THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2)";

in the same line, strike "**DELIVERED**" and substitute "**DELIVERED**"; in line 21, strike "**(1)**" and substitute "**(I)**"; and in lines 21 and 22, strike "**AN INSURED OR A POLICYHOLDER**" and substitute "**A PARTY**".

On page 2, in line 1, strike "**(2)**" and substitute "**(II)**"; in line 2, strike "**AN INSURED OR A POLICYHOLDER**" and substitute "**A PARTY**"; in lines 3 and 8, in each instance, strike "**INSURED OR POLICYHOLDER**" and substitute "**PARTY**"; after line 4, insert:

"**(3) "PARTY" MEANS AN APPLICANT, AN INSURED, OR A POLICYHOLDER.**";

in lines 5 and 6, strike "**AN INSURED OR POLICYHOLDER**" and substitute "**A PARTY**"; strike beginning with "**THIS**" in line 15 down through "**ACT**" in line 17 and substitute

"A NOTICE MAY BE DELIVERED BY ELECTRONIC MEANS BY AN INSURER TO A PARTY UNDER THIS SECTION IF:

(1) THE PARTY HAS AFFIRMATIVELY CONSENTED TO THAT METHOD OF DELIVERY AND HAS NOT WITHDRAWN THE CONSENT;

(2) THE PARTY, BEFORE GIVING CONSENT, IS PROVIDED WITH A CLEAR AND CONSPICUOUS STATEMENT:

(I) INFORMING THE PARTY OF:

1. ANY RIGHT OR OPTION OF THE PARTY TO HAVE THE NOTICE PROVIDED OR MADE AVAILABLE IN PAPER OR ANOTHER NONELECTRONIC FORM;

2. THE RIGHT OF THE PARTY TO WITHDRAW CONSENT TO HAVE NOTICE DELIVERED BY ELECTRONIC MEANS AND ANY FEES, CONDITIONS, OR CONSEQUENCES IMPOSED IN THE EVENT CONSENT IS WITHDRAWN;

3. WHETHER THE PARTY'S CONSENT APPLIES:

A. ONLY TO THE PARTICULAR TRANSACTION AS TO WHICH THE NOTICE MUST BE GIVEN; OR

B. TO IDENTIFIED CATEGORIES OF NOTICES THAT MAY BE DELIVERED BY ELECTRONIC MEANS DURING THE COURSE OF THE PARTIES' RELATIONSHIP;

4. A. HOW, AFTER CONSENT IS GIVEN, THE PARTY MAY OBTAIN A PAPER COPY OF A NOTICE DELIVERED BY ELECTRONIC MEANS; AND

B. THE FEE, IF ANY, FOR THE PAPER COPY; AND

5. THE PROCEDURES THE PARTY MUST USE TO WITHDRAW CONSENT TO HAVE NOTICE DELIVERED BY ELECTRONIC MEANS AND TO UPDATE INFORMATION NEEDED TO CONTACT THE PARTY ELECTRONICALLY;

(3) THE PARTY:

(I) BEFORE GIVING CONSENT, IS PROVIDED WITH A STATEMENT OF THE HARDWARE AND SOFTWARE REQUIREMENTS FOR ACCESS TO AND RETENTION OF A NOTICE DELIVERED BY ELECTRONIC MEANS; AND

(II) CONSENTS ELECTRONICALLY, OR CONFIRMS CONSENT ELECTRONICALLY, IN A MANNER THAT REASONABLY DEMONSTRATES THAT THE PARTY CAN ACCESS INFORMATION IN THE ELECTRONIC FORM THAT WILL BE USED FOR NOTICES DELIVERED BY ELECTRONIC MEANS AS TO WHICH THE PARTY HAS GIVEN CONSENT; AND

(4) AFTER CONSENT OF THE PARTY IS GIVEN, THE INSURER, IN THE EVENT A CHANGE IN THE HARDWARE OR SOFTWARE REQUIREMENTS NEEDED TO ACCESS OR RETAIN A NOTICE DELIVERED BY ELECTRONIC MEANS CREATES A MATERIAL RISK THAT THE PARTY WILL NOT BE ABLE TO ACCESS OR RETAIN A SUBSEQUENT NOTICE TO WHICH THE CONSENT APPLIES:

(I) PROVIDES THE PARTY WITH A STATEMENT OF:

1. THE REVISED HARDWARE AND SOFTWARE REQUIREMENTS FOR ACCESS TO AND RETENTION OF A NOTICE DELIVERED BY ELECTRONIC MEANS; AND

2. THE RIGHT OF THE PARTY TO WITHDRAW CONSENT WITHOUT THE IMPOSITION OF ANY FEE, CONDITION, OR CONSEQUENCE THAT WAS NOT DISCLOSED UNDER ITEM (2)(I)2 OF THIS SUBSECTION; AND

(II) COMPLIES WITH ITEM (2) OF THIS SUBSECTION.

(E) THIS SECTION DOES NOT AFFECT THE CONTENT OR TIMING OF ANY NOTICE REQUIRED UNDER THIS SUBTITLE.

(F) IF A PROVISION OF THIS SUBTITLE REQUIRING NOTICE TO BE PROVIDED TO A PARTY EXPRESSLY REQUIRES VERIFICATION OR ACKNOWLEDGMENT OF RECEIPT OF THE NOTICE, THE NOTICE MAY BE DELIVERED BY ELECTRONIC MEANS ONLY IF THE METHOD USED PROVIDES FOR VERIFICATION OR ACKNOWLEDGEMENT OF RECEIPT.

(G) THE LEGAL EFFECTIVENESS, VALIDITY, OR ENFORCEABILITY OF ANY CONTRACT OR POLICY OF INSURANCE EXECUTED BY A PARTY MAY NOT BE DENIED SOLELY BECAUSE OF THE FAILURE TO OBTAIN ELECTRONIC CONSENT OR CONFIRMATION OF CONSENT OF THE PARTY IN ACCORDANCE WITH SUBSECTION (D)(3)(II) OF THIS SECTION.

(H) (1) A WITHDRAWAL OF CONSENT BY A PARTY DOES NOT AFFECT THE LEGAL EFFECTIVENESS, VALIDITY, OR ENFORCEABILITY OF A NOTICE DELIVERED BY ELECTRONIC MEANS TO THE PARTY BEFORE THE WITHDRAWAL OF CONSENT IS EFFECTIVE.

(2) A WITHDRAWAL OF CONSENT BY A PARTY IS EFFECTIVE WITHIN A REASONABLE PERIOD OF TIME AFTER RECEIPT OF THE WITHDRAWAL BY THE INSURER.

(3) FAILURE TO COMPLY WITH SUBSECTION (D)(4) OF THIS SECTION MAY BE TREATED, AT THE ELECTION OF THE PARTY, AS A WITHDRAWAL OF CONSENT FOR PURPOSES OF THIS SECTION.

(I) THIS SECTION DOES NOT APPLY TO A NOTICE DELIVERED BY AN INSURER IN AN ELECTRONIC FORM BEFORE OCTOBER 1, 2011, TO A PARTY WHO, BEFORE OCTOBER 1, 2011, HAS CONSENTED TO RECEIVE NOTICE IN AN ELECTRONIC FORM OTHERWISE ALLOWED BY LAW.

(J) IF THE CONSENT OF A PARTY TO RECEIVE NOTICE IN AN ELECTRONIC FORM IS ON FILE WITH AN INSURER BEFORE OCTOBER 1, 2011, THE INSURER SHALL NOTIFY THE PARTY OF:

(1) THE NOTICES THAT MAY BE DELIVERED BY ELECTRONIC MEANS UNDER THIS SECTION; AND

(2) THE PARTY'S RIGHT TO WITHDRAW CONSENT TO HAVE NOTICES DELIVERED BY ELECTRONIC MEANS.

(K) (1) EXCEPT AS OTHERWISE PROVIDED BY LAW, IF AN ORAL COMMUNICATION OR A RECORDING OF AN ORAL COMMUNICATION CAN BE RELIABLY STORED AND REPRODUCED BY AN INSURER, THE ORAL COMMUNICATION OR RECORDING MAY QUALIFY AS A NOTICE DELIVERED BY ELECTRONIC MEANS FOR PURPOSES OF THIS SECTION.

(2) IF A PROVISION OF THIS SUBTITLE REQUIRES A SIGNATURE OR RECORD TO BE NOTARIZED, ACKNOWLEDGED, VERIFIED, OR MADE UNDER OATH, THE REQUIREMENT IS SATISFIED IF THE ELECTRONIC SIGNATURE OF THE PERSON AUTHORIZED TO PERFORM THOSE ACTS, TOGETHER WITH ALL OTHER INFORMATION REQUIRED TO BE INCLUDED BY THE PROVISION, IS ATTACHED TO OR LOGICALLY ASSOCIATED WITH THE SIGNATURE OR RECORD.

(L) THIS SECTION MAY NOT BE CONSTRUED TO MODIFY, LIMIT, OR SUPERSEDE THE PROVISIONS OF THE FEDERAL ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT RELATING TO THE USE OF AN ELECTRONIC RECORD TO PROVIDE OR MAKE AVAILABLE INFORMATION THAT IS REQUIRED TO BE PROVIDED OR MADE AVAILABLE IN WRITING TO A PARTY".

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 710 – Senator Klausmeier

AN ACT concerning

Health Insurance – Provider Panels – Notice of Receipt of Application

SB0710/507170/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 710
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "requiring" insert ", under certain circumstances,"; and in line 7, after "time;" insert "requiring, under certain circumstances, that the notice from a certain credentialing system be considered notice that an application is complete; providing that certain provisions of this Act do not apply to a certain carrier until the Maryland Insurance Commissioner makes a certain certification; defining a certain term;".

AMENDMENT NO. 2

On page 2, after line 9, insert:

"**(9) "ONLINE CREDENTIALING SYSTEM" MEANS THE SYSTEM THROUGH WHICH A PROVIDER MAY ACCESS AN ONLINE PROVIDER CREDENTIALING APPLICATION THAT THE COMMISSIONER HAS DESIGNATED AS THE UNIFORM CREDENTIALING FORM UNDER § 15–112.1(E) OF THIS SUBTITLE.**";

and in lines 10 and 13, strike "(9)" and "(10)", respectively, and substitute "**(10)**" and "**(11)**", respectively.

AMENDMENT NO. 3

On page 3, in line 19, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 4 OF THIS SUBPARAGRAPH, A**"; in line 22, strike "**NOTICE**" and substitute "**IF A CARRIER DOES NOT ACCEPT APPLICATIONS THROUGH THE ONLINE CREDENTIALING SYSTEM, NOTICE**"; and after line 24, insert:

"**3. IF A CARRIER ACCEPTS APPLICATIONS THROUGH THE ONLINE CREDENTIALING SYSTEM, THE NOTICE FROM THE ONLINE CREDENTIALING SYSTEM TO THE PROVIDER THAT THE CARRIER HAS RECEIVED THE PROVIDER'S APPLICATION SHALL BE CONSIDERED NOTICE THAT THE APPLICATION IS COMPLETE.**

4. THIS SUBPARAGRAPH DOES NOT APPLY TO A CARRIER THAT ARRANGES A DENTAL PROVIDER PANEL UNTIL THE COMMISSIONER CERTIFIES THAT THE ONLINE CREDENTIALING SYSTEM IS CAPABLE OF ACCEPTING THE UNIFORM CREDENTIALING FORM DESIGNATED BY THE COMMISSIONER FOR DENTAL PROVIDER PANELS.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0710/613526/2
BY: Senator Klausmeier

AMENDMENT TO SENATE BILL 710
(First Reading File Bill)

On page 1, in line 12, strike ", (4), (9), and (10)" and substitute "and (4)"; in line 17, strike "15–112(d)" and substitute "15–112(a)(9) and (10) and (d)"; and after line 19, insert:

"BY adding to
Article – Insurance
Section 15–112(a)(9)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)".

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 with amendments:

Senate Bill 723 – Senator Rosapepe

AN ACT concerning

Medical Records – Health Information Exchanges

SB0723/937577/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 723
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "authorizing" and substitute "requiring"; in line 5, after "persons;" insert "requiring the regulations to include protections for the secondary use of certain protected information;"; in line 8, after "regulations;" insert "establishing certain limitations on the sale of data obtained or released through a health information exchange;"; strike beginning with "payors" in line 9 down through "law" in line 13 and substitute "entities to connect to the State designated exchange and respond to certain requests for clinical information transmitted through the exchange in a certain manner; providing that a certain consent applies to information transmitted through the State designated exchange or by other means; authorizing the Commission to adopt certain regulations relating to the State designated exchange; providing for the effect of certain provisions of this Act"; and strike beginning with "change" in line 14 down through "not" in line 18.

AMENDMENT NO. 2

On page 5, in line 11, strike "**MAY**" and substitute "**SHALL**"; in line 15, strike "**OR**"; in line 17, after "**COMMISSIONER**" insert "**;**

(3) A HEALTH CARE CONSUMER; OR

(4) ANY PERSON AUTHORIZED BY A HEALTH CARE CONSUMER TO ACT ON BEHALF OF THE HEALTH CARE CONSUMER";

after line 17, insert:

"**(B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE PROTECTIONS FOR THE SECONDARY USE OF PROTECTED HEALTH INFORMATION OBTAINED OR RELEASED THROUGH A HEALTH INFORMATION EXCHANGE.**

(C) DATA OBTAINED OR RELEASED THROUGH A HEALTH INFORMATION EXCHANGE:

(1) MAY NOT BE SOLD FOR FINANCIAL REMUNERATION UNTIL THE REGULATIONS REQUIRED UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION ARE ADOPTED; AND

(2) MAY BE SOLD FOR FINANCIAL REMUNERATION ONLY IN ACCORDANCE WITH THE REGULATIONS ADOPTED UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION.";

in line 18, strike "**(B)**" and substitute "**(D)**"; in the same line, strike "**ANY REGULATIONS**" and substitute "**REGULATIONS**"; in the same line, strike "**SUBSECTION (A)**" and substitute "**SUBSECTIONS (A) AND (B)**"; in line 21, strike "**OR**"; in line 23, after "**STAFF**" insert "**; OR**

(3) BETWEEN A HOSPITAL AND ANCILLARY CLINICAL SERVICE PROVIDERS THAT ARE AFFILIATED WITH THE HOSPITAL AND HAVE SIGNED A BUSINESS ASSOCIATE AGREEMENT";

in line 24, strike "**(C)**" and substitute "**(E)**"; in line 26, strike "**ANY**"; and in line 27, strike "**SUBSECTION (A)**" and substitute "**SUBSECTIONS (A) AND (B)**".

AMENDMENT NO. 3

On page 5, in line 29, after "**(A)**" insert "**(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "STATE DESIGNATED EXCHANGE" MEANS THE HEALTH INFORMATION EXCHANGE DESIGNATED BY THE MARYLAND HEALTH CARE COMMISSION AND THE HEALTH SERVICES COST REVIEW COMMISSION UNDER § 19–143 OF THIS ARTICLE.

(3) "STANDARD REQUEST" MEANS A REQUEST FOR CLINICAL INFORMATION FROM A HEALTH INFORMATION EXCHANGE THAT CONFORMS TO THE MAJOR STANDARDS VERSION SPECIFIED BY THE OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY.

(B)";

in line 29, after "**TO**" insert "**:**

(1) EXCEPT FOR THE STATE DESIGNATED EXCHANGE, A HEALTH INFORMATION EXCHANGE OPERATING IN THE STATE; AND

(2) A";

and in the same line, strike the second "**A**".

On page 6, in lines 1 and 3, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; in line 5, strike "**(B)**" and substitute "**(C)**"; in the same line, strike "**A PAYOR**" and substitute "**AN ENTITY**"; strike beginning with "**THAT**" in line 5 down through "**ARTICLE**" in line 12, and substitute "**SHALL CONNECT TO THE STATE DESIGNATED EXCHANGE IN A MANNER CONSISTENT WITH APPLICABLE FEDERAL AND STATE PRIVACY LAWS**"; and after line 12, insert:

"**(D) WHEN A STANDARD REQUEST FOR CLINICAL INFORMATION IS RECEIVED THROUGH THE STATE DESIGNATED EXCHANGE, AN ENTITY TO WHICH THIS SECTION APPLIES SHALL RESPOND TO THE REQUEST TO THE EXTENT AUTHORIZED UNDER FEDERAL AND STATE PRIVACY LAWS.**

(E) A CONSENT FROM A PATIENT TO RELEASE CLINICAL INFORMATION TO A PROVIDER OBTAINED BY AN ENTITY TO WHICH THIS SECTION APPLIES SHALL APPLY TO INFORMATION TRANSMITTED THROUGH THE STATE DESIGNATED EXCHANGE OR BY OTHER MEANS.

(F) THE MARYLAND HEALTH CARE COMMISSION:

(1) MAY ADOPT REGULATIONS FOR IMPLEMENTING THE CONNECTIVITY TO THE STATE DESIGNATED EXCHANGE REQUIRED UNDER THIS SECTION; AND

(2) SHALL SEEK, THROUGH ANY REGULATIONS ADOPTED UNDER ITEM (1) OF THIS SUBSECTION, TO PROMOTE TECHNOLOGY STANDARDS AND FORMATS THAT CONFORM TO THOSE SPECIFIED BY THE OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY.

(G) (1) THE MARYLAND HEALTH CARE COMMISSION MAY ADOPT REGULATIONS SPECIFYING THE SCOPE OF CLINICAL INFORMATION TO BE EXCHANGED UNDER THIS SECTION.

(2) ANY REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL LIMIT THE SCOPE OF THE CLINICAL INFORMATION TO PURPOSES THAT PROMOTE:

(I) IMPROVED ACCESS TO CLINICAL RECORDS BY TREATING CLINICIANS; OR

(II) USES OF THE STATE DESIGNATED EXCHANGE IMPORTANT TO PUBLIC HEALTH AGENCIES.

(H) THIS SECTION DOES NOT:

(1) REQUIRE AN ENTITY TO WHICH THIS SECTION APPLIES TO COLLECT CLINICAL INFORMATION OR OBTAIN ANY AUTHORIZATIONS, NOT OTHERWISE REQUIRED BY FEDERAL OR STATE LAW, RELATING TO INFORMATION TO BE SENT OR RECEIVED THROUGH THE STATE DESIGNATED EXCHANGE;

(2) PROHIBIT AN ENTITY TO WHICH THIS SECTION APPLIES FROM DIRECTLY RECEIVING OR SENDING INFORMATION TO PROVIDERS OR SUBSCRIBERS OUTSIDE OF THE STATE DESIGNATED EXCHANGE; OR

(3) PROHIBIT AN ENTITY TO WHICH THIS SECTION APPLIES FROM CONNECTING AND INTEROPERATING WITH THE STATE DESIGNATED EXCHANGE IN A MANNER AND SCOPE BEYOND THAT REQUIRED UNDER THIS SECTION.".

AMENDMENT NO. 4

On page 6, in line 14, strike "**(A)**"; and strike beginning with "**CHANGE**" in line 15 down through "**NOT**" in line 29.

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:

Senate Bill 885 – Senator Garagiola

AN ACT concerning

Motor Vehicle Insurers – Standards for Cancellation or Refusal of Insurance – Driving While Impaired by Alcohol

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 975 – Senator Edwards

AN ACT concerning

Economic Development – Tri–County Council for Western Maryland – Membership and Leadership

Favorable report adopted.

FLOOR AMENDMENT

SB0975/857772/1
BY: Finance Committee

AMENDMENT TO SENATE BILL 975
(First Reading File Bill)

On page 3, in line 12, after "**DELEGATION**" insert "**TO THE HOUSE OF DELEGATES**".

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 980 – Senator Middleton

AN ACT concerning

Credit Unions – Boards of Directors – Electronically Conducted Elections

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #29

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

Senate Bill 236 – Chair, Education, Health, and Environmental Affairs Committee

AN ACT concerning

Maryland Home Improvement Commission – Sunset Extension and Program Evaluation

SB0236/894436/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 236
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after "circumstances;" insert "requiring the Commission to publish certain consumer education materials on its Web site; requiring the Commission to develop a certain searchable Web site that includes certain information;"; in line 16, after "fees;" insert "requiring a home improvement contract to contain the telephone number of the contractor;"; after line 27, insert:

"BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 8–101(a), (b), and (e) and 8–707(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY adding to
Article – Business Regulation
Section 8–215 and 8–216
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)".

On page 2, strike in their entirety lines 5 through 9, inclusive.

AMENDMENT NO. 2

On page 2, after line 25, insert:

"8–101.

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

(b) "Commission" means the Maryland Home Improvement Commission.

(e) "Fund" means the Home Improvement Guaranty Fund.

8–215.

THE COMMISSION SHALL PUBLISH ON ITS WEB SITE CONSUMER EDUCATION MATERIALS THAT SPECIFY THE PROTECTIONS AVAILABLE TO CONSUMERS THROUGH THE COMMISSION, INCLUDING THE AVAILABILITY OF COMPENSATION FROM THE GUARANTY FUND.

8–216.

THE COMMISSION SHALL DEVELOP A SEARCHABLE WEB SITE THAT INCLUDES A LISTING OF LICENSED CONTRACTORS AND INFORMATION RELATING TO ANY FINAL DISCIPLINARY ACTION TAKEN BY THE COMMISSION AGAINST A LICENSEE IN EACH LICENSEE'S PROFILE.".

On page 5, in line 10, after "address," insert "**TELEPHONE NUMBER,**".

AMENDMENT NO. 3

On page 9, after line 14, insert:

"(3) the advisability of a requirement for the posting of a performance bond for all licensees, and if advisable, in what amounts, and triggered by what price contracts;

(4) a plan for facilitating better communication between licensees and consumers relating to contract performance completion dates;";

and in lines 15 and 17, strike "(3)" and "(4)", respectively, and substitute "(5)" and "(6)", 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 Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 539 – Senator Colburn

AN ACT concerning

Environment – Bay Restoration Fund – Authorized Uses

SB0539/794638/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 539
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Colburn" and substitute "Senators Colburn, Simonaire, and Reilly".

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 607 – Senator Conway

AN ACT concerning

Agriculture – Waste Kitchen Grease

SB0607/694637/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 607
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "register" insert "annually"; in line 8, strike "the Department to require"; strike beginning with "authorizing" in line 11 down through "actions;" in line 13 and substitute "prohibiting a person from knowingly taking certain actions relating to waste kitchen grease;"; strike beginning with "prohibiting" in line 19 down through "purpose;" in line 24; in line 24, strike "and civil"; in line 25, strike "providing for certain appeals"; in the same line, strike "delayed"; and in line 26, strike "against a certain person under a certain circumstance" and substitute ", expressing the intent of the General Assembly that the Department of Agriculture has no enforcement authority under certain provisions".

On page 2, in line 1, strike "10–1810" and substitute "10–1809".

AMENDMENT NO. 2

On page 3, in line 2, strike "**REMOVED FROM A GREASE TRAP**"; in line 3, after "**PROCESSING**" insert "**AND HAVE NOT BEEN PROCESSED BY A RENDERER**"; and in line 6, after "**REGISTER**" insert "**ANNUALLY**".

On page 4, in line 10, after "**REGISTER**" insert "**ANNUALLY**"; in line 23, after "**DAMAGE**" insert "**COMBINED SINGLE LIMIT**"; and after line 28, insert:

"**(D) THE REGISTRATION REQUIRED UNDER THIS SECTION SHALL BE RENEWED ANNUALLY ON THE PAYMENT OF THE FEES REQUIRED UNDER SUBSECTION (C) OF THIS SECTION.**".

AMENDMENT NO. 3

On page 5, in line 6, after "**CERTIFICATE**" insert "**CONTAINING THE UNIQUE REGISTRATION NUMBER**"; strike beginning with "**AND**" in line 8 down through "**HIGH**" in line 9; in line 12, strike "**THE DEPARTMENT SHALL REQUIRE EACH**" and substitute "**EACH**"; in the same line, strike "**TO**" and substitute "**SHALL**"; in line 17, strike "**DEPARTMENT**" and substitute "**STATE'S ATTORNEY**"; strike beginning with "**THE**" in line 19 down through "**HAS**" in line 20 and substitute "**IT SHALL BE A VIOLATION OF THIS SUBTITLE FOR ANY PERSON TO KNOWINGLY**"; in line 21, strike "**KNOWINGLY SOLD OR OFFERED**" and substitute "**SELL OR OFFER**"; after line 23, insert:

"**(2) REMOVE WASTE KITCHEN GREASE FROM A CONTAINER OWNED BY ANOTHER PERSON;**";

strike in their entirety lines 24 and 25 and substitute:

"**(3) STEAL OR DAMAGE A WASTE KITCHEN GREASE CONTAINER OWNED BY ANOTHER PERSON, OR PLACE A LABEL ON A CONTAINER OWNED BY ANOTHER PERSON TO ASSERT OWNERSHIP OVER THE CONTAINER; OR**";

and in line 26, strike "**(3) TAKEN**" and substitute "**(4) TAKE**".

On page 6, strike in their entirety lines 16 through 27, inclusive.

On page 7, strike in their entirety lines 1 through 24, inclusive; and in line 25, strike "**10–1810.**" and substitute "**10–1808.**"; and in line 26, strike "**(A)**".

AMENDMENT NO. 4

On page 8, strike in their entirety lines 1 through 7, inclusive, and substitute:

"**10–1809.**

THE STATE'S ATTORNEY OF A COUNTY SHALL ENFORCE THE PROVISIONS OF THIS SUBTITLE.";

and strike beginning with "before" in line 8 down through "Act" in line 13 and substitute "it is the intent of the General Assembly that the Department of Agriculture has no enforcement responsibilities under the provisions of this Act".

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 827 – Senator Astle

AN ACT concerning

Environment – Severn River Watershed – Silt and Erosion Control – Certification

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

Senate Bill 960 – Senator Middleton

AN ACT concerning

Health Care Providers – Investigations – Information Sharing Among State Agencies

SB0960/914135/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 960
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "purpose;" insert "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;".

AMENDMENT NO. 2

On page 3, in line 27, in each instance, strike the comma; in the same line, strike the brackets; and in the same line, strike "**OR GROUP OF AGENCIES**".

On page 4, in line 4, after "in" insert "**THE DEPARTMENT OR**".

AMENDMENT NO. 3

On page 8, in line 3, after "**CARE**" insert "**IN ANY ENTITY REGULATED BY THE OFFICE OF HEALTH CARE QUALITY OR THE HEALTH SERVICES COST REVIEW COMMISSION.**

(E) ON OR BEFORE JANUARY 1, 2012, THE BOARD, THE SECRETARY, AND THE HEALTH SERVICES COST REVIEW COMMISSION JOINTLY SHALL ADOPT REGULATIONS FOR THE EFFICIENT AND SECURE TRANSFER, UNDER SUBSECTION (D)(2) OF THIS SECTION, OF ANY INFORMATION IN A RECORD THAT MAY INDICATE THAT AN INVESTIGATION OF AN ENTITY REGULATED BY THE OFFICE OF HEALTH CARE QUALITY OR THE HEALTH SERVICES COST REVIEW COMMISSION MAY BE APPROPRIATE.

(F) SUBSECTION (D)(2) OF THIS SECTION MAY NOT BE CONSTRUED TO ALTER THE AUTHORITY OF THE SECRETARY UNDER § 1–203(A) OF THIS ARTICLE OR § 2–106(C) OF THE HEALTH – GENERAL ARTICLE".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #30

CONSENT CALENDAR #54

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

Senate Bill 214 – Senator Jones–Rodwell (By Request – Baltimore City Administration)

AN ACT concerning

Public Ethics Laws – Baltimore City – Health Department, Police Department, and Civilian Review Board

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 488 – Senators Conway, Ferguson, Jones–Rodwell, McFadden, and Pugh

AN ACT concerning

Baltimore City – Alcoholic Beverages – Class B–D–7 License Holders – Security Plan

SB0488/994038/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 488
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike "certain individuals" and substitute "the Board of Liquor License Commissioners for Baltimore City"; strike beginning with "authorizing" in line 8 down through "City;" in line 10; in line 11, strike "requiring" and substitute "authorizing"; in the same line, strike "under certain circumstances" and substitute "regarding the issuance or renewal of a license"; in line 12, after "implement" insert "and follow"; and strike beginning with "and" in line 12 down through "circumstances" in line 15.

AMENDMENT NO. 2

On page 4, strike beginning with "**AND**" in line 7 down through "**DEPARTMENT**" in line 8; strike in their entirety lines 9 through 11, inclusive; in line 12, strike "**(E) (1)**" and substitute "**(D)**"; strike beginning with "**PRIOR**" in line 12 down through the first "**THE**" in line 13 and substitute "**THE**"; strike beginning with "**SHALL**" in line 13 down through "**SUBSEQUENTLY**" in line 15 and substitute "**MAY**"; strike in their entirety lines 18 through 22, inclusive; in line 23, strike "**(F)**" and substitute "**(E)**"; in the same line, after "**SHALL**" insert "**IMPLEMENT AND**"; and strike in their entirety lines 26 through 34, inclusive.

On page 5, in line 1, strike "**(H)**" and substitute "**(F)**".

On page 6, in line 20, strike "**(I)**" and substitute "**(G)**".

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 773 – Senator Conway

AN ACT concerning

Baltimore City – Adult Entertainment – Age

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #31

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

Senate Bill 501 – Senator Dyson

AN ACT concerning

Election Law – Change of Primary Election Dates and Compliance with Federal MOVE Act

SB0501/314637/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 501
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "Dyson" insert "and The President (By Request – Administration) and Senators Garagiola and Jacobs"; and in line 15, after "8–201," insert "8–502(d),".

AMENDMENT NO. 2

On page 3, in line 12, after "**SUBTITLE**" insert "**AND § 5–703(C) OF THIS TITLE**".

AMENDMENT NO. 3

On page 4, in line 31, strike "second" and substitute "**THIRD**"; and in line 32, strike "**JULY**" and substitute "**JUNE**".

AMENDMENT NO. 4

On page 5, after line 3, insert:

"8–502.

(d) A candidate who seeks to be placed on the ballot by the petition process specified in subsection (b)(2) of this section shall file the petition, in the form prescribed by the State Board, on the **[**Monday**]** **DAY** that is **[**70**]** **90** days before the day of the election.".

AMENDMENT NO. 5

On page 5, strike beginning with "**TWELVE**" in line 23 down through "**ARTICLE**" in line 24 and substitute "**ONE DAY AFTER CERTIFICATION**".

On page 6, in line 12, strike beginning with "**13**" in line 12 down through "**ARTICLE**" in line 13 and substitute "**2 DAYS AFTER CERTIFICATION**".

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 605 – Senators Raskin and Kittleman

AN ACT concerning

Campaign Finance Entities – Loans – Reporting Requirement and Penalties

SB0605/754930/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 605
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 6, strike "the campaign finance entity of a candidate" and substitute "**AN AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE**".

AMENDMENT NO. 2

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

"**(V) BE SIGNED BY THE TREASURER OF THE CAMPAIGN FINANCE ENTITY; AND**";

and in line 22, strike "(v)" and substitute "**(VI)**".

AMENDMENT NO. 3

On page 3, in line 19, strike "**(A)(2)**" and substitute "**(A)**"; and in line 20, after "**STATEMENT**" insert "**CONTAINING A COPY OF THE TERMS OF THE LOAN AND WRITTEN CONSENT OF THE CANDIDATE**".

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 836 – Senator McFadden

AN ACT concerning

Baltimore City – 45th District – Alcoholic Beverages – Class C Licenses

SB0836/364433/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 836
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Class C"; in line 5, after "district;" insert "authorizing the holder of a Class A license to exercise off–sale privileges on a certain number of additional Sundays during a calendar year; requiring that a certain license fee be paid before a certain time; increasing the number of Sundays during which certain Class D licensees may sell alcoholic beverages during a calendar year; making a certain stylistic change;"; in line 9, after "(d)(1)" insert "and 11–503(a)"; and in line 14, after "9–204.1(d)(2)" insert ", 11–403(a)(3), and 11–503(b)(2)(i)".

AMENDMENT NO. 2

On page 2, after line 24, insert:

"11–403.

(a) (3) (i) Except for the Class B Sunday off–sale license prohibition in the 47th alcoholic beverages district in Baltimore City as provided for in § 6–201(d) of this article, in Baltimore City a Class B and a Class C beer and light wine or beer, wine and liquor licensee may sell alcoholic beverages at a bar or counter on Sunday.

(ii) 1. Subject to the conditions provided in **SUBSUBPARAGRAPH 2 OF** this subparagraph **AND IN ADDITION TO SUBPARAGRAPH (III) OF THIS PARAGRAPH**, in Baltimore City, a holder of a Class A

retail alcoholic beverages license may exercise the off–sale license privilege on the Sundays that fall between Thanksgiving Day and New Year's Day from 1 p.m. to 9 p.m.

2. The holder of a Class A retail off–sale license may exercise the additional privilege authorized by this subparagraph in any year in which a supplementary license fee of $75 has been paid prior to October 1 for each day the additional privilege is to be exercised.

(III) 1. THE HOLDER OF A CLASS A RETAIL ALCOHOLIC BEVERAGES LICENSE IN BALTIMORE CITY MAY EXERCISE THE OFF–SALE PRIVILEGE ON TWO ADDITIONAL SUNDAYS DURING THE CALENDAR YEAR.

2. A HOLDER SHALL PAY A LICENSE FEE OF $75 AT LEAST 2 WEEKS BEFORE EACH TIME THE PRIVILEGE IS EXERCISED UNDER THIS SUBPARAGRAPH.

11–503.

(a) In Baltimore City an amusement license shall authorize the holder thereof to keep for sale and sell all alcoholic beverages at all hours except between the hours of 2 o'clock a.m. and 6 o'clock a.m. of each day.

(b) (2) (i) The Board may issue a supplemental license no more than **[**two**]** **FOUR** times during any calendar year to a holder of a Class D beer, wine and liquor license authorizing the holder to sell alcoholic beverages between the hours of 6 a.m. on Sunday and 1 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 952 – Senator Ramirez

AN ACT concerning

Prince George's County – Bladensburg – Alcoholic Beverages – Development District Licenses

SB0952/164138/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 952
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "– Bladensburg"; in line 3, after "Licenses" insert "and Board of License Commissioners Employees"; in line 11, after "conditions;" insert "altering a certain prohibition to provide that an employee of the Board of License Commissioners may own certain real property under certain circumstances;"; in line 12, after "in" insert "and employees of the Board of License Commissioners of"; after line 17, insert:

"BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–112(r)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)";

and in line 15, strike "and 9–217(f)(7)" and substitute ", 9–217(f)(7), and 15–112(r)(4)".

AMENDMENT NO. 2

On page 2, after line 27, insert:

"15–112.

(r) (1) This subsection applies only in Prince George's County.

(4) A commissioner, inspector, or employee of the Board may not:

(i) **1.** **[**Have**]** **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, HAVE** any interest, either proprietary or by means of any

loan, mortgage, or lien, or in any other manner, in or on any premises in this State where alcoholic beverages are manufactured or sold; and

[(ii)**]** **2.** Have any interest in any business wholly or partially devoted to the manufacture or sale of alcoholic beverages in this State, or own any stock in any corporation which has any interest, proprietary or otherwise, direct or indirect, in any premises in this State where alcoholic beverages are manufactured or sold or in any business wholly or partially devoted to the manufacture or sale of alcoholic beverages in this State.

(II) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (I)2 OF THIS PARAGRAPH, AN EMPLOYEE OF THE BOARD MAY OWN REAL PROPERTY IN THE STATE WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR SOLD.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Joint Resolution 7 – Delegates Cardin, Busch, Hixson, and Rosenberg

A House Joint Resolution concerning

Election Law – Commission to Study Campaign Finance Law

FOR the purpose of creating a Commission to Study Campaign Finance Law; specifying the composition, powers, and duties of the Commission; providing for the staffing of the Commission; requiring the Commission to report its findings and recommendations, including suggested legislative changes, to the Governor and the General Assembly by a certain date; providing for the termination of the Commission; and generally relating to the Commission to Study Campaign Finance Law.

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

INTRODUCTION OF BILLS

Senator DeGrange 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 DeGrange moved to suspend the rules to allow **Senate Bill 996** to be referred immediately.

The motion was adopted.

Senate Bill 996 – Senator DeGrange

AN ACT concerning

Sales and Use Tax – Machinery and Equipment – Energy Star Windows and Doors

FOR the purpose of exempting from the sales and use tax certain sales of certain machinery and equipment to be used for certain purposes and certain utilities used to operate the machinery or equipment; and generally relating to a sales and use tax exemption for certain machinery and equipment and the utilities used to operate the machinery or equipment.

BY adding to
Article – Tax – General
Section 11–210(e)
Annotated Code of Maryland
(2010 Replacement Volume)

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

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 997 – Senator Klausmeier

EMERGENCY BILL

AN ACT concerning

Baltimore County – Alcoholic Beverages – Expiration of Licenses – Extension for Casualty Loss

FOR the purpose of authorizing the Board of License Commissioners for Baltimore County under certain circumstances to extend an alcoholic beverages license for a certain time if the licensed premises is forced to close because of a casualty loss; authorizing the circuit court to extend a license under certain circumstances if the circuit court finds that extraordinary cause exists; requiring the licensee to resume active alcoholic beverages business operations under certain circumstances; making this Act an emergency measure; and generally relating to alcoholic beverages licenses in Baltimore County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 10–504(e)
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. 557)

ADJOURNMENT

At 1:02 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 11:00 A.M. on Friday, March 25, 2011.

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

The Senate met at 11:15 A.M.

Prayer by Command Chaplain Christilene Whalen, Naval Air Station Patuxent River, guest of Senator Dyson.

(See Exhibit A of Appendix III)

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

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

QUORUM CALL

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

(See Roll Call No. 559)

Maryland Day Greetings were presented by Governor Martin O'Malley.

The Maryland Day Address was presented by the Honorable Roy Dyson.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 4 – ~~Delegate Hubbard~~ Delegates Hubbard, Cullison, A. Kelly, Kipke, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, and V. Turner

AN ACT concerning

Public Health – Containers of Infant Formula Manufactured with Bisphenol–A – Prohibition

FOR the purpose of prohibiting the State from purchasing infant formula in containers containing a certain amount of bisphenol–A on or after a certain date; prohibiting the manufacture, sale, or distribution of certain ~~cans, jars, or other~~

containers of infant formula containing a certain amount of bisphenol–A on or after a certain date ~~if the cans, jars, or other containers contain a liquid, food, or beverage intended primarily for consumption by a child under a certain age; prohibiting the manufacture, sale, or distribution of sports water bottles containing bisphenol–A~~; requiring the Department of Health and Mental Hygiene to adopt certain regulations on or before a certain date; authorizing the Secretary of Health and Mental Hygiene to suspend implementation of certain provisions of this Act under certain circumstances; requiring the Department to make a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to containers of infant formula and bisphenol–A.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 24–304
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 145 – Delegates Hubbard, Barnes, Bobo, Branch, Braveboy, Costa, Cullison, Frush, Gaines, Holmes, Hucker, A. Kelly, Lee, Mizeur, Murphy, Nathan–Pulliam, Niemann, Oaks, Pena–Melnyk, Rosenberg, Ross, Tarrant, V. Turner, Valentino–Smith, Waldstreicher, Walker, ~~and Zucker~~ Zucker, Donoghue, Kipke, Morhaim, Pendergrass, and Reznik

AN ACT concerning

Health – Cadmium in Children's Jewelry – Prohibition

FOR the purpose of prohibiting a person, on or after a certain date, from manufacturing, selling, offering for sale, or distributing in the State certain children's jewelry that contains a certain amount of cadmium; ~~requiring~~ authorizing the ~~Department of Health and Mental Hygiene, in consultation with the~~ Department of the Environment~~,~~ to adopt certain regulations; providing that this Act does not apply to certain toys regulated under a certain federal law; defining certain terms; and generally relating to a prohibition on cadmium in children's jewelry.

~~BY adding to~~
~~Article – Health – General~~
~~Section 24–305~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2010 Supplement)~~

BY adding to
Article – Environment

Section 6–1401 through 6–1404 to be under the new subtitle "Subtitle 14. Cadmium in Children's Jewelry"
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 202 – Delegates Kaiser, Bobo, Cane, Carr, Clippinger, Frick, Gutierrez, Guzzone, Hixson, Ivey, Luedtke, McIntosh, A. Miller, Reznik, B. Robinson, Rosenberg, F. Turner, Waldstreicher, Washington, and Zucker

AN ACT concerning

Education – Discrimination Prohibited – Protected Classes

FOR the purpose of conforming provisions of law relating to discrimination in the employment of ~~teachers in the public schools~~ public school employees in the State to other provisions of State law governing discrimination in employment; and generally relating to protected classes of employees under provisions of law governing discrimination in the employment of ~~teachers in the public schools~~ public school employees in the State.

BY repealing and reenacting, with amendments,
Article – Education
Section 6–104
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 211 – Chair, Health and Government Operations Committee (By Request – Departmental – Human Relations Commission)

AN ACT concerning

Maryland Commission on Human Relations – Name Change

FOR the purpose of changing the name of the Maryland Commission on Human Relations to the Maryland Commission on Civil Rights; correcting cross–references to reflect the name change; providing that letterhead, business cards, and other documents reflecting the renaming of the Commission may not be used until all letterhead, business cards, and other documents already in print and reflecting the name of the Commission before the effective date of this

Act are used; and generally relating to changing the name of the Maryland Commission on Human Relations.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–355
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 2–202
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 2–307 and 12–202(h)
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 19–103(e), (g), and (h) and 19–116
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–2404, 10–107, 10–1103, and 20–101; and 20–201 to be under the amended subtitle "Subtitle 2. Commission on Civil Rights"
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 5–203 and 5–205(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 5–408
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 346 – Delegates Donoghue, Costa, Glenn, Haynes, Kach, Nathan–Pulliam, Pena–Melnyk, Tarrant, ~~and V. Turner~~ V. Turner, Bromwell, Cullison, Elliott, Frank, Hammen, A. Kelly, Kipke, Krebs, McDonough, Morhaim, Murphy, Oaks, Pendergrass, Ready, and Reznik

AN ACT concerning

Health – State Facilities and Residential Centers – Definition of Abuse ~~and Required Guidelines for Employees~~

FOR the purpose of altering certain definitions of "abuse" for purposes of certain reporting requirements by specifying that "abuse" does not include certain actions ~~taken by certain employees; requiring the Department of Health and Mental Hygiene to develop certain guidelines in consultation with certain employee organizations and to provide training on implementation of the guidelines to certain employees; requiring the Department to report to certain committees of the General Assembly on or before a certain date; requiring the Department to complete implementation of certain guidelines on or before a certain date~~ that comply with certain State and federal laws and certain Department policies; and generally relating to State facilities and residential centers.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 7–1005 and 10–705
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 363 – Delegates Simmons, Dumais, Kramer, and Lee

AN ACT concerning

Criminal Law – Manslaughter by Vehicle or Vessel – Criminal Negligence

FOR the purpose of making it a misdemeanor for a person to cause the death of another as a result of the person's driving, operating, or controlling a vehicle or vessel in a criminally negligent manner; establishing the circumstances under which a person is considered to act in a criminally negligent manner for purposes of this Act; establishing that it is not an offense under this Act for a person to cause the death of another as a result of the person's driving, operating, or controlling a vehicle or vessel in a negligent manner; establishing certain penalties; stating the intent of the General Assembly with respect to the interpretation of a certain term; defining a certain term; and generally relating to criminally negligent manslaughter by vehicle or vessel.

BY adding to
Article – Criminal Law
Section 2–210
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

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

House Bill 405 – Washington County Delegation

AN ACT concerning

Washington County – Alcoholic Beverages – Criminal History Records

FOR the purpose of requiring the Board of License Commissioners of Washington County to ~~obtain certain criminal records of an applicant~~ apply to the Criminal Justice Information System Central Repository for a state and national criminal history records check for each applicant for a new alcoholic beverages license or for a transfer of an existing license; requiring the Board to submit fingerprints of each applicant and certain fees to the Central Repository; requiring the Central Repository to forward certain information to the applicant and the Board; requiring the board to establish a fee to cover certain costs of obtaining an applicant's criminal records; providing that ~~criminal records obtained~~ certain information obtained from the Central Repository under this Act ~~are~~ is confidential, may be used only for licensing purposes, shall be kept in sealed envelopes and made available only to certain persons, and shall be destroyed on completion of their use; providing that the failure of the Federal Bureau of Investigation to provide requested criminal records by a certain date may not delay an applicant's scheduled hearing or the issuance of a license; authorizing an applicant to contest the contents of a certain written statement; requiring the board to adopt regulations to implement this Act and preserve the confidentiality of information obtained under this Act; defining certain terms; and generally relating to alcoholic beverages licenses in Washington County.

BY adding to
Article 2B – Alcoholic Beverages
Section 10–103(e)
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 437 – ~~Delegate Niemann~~ Delegates Niemann, Gilchrist, Beidle, Healey, and Glenn

AN ACT concerning

Real Property – Sales of New Homes – Minimum Visitability Features

FOR the purpose of requiring a ~~developer of new homes in a subdivision~~ home builder at the time of offering new homes in a subdivision for sale to ~~make available for inspection a model home that contains minimum visitability features and to~~ offer minimum visitability features as an option for purchase under certain circumstances; requiring a certain offer of minimum visitability features to be accompanied by a certain document and a certain drawing or photograph; defining certain terms; providing for the application of this Act; providing for a delayed effective date; and generally relating to minimum visitability features in the sale of new homes.

BY adding to
Article – Real Property
Section 10–801 to be under the new subtitle "Subtitle 8. Miscellaneous Provisions"
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 444 – Delegate Nathan–Pulliam

AN ACT concerning

Health Insurance – Provider Panels – Notice of Receipt of Application

FOR the purpose of requiring certain health insurance carriers that receive a complete application from a health care provider that seeks to participate on a provider panel of a carrier to notify the health care provider that the application is complete; requiring, under certain circumstances, notice to be given to a health care provider at a certain address and within a certain period of time; requiring, under certain circumstances, that the notice from a certain credentialing system be considered notice that an application is complete; providing that certain provisions of this Act do not apply to a certain carrier until the Maryland Insurance Commissioner makes a certain certification; defining a certain term; clarifying certain language; and generally relating to participation of health care providers on provider panels of health insurance carriers.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–112(a)(1), (4), (9), and (10)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–112(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 560 – ~~Delegate Hubbard~~ Delegates Hubbard, Pendergrass, and V. Turner

AN ACT concerning

Polysomnography – Technologists ~~and Technicians – Licensing Requirements~~ Licensure

FOR the purpose of ~~establishing a polysomnographic technician license; requiring the State Board of Physicians to set certain fees regarding the licensing of polysomnographic technicians; altering the duties of the Polysomnography Professional Standards Committee; altering certain education requirements to qualify for a polysomnographic technologist license; providing for the qualifications for a polysomnographic technician license; requiring the Board to waive certain education requirements for certain applicants for a polysomnographic technologist license under certain circumstances; providing that a certain applicant who qualified for a polysomnographic technician license under certain circumstances is entitled to be licensed for a single term under certain circumstances; providing for the scope of a license to practice polysomnography as a polysomnographic technician; prohibiting the Board from renewing the license of a polysomnographic technician; prohibiting a licensed polysomnographic technician from surrendering or allowing a license to lapse under certain circumstances; defining certain terms; making certain conforming changes~~ 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; and generally relating to licensing requirements for polysomnographic technologists ~~and technicians~~.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section ~~14–5C–01, 14–5C–04, 14–5C–07, 14–5C–09, 14–5C–13, 14–5C–14, 14–5C–16, and 14–5C–18~~ 14–5C–08 and 14–5C–10
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

~~BY adding to~~
~~Article – Health Occupations~~
~~Section 14–5C–10.1 and 14–5C–10.2~~
~~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 632 – Delegates Mizeur, Barkley, Bobo, Carr, Dumais, Frick, Gilchrist, Hixson, Ivey, Lafferty, Luedtke, A. Miller, Murphy, Reznik, Rosenberg, Ross, ~~and F. Turner~~ F. Turner, and Howard

AN ACT concerning

Earned Income Credit Information Act

FOR the purpose of requiring the Comptroller to publish certain information relating to eligibility for the State earned income tax credit; requiring the Comptroller to prepare and make available to employers of the State a certain notice; requiring an employer to provide certain notification to an employee who may be eligible for the State earned income tax credit; providing that an employee may not pursue a private cause of action against an employer for the employer's failure to provide certain notice; providing for the effective date of this Act; and generally relating to employee notification of the State earned income tax credit.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–905(a), (b), and (f)
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article – Tax – General
Section 10–913
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 714 – Delegates Hucker, Barkley, Cullison, Dwyer, Feldman, Frush, Gaines, Gilchrist, Holmes, Jameson, Kaiser, A. Kelly, Kramer, Niemann, Reznik, S. Robinson, Summers, V. Turner, Valentino–Smith, and Waldstreicher

AN ACT concerning

Health – Newborn Screening Program – Critical Congenital Heart Disease

FOR the purpose of requiring ~~that the Department of Health and Mental Hygiene's Newborn Screening Program include screening for critical congenital heart disease~~ the Department of Health and Mental Hygiene to adopt certain federal recommendations on critical congenital heart disease screening in newborns under certain circumstances; requiring the State Advisory Council on Hereditary and Congenital Disorders to develop certain recommendations for critical congenital heart disease screening of newborns in the State; requiring the Advisory Council to convene certain experts to provide certain information; requiring the Advisory Council to examine the impact of implementing mandatory critical congenital heart disease screening; requiring the Advisory Council to review certain studies and literature; requiring the Advisory Council to submit a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to the State Advisory Council on Hereditary and Congenital Disorders and newborn screening for critical congenital heart disease.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 13–111
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 736 – Delegates Tarrant, Bromwell, Costa, Cullison, Elliott, Frank, Kach, A. Kelly, Krebs, Morhaim, Murphy, Nathan–Pulliam, Pena–Melnyk, Ready, Reznik, ~~and V. Turner~~ V. Turner, Donoghue, Hammen, Hubbard, Kipke, McDonough, Oaks, and Pendergrass

AN ACT concerning

Electronic Health Records – Incentives for Health Care Providers – Regulations

FOR the purpose of ~~exempting a certain group model health maintenance organization from the definition of "carrier" for purposes of certain regulations relating to electronic health records; requiring certain regulations relating to electronic health records to require incentives for the adoption and use of electronic health records for each of certain types of health care providers; requiring certain regulations to permit certain health care providers to specify to a State-regulated payor the form of incentive the health care provider will receive; requiring certain regulations to include an option for the health care provider to specify that the incentive shall be limited to a certain monetary payment~~ 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 regulations to allow a State–regulated payor to request certain information and, under certain circumstances, reduce an incentive amount; authorizing the Maryland Health Care Commission to audit a State–regulated payor and a health care provider and, under certain circumstances, request corrective action; requiring the Commission to conduct a certain study and report on its findings to certain committees of the General Assembly on or before a certain date; and generally relating to electronic health records.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–142(a), (b), (c), (d), (e), and (h)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section ~~19–142(b) and~~ 19–143(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 784 – Delegates Pendergrass, Costa, Elliott, Kach, A. Kelly, Kipke, Nathan–Pulliam, Pena–Melnyk, ~~and Tarrant~~ Tarrant, Bromwell, Cullison, Donoghue, Frank, Hammen, Hubbard, McDonough, Morhaim, Murphy, Oaks, Ready, Reznik, and V. Turner

AN ACT concerning

Medical Records – Health Information Exchanges

FOR the purpose of ~~authorizing~~ requiring the Maryland Health Care Commission to adopt regulations for the privacy and security of protected health information obtained or released through a health information exchange by certain persons; requiring the regulations to include protections for the secondary use of certain protected information; providing that the regulations may not apply to protected health information exchanged between and among certain persons; requiring the Commission to consult with certain persons before adopting the regulations; establishing certain limitations on the sale of data obtained or released through a health information exchange; requiring certain ~~payors that release protected health information through a health information exchange to certain health care providers to connect and provide the protected health information electronically to the health information exchange designated by the Commission and the Health Services Cost Review Commission under a certain provision of~~

~~law~~ entities to connect to the State designated exchange and respond to certain requests for clinical information transmitted through the exchange in a certain manner; providing that a certain consent applies to information transmitted through the State designated exchange or by other means; authorizing the Commission to adopt certain regulations relating to the State designated exchange; providing for the effect of certain provisions of this Act; providing that the existence of a health information exchange does not, in itself, ~~change a certain standard of care for obtaining or releasing protected health information; providing that, in certain actions, a health information exchange or a health care provider may not be held liable based solely on certain actions relating to a health information exchange, except under certain circumstances; providing that certain provisions of this Act do not~~ create a new cause of action against a health information exchange or a health care provider; defining certain terms; and generally relating to obtaining and releasing protected health information through a health information exchange.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 4–301
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Health – General
Section 4–302.2, 4–302.3, and 4–302.4
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 890 – Delegates Kach, Lafferty, and Olszewski

AN ACT concerning

Land Preservation – Land Draining to a Reservoir

FOR the purpose of requiring ~~the Maryland Agricultural Land Preservation Foundation to prioritize certain grants relating to the preservation of land that drains into a reservoir in the State~~ a local governing body to consider whether certain land drains into a reservoir in the State in prioritizing certain applications to sell certain easements under the Maryland Agricultural Land Preservation Program; adding to the list of land conservation priorities that the Secretary of Natural Resources is required to consider in allocating the State's share of funds under Program Open Space; and generally relating to the priorities for land preservation and conservation under the Maryland Agricultural Land Preservation Program and Program Open Space.

~~BY repealing and reenacting, without amendments,~~
~~Article – Agriculture~~
~~Section 2–505(a)~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2010 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Agriculture
Section ~~2–505(c)~~ 2–508
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 5–903(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–903(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 917 – ~~**Delegate McMillan**~~ **Delegates McMillan and Stocksdale**

AN ACT concerning

Real Property – Residential Leases – Interest on Security Deposits

FOR the purpose of altering the interest rate paid on a security deposit under a residential lease at the end of a tenancy; altering the interest rate paid on a security deposit under a residential lease when an evicted or ejected tenant makes a timely written demand for return of the security deposit; requiring the Department of Housing and Community Development to maintain a certain list on its Web site; providing for the application of this Act; providing for a delayed effective date; and generally relating to the interest paid on security deposits under residential leases.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8–203(e) and (h)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY adding to
Article – Real Property
Section 8–203(k)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

House Bill 1004 – Delegates Weir and Norman

AN ACT concerning

Real Property – Landlord and Tenant – Breach of Lease

FOR the purpose of reducing the amount of written notice that a landlord must give to evict a tenant if a breach of the lease involves behavior by the tenant or a certain other person that ~~disturbs the public peace~~ is an act prohibited under a certain law under certain circumstances; making stylistic changes; and generally relating to the breach of a lease by a tenant.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–201(c)
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8–402.1(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

House Bill 1085 – Delegates Pena–Melnyk, Braveboy, Frank, Frick, Frush, Hubbard, A. Kelly, Kipke, Mizeur, Nathan–Pulliam, Oaks, and V. Turner

AN ACT concerning

~~Life or Health~~ Disability Insurance Policies ~~and Annuity Contracts~~ – Discretionary Clauses – Prohibition

FOR the purpose of prohibiting the use of certain clauses in ~~certain life or health~~ disability insurance policies ~~or annuity contracts~~; ~~providing that certain clauses in certain insurance policies or annuity contracts are void and unenforceable;~~

defining a certain term; providing for the application of this Act; and generally relating to ~~life or health~~ disability insurance policies ~~and annuity contracts~~.

~~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 12–211
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

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

House Bill 1105 – Prince George's County Delegation

AN ACT concerning

Prince George's County – School Facilities ~~Surcharge for~~ Surcharge – Replacement of Existing Single–Family Dwelling Unit
PG 408–11

FOR the purpose of ~~altering~~ repealing certain conditions on the applicability of the Prince George's County school facilities surcharge exemption for a replacement single–family dwelling unit built on the same lot as a previously existing single–family dwelling unit ~~by repealing provisions limiting the exemption to dwellings destroyed by fire, explosion, or natural disaster; providing for the retroactive application of this Act~~; defining a certain term; and generally relating to the applicability of the school facilities surcharge in Prince George's County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Prince George's County
Section 10–192.01
Article 17 – Public Local Laws of Maryland
(2003 Edition and 2005 Supplement, as amended)
(As enacted by Chapter 431 of the Acts of the General Assembly of 2003, Chapter 166 of the Acts of the General Assembly of 2007, and Chapter 108 of the Acts of the General Assembly of 2008)

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

House Bill 1237 – Delegates McDermott and Conway

AN ACT concerning

Worcester County – Department of Liquor Control – ~~Purchases from Wholesalers~~ Wine and Liquor Purchasing Option

FOR the purpose of abolishing the Liquor Control Board for Worcester County and replacing it with the Worcester County Department of Liquor Control; specifying that the Department is a department of the county government ~~under the general supervision of the chief administrative officer~~; specifying that the Department has certain powers; requiring the Board of County Commissioners to appoint the director of the Department; specifying that the director shall be the chief administrative officer of the Department; authorizing the director of the Department, subject to the approval of the Board of County Commissioners, to purchase or otherwise acquire certain alcoholic beverages and certain other property; specifying a certain maximum amount that a licensee may be charged by the Department for certain alcoholic beverages; repealing the minimum price for certain merchandise that the Department must charge to licensees; authorizing an alcoholic beverages licensee in the county, beginning on a certain date, to elect to purchase wine or liquor from a licensed wholesaler in addition to or instead of from the Department; requiring a licensee to provide written notice within a certain time to the Department; ~~providing for an annual fee;~~ requiring that the notice contain certain information; requiring that the Department issue ~~a~~, to the licensee, a letter of confirmation; requiring that a licensee display the letter conspicuously on the licensed premises; providing that the title to certain property, including appropriations, credits, assets, liabilities, contracts, and obligations of the Liquor Control Board, is continued as the title to property of the Department; ~~providing for employees of the Liquor Control Board who accept employment with the Department;~~ providing that a person granted certain authorization by the Liquor Control Board is considered by the Department to maintain that authorization; providing for the correction of certain cross–references under certain circumstances; defining certain terms; and generally relating to the Worcester County Department of Liquor Control.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(y)(1), 6–301(y)(1), 6–401(y)(1), and 8–224(a) ~~and (g)(2)~~
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(y)(7), 6–301(y)(8), 6–401(y)(2)(vi), ~~8–224(g)(3)~~ 8–224(g), 8–603(d), 15–201(a), (b)(1), (e)(2), and (j), 15–202, and 15–205(l)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing
Article 2B – Alcoholic Beverages
Section ~~8–224(g)(4) and~~ 15–201(d)(5), ~~(e)(2)(iv),~~ (h)(7), (i)(2), and (l)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 15–201(c)(5) and 15–204(e)
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 1253 – Chair, Environmental Matters Committee (By Request – Departmental – Community Initiative)

AN ACT concerning

Commission on African American History and Culture – Members and Duties

FOR the purpose of altering the number of members of the Commission on African American History and Culture; altering the duties of the Commission; specifying the terms of certain members of the Commission; and generally relating to the Commission on African American History and Culture.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9.5–403 and 9.5–407
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 1274 – Charles County Delegation

AN ACT concerning

Charles County – Alcoholic Beverages – Class B–Stadium (Baseball Stadium) On–Sale Beer, Wine and Liquor License

FOR the purpose of altering a Class B–Stadium (baseball stadium) beer and light wine license in Charles County to be a Class B–Stadium (baseball stadium) on–sale beer, wine and liquor license; allowing a patron to consume and carry

beer and wine anywhere on the premises of the baseball stadium; allowing a patron to consume liquor only in the enclosed stadium dining area or bar and prohibiting a patron from carrying liquor out of the enclosed stadium dining area or bar; authorizing the Charles County Board of License Commissioners to adopt certain regulations; and generally relating to the issuance of a Class B–Stadium (baseball stadium) on–sale beer, wine and liquor license in Charles County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(j)(6)
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 1276 – Delegates Vallario, Alston, Anderson, Arora, Barnes, Carter, Clippinger, Cluster, Conaway, Dumais, Dwyer, Hough, Howard, Ivey, K. Kelly, Lee, McComas, McDermott, Mitchell, Niemann, Oaks, Parrott, Rosenberg, Simmons, Smigiel, Summers, Valderrama, Valentino–Smith, Vaughn, Waldstreicher, Barkley, Frank, Frick, Hixson, Hucker, Kach, Kaiser, A. Kelly, Krebs, Luedtke, A. Miller, Mizeur, Ready, Reznik, Sophocleus, Stein, ~~and Wilson~~ Wilson, Eckardt, Afzali, George, Haddaway–Riccio, McMillan, W. Miller, and Stocksdale

AN ACT concerning

Vehicle Laws – Expansion of Ignition Interlock System Program

FOR the purpose of expanding participation in the Ignition Interlock System Program by authorizing certain individuals who have committed a certain alcohol–related administrative offense to be participants under certain circumstances; requiring the Motor Vehicle Administration to establish the Program in accordance with certain statutory provisions; requiring rather than authorizing the Administration to establish a certain protocol; expanding participation in the Program by requiring certain individuals to participate in the Program for certain periods of time and successfully complete the Program as a condition of modification of a license suspension or revocation and issuance of a restrictive license; requiring the Administration to impose a certain license restriction for certain periods of time under certain circumstances; requiring the Administration to suspend for certain periods of time ~~or revoke~~ the licenses of certain individuals who refuse to participate in or fail to successfully complete the Program; providing for reconsideration of entry in the Program under certain circumstances; requiring the Administration to establish a certain fee; requiring individuals in the Program to be monitored by the Administration and to pay a certain fee under certain circumstances; requiring certain service

providers to demonstrate a certain ability under certain circumstances; providing that certain Program participation under this Act shall be concurrent with Program participation under any other provision of the Maryland Vehicle Law; providing that an individual who is removed from the Program may reenter the Program under certain circumstances; establishing a criminal prohibition of a participant in the Program driving a vehicle without an ignition interlock system; providing for certain penalties; providing for certain administrative procedures; establishing that certain information provided to the Administration is sufficient for the Administration to exercise its authority to allow a participant in the Program to operate a motor vehicle owned or provided by the person's employer in the course of employment without an ignition interlock system under certain circumstances; clarifying language; ~~defining certain terms;~~ and generally relating to the Ignition Interlock System Program.

BY renumbering
Article – Transportation
Section 16–205.1(o)
to be Section 16–205.1(q)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 16–113(b)(1) and (4), 16–205(f)(1), 16–404(c)(3), 21–902(a)(1) and (2) and (b)(1), and 27–107(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing
Article – Transportation
Section 16–205.1(n)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Transportation
Section 16–113(k) and 16–205.1(n), (o), and (p)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–205.1(b)(3)(viii)3., 16–404(c)(2), 16–404.1, 27–101(h), and 27–107(g)(2)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1292 – ~~Delegate Costa~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Licenses and Fees

FOR the purpose of altering certain alcoholic beverages license fees in Anne Arundel County; establishing a Class WT wine tasting (on–premises) license in Anne Arundel County; establishing a certain administrative fee; specifying the scope of a certain administrative fee; requiring the Anne Arundel County Board of License Commissioners to determine the fee for a certain license; altering a certain exception relating to a certain prohibition against the playing of live music by holders of alcoholic beverage licenses or club licenses; establishing a special entertainment license in Anne Arundel County; authorizing the Board of License Commissioners to issue a special outdoor entertainment license to a holder of a special entertainment license; ~~altering a certain provision of law relating to the reimbursement for certain expenses incurred by members of the Board of License Commissioners;~~ altering a certain definition; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; making stylistic changes; and generally relating to the issuance of alcoholic beverage licenses in Anne Arundel County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 5–101(a)(1), 5–201(a)(1), 5–202(b)(1), 5–301(a)(1), 5–401(a)(1), 6–101(a)(1), 6–201(a)(1), 6–301(a)(1) and (c)(5)(i), (6)(i), and (7)(i), 7–101(b)(1)(i), 8–202(e)(1), (h)(1), and (i)(1), ~~and~~ 8–202.1(c)(1), and 15–109(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 5–101(c)(1), 5–201(c)(2), 5–202(d), 5–301(c), 5–401(c)(1), 6–101(c), 6–201(c), 6–301(c)(2), (5)(ii), (6)(ii), and (7)(ii), 6–401(c), 7–101(b)(2) and (d)(2), 8–202(d)(5), (e)(3), (h)(4)(i), and (i)(4)(i), 8–202.1(f), 8–302(a), 8–402(c), (f), and (g), 10–104(c)(1), 10–502(a), and 12–202(a)~~, and 15–109(c)~~
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–402(f) and 10–502(e)
Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–402(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)
(As enacted by Chapter 444 of the Acts of the General Assembly of 2010)

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

House Bill 1334 – Delegates McDermott and Conway

AN ACT concerning

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

FOR the purpose of allowing a holder of a Class D beer license in the Town of Berlin in Worcester County to be issued a Class 7 micro–brewery license by the Comptroller under certain circumstances; specifying the hours for certain consumer sales; making a stylistic change; and generally relating to micro–breweries in Worcester County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–208
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 70 – The Speaker (By Request – Administration)

Budget Bill

Fiscal Year 2012

AN ACT for the purpose of making the proposed appropriations contained in the State Budget for the fiscal year ending June 30, 2012, in accordance with Article III, Section 52 of the Maryland Constitution; and generally relating to appropriations and budgetary provisions made pursuant to that section.

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

House Bill 72 – The Speaker (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2011

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; authorizing certain units of government to charge a certain fee for certain purposes; ~~repealing~~ altering certain requirements for a certain notice relating to abandoned property to be published in certain newspapers; requiring the Comptroller to maintain, or cause to be maintained, an abandoned property database containing the names and last known addresses, if any, of persons listed in certain reports; requiring the Comptroller to maintain, or cause to be maintained, a certain Internet website relating to the abandoned property database; requiring the Comptroller to publish certain notices of a certain Internet website; altering the distribution of certain moving violation surcharges; altering the amount of a certain surcharge imposed for recording certain instruments for certain fiscal years; altering ~~a certain fee~~ certain fees imposed on persons supervised by the Division of Parole and Probation; 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; altering the calculation of certain State aid to community colleges; altering the calculation of certain State aid to certain nonpublic institutions of higher education; prohibiting new awards under a certain scholarship program and abolishing the program by a certain date; ~~altering the payment schedule for certain developmental disabilities providers; 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 certain hospital assessments for certain purposes~~ establishing a Need–based Student Financial Assistance Fund as a special, non–lapsing fund to be administered by the Commission; altering the amount of the fee collected by the Department of Health and Mental Hygiene for certain certificates and reports; altering the amount of certain fees collected by local health departments required to be transferred to the General Fund of the State; requiring the Department of Health and Mental Hygiene to ensure that certain publicly operated hospitals pay certain assessments comparable to certain assessments imposed on certain hospitals; altering certain provisions relating to certain hospital assessments; requiring the Health Services Cost Review Commission for a certain fiscal year to approve a combination of hospital assessments and remittances in a certain amount for certain purposes; requiring the Commission and the Department to adopt certain policies that will provide at least a certain amount from certain revenues and certain

savings; altering a certain quality assessment on certain nursing facilities; repealing the sunset date for the quality assessment paid by certain nursing facilities; removing a certain limitation applicable to certain counties on the amount of certain license fees authorized to be imposed by the counties for certain licenses for food establishments; making the Injured Workers' Insurance Fund subject to the premium tax; altering certain provisions relating to certain requirements that certain nonprofit health service plans use certain funds for certain purposes under certain circumstances; requiring that certain information be included in a certain plan prior to approval by the Department of Information Technology; providing that certain proceeds derived from certain sales by the Department of State Police be allocated to the State Annuity Bond Fund; authorizing the Maryland Environmental Service to establish certain project reserve funds; prohibiting the Service from retaining more than certain amounts in the project reserve funds; requiring the reversion of certain excesses to certain funds; 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; requiring that the health insurance benefit option for retirees include a certain prescription drug benefit; altering eligibility in the State Employees and Retirees Health and Welfare Benefits Program for certain retirees who begin State service on or after a certain date and their surviving spouses or dependent children; ~~authorizing~~ requiring 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; setting a certain limit on a certain amount paid by the State to certain funds of the State Retirement and Pension System; requiring the Board of Trustees for the State Retirement and Pension System to certify certain information to the Governor and the Secretary of Budget and Management on or before certain dates; requiring the Governor to include certain amounts in the budget bill for payment to the State Retirement and Pension System; establishing a certain reformed contributory pension benefit for new and certain returning 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~~ State Retirement and 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; providing that employees of certain participating governmental units

participating in the State Retirement and Pension System are not subject to a certain reformed contributory pension benefit; 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 the number of years of eligibility service required for certain members of the State Police Retirement System to become eligible to receive certain retirement benefits; 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 Law Enforcement Officers' Pension System; altering the interest rate that certain benefits earn 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~~ State Retirement and Pension System; providing for a certain cost–of–living adjustment for members of the ~~Employees' Pension System and the Teachers' Pension System~~ State Retirement and 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; clarifying that certain members of the State Reformed Contributory Employees' Pension System or the State Reformed Contributory Teachers' Pension System may transfer certain service credit in a certain manner; 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; providing that certain administrative and operational expenses of the Board of Trustees of the State Retirement and Pension System and the State Retirement Agency shall be paid by certain employers in a certain manner and may not be transferred from certain funds; requiring the Board of Trustees to determine and certify to the State and certain employers certain amounts payable; requiring the Governor to include a certain amount certified by the Board of Trustees in the annual budget bill; providing for the manner of payment of certain administrative and operational expenses of the Board of Trustees by certain employers; requiring the Comptroller to exercise the right of setoff against any money due or becoming due to certain employers under certain circumstances; altering certain provisions relating to a certain credit allowed to vendors for collecting and paying the sales and use tax; requiring the counties and Baltimore City to share certain costs of administering the Department of Assessments and Taxation; authorizing the Comptroller to withhold the distribution of certain local income tax revenue to a county or Baltimore City under certain circumstances; altering the calculation of a certain mandatory property tax credit for certain property located in certain enterprise zones; authorizing the governing body of a county or of a municipal corporation

to grant, by law, a local supplement to a certain mandatory property tax credit for certain property located in certain enterprise zones; providing that a county or municipal corporation may not obtain reimbursement from the State for the revenues that would have been collected if a certain local supplement had not been granted; prohibiting the transfer or diversion of funds in the Transportation Trust Fund unless certain legislation is enacted prior to the transfer or diversion; altering certain provisions relating to the funding of a certain highway; altering the pledging of certain revenues for certain purposes; providing that certain altered distributions of certain revenues do not apply until certain bonds are no longer outstanding and unpaid, except under certain circumstances; requiring the Maryland Transit Administration to include certain information in a certain report; requiring the Administration to set certain fares for certain transit services at an amount sufficient to achieve a certain farebox recovery requirement; requiring the Maryland Aviation Administration Fire Rescue Service to charge a certain ambulance transport fee; altering the distribution of certain highway user revenues ~~for a certain fiscal year; requiring certain tax clearance verification before registration or renewal of~~; altering certain limitations and requirements relating to certain miscellaneous fees that the Motor Vehicle Administration is authorized to set; altering the amount of certain fees related to motor vehicles; altering certain provisions relating to a certain fee for certain vehicle emissions inspections; prohibiting the Motor Vehicle Administration from renewing or transferring the registration of a motor vehicle~~; requiring certain tax clearance verification before issuance or renewal of~~ under certain circumstances; prohibiting the Administration from renewing a driver's license under certain circumstances; requiring the Administration to cooperate with the Comptroller and the Department of Labor, Licensing, and Regulation to develop certain procedures and adopt certain regulations; ~~requiring the Motor Vehicle Administration to assess certain fees against certain licensees under certain circumstances; requiring the Administration to send a notice to an individual subject to a certain fee; requiring the suspension of an individual's driver's license unless the individual pays a certain fee; providing for the distribution of certain fees assessed by the Administration; requiring a court to provide a certain notice to a certain defendant; repealing certain credits allowed against certain taxes for the purchase of Maryland–mined coal;~~ delaying a certain requirement for the State Department of Education to conduct a certain study of the adequacy of education funding in the State; requiring the study to incorporate certain standards and certain results from certain assessments; 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;~~ providing that certain retirees of the State Retirement Agency may be exempt from a certain earnings offset for a certain period of time if they are reemployed by the State Retirement Agency in a certain manner; 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; providing that if certain

institutions of higher education create a certain voluntary separation program, the institutions shall provide that certain positions be abolished and may not recreate certain positions and certain funds appropriated for a certain fiscal year shall be transferred to the General Fund; requiring the transfer of certain funds to the General Fund ~~to reimburse the State for certain State administrative expenses~~, subject to certain contingencies; requiring the Maryland Insurance Administration to work with the Health Services Cost Review Commission and the Maryland Health Care Commission to develop a mechanism for identifying hospital rate adjustments and assessments as components in a certain process, take into account in its work certain items, and report its findings and recommendations to the Governor and the General Assembly on or before a certain date; 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 and reenacting, with amendments,
Article – Commercial Law
Section 15–607 ~~and~~, 17–311, and 17–317(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 7–702(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 7–301(f) and 13–604(a)
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 repealing and reenacting, with amendments,
Article – Education

Section 5–202(a)(13), 5–206(f)(1), 11–105(o), 16–305(c)(1)(i), 16–310(d)(1), 17–104(a)(1), 18–107, 23–205(c) and (d), and 23–503(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY adding to
Article – Education
Section 8–507 ~~and~~, 18–1107, and 22–306.1
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~~
~~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 and reenacting, with amendments,
Article – Health – General
~~Section 7–306.1(d), 14–402(a), 14–411, 19–214(b) through (e), and 19–310.1(b)~~
Section 4–217(c)(1) and (3), 19–214(d)(2)(i) and (e), 19–310.1(b), and 21–308(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~~
Section 15–702
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 6–101(a)
Annotated Code of Maryland
(2003 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 10–105(a)
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 (e)~~
Section 3–103(h), 5–212(g), 5–212.1(g), and 5–903(a)(2)(v)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 3A–308(g), 3A–309(e) ~~and~~, 6–226(a), and 10–306(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – State Personnel and Pensions
Section ~~2–508(b)(3)~~ 2–508(c) and (d), 20–101(hh–1), 20–205.1, ~~23–212(d) and (e), 23–221(d)~~ 21–316, 23–212(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)~~ 29–302(b–1), 29–303(b–1); 29–430 through 29–432 to be under the new part "Part VII. Three/One Percent Compound Adjustment"; ~~and 31–116.2~~ 29–435 and 29–436 to be under the new part "Part VIII. Three/One Percent Compound Combination Adjustment"; 31–116.2, and 37–101(r–1) and (r–2)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2–508(b) and (c), 2–509, 2–509.1, 2–516, 20–101(g) and (bb), ~~20–205(a), 21–304(e) and (f),~~ 20–204, 20–205(a), 21–302(b), 21–303(d), 21–304(a)(2), (b), (e), and (f), 21–308(a), ~~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)~~ 23–212(c), 23–401(a) and (b), 23–402, 24–401(a), 24–401.1(c), (d), and (h)(2), 26–204(a), 26–401.1(h)(2), 27–202, 29–302(b), 29–303(b), 29–410, 29–425, 34–101(d), 37–101(j), 37–203(a), 37–203.1(a), (b)(1) and (3)(i)1., (c)(1), and (d)(1), and 38–104(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 29–302(a) and 29–303(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–202(b), 2–614, 2–1104, 2–1302.1, 2–1303, and 11–105(c)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing
Article – Tax – General
Section 2–1302.2
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 2–106 and 9–103(d)(1) and (4)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY adding to
Article – Tax – Property
Section 9–255
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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 3–215(b), 4–321(e) ~~and 8–402(c)(2)~~, 7–208(b), 8–402(c), and 8–403
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY adding to
Article – Transportation
Section 3–217, 5–415, and 7–208(b–1)
Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Transportation~~
~~Section 12–120(a), 13–406(9) and (10), and 16–103.1(11) and (12)~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2010 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Transportation
Section 12–120, 13–613(b), 13–802, and 23–205
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Transportation
~~Section 13–406(11), 16–115(j); and 16–1001 through 16–1003 to be under the new subtitle "Subtitle 10. Assessment of Fees"~~
Section 13–406.2 and 16–115(j)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Chapter 288 of the Acts of the General Assembly of 2002
Section 7

BY repealing and reenacting, with amendments,
Chapter 503 of the Acts of the General Assembly of 2007
Section 6

BY repealing
Article – Education
Section 18–1101 through 18–1107 and the subtitle "Subtitle 11. Distinguished Scholar Programs"
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

~~BY repealing~~
~~Article – Education~~
~~Section 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 – Tax – General~~
~~Section 8–406(b) and 10–704.1~~

~~Annotated Code of Maryland~~
~~(2010 Replacement Volume)~~

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

LAID OVER BILLS

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

Senate Bill 183 – The President (By Request – Administration) and Senators Middleton, Benson, Forehand, Frosh, Garagiola, King, Klausmeier, Madaleno, Manno, Mathias, Montgomery, Pinsky, Ramirez, Raskin, and Rosapepe

AN ACT concerning

Health Insurance – Conformity with Federal Law

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (9) AND THE FAVORABLE REPORT.

SB0183/377072/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 183
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after the semicolon, insert "requiring the Commissioner to file certain documents in a court in which a certain appeal is pending;"; in the same line, after the second "certain" insert "health insurance coverage issued or delivered by certain"; in line 10, after "requiring" insert "certain health insurance coverage issued or delivered by"; in line 15, after "timeframes," insert "notices,"; and in line 16, after the semicolon, insert "requiring the Commissioner to seek advice from certain independent review organizations or certain medical advisors on certain complaints; altering the information that a certain independent review organization must submit to the Commissioner;".

On page 2, in line 11, after "2–215(a)" insert ", (b), (d), and (g)"; in line 16, after "15–10A–01(m)," insert "15–10A–04(e),"; and in line 22, after "15–10A–04(a)" insert ", 15–10A–05".

AMENDMENT NO. 2

On page 3, in line 24, strike "**TITLE 15, SUBTITLE 10A**" and substitute "**§ 15–10A–04**"; and after line 25, insert:

"(b) An appeal under this subtitle may be taken by:

(1) a party to the hearing; **[**or**]**

(2) an aggrieved person whose financial interests are directly affected by the order resulting from a hearing or refusal to grant a hearing**; OR**

(3) A PARTY TO THE DECISION ISSUED UNDER § 15–10A–04 OF THIS ARTICLE.

(d) To take an appeal, a person shall file a petition for judicial review with the appropriate circuit court within 30 days after:

(1) the order resulting from the hearing was served on the persons entitled to receive it;

(2) the order of the Commissioner denying rehearing or reargument was served on the persons entitled to receive it; **[**or**]**

(3) the refusal of the Commissioner to grant a hearing**; OR**

(4) THE DECISION ISSUED UNDER § 15–10A–04 OF THIS ARTICLE WAS SERVED ON THE PERSONS ENTITLED TO RECEIVE IT.

(g) (1) In an appeal of an order resulting from a hearing, after receiving a copy of the petition for judicial review and within the time specified in the Maryland Rules, the Commissioner shall file in the court in which the appeal is pending:

(i) a copy of the order of the Commissioner from which the appeal is taken;

(ii) a complete transcript, certified by the Commissioner, of the record on which the order was issued; and

(iii) all exhibits and documentary evidence introduced at the hearing.

(2) In an appeal of a refusal by the Commissioner to grant a hearing, within the time specified in the Maryland Rules, the Commissioner shall file in the court in which the appeal is pending certified copies of all documents on file with the Commissioner that directly relate to the matter on appeal.

(3) IN AN APPEAL OF A DECISION ISSUED UNDER § 15–10A–04 OF THIS ARTICLE, AFTER RECEIVING A COPY OF THE PETITION FOR JUDICIAL REVIEW AND WITHIN THE TIME SPECIFIED IN THE MARYLAND RULES, THE COMMISSIONER SHALL FILE IN THE COURT IN WHICH THE APPEAL IS PENDING:

(I) A COPY OF THE DECISION OF THE COMMISSIONER FROM WHICH THE APPEAL IS TAKEN;

(II) A COPY OF THE REPORT OF THE INDEPENDENT REVIEW ORGANIZATION OR MEDICAL EXPERT; AND

(III) ALL DOCUMENTARY EVIDENCE PROVIDED TO THE COMMISSIONER AND THE INDEPENDENT REVIEW ORGANIZATION OR MEDICAL EXPERT THAT DIRECTLY RELATES TO THE MATTER ON APPEAL.".

AMENDMENT NO. 3

On pages 3 and 4, strike beginning with "**FEDERAL**" in line 28 on page 3 down through "**STATE**" in line 6 on page 4 and substitute "**AFFORDABLE CARE ACT APPLY TO INDIVIDUAL HEALTH INSURANCE COVERAGE AND HEALTH INSURANCE COVERAGE OFFERED IN THE SMALL GROUP AND LARGE GROUP MARKETS, AS THOSE TERMS ARE DEFINED IN THE FEDERAL PUBLIC HEALTH SERVICE ACT, ISSUED OR DELIVERED IN THE STATE BY AN AUTHORIZED INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION**".

On page 4, in line 21, after "**(B)**" insert "**THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION DO NOT APPLY TO COVERAGE FOR EXCEPTED BENEFITS, AS DEFINED IN 45 C.F.R. § 146.145(C).**

(C)".

AMENDMENT NO. 4

On page 5, strike in their entirety lines 29 through 31, inclusive, and substitute:

"**(I) INDIVIDUAL HEALTH INSURANCE COVERAGE AND HEALTH INSURANCE COVERAGE OFFERED IN THE SMALL GROUP AND LARGE GROUP MARKETS, AS THOSE TERMS ARE DEFINED IN THE FEDERAL PUBLIC HEALTH SERVICE ACT, ISSUED OR DELIVERED IN THE STATE BY AN AUTHORIZED INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION**";

and after line 34, insert:

"**(II) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH DO NOT APPLY TO COVERAGE FOR EXCEPTED BENEFITS, AS DEFINED IN 45 C.F.R. § 146.145(C).**".

On page 6, in line 1, strike "**(II)**" and substitute "**(III)**"; and in line 3, after "**RATIO**" insert "**REPORTED IN THE MANNER REQUIRED UNDER 45 C.F.R. § 158**".

AMENDMENT NO. 5

On page 10, in line 25, after "**COMMISSIONER**" insert "**AND THE HEALTH ADVOCACY UNIT**".

On page 11, in line 27, after "member" insert "**OR THE MEMBER'S REPRESENTATIVE**".

On page 12, in line 33, strike "and".

On page 13, in line 2, after "number" insert "**;**

C. A STATEMENT THAT THE HEALTH ADVOCACY UNIT IS AVAILABLE TO ASSIST THE MEMBER OR THE MEMBER'S REPRESENTATIVE IN FILING A COMPLAINT WITH THE COMMISSIONER; AND

D. THE ADDRESS, TELEPHONE NUMBER, FACSIMILE NUMBER, AND ELECTRONIC MAIL ADDRESS OF THE HEALTH ADVOCACY UNIT".

AMENDMENT NO. 6

On page 15, strike beginning with "In" in line 10 down through "may" in line 11 and substitute "**THE COMMISSIONER SHALL**"; and in lines 16, 17, 18, and 20, in each instance, strike the bracket.

AMENDMENT NO. 7

On page 16, strike beginning with "**THAT**" in line 25 down through "**ARTICLE**" in line 29 and substitute "**OF THE AVAILABLE REMEDY TO THE PARTY DESCRIBED UNDER SUBSECTION (E) OF THIS SECTION AND THE TIME PERIOD FOR REQUESTING THE REMEDY**".

AMENDMENT NO. 8

On page 16, after line 29, insert:

"**(E) (1) A FINAL DECISION OF THE COMMISSIONER MADE ON A COMPLAINT UNDER THIS SUBTITLE:**

(I) IS NOT SUBJECT TO A REQUEST FOR A HEARING UNDER THIS SUBTITLE FOR A CARRIER; AND

(II) IS SUBJECT TO A RIGHT TO FILE A PETITION FOR JUDICIAL REVIEW UNDER § 2–215 OF THIS ARTICLE FOR A CARRIER OR A MEMBER.

(2) UNLESS PROHIBITED UNDER FEDERAL LAW, A MEMBER MAY REQUEST A HEARING TO BE HELD IN ACCORDANCE WITH § 2–210 OF THIS ARTICLE OF A FINAL DECISION OF THE COMMISSIONER MADE ON A COMPLAINT UNDER THIS SUBTITLE.

15–10A–05.

(a) For **[**complaints**] A COMPLAINT** filed with the Commissioner under this subtitle that **[**involve**] INVOLVES** a question of whether the health care service provided or to be provided to a member is medically necessary, the Commissioner**:**

(1) **SHALL SELECT AN INDEPENDENT REVIEW ORGANIZATION OR MEDICAL EXPERT TO ADVISE ON THE COMPLAINT; AND**

(2) may **[**select and**]** accept and base the final decision on **[**a**] THE** complaint on the professional judgment of an independent review organization or medical expert.

(b) To ensure access to advice when needed, the Commissioner, in consultation with the Secretary of Health and Mental Hygiene and carriers, shall compile a list of independent review organizations and medical experts.

(c) Any expert reviewer assigned by an independent review organization or medical expert shall be a physician or other appropriate health care provider who meets the following minimum requirements:

(1) be an expert in the treatment of the member's medical condition, and knowledgeable about the recommended health care service or treatment through actual clinical experience;

(2) hold:

(i) a nonrestricted license in a state of the United States; and

(ii) in addition, for physicians, a current certification by a recognized American medical specialty board in the area or areas appropriate to the subject of review; and

(3) have no history of disciplinary actions or sanctions, including loss of staff privileges or participation restrictions that have been taken or are pending by any hospital, governmental agency or unit, or regulatory body that the Commissioner, in accordance with regulations adopted by the Commissioner, considers relevant in meeting the requirements of this subsection.

(d) An independent review organization may not be a subsidiary of, or in any way owned or controlled by, a health benefit plan, or a trade association of health benefit plans, or a trade association of health care providers.

(e) In addition to subsection (d) of this section, to be included on the list compiled under subsection (b) of this section, an independent review organization shall submit to the Commissioner the following information:

(1) if the independent review organization is a publicly held organization, the names of all stockholders and owners of more than 5% of any stock or options of the independent review organization;

(2) the names of all holders of bonds or notes in excess of $100,000, if any;

(3) the names of all corporations and organizations that the independent review organization controls or is affiliated with, and the nature and extent of any ownership or control, including the affiliated organization's type of business; **[**and**]**

(4) the names of all directors, officers, and executives of the independent review organization as well as a statement regarding any relationships the directors, officers, and executives may have with any carrier or health care provider group**; AND**

(5) EVIDENCE, IN THE FORM REQUIRED BY THE COMMISSIONER, THAT THE INDEPENDENT REVIEW ORGANIZATION IS ACCREDITED BY A NATIONALLY RECOGNIZED PRIVATE ACCREDITING ORGANIZATION.

(f) An expert reviewer assigned by an independent review organization or the independent review organization or medical expert selected by the Commissioner under this section may not have a material professional, familial, or financial conflict of interest with any of the following:

(1) the carrier that is the subject of the complaint;

(2) any officer, director, or management employee of the carrier that is the subject of the complaint;

(3) the health care provider, the health care provider's medical group, or the independent practice association that rendered or is proposing to render the health care service that is under review;

(4) the health care facility at which the health care service was provided or will be provided; or

(5) the developer or manufacturer of the principal drug, device, procedure, or other therapy that is being proposed for the member.

(g) For any independent review organization selected by the Commissioner under subsection (a) of this section, the independent review organization shall have a quality assurance mechanism in place that ensures:

(1) the timeliness and quality of the reviews;

(2) the qualifications and independence of the expert reviewers; and

(3) the confidentiality of medical records and review materials.

(h) (1) The carrier that is the subject of the complaint shall be responsible for paying the reasonable expenses of the independent review organization or medical expert selected by the Commissioner in accordance with subsection (a) of this section.

(2) The independent review organization or medical expert shall:

(i) present to the carrier for payment a detailed account of the expenses incurred by the independent review organization or medical expert; and

(ii) provide a copy of the detailed account of expenses to the Commissioner.

(3) The carrier that is the subject of the complaint may not pay and an independent review organization or medical expert may not accept any compensation in addition to the payment for reasonable expenses under paragraph (1) of this subsection.".

AMENDMENT NO. 9

On page 21, in line 11, strike "and"; and in line 13, after "number" insert "**;**

3. A STATEMENT THAT THE HEALTH ADVOCACY UNIT IS AVAILABLE TO ASSIST THE MEMBER IN FILING A COMPLAINT WITH THE COMMISSIONER; AND

4. THE ADDRESS, TELEPHONE NUMBER, FACSIMILE NUMBER, AND ELECTRONIC MAIL ADDRESS OF THE HEALTH ADVOCACY UNIT".

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Senate Bill 351 – Senators Pugh, Benson, Conway, Currie, Forehand, Gladden, Jones–Rodwell, Kelley, Montgomery, and Ramirez

AN ACT concerning

Request to Place a Statue of Harriet Tubman in the National Statuary Hall Collection

SB0351/374838/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 351
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "that" in line 4 down through "Capitol" in line 15 and substitute "a certain exception to allow the State of Maryland to place a statue of Harriet Tubman in the National Statuary Hall Collection, or for the statue to otherwise be given certain prominence, in addition to certain existing Maryland representatives in the collection; requesting the members of the Maryland congressional delegation to pursue this exception through the Joint Committee on the Library of Congress".

AMENDMENT NO. 2

On page 1, after line 17, insert:

"WHEREAS, The State of Maryland is proud of the national and State contributions of the two individuals, Charles Carroll of Carrollton and John Hanson, whose statues have formed a part of the National Statuary Hall Collection since 1903; and

WHEREAS, Charles Carroll of Carrollton is revered as a statesman and the only Catholic signer of the Declaration of Independence; and

WHEREAS, Charles Carroll was a spokesman against the actions of the colonial Governor of Maryland writing under the famous pseudonym, the "First Citizen"; was commissioned by Benjamin Franklin and Samuel Chase to seek aid from England in the War for Independence; served in the Continental Congress, as the first United States Senator from Maryland, as State Senator, and as Senate President; and helped draft the Maryland Constitution; and

WHEREAS, John Hanson was one of the strongest colonial advocates of independence and was active in raising troops and providing arms while serving in the Maryland General Assembly;

WHEREAS, John Hanson served as a delegate to the Continental Congress and was unanimously elected President of the "United States in Congress Assembled" under the Articles of Confederation and, as the presiding officer of Congress, was responsible for initiating a number of programs that established a world position for the new country, including the beginnings of a consular service, a post office department, chartering of a national bank, progress towards taking the first census, and adoption of a uniform system of coinage; and

WHEREAS, The State of Maryland is a place of rich and diverse history that reaches far beyond the boundaries of the State and is unparalleled by most other states in the country; and

WHEREAS, In addition to the statues honoring two men who risked their lives and fortunes to support and advocate for our nation's independence, the State of Maryland recognizes the national contributions of a third individual and wishes to contribute a third statue in honor of another patriot and fighter for freedom in our country, Harriet Tubman; and

WHEREAS, Harriet Tubman escaped slavery in the State of Maryland and went on to become one of the most prominent "conductors" of the Underground Railroad guiding slaves to freedom; and

WHEREAS, Harriet Tubman was a premier national leader in the movement to fight against slavery and for women's suffrage, and served the Union Army and our country during the Civil War, first as a cook and nurse, and later as an armed scout and spy; and

WHEREAS, It would benefit the nation and visitors to the nation's Capitol to be made aware of Harriet Tubman's contributions if an exception were made and an additional statue for Maryland were permitted in the National Statutory Hall Collection; and

WHEREAS, The Congress of the United States has permitted other states to add statues to the National Statuary Hall Collection; now, therefore,

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

(a) (1) The General Assembly of Maryland respectfully requests that an exception be made to allow the State of Maryland to place a third statue in the National Statuary Hall Collection, in addition to the existing Maryland representatives of John Hanson and Charles Carroll, or for the third statue to otherwise be given great prominence.

(2) The third statue would be of Harriet Tubman, an African American woman and most notable national hero for her contributions to the history of our country.

(b) The General Assembly respectfully requests the members of the Maryland congressional delegation to pursue, through the Joint Committee on the Library of Congress, the exception requested under this Act to allow a third statue in Statuary Hall that would recognize the significance of Harriet Tubman in the history of Maryland and the nation.".

On pages 1 through 4, strike in their entirety the lines beginning with line 18 on page 1 through line 5 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 and Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 721 – Senator Pinsky

AN ACT concerning

Prince George's County – Authority to Impose Fees for Use of Disposable Plastic Bags

SB0721/944932/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 721
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Plastic"; in lines 5 and 7, in each instance, strike "plastic"; and in line 11, strike "Plastic".

AMENDMENT NO. 2

On page 1, in line 17, strike "**PLASTIC**"; in line 21, strike the first "**PLASTIC**"; and in the same line, after "**A**" insert "**PAPER OR**".

On page 2, in lines 1, 23, and 26, in each instance, strike "**PLASTIC**"; and in line 25, strike "**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 Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 787 – Senators Raskin, Forehand, Kelley, Klausmeier, Madaleno, and Manno

AN ACT concerning

Juvenile Services – Services and Programs for Females

SB0787/834537/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 787
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "serve" in line 3 down through the first "to" in line 5 and substitute "provide a certain"; and strike in their entirety lines 8 through 12.

On pages 1 and 2, strike beginning with "the" in line 14 on page 1 down through "That" in line 30 on page 2.

AMENDMENT NO. 2

On page 2, in line 31, strike "January 1, 2012" and substitute "December 1, 2011".

AMENDMENT NO. 3

On page 3, in line 3, after "include" insert "statewide and regional"; and in line 10, strike "3." 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.

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

Senate Bill 950 – Senator Ramirez

AN ACT concerning

Prince George's County – Secondhand Precious Metal Object Dealers – Precious Metal Objects – Holding Period

SB0950/454531/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 950
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "objects;" insert "providing a certain exception regarding the applicable holding period in Prince George's County for certain pawned precious metal objects;".

AMENDMENT NO. 2

On page 1, in line 17, after "**(I)**" insert "**1.**"; after line 20, insert:

"**2. NOTWITHSTANDING SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE 18–DAY HOLDING PERIOD ESTABLISHED UNDER THIS SUBPARAGRAPH APPLIES TO A PRECIOUS METAL OBJECT THAT:**

A. A DEALER LICENSED IN PRINCE GEORGE'S COUNTY ACQUIRED IN A PAWN TRANSACTION; AND

B. AN INDIVIDUAL SEEKS TO REDEEM BY PRESENTING THE ORIGINAL TICKET ISSUED AS PART OF THE PAWN TRANSACTION.";

and in line 22, after "**OBJECT**" insert "**, OTHER THAN A PAWNED PRECIOUS METAL OBJECT DESCRIBED IN SUBPARAGRAPH (I)2 OF THIS PARAGRAPH,**".

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 981 – Senators Mathias and Colburn

AN ACT concerning

Wicomico County – Board of Education – Selection of Members – Straw Ballot

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 740 – Senator Madaleno

AN ACT concerning

State Government – Access to Public Records – Electronic Documents

SB0740/894134/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 740
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "circumstances;" insert "establishing a certain exception;"; and in lines 7 and 8, strike ", compiling, or programming".

AMENDMENT NO. 2

On page 4, in line 12, strike "**THE**" and substitute "**EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**"; after line 28, insert:

"**(II) THE DEPARTMENT OF ASSESSMENTS AND TAXATION IS NOT REQUIRED TO PROVIDE AN APPLICANT WITH A COPY OF THE PUBLIC RECORD IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT IF THE DEPARTMENT OF ASSESSMENTS AND TAXATION HAS PROVIDED THE PUBLIC RECORD TO A CONTRACTOR THAT WILL PROVIDE THE APPLICANT A COPY OF THE PUBLIC RECORD IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT FOR A REASONABLE COST.**";

and in line 29, strike "**(II)**" and substitute "**(III)**".

On page 5, in lines 4 and 16, strike "**(III)**" and "**(IV)**", respectively, and substitute "**(IV)**" and "**(V)**", respectively; in line 16, strike "**THE**" and substitute "**IF A PUBLIC RECORD EXISTS IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT, THE**"; strike beginning with "**EXTRACTING**" in line 16 down through "**ANOTHER**" in line 18 and substitute "**A CUSTODIAN PROVIDING A PORTION OF THE PUBLIC RECORD IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT**"; and in lines 18 and 19, strike "**, COMPILING, OR PROGRAMMING**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0740/893229/1
BY: Senator Conway

AMENDMENTS TO SENATE BILL 740
(First Reading File Bill)

AMENDMENT NO. 1
On page 1, in line 10, after "term;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2
On page 6, in line 21, after "2011." insert "It shall remain effective for a period 2 years and, at the end of September 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #10

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

Senate Bill 512 – Senators Edwards and Miller

EMERGENCY BILL

AN ACT concerning

Gaming – Video Lottery Terminals

SB0512/889635/4

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 512
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "circumstances;" insert "altering the distributions of video lottery terminal proceeds from a video lottery facility in Allegany County; repealing certain provisions relating to a distribution of video lottery terminal proceeds to a video lottery operation licensee in Allegany County;"; and in line 19, after "Commission;" insert "exempting certain video lottery terminals and certain associated equipment and software from the property tax; defining certain terms;".

On page 2, after line 3, insert:

"BY adding to
Article – Tax – Property
Section 7–211(i)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 4, in line 27, strike "On" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ON**"; and in line 32, strike "except as provided in subsection (b) of this section,".

On page 5, in line 3, strike "(i) Except as provided in item (ii) of this item,"; strike beginning with "(ii)" in line 7 down through "**COUNTY**;" in line 9; in line 14, after "(b)" insert "**(1)**"; in the same line, strike "5" and substitute "**10**"; and strike beginning with the first "the" in line 15 down through the bracket in line 20 and

substitute "**ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE COMMISSION, THE COMPTROLLER SHALL PAY THE FOLLOWING AMOUNTS FROM THE PROCEEDS OF VIDEO LOTTERY TERMINALS AT A VIDEO LOTTERY FACILITY IN ALLEGANY COUNTY:**

(I) 2% TO THE STATE LOTTERY AGENCY FOR COSTS AS DEFINED IN § 9–1A–01 OF THIS SUBTITLE;

(II) TO THE VIDEO LOTTERY OPERATION LICENSEE, THE PERCENTAGE STATED IN THE ACCEPTED APPLICATION FOR THE LOCATION, NOT TO EXCEED 50%;

(III) 2.75% IN LOCAL IMPACT GRANTS, IN ACCORDANCE WITH § 9–1A–31 OF THIS SUBTITLE;

(IV) 2.5% TO THE PURSE DEDICATION ACCOUNT ESTABLISHED UNDER § 9–1A–28 OF THIS SUBTITLE;

(V) 0.75% TO THE SMALL, MINORITY, AND WOMEN–OWNED BUSINESSES ACCOUNT ESTABLISHED UNDER § 9–1A–35 OF THIS SUBTITLE; AND

(VI) THE REMAINDER TO THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9–1A–30 OF THIS SUBTITLE.

(2) AFTER THE FIRST 10 YEARS OF OPERATIONS AT A VIDEO LOTTERY FACILITY IN ALLEGANY COUNTY, THE PROCEEDS GENERATED AT THE FACILITY IN ALLEGANY COUNTY SHALL BE ALLOCATED AS PROVIDED IN SUBSECTION (A) OF THIS SECTION".

AMENDMENT NO. 3

On page 6, after line 31, insert:

"Article – Tax – Property

7–211.

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

(II) "ASSOCIATED EQUIPMENT" HAS THE MEANING STATED IN § 9–1A–01 OF THE STATE GOVERNMENT ARTICLE.

(III) "VIDEO LOTTERY TERMINAL" HAS THE MEANING STATED IN § 9–1A–01 OF THE STATE GOVERNMENT ARTICLE.

(2) VIDEO LOTTERY TERMINALS AND ANY ASSOCIATED EQUIPMENT OR SOFTWARE OWNED OR LEASED BY THE STATE LOTTERY COMMISSION AS PROVIDED IN § 9–1A–21 OF THE STATE GOVERNMENT ARTICLE ARE NOT SUBJECT TO PROPERTY TAX.".

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 513 – Senator Middleton

AN ACT concerning

Maryland Estate Tax – Payment Deferral for Qualified Agricultural Property – Waiver of Payment Requirement

SB0513/359832/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 513
(First Reading File Bill)

On page 1, in line 3, strike "Waiver" and substitute "Extension"; and in the same line, strike "Requirement" and substitute "Deferral".

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 638 – Senators Benson, Currie, Jones–Rodwell, Kelley, McFadden, Pugh, and Rosapepe

AN ACT concerning

Video Lottery Terminal Applicants and Licensees – Minority Business Participation – Modifications and Sunset Extension

SB0638/299931/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 638
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "adding" in line 4 down through "circumstances;" in line 7.

AMENDMENT NO. 2

On page 1, in line 22, in each instance, strike the bracket; in the same line, strike the first comma; strike beginning with "**, MAINTENANCE**" in line 22 down through "**DELIVERY**" in line 23.

AMENDMENT NO. 3

On page 2, in line 6, strike the brackets.

On page 3, in line 9, after "(2)" insert "**AND**".

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:

Senate Bill 645 – Senator Ferguson

AN ACT concerning

Baltimore City – Sale of Property to Enforce Lien for Water and Sewer Service

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 830 – Senator Currie

AN ACT concerning

Tax Credits for Qualifying Employees with Disabilities – Sunset Extension

SB0830/369839/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 830
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Extension" and substitute "Repeal"; and in line 3, strike "extending" and substitute "repealing".

AMENDMENT NO. 2

On page 2, strike beginning with "but" in line 9 down through "**2015**" in line 10; strike beginning with "but" in line 12 down through "**2015**" in line 16; strike beginning with "It" in line 18 down through "effect." in line 21; strike beginning with "but" in line 28 down through "**2015**" in line 29; strike beginning with "but" in line 31 down through "**2015**" in line 35; and strike beginning with "It" in line 37 down through "effect." in line 40.

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 #18

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

Senate Bill 151 – Senators Frosh, Benson, Gladden, Jones–Rodwell, Kelley, Klausmeier, Madaleno, Manno, Middleton, Montgomery, Peters, Pinsky, Pugh, Raskin, Rosapepe, and Zirkin

AN ACT concerning

Child Care Articles – Bisphenol–A – Prohibition

SB0151/607070/2
BY: Finance Committee

AMENDMENTS TO SENATE BILL 151
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Zirkin" and substitute "Zirkin, Garagiola, Glassman, Mathias, and Muse"; in line 2, strike "Child Care Articles –" and substitute "Public Health – Containers of Infant Formula Manufactured with"; in line 3, after the first "of" insert "prohibiting the State from purchasing infant formula in containers containing a certain amount of bisphenol–A on or after a certain date;"; in lines 3 and 4, strike "child care articles" and substitute "containers of infant formula"; in line 4, after "containing" insert "a certain amount of"; strike beginning with "altering" in line 6 down through "changes;" in line 7 and substitute "authorizing the Secretary of Health and Mental Hygiene to suspend implementation of certain provisions of this Act under certain circumstances; requiring the Department to make a certain report to certain committees of the General Assembly on or before a certain date;"; in line 7, strike "prohibitions on" and substitute "containers of infant formula and"; and in lines 7 and 8, strike "in child care articles".

AMENDMENT NO. 2

On page 1, after line 13, insert:

"Preamble

WHEREAS, The presence of the chemical bisphenol–A is of concern because of potential adverse side effects; and

WHEREAS, The National Institute of Environmental Health Sciences and the U.S. Food and Drug Administration are engaged in a 2–year research effort, including psychologically–based pharmacokinetic modeling studies and rodent subchronic and behavioral or neuroanatomical pilot studies that are due in 2012, to identify health risks associated with bisphenol–A; and

WHEREAS, The U.S. Food and Drug Administration will update its assessment of bisphenol–A and will be prepared to take additional action if warranted; now, therefore,";

in line 18, strike the brackets; strike beginning with the colon in line 18 down through "**AN**" in line 19; and in lines 20 and 21, strike "**; AND**" and substitute a period.

AMENDMENT NO. 3

On page 2, strike in their entirety lines 1 through 3; in line 6, strike "**(1)**"; strike beginning with "**DESCRIBED**" in line 7 down through "**SECTION**" in line 8; strike in their entirety lines 9 through 12, inclusive; after line 12, insert:

"**(C) EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, ON OR AFTER JULY 1, 2014:**

(1) THE STATE MAY NOT PURCHASE INFANT FORMULA IN CONTAINERS CONTAINING MORE THAN 0.5 PARTS PER BILLION OF BISPHENOL–A; AND

(2) A PERSON MAY NOT MANUFACTURE, KNOWINGLY SELL, OR DISTRIBUTE IN COMMERCE A CONTAINER OF INFANT FORMULA CONTAINING MORE THAN 0.5 PARTS PER BILLION OF BISPHENOL–A.";

in lines 13, 22, and 24, strike "(c)", "(d)", and "(e)", respectively, and substitute "**(D)**", "**(E)**", and "**(F)**", respectively; in line 13, strike "subsection (b)" and substitute "**SUBSECTIONS (B) AND (C)**"; in line 14, strike "the least toxic alternative" and

substitute "**A SAFE AND LEGAL ALTERNATIVE**"; in line 24, strike "**(1)**"; in the same line, strike "2011" and substitute "**2012**"; in line 25, strike "**(1)**"; strike in their entirety lines 26 and 27; after line 27, insert:

"**(G) IF THE SECRETARY CERTIFIES THAT THE SAFETY CONCERNS FOR BISPHENOL–A ARE RESOLVED BY ADDITIONAL RESEARCH OR IF IMPLEMENTATION OF SUBSECTION (C) OF THIS SECTION WOULD ADVERSELY AFFECT THE HEALTH OR WELL–BEING OF CHILDREN OR ADULTS, THE SECRETARY MAY SUSPEND IMPLEMENTATION OF SUBSECTION (C) OF THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before September 1, 2012, the Department of Health and Mental Hygiene shall report to the House Health and Government Operations Committee and the Senate Finance Committee, in accordance with § 2–1246 of the State Government Article, on the findings of federal research and regulatory activities related to bisphenol–A.

(b) The report required under subsection (a) of this section shall address the availability and safety of substitutes for bisphenol–A used in food containers containing infant formula.";

in line 28, strike "2." and substitute "3."; and in line 29, strike "July" and substitute "June".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 551 – Senators Kelley, Benson, Jones–Rodwell, Madaleno, Manno, Montgomery, Pugh, and Raskin

AN ACT concerning

Maryland Wage and Hour Law – Prohibited Acts of Employers – Adverse Action

SB0551/567276/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 551
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "actions;" insert "prohibiting the conviction of an employer without certain evidence;".

AMENDMENT NO. 2

On page 2, in line 12, after "**OTHERWISE;**" insert "**OR**"; strike in their entirety lines 13 through 19, inclusive; and in line 20, strike "**(5)**" and substitute "**(2)**".

On page 3, after line 27, insert:

"**(E) AN EMPLOYER MAY NOT BE CONVICTED UNDER THIS SECTION UNLESS THE EVIDENCE DEMONSTRATES THAT THE EMPLOYER HAD KNOWLEDGE OF THE RELEVANT COMPLAINT, TESTIMONY, OR ACTION FOR WHICH THE PROSECUTION FOR RETALIATION IS SOUGHT.**".

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 623 – Senators Madaleno and Glassman

AN ACT concerning

Maryland Department of Transportation – Transit Review and Evaluation

SB0623/457278/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 623
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "corridors;" insert "requiring the Maryland Department of Transportation to make certain recommendations concerning competitive grant funding for transit projects and the use of value capture opportunities to help finance certain capital costs;".

AMENDMENT NO. 2

On page 1, in line 14, after "City" insert "and Baltimore County".

On page 2, in line 19, strike "and"; in line 21, after "treatments" insert ";

(5) Recommend whether to establish competitive grant funding for transit projects, including whether to establish criteria that consider the extent to which local governments are:

(i) attempting to improve transit efficiency through land use decisions; and

(ii) attempting to support transit–oriented development and other transit–related projects through impact fee policies, special taxing districts, and other local measures; and

(6) Examine and make recommendations concerning whether and to what extent value capture opportunities may be used to help finance the capital costs of constructing light rail for the Red Line in Baltimore City and Baltimore County and for the Purple Line and Corridor Cities Transitway in Prince George's and Montgomery counties and barriers that may exist that prevent the Department from using those opportunities".

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 658 – Senators Kelley and Miller

AN ACT concerning

Real Estate Appraisal Management Companies – Registration and Regulation

SB0658/137574/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 658
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Miller" and substitute ", Miller, Glassman, Klausmeier, Muse, and Pugh"; and in line 2, strike "Real Estate Appraisal Management Companies – Registration and Regulation" and substitute "State Commission of Real Estate Appraisers and Home Inspectors – Special Fund and Registration and Regulation of Real Estate Appraisal Management Companies".

On page 2, in line 21, after "regulations;" insert "altering the membership of the State Commission of Real Estate Appraisers and Home Inspectors; establishing an appraisal management company hearing board;"; in line 24, strike "Appraisal Management Company" and substitute "State Commission of Real Estate Appraisers and Home Inspectors"; in line 29, strike "requiring" and substitute "authorizing"; in line 30, after "calculations" insert ", beginning on a certain date"; in line 31, after "year;" insert "requiring the Commission to publish a certain fee schedule; repealing a provision of law requiring the Commission to pay certain money into the General Fund of the State; requiring the Commission to pay certain fees to the Comptroller beginning on a certain date; requiring the Comptroller to distribute certain fees to the Fund; requiring any unspent portion of the Fund in excess of a certain amount to revert to the General Fund at the end of each fiscal year; crediting certain earnings to the General Fund; altering, establishing, and specifying the use of certain fees; requiring that certain fees in effect on a certain date shall remain in full force and effect until certain other fees are adopted and made effective; requiring certain fees to approximate the cost of regulating certain professions;"; in line 33, after "companies" insert "and the State Commission of Real Estate Appraisers and Home Inspectors"; in line 36, after "Section" insert "16–210.2 and 16–217"; in line 42, strike "16–601" and

substitute "16–202, 16–303(a)(2), 16–308(c)(2), 16–310(3), 16–3A–03, 16–3A–05(2), 16–3A–07(c)(2), 16–3A–08(a)(3), 16–505(2), 16–510(c)(2), 16–512(3), 16–5A–01(b)(5), 16–5A–04(b)(1)(ii), 16–601,"; and after line 4, insert:

"BY repealing
Article – Business Occupations and Professions
Section 16–217
Annotated Code of Maryland
(2010 Replacement Volume)";

On page 3, strike in their entirety lines 5 through 9, inclusive.

AMENDMENT NO. 2

On page 3, after line 12, insert:

"16–202.

(a) (1) The Commission consists of 15 members.

(2) Of the 15 members of the Commission:

(i) at least 2 shall be certified general real estate appraisers;

(ii) 2 shall be certified general real estate appraisers, certified residential real estate appraisers, or licensed real estate appraisers;

(iii) 2 shall be representatives of a financial institution who are not certified or licensed real estate appraisers or home inspectors;

(iv) 1 shall be a licensed home inspector who is a member of the American Society of Home Inspectors (ASHI);

(v) 1 shall be a licensed home inspector who is a member of the National Association of Home Inspectors;

(vi) 2 shall be licensed home inspectors without regard to affiliation with or membership in any society or association; **[**and**]**

(vii) **[**5**] 4** shall be consumer members**; AND**

(VIII) 1 SHALL BE A REPRESENTATIVE OF AN APPRAISAL MANAGEMENT COMPANY REGISTERED UNDER SUBTITLE 5B OF THIS TITLE.

(3) The Governor shall:

(i) appoint the members with the advice of the Secretary and with the advice and consent of the Senate; and

(ii) consider demographic and geographic diversity when making appointments to the Commission.

(b) Each member of the Commission shall be a citizen of the State.

(c) (1) Each consumer member of the Commission:

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

(ii) may not be a licensee, holder of a certificate, or otherwise be subject to regulation by the Commission;

(iii) may not be required to meet the qualifications for the professional members of the Commission; and

(iv) may not, within 1 year before appointment, have had a financial interest in or have received compensation from a person regulated by the Commission.

(2) While a member of the Commission, a consumer member may not:

(i) have a financial interest in or receive compensation from a person regulated by the Commission; or

(ii) grade any examination given by or for the Commission.

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

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

(2) The terms of members are staggered as required by the terms provided for members of the Commission on January 1, 1991.

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

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

(5) A member may not serve for more than 2 consecutive 3–year terms.

(f) The Governor may remove a member for incompetence or misconduct.

16–210.2.

(A) THE COMMISSION SHALL ESTABLISH AN APPRAISAL MANAGEMENT COMPANY HEARING BOARD.

(B) (1) THE HEARING BOARD CONSISTS OF THREE MEMBERS OF THE COMMISSION, APPOINTED BY THE COMMISSION.

(2) OF THE THREE POSITIONS ON THE APPRAISAL MANAGEMENT COMPANY HEARING BOARD:

(I) ONE SHALL BE A REPRESENTATIVE OF A FINANCIAL INSTITUTION;

(II) ONE SHALL BE A CONSUMER MEMBER; AND

(III) ONE SHALL BE A REPRESENTATIVE OF AN APPRAISAL MANAGEMENT COMPANY.

(C) FROM AMONG THE MEMBERS OF THE HEARING BOARD, THE COMMISSION SHALL DESIGNATE A CHAIR.

[16–217.

Except as otherwise provided by law, the Commission shall pay all money collected under this title into the General Fund of the State.]

16–217.

(A) (1) BEGINNING ON JULY 1, 2011, THE COMMISSION MAY SET BY REGULATION REASONABLE FEES FOR ITS SERVICES.

(2) THE FEES CHARGED SHALL BE:

(I) SET SO AS TO PRODUCE FUNDS TO APPROXIMATE THE COST OF MAINTAINING THE COMMISSION; AND

(II) BASED ON THE CALCULATIONS PERFORMED BY THE SECRETARY OF LABOR, LICENSING, AND REGULATION UNDER § 2–106.8 OF THE BUSINESS REGULATION ARTICLE.

(B) THE COMMISSION SHALL PUBLISH THE FEE SCHEDULE SET BY THE COMMISSION.

(C) (1) BEGINNING ON JULY 1, 2011, THE COMMISSION SHALL PAY ALL FEES COLLECTED UNDER THIS TITLE TO THE COMPTROLLER.

(2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE STATE COMMISSION OF REAL ESTATE APPRAISERS AND HOME INSPECTORS FUND ESTABLISHED IN § 2–106.7 OF THE BUSINESS REGULATION ARTICLE.

16–303.

(a) An applicant for a license shall:

(2) pay to the Commission [an application] **A** fee [of $75] **SET BY THE COMMISSION**.

16–308.

(c) Before a license expires, the licensee periodically may renew it for an additional 3–year term, if the licensee:

(2) pays to the Commission a renewal fee **[**of $125**] SET BY THE COMMISSION**; and

16–310.

The Commission shall reinstate the license of a real estate appraiser who has failed to renew the license, if the real estate appraiser:

(3) in addition to the renewal fee required under § 16–308 of this subtitle, pays to the Commission a reinstatement fee **[**of $25**] SET BY THE COMMISSION**.

16–3A–03.

[Effective July 1, 2002, an**] AN** applicant for a home inspector license shall:

(1) have completed a minimum of 72 hours of an on–site training course approved by a national home inspection organization and the Commission that at a minimum requires successful completion of the National Home Inspector Examination or its equivalent as determined by the Commission;

(2) have a high school diploma or its equivalent;

(3) have insurance as required under § 16–4A–04 of this title;

(4) submit to the Commission an application on the form that the Commission provides; and

(5) pay to the Commission an application fee **[**of $50**] SET BY THE COMMISSION**.

16–3A–05.

If an applicant qualifies for a home inspector license under this title, the Commission shall send the applicant a notice that states:

(2) the Commission will issue the home inspector license to an applicant upon receipt of a license fee [not to exceed $400] **SET BY THE COMMISSION**.

16–3A–07.

(c) Before a license expires, the licensee may renew it for an additional 2–year term, if the licensee:

(2) pays to the Commission a renewal fee [not to exceed $400] **SET BY THE COMMISSION**;

16–3A–08.

(a) The Commission shall reinstate the license of an individual who has failed to renew a license for any reason if the individual:

(3) in addition to the renewal fee required under § 16–3A–07 of this subtitle, pays to the Commission a reinstatement fee [of $50] **SET BY THE COMMISSION**.

16–505.

An applicant for a certificate shall:

(2) pay to the Commission an application fee [of $100] **SET BY THE COMMISSION**.

16–510.

(c) Not earlier than 120 days and not later than 30 days before a certificate expires, the certificate holder may renew it for an additional 3–year term, if the certificate holder:

(2) pays to the Commission a renewal fee [of $125] **SET BY THE COMMISSION**; and

16–512.

The Commission shall reinstate the certificate of a real estate appraiser who has failed to renew the certificate during the regular term of the certificate or the grace period, if the real estate appraiser:

(3) in addition to the renewal fee required under § 16–511 of this subtitle, pays to the Commission a reinstatement fee **[**of $25**] SET BY THE COMMISSION**.

16–5A–01.

(b) An applicant for a real estate appraiser trainee license shall:

(5) pay to the Commission an application fee **[**of $75**] SET BY THE COMMISSION**.

16–5A–04.

(b) (1) Before a real estate appraiser trainee license expires, the licensee may renew the license for one additional 3–year term if the licensee:

(ii) pays to the Commission a renewal fee **[**of $75**] SET BY THE COMMISSION**; and".

On page 6, in line 23, after "**HOLDS**" strike "**A**" and substitute "**AN APPROPRIATE**"; and in line 24, after "**SUBTITLE**" insert "**FOR THE PURPOSE OF PERFORMING REAL ESTATE APPRAISALS**".

On page 7, after line 11, insert:

"**(C) IF THE REGISTRATION PROCESS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION HAS NOT BEEN ESTABLISHED AS OF THE EFFECTIVE DATE OF THIS SUBTITLE, AN APPRAISAL MANAGEMENT COMPANY MAY, WITHOUT BEING REGISTERED UNDER THIS SUBTITLE, CONTINUE TO PROVIDE APPRAISAL MANAGEMENT SERVICES IN ACCORDANCE WITH THIS SUBTITLE FOR 120 DAYS AFTER A REGISTRATION PROCESS BECOMES AVAILABLE.**

(D) AN APPRAISAL MANAGEMENT COMPANY THAT HAS SUBMITTED A COMPLETE APPLICATION FOR REGISTRATION UNDER SUBSECTION (B) OF THIS SECTION MAY CONTINUE TO PROVIDE APPRAISAL MANAGEMENT SERVICES IN ACCORDANCE WITH THIS SUBTITLE UNTIL THE COMMISSION MAKES A FINAL DECISION TO APPROVE OR DENY THE COMPANY'S APPLICATION FOR REGISTRATION UNDER THIS SUBTITLE.";

strike in their entirety lines 21 through 28, inclusive; and in line 29, strike "**(E) (1)**" and substitute "**(D)**".

On pages 7 and 8, strike in their entirety the lines beginning with line 32 on page 7 through line 12 on page 8, inclusive.

On page 8, in line 24, strike "**MORAL CHARACTER**" and substitute "**CHARACTER AND REPUTATION**"; and in line 31, after "**IS**" insert "**DIRECTLY**".

On page 9, in lines 13, 24, and 28, in each instance, after "**STATE**" insert "**, UNLESS THE LICENSE OR CERTIFICATE WAS SUBSEQUENTLY GRANTED OR REINSTATED**"; in line 14, strike "**MORAL CHARACTER**" and substitute "**CHARACTER AND REPUTATION**"; in line 26, after "**ARRANGEMENT**" insert "**FOR REAL ESTATE APPRAISAL SERVICES**"; and in line 30, after "**RELATIONSHIP**" insert "**, FOR THE PURPOSE OF OBTAINING REAL ESTATE APPRAISAL SERVICES,**".

On page 10, in line 2, after "**STATE**" insert "**, UNLESS THE LICENSE OR CERTIFICATE WAS SUBSEQUENTLY GRANTED OR REINSTATED**"; strike beginning with "**BEFORE**" in line 4 down through "**THE**" in line 5 and substitute "**AN**"; in line 6, strike "**VERIFY**" and substitute "**REQUIRE THAT AN APPRAISER CONFIRM IN WRITING OR VIA ELECTRONIC MEANS**"; in line 6, strike "**THE**" and substitute "**AN**"; after line 8, insert:

"**(B) AN APPRAISAL MANAGEMENT COMPANY THAT HAS COMPLIED WITH SUBSECTION (A) OF THIS SECTION IN RELATION TO AN ASSIGNMENT MAY NOT BE HELD LIABLE FOR A VIOLATION OF THIS SUBTITLE IN RELATION TO THAT ASSIGNMENT IF THE COMMISSION SUBSEQUENTLY DETERMINES THAT THE APPRAISER COMPLETING THE ASSIGNMENT VIOLATED THE COMPETENCY RULE OF THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE.**";

in lines 9 and 13, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C)**" and "**(D)**", respectively; in line 10, after "**REVIEW**" insert "**ON A PROPERTY LOCATED IN THE STATE**"; strike beginning with "**STATE**" in line 11 down through "**LOCATED**" in line 12 and substitute "**STATE**"; and in line 31, before "**AN**" insert "**(A)**".

On page 11, strike beginning with "**KNOWINGLY**" in line 1 down through "**(3)**" in line 10; in line 10, after "**SEPARATE**" insert "**AND DISCLOSE**"; in line 14, after "**SERVICES;**" insert "**OR**"; in line 15, strike "**(4)**" and substitute "**(2)**"; in line 17, strike "**THE PERFORMANCE OF THE APPRAISAL**" and substitute "**THE PROVISION OF REAL ESTATE SERVICES**"; strike beginning with the semicolon in line 19 down through "**PAYER**" in line 24; after line 24, insert:

"**(B) THE COMMISSION MAY NOT BRING DISCIPLINARY ACTION UNDER § 16–702.2 OF THIS TITLE OR RECOMMEND CRIMINAL SANCTIONS UNDER § 16–706 OF THIS TITLE BASED SOLELY ON SUBSECTION (A) OF THIS SECTION.**";

in line 26, after "**(A)**" insert "**(1)**"; in line 27, strike "**APPRAISALS ARE CONDUCTED**" and substitute "**REAL ESTATE APPRAISAL SERVICES ARE PROVIDED**"; after line 30, insert:

"**(2) (I) AN APPRAISAL MANAGEMENT COMPANY SHALL PAY AN APPRAISER REASONABLE AND CUSTOMARY FEES CONSISTENT WITH THE PRESUMPTIONS OF COMPLIANCE DEFINED UNDER FEDERAL LAW.**

(II) THE COMMISSION MAY NOT BRING DISCIPLINARY ACTION UNDER § 16–702.2 OF THIS TITLE OR RECOMMEND CRIMINAL SANCTIONS UNDER § 16–706 OF THIS TITLE BASED SOLELY ON SUBPARAGRAPH (I) OF THIS PARAGRAPH.";

strike beginning with "**NOTWITHSTANDING**" in line 31 down through "**NOT**" in line 33 and substitute "**AN EMPLOYEE, PARTNER, DIRECTOR, OFFICER, OR AGENT OF AN APPRAISAL MANAGEMENT COMPANY MAY NOT INFLUENCE OR ATTEMPT TO INFLUENCE THE DEVELOPMENT, REPORTING, RESULT, OR REVIEW OF AN APPRAISAL THROUGH COERCION, EXTORTION, COLLUSION, COMPENSATION, INDUCEMENT, INTIMIDATION, BRIBERY, OR ANY OTHER MEANS, INCLUDING**"; and in line 34, strike "**COMPENSATE, COLLUDE, OR INFLUENCE, OR ATTEMPT**" and substitute "**COMPENSATING, COLLUDING, OR INFLUENCING, OR ATTEMPTING**".

On page 12, in line 3, strike "**MISCHARACTERIZE, OR SUBORN**" and substitute "**MISCHARACTERIZING, OR SUBORNING**"; in line 6, strike "**SEEK**" and substitute "**SEEKING**"; in line 7, strike "**ENCOURAGE**" and substitute "**ENCOURAGING**"; in lines 9 and 13, in each instance, strike "**WITHHOLD OR THREATEN**" and substitute "**WITHHOLDING OR THREATENING**"; in line 10, strike "**APPRAISAL SERVICES RENDERED**" and substitute "**THE PROVISION OF REAL ESTATE APPRAISAL SERVICES**"; in line 15, strike "**DEMOTE OR TERMINATE OR THREATEN**" and substitute "**DEMOTING OR TERMINATING OR THREATENING**"; in line 17, strike "**PROMISE**" and substitute "**PROMISING**"; in line 19, strike "**REQUIRE**" and substitute "**REQUIRING**"; in line 24, strike "**CONDITION**" and substitute "**CONDITIONING**"; and in line 30, strike "**REQUEST**" and substitute "**REQUESTING**".

On page 13, in lines 4 and 7, in each instance, strike "**PROVIDE**" and substitute "**PROVIDING**"; in line 9, strike "**ALLOW**" and substitute "**ALLOWING**"; in line 11, strike "**OBTAIN, USE, OR PAY**" and substitute "**OBTAINING, USING, OR PAYING**"; in line 12, strike "**ORDER**" and substitute "**ORDERING**"; in line 16, strike "**OR**"; in line 19, after "**PROCESS;**" insert:

"**(III) A SECOND APPRAISAL IS REQUIRED UNDER STATE OR FEDERAL LAW; OR**

(IV) THE SECOND APPRAISAL OR AUTOMATED VALUATION MODEL IS ORDERED BY AN APPRAISAL MANAGEMENT COMPANY IN RESPONSE TO A REQUEST BY A CLIENT IN ORDER TO SATISFY CLIENT VALUATION POLICIES FOR THE PROPERTY BEING APPRAISED AND THE SECOND APPRAISAL OR AUTOMATED VALUATION MODEL IS ORDERED BY THE CLIENT PRIOR TO THE COMPLETION OF THE FIRST APPRAISAL;";

and in line 20, strike "**THAT IMPAIRS OR ATTEMPTS**" and substitute "**IMPAIRING OR ATTEMPTING**".

On page 14, in line 3, after "**THAT**" insert "**:**

(1)";

in the same line, after "**APPRAISER**" insert "**HAS**"; in lines 4, 6, and 7, strike "**(1)**", "**(2)**", and "**(3)**", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively; in line 4, strike "**IS FAILING**" and substitute "**FAILED**"; in line 6, strike "**IS VIOLATING**" and substitute "**VIOLATED**"; in line 7, strike "**IS ENGAGING**" and substitute "**ENGAGED**"; in the same line, after "**CONDUCT**" insert "**; AND**

(2) THE APPRAISER'S CONDUCT UNDER ITEM (1) OF THIS SECTION IS LIKELY TO AFFECT THE VALUE ASSIGNED TO THE CONSUMER'S PRINCIPAL DWELLING";

in line 12, after "**REPORT**" insert "**AND THE MODIFICATION REQUESTED IS NOT RELATED TO SUBSTANDARD PERFORMANCE OR NONCOMPLIANCE WITH THE TERMS OF ENGAGEMENT**"; in line 14, after "**APPRAISER**" insert "**HAS NOTIFIED THE APPRAISAL MANAGEMENT COMPANY THAT**"; in line 15, after the comma insert "**THE APPRAISER**"; in line 18, after "**APPRAISER**" insert "**HAS NOTIFIED THE APPRAISAL MANAGEMENT COMPANY THAT**"; in line 19, after the comma insert "**THE APPRAISER**"; and in line 30, after the semicolon insert "**OR**".

On page 15, strike beginning with the semicolon in line 6 down through "**APPRAISAL**" in line 11; in line 13, before "**EXCEPT**" insert "**(A)**"; and after line 18, insert:

"**(B) THE COMMISSION MAY NOT BRING DISCIPLINARY ACTION UNDER § 16–702.2 OF THIS TITLE OR RECOMMEND CRIMINAL SANCTIONS UNDER § 16–706 OF THIS TITLE BASED SOLELY ON SUBSECTION (A) OF THIS SECTION.**".

On page 16, strike beginning with "**ALL**" in line 10 down through "**INTERNET**" in line 12 and substitute "**ANY INSTRUMENT UTILIZED BY THE APPRAISAL MANAGEMENT COMPANY TO PROCURE APPRAISAL SERVICES IN THIS STATE**"; in line 23, strike "**OR**"; and in line 24, after "**STANDARDS**" insert "**, OR SUBSTANDARD PERFORMANCE OR VIOLATIONS OF CONTRACTUAL TERMS BETWEEN THE APPRAISER AND THE APPRAISAL MANAGEMENT COMPANY**".

On page 17, in line 9, after "**(C)**" insert "**(1)**"; in line 11, strike "**ADJUDICATE THE COMPLAINT WITHIN 180 DAYS**" and substitute "**SCHEDULE A HEARING WITHIN A REASONABLE TIME, NOT EXCEEDING 1 YEAR, AFTER THE COMPLAINT IS FILED**"; and after line 11, insert:

"**(2)** **THE TIME SPECIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE EXTENDED FOR GOOD CAUSE BY THE COMMISSION ON WRITTEN NOTICE TO THE PARTIES.**".

On page 19, after line 31, insert:

"**(3)** **UNDER THE LAWS OF THE UNITED STATES OR ANY STATE IS CONVICTED OF:**

(I) **A FELONY; OR**

(II) **A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS AND QUALIFICATIONS OF THE REGISTRANT TO PROVIDE APPRAISAL MANAGEMENT SERVICES;**".

On page 20, in lines 1 and 3, strike "**(3)**" and "**(4)**", respectively, and substitute "**(4)**" and "**(5)**", respectively; in line 2, strike "**OR**"; in line 4, after "**TITLE**" insert "**; OR**

(6) **VIOLATES § 14–127 OF THE REAL PROPERTY ARTICLE**";

after line 17, insert:

"**(C)** **THE COMMISSION SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A REGISTRATION OR THE REPRIMAND OF A REGISTRANT WHEN AN APPLICANT OR REGISTRANT IS CONVICTED OF A FELONY OR A MISDEMEANOR DESCRIBED IN SUBSECTION (A)(3) OF THIS SECTION:**

(1) **THE NATURE OF THE CRIME;**

(2) **THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED BY THE REGISTRATION;**

(3) **WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR REGISTRANT TO PROVIDE APPRAISAL MANAGEMENT SERVICES;**

(4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

(5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR REGISTRANT BEFORE AND AFTER THE CONVICTION.";

in line 24, strike "**APPRAISAL MANAGEMENT COMPANY**" and substitute "**STATE COMMISSION OF REAL ESTATE APPRAISERS AND HOME INSPECTORS**"; and in line 26, strike "**AN APPRAISAL MANAGEMENT COMPANY**" and substitute "**A STATE COMMISSION OF REAL ESTATE APPRAISERS AND HOME INSPECTORS**".

On page 21, in line 2, strike "**§ 16–5B–04**" and substitute "**TITLE 16**"; strike beginning with "**REGISTERING**" in line 5 down through "**ARTICLE**" in line 7 and substitute "**FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE COMMISSION**"; after line 12, insert:

"**(G) AT THE END OF EACH FISCAL YEAR, ANY UNSPENT PORTION OF THE FUND IN EXCESS OF $100,000 SHALL REVERT TO THE GENERAL FUND OF THE STATE.**

(H) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND.";

strike beginning with "**ADMINISTERING**" in line 18 down through "**ARTICLE**" in line 19 and substitute "**THE COMMISSION**"; and in line 20, strike "**THE**" and substitute "**BEGINNING ON JULY 1, 2011, THE**".

On pages 21 through 26, strike in their entirety the lines beginning with line 25 on page 21 through line 14 on page 26, inclusive.

On page 26, in line 15, after "That" insert "the fees set forth in Title 16, Subtitles 3, 3A, 5, and 5A of the Business Occupations and Professions Article in effect on June 30, 2011, shall remain in full force and effect until the fees authorized to be set by the State Commission of Real Estate Appraisers and Home Inspectors under this Act are adopted and become effective.

SECTION 3. AND BE IT FURTHER ENACTED, That, beginning July 1, 2011, the fees established for each profession regulated under Title 16 of the Business Occupations and Professions Article shall approximate the cost of regulating each profession.

SECTION 4. AND BE IT FURTHER ENACTED, That".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 718 – Senator Garagiola

AN ACT concerning

Telephone Companies – Distribution of Telephone Directories to Residential Customers

SB0718/197574/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 718
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "to Residential Customers"; and in line 6, after "directory;" insert "requiring a telephone company to provide certain notice to a customer if the telephone company elects not to deliver a print telephone directory to the customer at an address in the State; requiring a telephone company to deliver a print telephone directory to a customer at no cost to the customer under certain circumstances; requiring the Public Service Commission to review certain complaints, make certain determinations, and report certain findings and recommendations to certain committees of the General Assembly on or before a certain date;".

AMENDMENT NO. 2

On page 1, after line 22, insert:

"**(C) (1) IF A TELEPHONE COMPANY ELECTS NOT TO DISTRIBUTE A PRINT TELEPHONE DIRECTORY TO A CUSTOMER AT AN ADDRESS IN THE STATE, THE TELEPHONE COMPANY SHALL PROVIDE NOTICE AS TO HOW THE CUSTOMER MAY REQUEST A PRINT TELEPHONE DIRECTORY.**

(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) INCLUDE A TOLL–FREE TELEPHONE NUMBER A CUSTOMER MAY CALL TO REQUEST A PRINT TELEPHONE DIRECTORY; AND

(II) BE INCLUDED:

1. IN EACH CUSTOMER'S BILL AT LEAST ONCE EACH YEAR;

2. ON THE TELEPHONE COMPANY'S WEB SITE; AND

3. IN BOLD RED PRINT, ON THE FRONT COVER AND THE TABLE OF CONTENTS PAGE OF ANY PRINT ADVERTISEMENT–BASED BUSINESS DIRECTORY DISTRIBUTED ON BEHALF OF THE TELEPHONE COMPANY THROUGH SEPTEMBER 30, 2016.

(3) IF A CUSTOMER REQUESTS A PRINT TELEPHONE DIRECTORY, THE TELEPHONE COMPANY SHALL DELIVER THE PRINT TELEPHONE DIRECTORY TO THE CUSTOMER AT NO COST TO THE CUSTOMER.".

AMENDMENT NO. 3

On page 2, before line 1, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2013, the Public Service Commission shall:

(1) (i) review complaints received from residential customers who have indicated that they have not received a print telephone directory; and

(ii) based on the complaints, determine whether the notification requirement under § 8–206 of the Public Utilities Article as enacted by Section 1 of this Act is an adequate way to notify various customer groups, including the elderly and low–income individuals, as to how to request a print telephone directory; and

(2) report its findings and recommendations to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2–1246 of the State Government Article.";

and in line 1, strike "2." and substitute "3.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 741 – Senators Pugh and Madaleno

AN ACT concerning

Commercial Law – Debt Settlement Services

SB0741/367179/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 741
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 30, after "Commissioner" insert ", on the form the Commissioner requires,".

On page 2, in line 7, after "changes;" insert "requiring a registrant to report certain information to the Commissioner on or before a certain date each year for a certain number of years;".

AMENDMENT NO. 2

On page 5, in line 6, after "**AGREEMENT**" insert "**IN CONNECTION WITH DEBTS THAT ARE CONSUMER DEBTS, AS DEFINED IN § 13–101 OF THE COMMERCIAL LAW ARTICLE**".

On page 7, strike beginning with "**PRACTICE**" in line 4 down through "**SERVICES**" in line 6 and substitute "**THE MARYLAND BAR WHILE THE ATTORNEY AT LAW IS PROVIDING PROFESSIONAL LEGAL SERVICES IN AN ATTORNEY–CLIENT RELATIONSHIP**".

On page 8, in line 4, after "**(4)**" insert "**(I)**"; in lines 6 and 7, strike "**(I)**" and "**(II)**", respectively, and substitute "**1.**" and "**2.**", respectively; and after line 8, insert

"**(II) AN EMPLOYEE OF A MORTGAGE LENDER; OR**".

On page 13, in line 11, strike "**TO BE SETTLED UNDER**" and substitute "**INCLUDED IN**"; and in lines 14 and 15, strike "**TO BE SETTLED UNDER**" and substitute "**INCLUDED IN**".

On page 15, in line 13, strike "**(I)**"; in the same line, strike "**$10,000**" and substitute "**$50,000**"; strike beginning with "**AND**" in line 14 down through the semicolon in line 18; in line 19, strike "**ISSUED**" and substitute "**BE ISSUED**"; and in line 21, strike "**CONDITIONED**" and substitute "**BE CONDITIONED**".

AMENDMENT NO. 3

On pages 11 and 12, strike in their entirety the lines beginning with line 29 on page 11 through line 10 on page 12, inclusive, and substitute:

"**(E) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, FOR EACH INDIVIDUAL DEBT, A DEBT SETTLEMENT SERVICES FEE SHALL:**

(I) BEAR THE SAME PROPORTIONAL RELATIONSHIP TO THE DEBT SETTLEMENT SERVICES FEE FOR SETTLING THE TOTAL DEBT AS THE INDIVIDUAL DEBT AMOUNT BEARS TO THE TOTAL DEBT; OR

(II) BE CALCULATED AS A PERCENTAGE OF THE DIFFERENCE BETWEEN THE PRINCIPAL AMOUNT OF THE DEBT AND THE AMOUNT PAID TO THE CREDITOR OR DEBT COLLECTOR TO SETTLE THE DEBT.

(2) THE PERCENTAGE CHARGED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE THE SAME FOR EACH INDIVIDUAL DEBT.

(3) THE TOTAL DEBT SETTLEMENT SERVICES FEES CHARGED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT EXCEED 25% OF THE TOTAL PRINCIPAL AMOUNT OF THE DEBT.".

AMENDMENT NO. 4

On page 16, after line 11, insert:

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

(a) On or before April 30 of each year beginning with April 30, 2012, and ending with April 30, 2015, each debt settlement services provider that is registered with the Commissioner of Financial Regulation, as required under Section 1 of this Act, shall report to the Commissioner on the debt settlement services business the registrant conducted during the preceding calendar year.

(b) The report required under subsection (a) of this section shall include:

(1) for each consumer in Maryland for whom the registrant provided debt settlement services during the reporting period:

(i) the number of debts included in the debt settlement services agreement with the consumer;

(ii) the principal amount of each debt at the time the debt settlement services agreement was signed;

(iii) whether each debt is active, terminated, or settled;

(iv) if a debt has been settled, the settlement amount of the debt;

(v) the total amount of fees paid by the consumer to the registrant;

(vi) for each debt, whether the creditor has filed suit on the debt;

(vii) the date the consumer is expected to complete the debt settlement program; and

(viii) the date the consumer became inactive in, cancelled, or terminated the debt settlement program, if applicable;

(2) for Maryland consumers who completed a debt settlement program during the reporting period, the mean and median percentage of savings to the consumers and the mean and median percentage of fees paid to the registrant;

(3) for Maryland consumers who became inactive in, cancelled, or terminated a debt settlement program during the reporting period, the mean and median percentage of savings to the consumers and the mean and median percentage of fees paid to the registrant;

(4) the percentage of Maryland consumers who became inactive in, cancelled, or terminated a debt settlement program during the reporting period without settlement of all of the consumer's debts; and

(5) the total amount of fees collected from Maryland consumers during the reporting period.";

in lines 12 and 21, strike "2." and "3.", respectively and substitute "3." and "4.", respectively; in line 13, strike "2012" and substitute "2014"; in line 18, after "including" insert ":

(1)";

and in line 20, after "providers" insert "; and

(2) whether the calculation of and cap on debt settlement services fees, as provided under § 12–1010(e) of the Financial Institutions Article, as enacted by Section 1 of this Act, should be altered in a way that would be more beneficial to consumers and fair to the debt settlement services industry".

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 786 – Senators Montgomery and Forehand

AN ACT concerning

Health – Newborn Screening Program – Critical Congenital Heart Disease

SB0786/817073/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 786
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Forehand" and substitute ", Forehand, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, Muse, and Pugh"; strike beginning with "that" in line 3 down through "disease" in line 5 and substitute "the Department of Health and Mental Hygiene to adopt certain federal recommendations on critical congenital heart disease screening in newborns under certain circumstances; requiring the State Advisory Council on Hereditary and Congenital Disorders to develop certain recommendations for critical congenital heart disease screening of newborns in the State; requiring the Advisory Council to convene certain experts to provide certain information; requiring the Advisory Council to examine the impact of implementing mandatory critical congenital heart disease screening; requiring the Advisory Council to review certain studies and literature; requiring the Advisory Council to submit a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to the State Advisory Council on Hereditary and Congenital Disorders and newborn screening for critical congenital heart disease".

AMENDMENT NO. 2

On page 2, in line 23, strike the brackets; and strike beginning with the semicolon in line 25 down through "**DISEASE**" in line 26.

AMENDMENT NO. 3

On page 3, after line 18, insert:

"**(E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF THE SECRETARY OF HEALTH AND HUMAN SERVICES ISSUES FEDERAL RECOMMENDATIONS ON CRITICAL CONGENITAL HEART DISEASE SCREENING OF NEWBORNS, THE DEPARTMENT SHALL ADOPT THE FEDERAL SCREENING RECOMMENDATIONS.**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The State Advisory Council on Hereditary and Congenital Disorders shall develop recommendations on the implementation of critical congenital heart disease screening of newborns in the State in accordance with this section.

(b) The Advisory Council shall:

(1) convene experts from the State's academic medical centers and any other hospital that the Advisory Council considers appropriate, as well as other State organizations and professional groups, to provide information for the development of recommendations for critical congenital heart disease screening of newborns in the State;

(2) examine the impact of implementing mandatory critical congenital heart disease screening, including an examination of costs, insurance reimbursement, necessary medical equipment and staff training, screening protocols and quality oversight, and risk of harm; and

(3) review medical and public health studies and literature across a broad range of newborn delivery systems with respect to critical congenital heart disease screening of newborns.

(c) On or before December 31, 2011, the Advisory Council shall submit its findings and recommendations on the implementation of critical congenital heart disease screening of newborns in a report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article.

(d) Notwithstanding any recommendation developed by the Advisory Council under this section, if the Secretary of Health and Human Services issues federal recommendations on critical congenital heart disease screening of newborns, the

Department shall adopt the federal screening recommendations in accordance with § 13–111(e) of the Health – General Article as enacted by this Act.";

and in line 19, strike "2." and substitute "3.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 993 – Senator Middleton

AN ACT concerning

Maryland Automobile Insurance Fund – Employee Compensation

SB0993/527275/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 993
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Middleton" and substitute "Senators Middleton, Astle, Garagiola, Glassman, Kittleman, Klausmeier, and Pugh"; and in line 7, after "plan;" insert "requiring the Executive Director to administer the compensation of the personnel of the Fund;".

AMENDMENT NO. 2

On page 2, in line 8, after "determine" insert "**AND ADMINISTER**".

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 704 – Senators Klausmeier and Pugh

AN ACT concerning

Electric Companies and Gas Companies – Customer Account Information

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

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 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

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

FLOOR AMENDMENT

SB0248/993924/1
BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 248, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 3 of the Education, Health, and Environmental Affairs Committee Amendments (SB0248/624033/1), in line 7 of Amendment No. 3, strike "**OR**".

AMENDMENT NO. 2

On page 4 of the bill, in line 12, before "**TO**" insert "**(A)**"; and in line 20, after "**ARTICLE**" insert "**; OR**

(3) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A PERSON LICENSED BY THE STATE TO ENGAGE IN THE RETAIL SALE OF WINE FOR CONSUMPTION OFF THE PREMISES.

(B) A PERSON WHO QUALIFIES FOR A DIRECT WINE SHIPPER'S PERMIT UNDER SUBSECTION (A)(3) OF THIS SECTION MAY USE THE DIRECT WINE SHIPPER'S PERMIT ONLY TO SHIP TO A CONSUMER IN THE STATE:

(1) KOSHER WINE; OR

(2) SACRAMENTAL WINE FOR USE IN A RELIGIOUS CEREMONY".

The preceding 2 amendments were read and rejected.

Read the second time and ordered prepared for Third Reading.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #7

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 #7
March 24, 2011

Juvenile Services, Department of

1. Sam Abed District 44
118 N. Howard Street, Apt. 213
Baltimore, MD 21201

Secretary of Department of Juvenile Services; appointed to serve at the pleasure of the Governor

Correctional Training Commission

2. Wallis Q. Norman District 11
10043 Ardenne Way
Owings Mills, MD 21117

Member of the Correctional Training Commission; appointed to serve remainder of a term of three years from July 1, 2008 and a term of three years from July 1, 2011

Criminal Injuries Compensation Board

3. Sandy Bromley District 20
7611 Maple Avenue, #511
Takoma Park, MD 20912

Member of the Criminal Injuries Compensation Board; appointed to serve a term of five years from July 1, 2011

Health and Mental Hygiene, Board of Review of the Department of

4. Joy C. Naden District 41
20 Cross Keys Road
Baltimore, MD 21210

Member of the Board of Review of the Department of Health and Mental Hygiene; reappointed to serve a term of three years from July 1, 2009

5. Deborah A. Wilson District 33
1611 Parkridge Circle
Crofton, MD 21114

Member of the Board of Review of the Department of Health and Mental Hygiene; appointed to serve remainder of a term of three years from July 1, 2008 and a term of three years from July 1, 2011

Historic St. Mary's City Commission

6. William L. George, S.J. District 36
320 Pioneer Lane
Centreville, MD 21617

Member of the Historic St. Mary's City Commission; appointed to serve remainder of a term of four years from July 1, 2007 and a term of four years from July 1, 2011

7. Michael S. Loughran District 29
45355 Stark Drive, P.O. Box 275
Piney Point, MD 20674

Member of the Historic St. Mary's City Commission; appointed to serve remainder of a term of four years from July 1, 2010

8. Michael J. Whitson District 29
28264 Old Village Road
Mechanicsville, MD 20659

Member of the Historic St. Mary's City Commission; appointed to serve remainder of a term of four years from July 1, 2010

Infants and Toddlers, Interagency Coordinating Council for

9. Miji Kim District 13
12168 Linden Linthicum Lane
Clarksville, MD 21029

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve a term of three years from July 1, 2010

10. Amy Nicholas Sargent District 46
526 South Ellwood Avenue
Baltimore, MD 21224

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

Judicial Disabilities, Commission on

11. Alexander Wright, Jr. District 11
361 Rowe Boulevard
Annapolis, MD 21401

Member of the Commission on Judicial Disabilities; appointed to serve remainder of a term of four years from January 1, 2011

Maryland Economic Development Corporation Board of Directors

12. Herbert D. Frerichs, Jr., Esq. District 11
642 Oak Farm Court
Timonium, MD 21093

Member of the Maryland Economic Development Corporation Board of Directors; appointed to serve remainder of a term of four years from July 1, 2010

Police Training Commission

13. Charles H. Hinnant District 1
1111 Cherrywood Avenue
Cumberland, MD 21502

Member of the Police Training Commission; appointed to serve remainder of a term of three years from June 1, 2009

Professional Standards and Teacher Education Board

14. Cathy Cerveny District 35
331 Royal Oak Drive
Bel Air, MD 21015

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2011

15. Darren R. Hornbeck District 12
5423 El Camino
Columbia, MD 21044

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2011

16. Mary Ellen Lewis District 43
5016 Plymouth Road
Baltimore, MD 21214

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2011

17. Michelle Revells District 29
6325 Stiles Place
Hughesville, MD 20637

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2011

Real Estate Appraisers and Home Inspectors, State Commission of

18. Don de Castro District 26
5005 Rayburn Court
Camp Springs, MD 20748

Member of the State Commission of Real Estate Appraisers and Home Inspectors; appointed to serve a term of three years from January 1, 2011

Social Work Examiners, State Board of

19. Denise A. Capaci District 28
2306 Watertrumpet Court
Waldorf, MD 20603

Member of the State Board of Social Work Examiners; appointed to serve remainder of a term of four years from July 1, 2007 and a term of four years from July 1, 2011

St. Mary's College of Maryland, Board of Trustees

20. Gary A. Jobson District 30
10 Thompson Street
Annapolis, MD 21401

Member of the Board of Trustees of St. Mary's College of Maryland; reappointed to serve a term of six years from June 1, 2010

21. Michael P. O'Brien District 29
24317 North Patuxent Beach Road
California, MD 20619

Member of the Board of Trustees of St. Mary's College of Maryland; reappointed to serve a term of six years from June 1, 2011

22. Katharine Russell District 99
368 Cypress Point Drive
Palm Desert, CA 92211–1713

Member of the Board of Trustees of St. Mary's College of Maryland; appointed to serve remainder of a term of six years from June 1, 2007

Stadium Authority, Maryland

23. Weldon H. Latham, Esq. District 16
7004 Natelli Woods Lane
Bethesda, MD 20817

Member of the Maryland Stadium Authority; appointed to serve a term of four years from July 1, 2010

University System of Maryland Board of Regents

24. David W. Kinkopf, Esq. District 43
5409 Purlington Way
Baltimore, MD 21212

Member of the University System of Maryland Board of Regents; appointed to serve a term of five years from July 1, 2011

25. Collin Wojciechowski District 31
8044 Forest Glen Drive
Pasadena, MD 21122

Member of the University System of Maryland Board of Regents; appointed to serve a term of one year from July 1, 2011

Veterans' Home Commission, Maryland

26. Mary R. Boyd, USA (Ret.) District 28
6523 Hawkins Gate Road
La Plata, MD 20646

Member of the Maryland Veterans' Home Commission; reappointed to serve a term of five years from July 1, 2011

27. Jason E. Franklin District 14
18623 Shadowridge Terrace
Olney, MD 20832

Member of the Maryland Veterans' Home Commission; appointed to serve remainder of a term of five years from July 1, 2006 and a term of five years from July 1, 2011

Washington Suburban Transit Commission

28. Michael Barnes District 18
7313 Maple Avenue
Chevy Chase, MD 20815

Member of the Washington Suburban Transit Commission; appointed to serve a term of three years from June 1, 2010

29. Alvin J. Nichols District 22
8105 Felbrigg Hall Road
Glen Dale, MD 20769

Member of the Washington Suburban Transit Commission; appointed to serve a term of three years from June 1, 2010

Wellmobile Program Advisory Board, Governor's

30. Charles B. Hofmann, M.D. District 38
217 South Clairmont Avenue
Salisbury, MD 21801

Member of the Governor's Wellmobile Program Advisory Board; appointed to serve remainder of a term of three years from October 1, 2009

Women, Maryland Commission for

31. Tanesha Boldin District 10
7114 Neville Court
Baltimore, MD 21244

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2010

32. Darlene Breck District 28
8425 Welcome Woods Place
Welcome, MD 20693

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2009

33. Ginger Miller District 27
609 Mattawoman Way
Accokeek, MD 20607

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2008

34. Cecilia J. Stegall District 26
7200 Jaywick Avenue, #220
Fort Washington, MD 20744

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2007 and a term of four years from July 1, 2011

35. Cara Tenenbaum District 20
1401 Blair Mill Road, #1706
Silver Spring, MD 20910

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2010

Youth Camp Safety, Advisory Council on

36. Margaret C. Kaufman District 36
405 Watson Road
Centreville, MD 21617

Member of the Advisory Council on Youth Camp Safety; appointed to serve a term of three years from July 1, 2010

37. Blessing Matthews District 24
2806 Foxglove Way
Springdale, MD 20774

Member of the Advisory Council on Youth Camp Safety; appointed to serve a term of three years from July 1, 2011

Statewide Nominees

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

Patuxent Institution Board of Review

S–1. Margaret Ruth Doxzen District 32
2042 Horseshoe Circle
Jessup, MD 20794

Member of the Patuxent Institution Board of Review; reappointed to serve a term of four years from March 21, 2011

S–2. John R. Simpson District 36
245 Devon Drive
Chestertown, MD 21620

Member of the Patuxent Institution Board of Review; reappointed to serve a term of four years from March 21, 2011

Police Training Commission

S–3. Larry M. Brownlee, Sr. District 24
4002 Bald Hill Terrace
Mitchellville, MD 20721

Member of the Police Training Commission; reappointed to serve a term of three years from June 1, 2011

Professional Standards and Teacher Education Board

S–4. Theresa D. Stafford District 37
2429 Rock Drive
Cambridge, MD 21613

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2011

Real Estate Appraisers and Home Inspectors, State Commission of

S–5. Nathaniel W. Hauser District 9
3729 Chatham Road
Ellicott City, MD 21042

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve a term of three years from January 1, 2011

S–6. David J. Hodnett, Esq. District 11
18 Bailey Lane
Owings Mills, MD 21117

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve a term of three years from January 1, 2011

Residential Boarding Education Programs, Board of Trustees of

S–7. Carmen Sylvia Brown District 7
11102 Old Carriage Road
Glen Arm, MD 21057

Member of the Board of Trustees of Residential Boarding Education Programs; reappointed to serve a term of three years from July 1, 2010

S–8. Kevin Liles District 99
75 Rockefeller Plaza, 32nd Floor
New York, NY 20019

Member of the Board of Trustees of Residential Boarding Education Programs; reappointed to serve a term of three years from July 1, 2010

St. Mary's College of Maryland, Board of Trustees

S–9. Cynthia L. Broyles District 29
18419 Herring Creek Road, P.O. Box 131
Tall Timbers, MD 20690

Member of the Board of Trustees of St. Mary's College of Maryland; reappointed to serve a term of six years from June 1, 2011

S–10. Gail M. Harmon District 29
Tippity Wichity Island
Great Mills, MD 20634

Member of the Board of Trustees of St. Mary's College of Maryland; reappointed to serve a term of six years from June 1, 2011

S–11. Walton Neil Irwin District 99
400 West 119th Street, 10W–W
New York, NY 10027

Member of the Board of Trustees of St. Mary's College of Maryland; reappointed to serve a term of six years from June 1, 2011

S–12. Lawrence E. Leak, Ph.D. District 13
6505 Burgundy Lane
Clarksville, MD 21029

Member of the Board of Trustees of St. Mary's College of Maryland; reappointed to serve a term of six years from June 1, 2011

S–13. Molly Mahoney Matthews District 16
6911 Radnor Road
Bethesda, MD 20817

Member of the Board of Trustees of St. Mary's College of Maryland; appointed to serve a term of six years from June 1, 2011

S–14. John Chambers Wobensmith District 99
130 West 15th Street, Apt. PH–K
New York, NY 10011

Member of the Board of Trustees of St. Mary's College of Maryland; reappointed to serve a term of six years from June 1, 2011

Tourism Development Board, Maryland

S–15. Christopher S. Schardt District 46
2918 Hudson Street
Baltimore, MD 21224

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2011

S–16. Greg Shockley District 38
10148 Queen's Circle
Ocean City, MD 21842

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2011

S–17. Matthew McLeod Taylor District 1
112 N. 2nd Street
Oakland, MD 21550

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2011

University System of Maryland Board of Regents

S–18. Barry P. Gossett District 30
490 South River Landing
Edgewater, MD 21037

Member of the University System of Maryland Board of Regents; reappointed to serve a term of five years from July 1, 2011

S–19. James L. Shea, Esq. District 11
10909 Baronet Road
Owings Mills, MD 21117

Member of the University System of Maryland Board of Regents; reappointed to serve a term of five years from July 1, 2011

Local Nominees

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

Allegany College Board of Trustees

L–1. Jane A. Belt District 1
13119 Quarry Ridge Road, SW
Cumberland, MD 21502

Member of the Allegany College Board of Trustees; reappointed to serve a term of six years from July 1, 2011

Anne Arundel Community College Board of Trustees

L–2. Walter Joseph Hall District 31
507 Lake Shore Drive
Pasadena, MD 21122

Member of the Anne Arundel Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2011

L–3. Cynthia Robichaud District 30
1100 Skyway Drive
Annapolis, MD 21409

Member of the Anne Arundel Community College Board of Trustees; appointed to serve a term of one year from July 1, 2011

Baltimore County Community College, Board of Trustees

L–4. Sheldon Caplis District 11
113 River Oaks Road
Baltimore, MD 21208

Member of the Board of Trustees of Baltimore County Community College; reappointed to serve remainder of a term of five years from July 1, 2011

L–5. Michael P. Ertel District 42
505 West Joppa Road
Towson, MD 21204

Member of the Board of Trustees of Baltimore County Community College; appointed to serve remainder of a term of five years from July 1, 2007

L–6. Wayne McDowell District 12
37 Anderson Ridge Road
Catonsville, MD 21228

Member of the Board of Trustees of Baltimore County Community College; appointed to serve remainder of a term of five years from July 1, 2007

L–7. Gloria Nelson District 6
7908 Lynch Road
Baltimore, MD 21222

Member of the Board of Trustees of Baltimore County Community College; reappointed to serve a term of five years from July 1, 2011

L–8. Patricia Reed Norman District 6
809 Cedar Grove Road
Baltimore, MD 21221

Member of the Board of Trustees of Baltimore County Community College; reappointed to serve a term of five years from July 1, 2011

Calvert County Board of License Commissioners

L–9. Alonzo Barber, III District 27
9720 Smith Way
Dunkirk, MD 20754

Member of the Calvert County Board of License Commissioners; appointed to serve remainder of a term to expire June 6, 2011 and a term of two years to expire June 3, 2013

Cecil County Board of Elections

L–10. Jack Beaston District 36
4 Squirrel Court
Elkton, MD 21921

Member of the Cecil County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–11. Nelson K. Bolender District 36
22 Highland Avenue
Elkton, MD 21921

Member of the Cecil County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–12. Margaret McMahon Gagnon District 34
42 Carpenter's Point Loop
Perryville, MD 21903

Member of the Cecil County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–13. Brenda K. Ross District 36
214 East Main Street
Cecilton, MD 21913

Member of the Cecil County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–14. Nancy Rothwell Simpers District 36
584 Kirk Road
Elkton, MD 21921

Member of the Cecil County Board of Elections; appointed to serve a term of four years from June 6, 2011

Charles County Board of Elections

L–15. James R. Anderson District 28
5240 Well Spring Road
La Plata, MD 20646

Member of the Charles County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–16. Fern G. Brown District 28
4690 Pickeral Street, P.O. Box 293
White Plains, MD 20695

Member of the Charles County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–17. Gloria D. Hampton District 28
11810 General Hampton Place
Nanjemoy, MD 20662

Member of the Charles County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–18. Katherine M. O'Malley–Simpson District 28
8305 Clamber Hill Place, P.O. Box 163
Port Tobacco, MD 20677

Member of the Charles County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–19. Norman J. Saunders, Jr. District 28
11955 Woodbury Road
Nanjemoy, MD 20662

Member of the Charles County Board of Elections; reappointed to serve a term of four years from June 6, 2011

College of Southern Maryland, Board of Trustees of the

L–20. Mary Maddox Krug, Esq. District 27
4050 Buck Board Lane, P.O. Box 133
Dunkirk, MD 20754

Member of the Board of Trustees of the College of Southern Maryland; appointed to serve a term of five years from July 1, 2011

Dorchester County Board of Elections

L–21. William E. Batson District 37
5525 Finchville Reliance Road, P.O. 218
Hurlock, MD 21643

Member of the Dorchester County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–22. Thomas M. Corkran District 37
3409 Choptank Drive
East New Market, MD 21631

Member of the Dorchester County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–23. Janet M. Livingston District 37
4403 Pine Top Road
Taylors Island, MD 21669

Member of the Dorchester County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–24. George Philip Reed District 37
111 Lee Drive
Cambridge, MD 21613

Member of the Dorchester County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–25. Jeanne H. Webster District 37
2 Shady Drive
Cambridge, MD 21613

Member of the Dorchester County Board of Elections; appointed to serve a term of four years from June 6, 2011

Frederick Community College Board of Trustees

L–26. Nicanor "Nick" Diaz District 4
8208 James Street
Middletown, MD 21769

Member of the Frederick Community College Board of Trustees; reappointed to serve a term of five years from July 1, 2011

Frederick County Board of Elections

L–27. Raymond E. Bentz District 3
125 Cody Drive, #33
Frederick, MD 21788

Member of the Frederick County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–28. Mary Lou Green District 3
3602 Petersville Road
Knoxville, MD 21758

Member of the Frederick County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–29. Garold R. Hays District 4
201 Cobble Way
Walkersville, MD 21793

Member of the Frederick County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–30. Mark P. Jeffers, Jr. District 4
4908 Ed McClain Road
Monrovia, MD 21770

Member of the Frederick County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–31. Earlene Hairstone Thornton, Ed.D. District 3
5503 Hines Road
Frederick, MD 21701

Member of the Frederick County Board of Elections; reappointed to serve a term of four years from June 6, 2011

Garrett College Board of Trustees

L–32. Duane E. Yoder District 1
301 Roanoke Avenue
Oakland, MD 21550

Member of the Garrett College Board of Trustees; appointed to serve a term of six years from July 1, 2011

Hagerstown Community College Board of Trustees

L–33. Carolyn Williams Brooks District 2
19207 Jamestown Court
Hagerstown, MD 21742

Member of the Hagerstown Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2011

Howard Community College Board of Trustees

L–34. Dennis W. Miller District 12
11212 Silver Tree Place
Columbia, MD 21044

Member of the Howard Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2006

Montgomery Community College Board of Trustees

L–35. Kenneth Jay Hoffman, M.D. District 17
1511 Auburn Avenue
Rockville, MD 20850

Member of the Montgomery Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2011

L–36. Michael D. Priddy District 15
15137 Rollinmead Drive
Gaithersburg, MD 20178

Member of the Montgomery Community College Board of Trustees; appointed to serve a term of six years from July 1, 2011

Somerset County Board of Elections

L–37. Richard A. Barnhart District 38
24350 Hideaway Lane, P.O. Box 91
Deal Island, MD 21821

Member of the Somerset County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–38. Mary L.T. Handy District 38
28152 Holland Crossing Road
Marion, MD 21838

Member of the Somerset County Board of Elections; reappointed to serve a term of four years from June 6, 2011

Talbot County Board of Elections

L–39. Walter Weldon Black, Jr. District 37
8672 Misty Brook Way
Easton, MD 21601

Member of the Talbot County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–40. Mary–Beth Goll District 37
814 Applewood Court
Easton, MD 21601

Member of the Talbot County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–41. Susan J. MacKinnon District 37
105 Willows Avenue
Oxford, MD 21654

Member of the Talbot County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–42. Joseph H. Secrist, Jr. District 37
11638 Longwoods Road
Easton, MD 21601

Member of the Talbot County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–43. Venita L. Southworth District 37
707 Lomax Street
Easton, MD 21601

Member of the Talbot County Board of Elections; reappointed to serve a term of four years from June 6, 2011

Washington County Board of Elections

L–44. John R. Benchoff District 2
20201 American Way
Hagerstown, MD 21742

Member of the Washington County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–45. Tammy E. Downin District 2
20103 Daniels Circle
Hagerstown, MD 21742

Member of the Washington County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–46. Carroll H. Earp District 2
20315 Ayoub Lane
Hagerstown, MD 21742

Member of the Washington County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–47. Clyde J. Tate District 2
11101 Shalom Lane
Hagerstown, MD 21742

Member of the Washington County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–48. Eileen W. Wiggins District 2
18534 Kent Avenue
Hagerstown, MD 21740

Member of the Washington County Board of Elections; reappointed to serve a term of four years from June 6, 2011

Wicomico County Board of Elections

L–49. Leonard S. Jett District 38
7061 Cromwell Avenue
Salisbury, MD 21804

Member of the Wicomico County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–50. Katrina A. Purnell District 38
334 Trooper's Way
Salisbury, MD 21804

Member of the Wicomico County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–51. Marva R. Purnell–Greene District 38
630 Terrapin Lane
Salisbury, MD 21804

Member of the Wicomico County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–52. Darlene S. White District 37
26908 Nanticoke Road
Salisbury, MD 21801

Member of the Wicomico County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–53. Woodland B. Willing District 38
31986 Shavox Road
Salisbury, MD 21804

Member of the Wicomico County Board of Elections; reappointed to serve a term of four years from June 6, 2011

Worcester County Board of Elections

L–54. Alfred F. Bridgman, Jr. District 38
8 Pinehurst Road
Ocean Pines, MD 21811

Member of the Worcester County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–55. Jane Carmean District 38
6350 Snow Hill Road
Snow Hill, MD 21863

Member of the Worcester County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–56. Hinson F. Finney District 38
2317 Oak Hill Road
Pocomoke City, MD 21851

Member of the Worcester County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–57. Kay Ann Hickman District 38
10 Fells Point, P.O. Box 1422
Ocean Pines, MD 21811

Member of the Worcester County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–58. Anna L. Hudson District 38
509 B Dighton Avenue
Snow Hill, MD 21863

Member of the Worcester 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 – 46 Negative – 0 (See Roll Call No. 560)

QUORUM CALL

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

(See Roll Call No. 561)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #46
CONSENT CALENDAR #6

BILL NO.	SPONSOR	CONTENT	COMMITTEE
SB 509	Sen. Peters	Prince George's County – Ethics Reforms	EHE
SB 687	Sen. Peters	Militia – Emplmt for Military Spss – Teachs, Hlth Care Pract, and Indivs in Bsns Occups and Proffns	EHE
SB 765	Sen. Young	Election Law – Voter Registration – Exchange of Information	EHE
SB 896	Sen. Dyson	St. Mary's County Board of Elections – Salary	EHE
SB 913	Sen. Colburn	Caroline County – Board of Elections – Membership and Compensation	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 6 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 562)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #48

Senate Bill 112 – Senators Glassman, Conway, DeGrange, Forehand, Jennings, Kasemeyer, Mathias, Middleton, Raskin, Simonaire, ~~and Stone~~ Stone, and Dyson

AN ACT concerning

Criminal Law – Sale of Novelty Lighters – Prohibition

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

Affirmative – 43 Negative – 3 (See Roll Call No. 563)

The Bill was then sent to the House of Delegates.

Senate Bill 120 – Senators Conway, Benson, Ferguson, Forehand, Gladden, Jones–Rodwell, Kelley, King, Klausmeier, Pugh, and Ramirez

AN ACT concerning

Procurement – Minority Business Participation

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

Affirmative – 44 Negative – 0 (See Roll Call No. 564)

The Bill was then sent to the House of Delegates.

Senate Bill 206 – Senator Frosh

AN ACT concerning

Real Property – Residential Property Foreclosure Procedures – Secured Party

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

Affirmative – 46 Negative – 0 (See Roll Call No. 565)

The Bill was then sent to the House of Delegates.

Senate Bill 472 – Carroll County Senators

AN ACT concerning

Carroll County – Commissioners – Term Limits and Vacancies

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

Affirmative – 45 Negative – 0 (See Roll Call No. 566)

The Bill was then sent to the House of Delegates.

Senate Bill 599 – Senators Raskin, Frosh, Manno, Miller, Ramirez, and Zirkin

AN ACT concerning

Courts and Judicial Proceedings – Prelitigation Discovery – Insurance Coverage

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

Affirmative – 37 Negative – 9 (See Roll Call No. 567)

The Bill was then sent to the House of Delegates.

Senate Bill 826 – Senator Mathias

AN ACT concerning

~~Environment~~ Somerset County – Water and Sewer Service – Late Fees

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

Affirmative – 46 Negative – 0 (See Roll Call No. 568)

The Bill was then sent to the House of Delegates.

Senate Bill 839 – Senator Gladden

AN ACT concerning

Counties – Kennel Licenses – Requirements for Breeders

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

Affirmative – 46 Negative – 0 (See Roll Call No. 569)

The Bill was then sent to the House of Delegates.

Senate Bill 849 – The President (By Request – Administration)

AN ACT concerning

~~Natural Resources~~ State Government – Land Acquisitions and Transfers of Property

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

Affirmative – 46 Negative – 0 (See Roll Call No. 570)

The Bill was then sent to the House of Delegates.

Senate Bill 961 – Senator Garagiola

AN ACT concerning

State Vehicle Fleet – Use of Biofuels

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

Affirmative – 46 Negative – 0 (See Roll Call No. 571)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #49

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

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

Affirmative – 39 Negative – 7 (See Roll Call No. 572)

The Bill was then sent to the House of Delegates.

Senate Bill 215 – Senator Jones–Rodwell

AN ACT concerning

~~Maryland~~ Baltimore City Community Enhancement Transit–Oriented Development Fund

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

Affirmative – 46 Negative – 0 (See Roll Call No. 573)

The Bill was then sent to the House of Delegates.

Senate Bill 430 – Senator Klausmeier

AN ACT concerning

Baltimore County – Public School Employees – Collective Bargaining and Representation Fees

Senator Klausmeier moved, duly seconded, to place **Senate Bill 430** back on second reading for the purpose of adding amendments.

The motion was adopted.

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

FLOOR AMENDMENT

SB0430/557175/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 430
(Bill as Printed for Third Reading)

AMENDMENT NO. 1

On page 1, in line 5, strike "may" and substitute "is required to"; and in line 21, strike "and 6–509(a)".

AMENDMENT NO. 2

On page 2, in line 10, strike "**BOTH CERTIFICATED**" and substitute "**EMPLOYEES WHOSE POSITION REQUIRES AN ADMINISTRATIVE AND SUPERVISORY CERTIFICATE**"; in the same line, after "**AND**" insert "**SUPERVISORY**"; in line 11, strike "**DESCRIBED IN § 6–404(C)(2)**" and substitute "**DEFINED UNDER § 6–501(H)**"; in the same line, strike "**SUBTITLE**" and substitute "**TITLE**"; in the same line, strike "**MAY**" and substitute "**IS REQUIRED TO**"; strike in their entirety lines 13 through 21, inclusive; in line 24, strike "both certificated" and substitute "employees whose position requires an administrative and supervisory certificate"; in line 25, after "and" insert "supervisory"; and in the same line, strike "described in § 6–404(c)(2)" and substitute "defined under § 6–501(h)".

The preceding 2 amendments were read only.

Senator Brochin moved, duly seconded, to make the Bill and Amendments a Special Order for March 28, 2011.

The motion was adopted.

Senate Bill 491 – Senator Peters

AN ACT concerning

Horse Racing – Bowie Race Course Training Center – Ownership Transfer

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

Affirmative – 46 Negative – 0 (See Roll Call No. 575)

The Bill was then sent to the House of Delegates.

Senate Bill 584 – ~~Senator Jacobs~~ Senators Jacobs, Glassman, Kittleman, Klausmeier, Mathias, and Middleton

AN ACT concerning

Public Health – Cord Blood Transplant Program ~~Support Fund~~

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

Affirmative – 46 Negative – 0 (See Roll Call No. 576)

The Bill was then sent to the House of Delegates.

Senate Bill 620 – Senators Manno, Forehand, Montgomery, Pinsky, and Ramirez

AN ACT concerning

Real Property – Retaliatory Actions – Landlords and Mobile Home Park Owners

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

Affirmative – 36 Negative – 10 (See Roll Call No. 577)

The Bill was then sent to the House of Delegates.

Senate Bill 694 – Senators Kelley and Middleton

AN ACT concerning

Insurance – Surplus Lines ~~Insurance Multi-State Compliance Compact~~

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

Affirmative – 46 Negative – 0 (See Roll Call No. 578)

The Bill was then sent to the House of Delegates.

Senate Bill 768 – Senators Ramirez and Frosh

AN ACT concerning

Child Abuse – Out of Court Statements of Child Victims

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

Affirmative – 46 Negative – 0 (See Roll Call No. 579)

The Bill was then sent to the House of Delegates.

Senate Bill 770 – Senators Conway ~~and Montgomery~~, Montgomery, Muse, Astle, Garagiola, Glassman, Kittleman, Klausmeier, Mathias, Middleton, and Pugh

AN ACT concerning

Prescription Drug Repository Program – Disposal of Prescription Drugs and Medical Supplies

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

Affirmative – 45 Negative – 0 (See Roll Call No. 580)

The Bill was then sent to the House of Delegates.

Senate Bill 384 – Senator Mathias

AN ACT concerning

Health – State Facilities and Residential Centers – Definition of Abuse ~~and Required Guidelines for Employees~~

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

Affirmative – 37 Negative – 9 (See Roll Call No. 581)

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. 582)

RECESS

At 12:51 P.M. on motion of Senator Garagiola, seconded, the Senate recessed until 7:00 P.M. on Legislative Day, March 25, 2011, Calendar Day, Monday, March 28, 2011.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 25, 2011
Calendar Day: Monday, March 28, 2011

At 7:19 P.M. the Senate resumed its session.

Prayer by Dr. Baraka G. Muganda, Washington Adventist University, guest of Senator Raskin.

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

QUORUM CALL

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

(See Roll Call No. 584)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 40 – Delegate Feldman

AN ACT concerning

Joint Committee on Workers' Compensation Benefit and Insurance Oversight – Membership

FOR the purpose of increasing the membership of the Joint Committee on Workers' Compensation Benefit and Insurance Oversight to include a certain member; repealing obsolete provisions; making stylistic changes; and generally relating to membership of the Joint Committee on Workers' Compensation Benefit and Insurance Oversight.

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–10A–03
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 135 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Courts and Judicial Proceedings – Crime Victims and Witnesses Funds – Court Costs

FOR the purpose of increasing certain costs imposed by a circuit court and the District Court for certain crimes and offenses; and generally relating to costs in criminal cases.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 7–409
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement

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

House Bill 201 – Delegate Beitzel

AN ACT concerning

Garrett County – Vacancy in Office of County Commissioner – Appointment Process

FOR the purpose of altering the procedures for filling a vacancy in an office of county commissioner in Garrett County by requiring the Governor to use procedures required for other commission counties, subject to the requirement that in Garrett County the nominee or appointee reside in the same commissioner district in which the former county commissioner resided; and generally relating to procedures for filling a vacancy in an office of county commissioner in Garrett County.

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 16
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)
(As enacted by Chapter 699 of the Acts of the General Assembly of 2010)

BY repealing and reenacting, with amendments,
The Public Local Laws of Garrett County
Section 30.02(D)
Article 12 – Public Local Laws of Maryland

(2005 Edition and November 2010 Supplement, as amended)

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

House Bill 391 – Delegate Feldman and the Speaker (By Request – Administration) and Delegates Arora, Barkley, Barve, Cane, Carr, Conaway, Cullison, DeBoy, Dumais, Frick, Frush, Gilchrist, Gutierrez, Healey, Hixson, Hucker, Ivey, Kaiser, A. Kelly, Kipke, Kramer, Lafferty, Lee, Luedtke, McMillan, A. Miller, Mizeur, Pendergrass, Reznik, B. Robinson, S. Robinson, Simmons, Summers, F. Turner, V. Turner, Waldstreicher, Washington, and Zucker

EMERGENCY BILL

AN ACT concerning

Maryland Electricity Service Quality and Reliability Act – Safety Violations

FOR the purpose of requiring the Public Service Commission to adopt certain regulations on or before a certain date that implement certain service quality and reliability standards relating to the delivery of electricity to retail customers by electric companies; requiring certain regulations to include certain service quality and reliability standards, ~~include~~ account for certain major outages, and require an electric company to file a corrective action plan if it fails to meet certain service quality and reliability standards; authorizing the Commission to include in certain regulations a separate reliability standard for each electric company~~, and require the use of nationally recognized standards for certain purposes~~; requiring the Commission, in adopting certain regulations, to consider certain standards, ensure certain service quality and reliability standards are cost–effective, and consider certain factors relating to vegetation management; requiring the Commission, on or before a certain date, and each year thereafter, to determine whether certain electric companies have met certain service quality and reliability standards; requiring the Commission to take certain appropriate enforcement action against ~~an~~ a certain electric company if the electric company fails to meet certain service quality and reliability standards; ~~requiring that certain civil penalties be credited to a certain electric company's residential ratepayers in a manner determined by the Commission~~ authorizing the Commission to impose certain civil penalties on or after a certain date; prohibiting an electric company from recovering the cost of a certain civil penalty from ratepayers; providing that certain provisions relating to corrective action taken by the Commission against an electric company that fails to meet certain service quality and reliability standards do not apply to electric cooperatives; requiring each electric company to submit to the Commission a certain annual performance report; setting forth required contents of the annual performance report; requiring the Commission to hold a certain hearing at the request of an electric company; altering the maximum

daily civil penalty that may be imposed on a public service company for certain safety violations; removing a certain cap on the total civil penalty that may be imposed for a related series of safety violations; declaring a certain goal of the State; providing that ~~certain regulations may~~ this Act does not apply to small rural electric cooperatives or municipal electric companies; providing that this Act may not be construed to limit the Commission's authority to adopt and enforce engineering and safety standards for electric companies; providing that certain authorization for the Commission to impose certain civil penalties does not apply to a violation of a certain provision as that provision applies to electric cooperatives; requiring the Commission to establish a certain workgroup to provide certain recommendations; defining certain terms; making this Act an emergency measure; and generally relating to electricity reliability standards.

BY adding to
Article – Public Utilities
Section 7–213
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 13–201 and 13–202
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 406 – Washington County Delegation

AN ACT concerning

Washington County – Water and Sewer Debt Reduction Fund – ~~Repeal~~
Conococheague Industrial Pretreatment Facility

FOR the purpose of repealing certain provisions of law relating to the Washington County Water and Sewer Debt Reduction Fund; requiring the County Commissioners of Washington County to ensure service of the debt for the ~~Washington County pretreatment facility~~ Conococheague Industrial Pretreatment Facility from the Washington County general fund and revenues generated by the pretreatment facility; prohibiting the County Commissioners from using the costs of debt service for the ~~Washington County pretreatment facility~~ Conococheague Industrial Pretreatment Facility as a factor in the establishment or adjustment of water and sewer rates in the County; and generally relating to the Washington County Water and Sewer Debt Reduction Fund and the debt service for the ~~Washington County pretreatment facility~~ Conococheague Industrial Pretreatment Facility.

BY repealing
The Public Local Laws of Washington County
Section 6–505
Article 22 – Public Local Laws of Maryland
(2007 Edition and October 2010 Supplement, as amended)

BY adding to
The Public Local Laws of Washington County
Section 6–505
Article 22 – Public Local Laws of Maryland
(2007 Edition and October 2010 Supplement, as amended)

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

House Bill 407 – Delegates McComas, Aumann, Carter, DeBoy, Dumais, Frank, Frush, Haddaway–Riccio, K. Kelly, Lee, McDonough, B. Robinson, Simmons, and Waldstreicher

AN ACT concerning

Domestic Violence – ~~Cruelty Toward a Pet or Service Animal~~ Additional Relief – Award of Temporary Possession of Pet

FOR the purpose of authorizing a District Court Commissioner, in a certain interim protective order, and a judge, in a temporary protective order or final protective order, to ~~order a respondent to remain away from a certain pet or service animal, to refrain from cruelty or aggravated cruelty toward the pet or service animal, or in certain circumstances, to give the pet or service animal to a certain person; providing certain penalties for failure to comply with certain relief ordered in a certain interim protective order, temporary protective order, or final protective order~~ award temporary possession of any pet of a person eligible for relief or a respondent; defining ~~certain terms~~ a certain term; and generally relating to domestic violence ~~and cruelty toward a pet or service animal~~.

~~BY repealing and reenacting, without amendments,~~
~~Article – Criminal Law~~
~~Section 10–601(a), (b), and (c), 10–604(a), and 10–606(a)~~
~~Annotated Code of Maryland~~
~~(2002 Volume and 2010 Supplement)~~

BY repealing and reenacting, without amendments,
Article – Family Law
Section 4–501(a) and (l)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY adding to
Article – Family Law
Section 4–501(m) ~~and (q)~~, 4–504.1(c)(9), 4–505(a)(2)(ix), and 4–506(d)(13)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–501(m), (n), (o), (p), (q), and (r), 4–504.1(c)(7) and (8), 4–505(a)(2)(vii) and (viii), and 4–506(d)(11) and (12)~~, and 4–509(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 421 – Delegates Otto and McDermott

EMERGENCY BILL

AN ACT concerning

Somerset County – Deputy State's Attorney – Private Practice

FOR the purpose of repealing a prohibition against the deputy State's Attorney for Somerset County engaging in the private practice of law; making this Act an emergency measure; and generally relating to the deputy State's Attorney in Somerset County.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 15–420
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 511 – Delegates Dumais, Alston, Anderson, Arora, Aumann, Barkley, Barnes, Bates, Clippinger, Eckardt, Feldman, Frush, Gaines, Glenn, Gutierrez, Haddaway–Riccio, Healey, Hough, Hubbard, Jameson, Kaiser, A. Kelly, Lee, Luedtke, Malone, McComas, McIntosh, A. Miller, Mitchell, Mizeur, Morhaim, Nathan–Pulliam, Niemann, O'Donnell, Parrott, Pena–Melnyk, Reznik, S. Robinson, Simmons, Smigiel, Stocksdale, Valentino–Smith, Waldstreicher, and Wilson

AN ACT concerning

Juvenile Services – Services and Programs for Females

FOR the purpose of requiring the Department of Juvenile Services to ~~serve children in the juvenile services system with programming that provides females with certain services and programs; requiring the Department to~~ provide a certain report to the General Assembly on or before a certain date; requiring the report to include certain information; and generally relating to juvenile services.

~~BY repealing and reenacting, with amendments,~~
~~Article – Human Services~~
~~Section 9–238.1~~
~~Annotated Code of Maryland~~
~~(2007 Volume and 2010 Supplement)~~

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

House Bill 587 – Delegate Feldman

AN ACT concerning

Biotechnology Investment Tax Credit – ~~Application and Approval Procedures~~ Qualified Maryland Biotechnology Company

FOR the purpose of ~~requiring that an application for the biotechnology investment tax credit state the amount of the proposed investment; modifying the application approval process under the credit to treat all first–day applicants as if applications were delivered simultaneously for purposes of distributing the tax credit; repealing a certain limitation on the credit allowed to a qualified investor; altering a certain recapture provision under the credit; defining a certain term and modifying a certain definition under the credit;~~ 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; providing for the application of this Act; and generally relating to the Maryland Biotechnology Investment Tax Credit.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–725 (a)(7)
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article – Tax – General
Section 10–725(a)(8)
Annotated Code of Maryland

(2010 Replacement Volume)

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

House Bill 607 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Washington Suburban Sanitary Commission – Customer Notices
MC/PG 102–11

FOR the purpose of authorizing the Washington Suburban Sanitary Commission to enter on certain real property, the common area of a certain multifamily building, or a certain commercial building at certain times to post a certain notice on or near the entry door of the building or unit under certain circumstances; requiring the Commission to contact and consult with a property manager or owner of property before entering real property to mutually agree on certain matters except under certain circumstances; and generally relating to customer notices of the Washington Suburban Sanitary Commission.

BY adding to
Article – Public Utilities
Section 24–107
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 608 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Washington Suburban Sanitary Commission – Pipeline Construction – Contracts
MC/PG 104–11

FOR the purpose of expanding the definition of a "facilities construction contract" to include the construction of a pipeline in order to authorize the Washington Suburban Sanitary Commission to enter into a certain design/build contract for pipeline construction; repealing a prohibition on the Commission from entering into a design/build contract for a pipeline; and generally relating to the authority of the Washington Suburban Sanitary Commission to enter into construction contracts.

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 16–101(b) and 20–101(b)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 20–101(d) and 20–104(e)
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 613 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Prince George's County – Capital Improvements Program Submission MC/PG 111–11

FOR the purpose of altering the date before which the Maryland–National Capital Park and Planning Commission is required to prepare and submit a 6–year capital improvements program to the county governing body of Prince George's County; and generally relating to the submission of a 6–year capital improvements program to the county governing body of Prince George's County by the Maryland–National Capital Park and Planning Commission.

BY repealing and reenacting, with amendments,
Article 28 – Maryland–National Capital Park and Planning Commission
Section 2–118(b)(1)
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 660 – Delegates Frush, Healey, Lafferty, and Niemann

AN ACT concerning

Agriculture – Pesticides – Use~~, Release, Sale, and Purchase~~ Reporting

~~FOR the purpose of requiring the Department of Agriculture to adopt certain regulations regarding the reporting on the use, release, sale, and purchase of~~

~~certain pesticides; declaring certain findings of the General Assembly; requiring certain persons that use, release, sell, or purchase certain pesticides to submit certain reports to the Department; requiring the reports to contain certain information; requiring certain restricted use pesticides reports to be submitted at least monthly in a manner required by the Department; requiring certain pesticides reports to be submitted annually beginning on a certain date; requiring the Department to establish the format of the reports; requiring the Department to adopt standard naming conventions for certain chemicals and products; requiring a person that withholds certain information from a certain report to notify the Department and provide a certain explanation; establishing that this Act does not relieve a person from certain reporting requirements under federal, State, or local laws; authorizing the Department to inspect certain records; requiring certain records to be made available to the Department for inspection at a certain time; requiring the Department to provide notice of a certain inspection of records to a certain person; requiring the Department to serve as the repository for certain records; authorizing the Department to delegate certain data management functions; authorizing the Department to share data management resources with other State departments; requiring the Department to establish an online electronic reporting system; requiring the online electronic reporting system to allow certain information to be reported; authorizing the Department to adopt certain regulations regarding electronic reporting; authorizing the Department to adopt regulations regarding the public availability of certain information; requiring the Department to adopt regulations to ensure that certain data will not result in the association of the data with a certain person; requiring the Department to adopt regulations to protect the identity of certain persons; limiting access to certain reports to certain persons; prohibiting access to certain reports unless certain requirements are met; requiring the availability of certain administrative and judicial review under certain circumstances; creating a Pesticide Use and Release Fund; providing for the administration of the Fund; requiring the Fund to be used for certain purposes; requiring the Fund to have an annual revenue target; requiring the Department to set the revenue target and adjust the target based on certain conditions; requiring certain penalties and fees to be deposited into the Fund; requiring the Department to place a certain surcharge on certain fees; requiring the surcharge fees to be deposited into the Fund; requiring the surcharge fees to be used for a certain purpose; prohibiting the violation of this Act; establishing the penalties for certain violations; providing for the enforcement of this Act; requiring the Department to establish a tracking system for certain pesticide purchases; defining certain terms; and generally relating to pesticide release reporting.~~

FOR the purpose of requiring the Department of Agriculture to establish a certain public information program on certain uses of pesticides in the State; requiring the Department to collect certain pesticide use information from certain persons at least every certain number of years; requiring the Department to prepare a report on certain information every certain number of years; requiring the

Department to make a certain report available to the public under certain circumstances; and generally relating to pesticide use reporting.

~~BY repealing and reenacting, without amendments,~~
~~Article – Agriculture~~
~~Section 5–201(a), (g), (l), and (r)~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2010 Supplement)~~

BY adding to
Article – Agriculture
~~Section 5–2A–01 through 5–2A–20 to be under the new subtitle "Subtitle 2A. Use, Release, Sale, and Purchase of Pesticides"~~ Section 2–109
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 670 – Delegates Frush, Beidle, Bobo, Glenn, and Niemann

AN ACT concerning

Real Property – Retaliatory Actions – Landlords and Mobile Home Park Owners

FOR the purpose of altering the actions that a landlord is prohibited from taking against a tenant for certain reasons; altering the reference to certain prohibited actions of a landlord; authorizing a tenant to raise a retaliatory action of a landlord in defense to an action for possession or ~~in a~~ as an affirmative claim for certain damages; ~~creating a certain rebuttable presumption in an action by or against a tenant under certain circumstances;~~ altering the judgment that a court may enter against a landlord or a tenant under certain circumstances; altering the conditions of certain relief; altering the circumstances under which certain actions by a landlord may not be deemed to be retaliatory; altering the right of a landlord or tenant to terminate or not renew a tenancy; altering the actions that a mobile home park owner is prohibited from taking against a resident for certain reasons; altering the reference to certain prohibited actions of a park owner; authorizing a resident to raise a retaliatory action of a park owner in defense to an action for possession or ~~in a~~ as an affirmative claim for certain damages; ~~creating a certain rebuttable presumption in an action by or against a resident under certain circumstances;~~ altering the judgment that a court may enter against a park owner under certain circumstances; altering the circumstances under which certain actions by a park owner may not be deemed to be retaliatory; altering the right of a park owner or resident to terminate or not renew a rental agreement; providing that this Act shall supersede a comparable retaliatory action ordinance enacted by a county under certain

circumstances; making technical and stylistic changes; and generally relating to retaliatory actions by landlords and mobile home park owners.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8–208.1 and 8A–1301
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

House Bill 739 – Chair, Appropriations Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Sexual Assault Crisis Programs and Domestic Violence Programs – Transfer to the Governor's Office of Crime Control and Prevention

FOR the purpose of transferring certain responsibilities for certain sexual assault crisis programs and domestic violence programs from the Department of Human Resources to the Governor's Office of Crime Control and Prevention; transferring certain appropriations held by the Department of Human Resources to the Governor's Office of Crime Control and Prevention; establishing that this Act may not affect certain memberships or terms of office; providing for the validity of certain transactions; authorizing the publishers of the Annotated Code to take certain actions; providing for the continued effectiveness of certain directives, duties, and responsibilities relating to the functions of a sexual assault crisis program and domestic violence program; transferring all functions, powers, duties, equipment, assets, and liabilities of certain sexual assault crisis programs and domestic violence programs from the Department of Human Resources to the Governor's Office of Crime Control and Prevention; clarifying language; defining a certain term; and generally relating to sexual assault crisis programs and domestic violence programs.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–923
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–501, 4–503, 4–515, and 4–516
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 756 – Delegates Oaks, Anderson, Branch, Carter, Clippinger, Conaway, Glenn, Hammen, Harrison, Haynes, McHale, McIntosh, Mitchell, B. Robinson, Rosenberg, Stukes, Tarrant, and Washington

AN ACT concerning

Baltimore City – Binding Arbitration – Police Officers

FOR the purpose of requiring binding arbitration between certain employee organizations representing certain Baltimore City police officers and the City of Baltimore under certain circumstances; ~~applying certain procedures governing binding arbitration for firefighters and fire officers to certain police officers;~~ authorizing a certain party to request arbitration by a certain board of arbitration if a certain agreement is not reached by a certain date; ~~authorizing certain collective bargaining negotiations to continue until the first day of arbitration;~~ providing for the selection of a certain board of arbitration; requiring a certain board of arbitration to consider certain matters; authorizing a board of arbitration to exercise certain powers; requiring a board of arbitration to take certain actions within a certain period of time; requiring the Baltimore City Labor Commissioner or designated representative to provide each member of the board of arbitration with certain information; prohibiting a board of arbitration from providing for certain issues; authorizing the board of arbitration to order the implementation of a certain proposal ~~or to modify certain final offers to develop a new agreement~~; providing that the decision of a certain board of arbitration is final and may not be appealed; requiring that certain city officials take certain action based on a certain decision of the board of arbitration; requiring the adoption of certain salary and wage scales for certain police officers under certain circumstances; ~~making a technical change; establishing a certain cap on the cost of an arbitration proceeding to be paid by the City of Baltimore in a fiscal year~~ establishing that the cost of an arbitration proceeding under this Act be paid equally by the parties involved; defining a certain term; providing for a delayed effective date; and generally relating to binding arbitration between certain police officers and the City of Baltimore.

~~BY repealing and reenacting, with amendments,~~
~~The Charter of Baltimore City~~
~~Article II – General Powers~~
~~Section (55)~~
~~(2007 Replacement Volume, as amended)~~

BY repealing and reenacting, with amendments,
The Public Local Laws of Baltimore City
Section 16–8A
Article 4 – Public Local Laws of Maryland
(1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

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

House Bill 986 – Delegates Hubbard, Costa, ~~and Stocksdale~~ Stocksdale, Donoghue, A. Kelly, Krebs, Oaks, Pena–Melnyk, and V. Turner

AN ACT concerning

Pharmacists – Administration of Vaccines – Children

FOR the purpose of altering the age of an individual to whom a pharmacist may administer ~~certain vaccines under certain circumstances~~ a certain vaccination; requiring a pharmacist to report a certain vaccination to a certain registry; altering requirements for regulations relating to certain vaccinations; and generally relating to the administration of vaccines by pharmacists to children.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–508
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 998 – Delegates Valentino–Smith, Boteler, Conaway, Dwyer, K. Kelly, McComas, ~~and Minnick~~ Minnick, Burns, Haddaway–Riccio, Hershey, McHale, and Schulz

AN ACT concerning

Militia – Employment for Military Spouses – Teachers, Health Care Practitioners, and Business Occupations and Professions

FOR the purpose of requiring the Adjutant General or the Adjutant General's designee to assist certain military spouses in finding certain employment under certain circumstances; ~~requiring certain teachers to be granted tenure under certain circumstances;~~ and generally relating to employment for military spouses.

~~BY adding to~~
~~Article – Education~~
~~Section 6–201.1~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2010 Supplement)~~

~~BY repealing and reenacting, without amendments,~~
~~Article – Education~~

~~Section 6–202(b)(1)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2010 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Education~~
~~Section 6–202(b)(3)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2010 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 13–302
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 1141 – ~~Delegate James~~ Delegates James, Glass, Impallaria, McComas, McDonough, Norman, Stifler, and Szeliga

AN ACT concerning

~~Juvenile Court – Truancy Court – Petition~~
Juvenile Law – Truancy Reduction Pilot Program – Filing of Petition

FOR the purpose of repealing a certain requirement that a certain criminal charge against a certain person must be filed and dismissed or stetted before ~~filing~~ an authorized school official may file, if a child is under a certain age, a truancy petition in certain judicial circuits that have established Truancy Reduction Pilot Programs; ~~repealing certain requirements relating to criminal charges being filed against a certain person with legal custody of a child in certain jurisdictions that have established a Truancy Reduction Pilot Program;~~ and generally relating to ~~a petition filed in truancy court~~ a Truancy Reduction Pilot Program.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8C–04
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

~~BY repealing and reenacting, without amendments,~~
~~Article – Education~~
~~Section 7–301(c)~~
~~Annotated Code of Maryland~~

~~(2008 Replacement Volume and 2010 Supplement)~~

~~BY repealing~~
~~Article – Education~~
~~Section 7–301(c–1)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2010 Supplement)~~

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

House Bill 1154 – Delegate Gilchrist

AN ACT concerning

Natural Resources – Authorization to Catch Striped Bass and Crabs – Revocation

FOR the purpose of providing that a certain person who ~~receives a citation for~~ commits a certain offense related to unlawfully taking striped bass or crabs may have a certain authorization revoked under certain circumstances; requiring the Department of Natural Resources, in consultation with the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission, to adopt regulations that establish certain grounds for the revocation of a certain authorization, including certain categories of ~~offenses~~ violations; requiring the Department to hold a certain hearing under certain circumstances in accordance with the Administrative Procedure Act; requiring the Department to revoke a person's authorization to catch striped bass or crabs 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 striped bass or crabs and authorization 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 1156 – Delegates Rudolph and James

AN ACT concerning

~~Northeastern Maryland~~ Task Force to Study the Creation of a Regional Higher Education ~~and Applied Technology~~ Center in Northeastern Maryland

~~FOR the purpose of establishing the Northeastern Maryland Higher Education and Applied Technology Center; providing that the Center shall be governed by a certain Board; establishing the number of voting Board members; providing for the appointment of Board members; establishing the term lengths for Board members; providing for the appointment of a Board chair; providing for the establishment of certain committees; establishing the number of nonvoting members; providing for the reimbursement of certain expenses; establishing the length of members' initial terms; specifying the Board's powers; requiring the Board to fulfill certain duties; providing for a director of the Center; specifying the procedure for selecting a director; requiring the director to fulfill certain duties; requiring the submission of a budget for certain purposes; specifying the procedures for requesting certain appropriations; providing for the disposition of certain property by the Board; providing certain liability protections for the Board, its agents, and employees; defining certain terms; declaring the intent of the General Assembly; and generally relating to the establishment of the Northeastern Maryland Higher Education and Applied Technology Center.~~

FOR the purpose of establishing a Task Force to Study the Creation of a Regional Higher Education Center in Northeastern Maryland; 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 meet a certain number of times each month; requiring the Task Force to study and make recommendations regarding the higher education needs of the Northeastern Maryland region; 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 to Study the Creation of a Regional Higher Education Center in Northeastern Maryland.

~~BY adding to~~
~~Article – Education~~
~~Section 24–3A–01 through 24–3A–08 to be under the new subtitle "Subtitle 3A. Northeastern Maryland Higher Education and Applied Technology Center"~~
~~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 1168 – Delegate Eckardt

AN ACT concerning

Employees' Retirement and Pension Systems – Reemployment of Retirees – Health Care Practitioners

FOR the purpose of repealing the termination provision applicable to certain reemployment of retirees in the Employees' Retirement and Pension Systems; and generally relating to the reemployment of retirees in the Employees' Retirement and Pension Systems.

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 22–406(c)(4)(viii) and 23–407(c)(4)(vi)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Chapter 473 of the Acts of the General Assembly of 2009
Section 2

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

House Bill 1182 – ~~Delegate Pendergrass~~ Delegates Pendergrass, Bromwell, Cullison, Donoghue, Kach, Pena–Melnyk, and Reznik

AN ACT concerning

Certificates of Need – Percutaneous Coronary Intervention Services

FOR the purpose of prohibiting a hospital, notwithstanding any other provision of law, from establishing a non–primary percutaneous coronary intervention (PCI) program or providing non–primary PCI services, unless the hospital was operating a PCI program on a certain date through a certain certificate of need or a certain waiver; requiring the Maryland Health Care Commission, on or before a certain date, to develop and report recommendations for statutory changes relating to PCI services; providing for the termination of this Act; and generally relating to percutaneous coronary intervention and certificates of need.

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

House Bill 1184 – Delegates Zucker, Gaines, Clagett, Guzzone, Haynes, Jones, Proctor, and Washington

AN ACT concerning

Department of Transportation – Employee Grievance Procedures – Streamlined Process

FOR the purpose of altering a certain provision of law concerning regulations adopted by the Secretary of Transportation governing grievance procedures for employees under the Department of Transportation; authorizing an aggrieved employee to appeal certain decisions to the Office of Administrative Hearings or to a certain other party; repealing certain provisions regarding the administration of certain disciplinary appeals by the Secretary of Budget and Management; repealing provisions that entitled certain employees in the Department to certain appeal procedures available to certain other State employees; requiring the Secretary of Transportation to establish certain appeal procedures for disciplinary action through regulations and policy; and generally relating to regulations concerning disciplinary action appeals for personnel in the Department of Transportation.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 2–103.4(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 2–103.4(d)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1208 – ~~**Delegate Wilson**~~ **Delegates Wilson, Aumann, Bates, Beitzel, Bohanan, Clagett, Conway, DeBoy, Eckardt, Gaines, Griffith, Guzzone, Haynes, James, Jones, McConkey, Mizeur, Proctor, B. Robinson, Sophocleus, Stocksdale, Szeliga, Washington, Wood, and Zucker**

AN ACT concerning

Higher Education – Exemption from Tuition for Foster Care Recipients – Eligibility Age

FOR the purpose of altering the age before which foster care recipients must be enrolled at public institutions of higher education to be exempt from paying certain tuition; altering the age before which foster care recipients must be enrolled as candidates for certain degrees to not be required to pay the difference between the amount of certain scholarships or grants and the amount of certain tuition; and generally relating to the age of foster care recipients to be eligible for exemptions from paying tuition.

BY repealing and reenacting, with amendments,
Article – Education

Section 15–106.1
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 1212 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County Metropolitan Commission

FOR the purpose of repealing a certain requirement that a new position with the St. Mary's County Metropolitan Commission be subject to prior approval of the County Commissioners of St. Mary's County; authorizing the Commission to appoint, discharge at pleasure, and fix the compensation of a General Counsel; prohibiting the Director from serving concurrently as the Director and as General Counsel to the Commission; requiring the Commission to adopt or approve, with the prior approval of the County Commissioners certain plans and a certain capital budget; requiring the County Commissioners to amend annually the St. Mary's County water and sewer plan by incorporating into it a certain capital improvement plan of the Commission; and generally relating to the St. Mary's County Metropolitan Commission.

BY repealing and reenacting, with amendments,
The Public Local Laws of St. Mary's County
Section 113–1C
Article 19 – Public Local Laws of Maryland
(2007 Edition and June 2010 Supplement, as amended)

BY adding to
The Public Local Laws of St. Mary's County
Section 113–30
Article 19 – Public Local Laws of Maryland
(2007 Edition and June 2010 Supplement, as amended)

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

House Bill 1240 – Delegates Jacobs, Cluster, Eckardt, Frank, Haddaway–Riccio, Hershey, McDermott, Norman, Otto, Smigiel, Summers, and Weir

AN ACT concerning

Counties – Natural Resources – ~~Right~~ Authorization to Harvest Seafood and Engage in the Seafood Industry

FOR the purpose of expanding the application of certain provisions to authorize ~~counties~~ the governing body of a county to adopt a certain ordinance, resolution, or regulation ~~relating to the right to~~ or take certain other action to authorize a person to harvest seafood and engage in the seafood industry ~~and to harvest seafood~~ in accordance with certain requirements; providing that in the event of a conflict, federal law, State law, or a certain written program guidance preempts any ordinance, resolution, or regulation or any other action taken by ~~a~~ the governing body of a county under this Act; and generally relating to the authority of the governing body of a county to authorize a person to harvest seafood and engage in ~~certain activities related to~~ the seafood industry ~~and to harvest seafood~~.

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 232
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 1251 – Chair, Appropriations Committee (By Request – Departmental – State Police)

AN ACT concerning

State Police Retirement System – Special Disability Retirement Allowance – Forfeiture

FOR the purpose of prohibiting certain members or former members of the State Police Retirement System who are charged with committing certain criminal offenses from applying for a certain special disability retirement allowance; requiring the Board of Trustees of the State Retirement and Pension System to temporarily suspend the application process for a certain special disability retirement allowance if the member or former member applying for the certain special disability retirement allowance has been charged with committing certain criminal offenses; requiring the Board of Trustees to terminate a certain special disability application process of certain members or former members under certain circumstances; providing that certain members or former members may apply for a certain special disability retirement allowance or resume the application process for a certain special disability retirement allowance under certain circumstances; requiring the Secretary of State Police to report certain information to the Board of Trustees; providing that a person is convicted of a criminal offense for purposes of certain provisions of this Act

under certain circumstances; defining a certain term; and generally relating to members and former members of the State Police Retirement System forfeiting certain rights to a special disability retirement allowance following the conviction of criminal offenses.

BY adding to
Article – State Personnel and Pensions
Section 29–119
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1252 – Delegate McMillan

AN ACT concerning

Natural Resources – Large–Scale Striped Bass Poaching – Penalties

FOR the purpose of establishing that a person who commits certain fishing violations with respect to striped bass, and the violation results in the unlawful capture of striped bass worth over a certain value as determined in a certain manner, is subject to imprisonment not exceeding a certain amount of time; and generally relating to penalties for large–scale striped bass poaching.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–1201
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 1277 – Delegates Smigiel and McDermott

AN ACT concerning

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

FOR the purpose of stating that the policy of this State is to encourage the use of certain special needs trusts or supplemental needs trusts by individuals with disabilities of all ages for certain reasons; requiring certain State agencies to adopt regulations that are not more restrictive than existing federal law, regulations, or policies with regard to the treatment of special needs trusts or supplemental needs trusts; requiring the regulations to allow certain funding

and use of special needs trusts; establishing that a certain determination of the Internal Revenue Service ~~or the Maryland Department of Assessments and Taxation~~ regarding the nonprofit status of organizations that operate a pooled asset special needs trust is sufficient to satisfy a certain requirement of federal law; prohibiting State agencies from imposing additional requirements on organizations that operate a pooled asset special needs trust for a certain purpose; defining certain terms; and generally relating to special needs and supplemental needs trusts.

BY adding to
Article – Estates and Trusts
Section 14–114
Annotated Code of Maryland
(2001 Replacement Volume and 2010 Supplement)

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

House Bill 1310 – Delegate Conway

AN ACT concerning

Tax Supported Debt – Energy Performance Contracts

FOR the purpose of providing that tax supported debt does not include certain capital leases used to finance energy performance contracts; excluding certain capital leases from the requirement that the Treasurer capitalize certain capital lease payments; restating the authority of the Treasurer to finance certain energy performance contracts as capital leases; requiring that certain capital lease payments or certain contractor payments may not exceed certain energy savings; and generally relating to capital leases used to finance energy performance contracts.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 8–104, 8–405, and 12–301
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 1347 – Delegate Bohanan

AN ACT concerning

Southern Maryland Higher Education Council

FOR the purpose of establishing a Southern Maryland Higher Education Council; providing for the composition of the Council; requiring the Governor to appoint a chair from among the Council members; ~~requiring the Maryland Higher Education Commission to provide staff for the Council;~~ prohibiting a member from receiving compensation but entitling a member to reimbursement for certain expenses; providing for the duties of the Council; requiring the Council to submit an interim and a final report on its findings and recommendations on or before certain dates; providing for the termination of the Council; and generally relating to the Southern Maryland Higher Education Council.

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

House Bill 62 – ~~**Delegate Beidle**~~ **Anne Arundel County Delegation**

AN ACT concerning

Anne Arundel County – Property Tax Credit – Property Leased to ~~Nonprofit~~ Public Charter Schools

FOR the purpose of authorizing the governing body of Anne Arundel County or of a municipal corporation in Anne Arundel County to grant, by law, a property tax credit against the county or municipal corporation property tax imposed on real property leased to a ~~nonprofit~~ certain public charter school and used exclusively for primary or secondary educational purposes; authorizing the governing body of Anne Arundel County or of a municipal corporation in Anne Arundel County to provide, by law, for the amount and duration of the credit and certain other provisions to carry out the credit; providing for the application of this Act; and generally relating to a property tax credit in Anne Arundel County for certain real property leased to ~~nonprofit~~ certain public charter schools.

BY adding to
Article – Tax – Property
Section 9–303(b)(4)
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 115 – Delegates Tarrant, Anderson, Branch, Clippinger, Conaway, Glenn, Hammen, Haynes, McHale, McIntosh, Mitchell, Oaks, B. Robinson, Rosenberg, Stukes, and Washington

AN ACT concerning

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

FOR the purpose of repealing the requirement that the Chief Executive Officer and the Baltimore City Board of School Commissioners of the Baltimore City Public School System issue a certain annual report; repealing certain review, comment, and consideration requirements related to certain annual reports; and generally relating to the annual report requirements of the Chief Executive Officer and the Baltimore City Board of School Commissioners.

BY repealing
Article – Education
Section 4–313
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 148 – Frederick County Delegation

AN ACT concerning

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

FOR the purpose of increasing the number of regular members and eliminating substitute members on the Allegany County Board of Elections and the Frederick County Board of Elections; requiring the members of the ~~board~~ boards to be of certain political parties; requiring that a vacancy on the ~~board~~ boards be filled in a certain manner; making a conforming change; making a stylistic change; providing for the effective date of this Act; and generally relating to the Allegany County Board of Elections and the Frederick County Board of Elections.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 2–201(a) and (b)
Annotated Code of Maryland
(2010 Replacement Volume)
(As enacted by Chapter 344 of the Acts of the General Assembly of 2010)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–201(l) and 2–204(b)(2)(ii)
Annotated Code of Maryland
(2010 Replacement Volume)
(As enacted by Chapter 344 of the Acts of the General Assembly of 2010)

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

House Bill 364 – Delegate Walker

AN ACT concerning

Student Participation in High School Sports – Academic Requirements

FOR the purpose of requiring the State Board of Education to adopt regulations to establish certain academic performance standards that students in public high schools in the State must meet in order to participate in certain high school athletic competitions; requiring the regulations to include certain provisions; requiring county boards of education to allow certain students to participate in certain high school athletic competitions only in accordance with the regulations of the State Board; and generally relating to academic requirements for student participation in high school sports.

BY adding to
Article – Education
Section 7–205.1
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 398 – Baltimore County Delegation

AN ACT concerning

Task Force on the Method of Selecting the Baltimore County Board of Education

FOR the purpose of establishing the Task Force on the Method of Selecting the Baltimore County Board of Education; providing for the chairs and staff for the Task Force; prohibiting a member of the Task Force from receiving certain compensation but entitling members to reimbursement for certain expenses; requiring the Task Force to make certain recommendations regarding the method of selecting the Baltimore County Board of Education; requiring the Task Force to hold a certain number of public meetings in certain locations that allow certain persons to testify about certain issues; requiring the Task Force to make a certain report to certain persons on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force on the Method of Selecting the Baltimore County Board of Education.

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

House Bill 461 – Allegany County Delegation

AN ACT concerning

Income Tax Credit – Teachers at State and Local Correctional Facilities for Adults and Juveniles

FOR the purpose of altering a credit against the State income tax for certain tuition costs of certain teachers to include teachers at ~~a~~ State or local correctional ~~facility for adults or juveniles~~ facilities and certain juvenile facilities; providing that a teacher at a State or local correctional facility or certain juvenile facilities who is reimbursed ~~by the State or a county~~ for the tuition may not claim the credit for the amount of tuition that is reimbursed; providing for the application of this Act; and generally relating to a State income tax credit for certain tuition paid by a teacher at ~~a~~ State or local correctional ~~facility for adults or juveniles~~ facilities and certain juvenile facilities.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–717
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 520 – Delegates Rosenberg, Mizeur, Arora, Barve, Cardin, Cullison, DeBoy, Donoghue, Feldman, Frank, Hubbard, Hucker, Kach, A. Kelly, Kipke, Kramer, Lafferty, Lee, McDonough, Mitchell, Morhaim, Murphy, Oaks, Pena–Melnyk, Ready, Reznik, Ross, Stein, Tarrant, V. Turner, Vaughn, and Zucker

AN ACT concerning

Transportation – Procurement for MARC ~~Train~~ Service ~~– Disclosure Requirements Regarding Involvement in Deportations~~

FOR the purpose of ~~requiring certain entities that submit a bid or proposal to the Maryland Department of Transportation or certain other units of the State or local government to provide certain MARC train service to submit a certain statement concerning certain deportation activity in which the entity may have engaged; requiring an entity to include certain information in the statement; requiring the Department of Transportation or certain other units of the State or local government to consider certain information provided by certain entities seeking to provide certain MARC train service; defining certain terms; and~~

~~generally relating to the disclosure of certain information by entities that submit bids or proposals on procurement contracts to provide certain MARC train service.~~ prohibiting certain entities from being considered a responsible bidder or offeror for certain contracts to provide Maryland Area Commuter Rail (MARC) service unless the entities comply with certain requirements; requiring that, in conjunction with the submission of certain bids or offers, certain entities provide certain units with a certain statement and estimated date for completing a certain process of assembling records; requiring certain entities to notify certain units of changes to a certain estimated date; requiring certain entities to comply with certain requirements for a certain process of assembling records; requiring certain entities to contract with certain archivists and historians to conduct a certain initial analysis and ensure that a certain process of assembling records is conducted in a certain manner; establishing requirements for a certain initial analysis; requiring certain entities to submit certain information to the State Archivist after a certain process of assembling records is completed; requiring the State Archivist to approve certain archivists, historians, and initial reports; requiring the State Archivist to provide certain guidance and oversight; requiring the State Archivist to make certain determinations and provide certain written notice of the determination to certain units; authorizing the State Archivist to use a designee to carry out certain provisions; requiring certain units to provide notice of intent to award certain contracts within a certain period of time; prohibiting certain units from awarding certain contracts to certain entities that do not comply with certain provisions; authorizing certain units to award certain entities after receiving certain notice; providing that certain prohibitions do not apply if a contract is awarded to certain bidders or offerors; authorizing certain entities to award certain contracts to certain entities after receiving certain notice; providing that, notwithstanding certain requirements, certain units may award certain contracts to certain bidders or offerors; prohibiting certain entities, bidders, or offerors from submitting certain protests; requiring that certain entities that submit certain bids or proposals to the Maryland Transit Administration comply with certain requirements; providing for the application of this Act; defining certain terms; and generally relating to procurement for MARC service and requirements for assembling records and disclosing information related to the deportation of victims.

BY adding to
Article – State Finance and Procurement
Section 12–501 through ~~12–504~~ 12–511 to be under the new subtitle "Subtitle 5. Disclosure Requirements Regarding Involvement in Deportations"
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Transportation
Section 7–508
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 534 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Polling Places – Electioneering Boundaries
MC 19–11

FOR the purpose of altering the location of the line beyond which electioneering is prohibited outside a polling place in Montgomery County; and generally relating to electioneering at a polling place in Montgomery County.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 16–206
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 539 – Montgomery County Delegation

AN ACT concerning

Montgomery County Board of Education – Student Member – Voting
MC 7–11

FOR the purpose of authorizing the student member of the Montgomery County Board of Education to attend an executive session of the Board of Education that relates to a certain matter; authorizing the student member of the Montgomery County Board of Education to vote on certain matters; and generally relating to the voting rights of the student member of the Montgomery County Board of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 3–901(e)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Education

Section 6–202(a)
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 604 – Charles County Delegation

AN ACT concerning

Charles County – Board of Elections – Membership

FOR the purpose of increasing the number of regular members and eliminating substitute members on the Charles County Board of Elections; requiring the members of the board to be of certain political parties; requiring that a vacancy on the board be filled in a certain manner; making a stylistic change; providing for the effective date of this Act; and generally relating to the Charles County Board of Elections.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 2–201(a) and (b)
Annotated Code of Maryland
(2010 Replacement Volume)
(As enacted by Chapter 344 of the Acts of the General Assembly of 2010)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–201(l)
Annotated Code of Maryland
(2010 Replacement Volume)
(As enacted by Chapter 344 of the Acts of the General Assembly of 2010)

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

House Bill 689 – Harford County Delegation

AN ACT concerning

Harford County – Board of Elections – Membership

FOR the purpose of altering the number of regular members of the Harford County Board of Elections; requiring the members of the local board to be of certain political parties; requiring a vacancy on the local board to be filled in a certain

manner; providing for the effective date of this Act; and generally relating to the membership of the Harford County Board of Elections.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–201
Annotated Code of Maryland
(2010 Replacement Volume)
(As enacted by Chapter 344 of the Acts of the General Assembly of 2010)

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

House Bill 700 – Howard County Delegation

AN ACT concerning

Howard County – Hotel Rental Tax Rate
Ho. Co. 6–11

FOR the purpose of altering the maximum sales or use tax rate that Howard County is authorized to impose on certain room rentals in the county; requiring the county to distribute certain revenue attributable to a certain tax rate imposed by the county to certain entities; and generally relating to the Howard County sales or use tax on room rentals for sleeping accommodations for transients.

BY repealing and reenacting, without amendments,
The Public Local Laws of Howard County
Section 20.400(a)
Article 14 – Public Local Laws of Maryland
(1977 Edition and August 2008 Supplement, as amended)

BY repealing and reenacting, with amendments,
The Public Local Laws of Howard County
Section 20.400(b)
Article 14 – Public Local Laws of Maryland
(1977 Edition and August 2008 Supplement, as amended)

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

House Bill 858 – Delegates Hixson, Davis, Waldstreicher, Barkley, Cardin, Cullison, Feldman, Frush, Gaines, Gilchrist, Holmes, Jameson, A. Kelly, Kramer, A. Miller, Mizeur, Morhaim, Niemann, Reznik, S. Robinson, Rosenberg, Summers, V. Turner, ~~Waldstreicher, and Walker~~ Walker, and Howard

AN ACT concerning

Education – ~~Student Athletes~~ Public Schools and Youth Sports Programs – Concussions

FOR the purpose of requiring the State Department of Education, in collaboration with certain entities, to develop certain policies and to implement a certain program to provide awareness to certain coaches, school personnel, ~~student athletes,~~ students, and parents or guardians of ~~student athletes~~ students on the risk of concussions and head injuries; requiring a county board of education to provide a certain information sheet to a certain student ~~athlete~~ and parent or guardian; requiring a student ~~athlete~~ and parent or guardian to sign a certain statement; requiring the Department to create a certain information sheet and acknowledgment statement; authorizing the Department to use certain materials; requiring the removal from play of certain students or youth athletes under certain circumstances; prohibiting the return to play of certain students or youth athletes under certain circumstances until a certain condition is met; requiring a county board, or a third party, to provide certain information to certain individuals; requiring certain individuals to acknowledge receipt of a certain information sheet in a certain manner; requiring certain youth sports programs to provide certain statements of ~~compliance~~ intent to comply to certain county boards of ~~education; granting certain immunity to volunteer health care providers under certain circumstances;~~ education or their agents; requiring a youth sports program to make certain information on concussions and head injuries available to certain coaches, youth athletes, and the parents or guardians of youth athletes; requiring a local government to provide a certain notice to a youth sports program under certain circumstances; defining certain terms; and generally relating to the development of policies and the implementation of a program on concussions and head injuries.

BY adding to
Article – Education
Section 7–432
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY adding to
Article – Health – General
Section 14–501 to be under the new subtitle "Subtitle 5. Youth Sports Programs"
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 938 – Delegate Stein

AN ACT concerning

Vehicle Laws – Driver's Licenses, Identification Cards, and Moped Operator's Permits – Photographs

FOR the purpose of repealing certain provisions of law that require driver's licenses, identification cards, and moped operator's permits issued by the Motor Vehicle Administration to contain a photograph of the license, card, or permit holder that is in color; providing for a delayed effective date; making a technical correction; and generally relating to photographs on driver's licenses, identification cards, and moped operator's permits.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 12–301(a), 16–111.1(b)(1), and 16–122(a)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 12–301(g)(2), 16–111.1(d)(2), 16–122(d), and 16–811(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 943 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Boiler and Pressure Vessels – Special Inspector Commission – Insurance Requirements

FOR the purpose of requiring the Commissioner of Labor and Industry to establish by regulation insurance requirements that must be satisfied by an authorized inspection agency before a special inspector commission may be issued to an inspector employed by the agency; and generally relating to the inspection of boilers and pressure vessels.

BY renumbering
Article – Public Safety
Section 12–907(d) through (l), respectively
to be Section 12–907(e) through (m), respectively
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 12–907(a) and (c)
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–907(b)
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

BY adding to
Article – Public Safety
Section 12–907(d)
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 954 – Washington County Delegation

AN ACT concerning

Washington County – Board of Elections – Membership and Compensation

FOR the purpose of altering which salaries the Washington County Salary Study Commission is required to study; altering the number of regular members of the Washington County Board of Elections; requiring the members of the local board to be of certain political parties; requiring a vacancy on the local board to be filled in a certain manner; repealing the requirement that members of the local board be paid a certain amount; requiring that the Washington County Board of County Commissioners set the salaries of members of the local board; repealing the requirement that substitute members of the local board be paid a certain amount; ~~providing that this Act does not apply to the salary or compensation of the local board during a certain term of office;~~ providing for the effective date of this Act; and generally relating to the membership and compensation of the Washington County Board of Elections.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 12–205(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

Article – Election Law
Section 2–201(a) and (b)
Annotated Code of Maryland
(2010 Replacement Volume)
(As enacted by Chapter 344 of the Acts of the General Assembly of 2010)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–201(l) and 2–204(a)(22) and (b)
Annotated Code of Maryland
(2010 Replacement Volume)
(As enacted by Chapter 344 of the Acts of the General Assembly of 2010)

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

House Bill 975 – Delegates Love, Barnes, Beidle, Costa, Frush, George, Kipke, Pena–Melnyk, Schuh, and Sophocleus

AN ACT concerning

Gaming – Instant Bingo – Electronic Machines

FOR the purpose of authorizing the operation of certain instant bingo games using electronic machines; providing that the electronic instant bingo machines must have been in operation during a certain period or that the machines be in operation under a commercial bingo license on a certain date; prohibiting the operation of more than a certain number of electronic instant bingo machines that were in operation on a certain date; requiring the conduct of the gaming and the operation of the machines to be consistent with certain provisions of law; and generally relating to instant bingo operations.

BY adding to
Article – Criminal Law
Section 12–308
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

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

House Bill 1033 – Delegates Oaks and McIntosh

AN ACT concerning

Environment – Reducing Lead Risk in Housing – ~~Lead Paint Dust Testing~~ Risk Reduction Standards

FOR the purpose of altering the requirements for the owner of a certain affected property to ~~initially~~ satisfy a certain lead–risk reduction standard; altering a certain requirement relating to certain inspections of certain affected properties; altering the performance components required under a certain modified risk reduction standard; altering the information that the owner of a certain affected property is required to submit to verify satisfaction of a certain modified risk reduction standard; repealing certain requirements relating to a tenant's failure or refusal to verify the statement of work performed on a certain affected property; repealing an alternative to satisfying a certain modified risk reduction standard; altering certain provisions relating to a certain rebuttable presumption related to verification of a certain modified risk reduction standard; repealing certain requirements for a certain statement relating to work performed on an affected property; authorizing certain civil penalties for certain enforcement actions; making certain conforming changes; requiring the Department of the Environment, in consultation with certain persons, to conduct a certain study to evaluate processes that reduce the incidence of lead poisoning in certain properties and submit a certain report to the General Assembly by a certain date; requiring the Department to adopt certain regulations; providing for a delayed effective date for certain provisions of this Act; and generally relating to reducing lead risk in housing.

BY repealing and reenacting, with amendments,
Article – Environment
Section ~~6–815(a) and (b)~~ 6–815(a), (b), and (c), 6–816, ~~and~~ 6–819(a), (e), (f), and (k), and 6–850(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Environment
Section ~~6–819(e)~~ 6–819(c) and (d)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY adding to
Article – Environment
Section 6–819(e)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing
Article – Environment
Section 6–819(g)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

House Bill 1038 – Delegates Olszewski and Kach

AN ACT concerning

Commercial Law – Residential Mortgage Loans – Escrow Amounts

FOR the purpose of prohibiting certain lenders and lending institutions from including, for a certain period of time, certain increases in the amount of certain escrow payments in calculating the amount of interest or any fee due under certain residential mortgage loans under certain circumstances; providing for the construction of certain provisions of this Act; and generally relating to residential mortgage loans and escrow amounts.

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 12–109 and 12–109.2(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 12–109.1 and 12–1026
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

House Bill 1039 – The Speaker (By Request – Administration)

AN ACT concerning

Horse Racing – Distribution of Video Lottery Revenues

FOR the purpose of altering certain distributions from the Purse Dedication Account for certain racing licensees; authorizing the use of certain revenues from the Purse Dedication Account for certain operating expenses at certain racetracks; permitting certain racing licensees to apply to the Secretary of Labor, Licensing, and Regulation for certain grants from the Purse Dedication Account for certain purposes; authorizing a certain racing licensee to apply to the Secretary for a certain advance from the Maryland Economic Development Corporation; providing for the repayment of a certain advance from the Maryland Economic Development Corporation to a certain racing licensee; requiring certain racing licensees to provide certain information to the Secretary under certain circumstances; authorizing the Secretary to approve certain grants and a certain advance from the Purse Dedication Account to certain racing licensees for certain expenses; placing certain conditions on the receipt of certain grants

from the Purse Dedication Account and a certain advance from the Maryland Economic Development Corporation; permitting the use of certain revenues from the Racetrack Facility Renewal Account for certain operating expenses at certain racetracks; altering the distribution of certain funds from the Racetrack Facility Renewal Account for certain fiscal years; authorizing certain racing licensees to apply to the Secretary for certain grants from the Racetrack Facility Renewal Account for certain purposes; authorizing the Secretary to approve certain grants from the Racetrack Facility Renewal Account to certain racing licensees for certain expenses; requiring certain racing licensees to provide certain information to the Secretary under certain circumstances; placing certain conditions on the receipt of certain grants from the Racetrack Facility Renewal Account; creating an Oversight Commission on Racing; specifying the composition and duties of the Oversight Commission; providing for the staffing of the Oversight Commission; requiring the Oversight Commission to report its findings and recommendations to the Governor and the General Assembly; requiring the Secretary to submit a certain annual report to the Governor, the Oversight Commission on Racing, and the General Assembly on or before a certain date; and generally relating to horse racing, the distribution of video lottery revenues, the Purse Dedication Account, and the Racetrack Facility Renewal Account.

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–1A–01(a) and (w)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – State Government
Section 9–1A–01(x)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–01(x) through (dd), 9–1A–09, 9–1A–28, and 9–1A–29
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Business Regulation
Section 11–1401 and 11–1402 to be under the new subtitle "Subtitle 14. Oversight Commission on Racing; Racing Funding Reports"
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

House Bill 1092 – Prince George's County Delegation

AN ACT concerning

Prince George's County – ~~Age for~~ Compulsory Public School Attendance – ~~Exemption~~ Withdrawing Student Exit Interview
PG 406–11

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, in Prince George's County, certain school officials to ~~provide~~ send a certain ~~notification~~ request to the parent or guardian of a certain child 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;~~ requiring a certain school official to provide certain information to certain individuals during a certain meeting; and generally relating to ~~the age for~~ an exit interview for students who withdraw from compulsory public school attendance in Prince George's County.

BY repealing and reenacting, ~~with~~ without 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 Education, Health, and Environmental Affairs.

House Bill 1113 – Prince George's County Delegation

AN ACT concerning

Prince George's County Public Schools – Funding Accountability and Transparency Act

PG 421–11

FOR the purpose of requiring the Prince George's County Board of Education to develop and operate a certain Web site that includes certain information about certain payments; specifying certain parameters of the Web site; defining certain terms; and generally relating to the development and operation of a searchable Web site by the Prince George's County Board of Education.

BY adding to
Article – Education
Section 5–117
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1135 – Delegates Love, Beidle, Burns, Costa, Feldman, Impallaria, Kipke, Pena–Melnyk, and Ross

AN ACT concerning

State Board for Professional Engineers – Increase in Membership and Practice Specialties

FOR the purpose of increasing the number of members of the State Board for Professional Engineers; requiring ~~a certain number of~~ one of the engineer members of the Board to be ~~on~~ appointed, without regard to specific professional practice, from a certain list submitted by the Maryland Society of Professional Engineers; ~~requiring a certain list to include only individuals who practice certain engineering specialties;~~ making certain conforming changes; specifying the terms of the new members of the Board; and generally relating to the State Board for Professional Engineers.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 14–202
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 1143 – Delegate Sophocleus

AN ACT concerning

Business Regulation – Secondhand Precious Metal Object Dealers – Exempted Transactions and Record Keeping Requirements

FOR the purpose of exempting certain transactions of certain retail jewelers from the requirement to hold a secondhand precious metal object dealer license; ~~authorizing certain dealers to identify certain items by certain methods;~~ requiring certain items to remain tagged for a certain period of time; requiring a certain law enforcement unit to adopt certain procedures for certain dealers to amend certain records; making certain stylistic changes; and generally relating to exempted transactions and the record keeping requirements of secondhand precious metal object dealers.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 12–102(b), 12–301(d) and (e), and 12–304
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

~~BY repealing~~
~~Article – Business Regulation~~
~~Section 12–301(e)~~
~~Annotated Code of Maryland~~
~~(2010 Replacement Volume and 2010 Supplement)~~

~~BY adding to~~
~~Article – Business Regulation~~
~~Section 12–301(e)~~
~~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 22 – Delegate Smigiel

AN ACT concerning

~~Administrative Office of the Courts – Uniform~~ Courts – Attorneys – Subpoena Procedures and Forms for Circuit Courts

FOR the purpose of ~~requiring the Administrative Office of the Courts, on or before a certain date, to design uniform subpoena procedures and forms to be provided to and used in the circuit courts of the State in subpoenaing a person for a criminal, civil, or traffic matter.~~ authorizing an attorney or other officer of the court entitled to the issuance of a subpoena by a clerk of a court to obtain from the clerk of the court a subpoena that is signed and sealed by the clerk of court; authorizing the attorney or other officer of the court to photocopy or otherwise

copy and use a certain subpoena for service; and generally relating to subpoenas.

BY adding to
Article – Courts and Judicial Proceedings
Section 1–505
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 119 – Delegate Krebs

AN ACT concerning

Town of Sykesville Employees – Participation in the Employees' ~~Retirement~~ Pension System – Creditable Service

FOR the purpose of altering a provision of law so as to require certain employees of the Town of Sykesville to receive service credit in the Employees' Pension System of the State of Maryland for at least a certain percentage of certain prior service with the Town of Sykesville; requiring the Town of Sykesville to submit certain information to the Board of Trustees of the State Retirement and Pension System under certain circumstances, on or before a certain date; and generally relating to employees of the Town of Sykesville participating in the Employees' Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 31–111.5
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 160 – ~~Delegates Lafferty, Aumann, Boteler, Cardin, Cluster, DeBoy, Frank, Kach, Morhaim, Stein, and Weir~~ Baltimore County Delegation

AN ACT concerning

Baltimore County Public Schools – Funding Accountability and Transparency Act

FOR the purpose of requiring the Baltimore County Board of Education to develop and operate a certain Web site that includes certain information about certain payments; specifying certain parameters of the Web site; defining certain terms;

and generally relating to the development and operation of a searchable Web site by the Baltimore County Board of Education.

BY adding to
Article – Education
Section 5–117
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 166 – The Speaker (By Request – Administration) and Delegates Hammen, Hubbard, Anderson, Arora, Barnes, Cullison, Dumais, Gutierrez, Guzzone, Hucker, A. Kelly, Lee, Morhaim, Nathan–Pulliam, Pena–Melnyk, Pendergrass, Reznik, Rosenberg, V. Turner, and Zucker

AN ACT concerning

Maryland Health Benefit Exchange Act of 2011

FOR the purpose of establishing the Maryland Health Benefit Exchange as a public corporation and an independent unit of State government; providing that the exercise by the Exchange of its authority under this Act is an essential governmental function; establishing the purposes of the Exchange; providing for the construction of certain provisions of this Act and certain regulations and actions; providing that the Exchange is subject to certain provisions of law; establishing the Board of Trustees of the Exchange; providing for the qualifications, appointment, terms, and removal of members of the Board; prohibiting a member of the Board or a member of the staff of the Exchange from having a certain affiliation with certain persons and entities; establishing certain rules governing action by the Board; establishing certain powers and duties of the Board; requiring a member of the Board to perform the member's duties in accordance with certain standards; requiring a member to disclose certain matters and certain relationships to the Board and to the public; requiring a member to adhere strictly to certain provisions of law relating to conflicts of interest; requiring the Board to appoint an Executive Director of the Exchange, with the approval of the Governor, and to determine the Executive Director's compensation; establishing the duties of the Executive Director; authorizing the Executive Director to employ and retain a certain staff; requiring the Secretary of Budget and Management to review and make certain recommendations about certain changes to the Exchange's salary plans proposed by the Executive Director; providing that an employee or independent contractor of the Exchange is not subject to certain laws, regulations, or executive orders; requiring the Exchange to create, consult with, and appoint certain representatives to advisory committees; establishing the Maryland Health Benefit Exchange Fund as a special, nonlapsing fund; specifying the contents and purpose of the Fund; requiring the State Treasurer to hold the

Fund separately and invest the money of the Fund; requiring the Comptroller to account for the Fund; establishing certain functions and duties of the Exchange; prohibiting the Exchange and certain insurance carriers from charging certain fees or penalties; requiring the Exchange~~, in carrying out certain duties,~~ to consult with and consider the recommendations of certain stakeholders in the exercise of certain duties; requiring the Exchange to certify certain health benefit plans as qualified health plans; establishing certain requirements for certification as a qualified health plan; prohibiting the Exchange from making available any health benefit plans that are not qualified health plans or any dental plans that are not qualified dental plans; requiring each carrier that seeks certification of a health benefit plan to take certain actions; providing that certain requirements applicable to qualified health plans also apply to qualified dental plans; authorizing the Exchange to impose certain fees or assessments or otherwise generate funding necessary to support its operations on or after a certain date; requiring the Exchange to adopt certain regulations before imposing or altering certain fees or assessments; requiring certain funds to be deposited in the Maryland Health Benefit Exchange Fund; prohibiting the Exchange from imposing certain fees or assessments in a certain manner; requiring the Exchange to maintain a certain Web site and publish certain information on the Web site; requiring the Exchange to be administered in a certain manner; requiring the Exchange to keep an accurate accounting of all its activities, expenditures, and receipts; requiring the Board to report certain information to certain individuals on an annual basis; requiring the Board to cooperate with any investigation into the affairs of the Exchange conducted by certain individuals; defining certain terms; prohibiting the Exchange from implementing certain functions or imposing certain requirements before certain guidance is received; prohibiting the Exchange from ~~implementing certain functions or imposing certain requirements before certain studies are conducted, reports are made, and actions are taken by the Governor and the General Assembly~~ exercising certain powers, duties, or functions until the Exchange has reported certain findings and recommendations to the Governor and the General Assembly and the Governor and General Assembly have enacted certain legislation; expressing the intent of the General Assembly regarding the appointment of certain members of the Board; requiring the Exchange to conduct certain studies and make certain recommendations to the Governor and the General Assembly; requiring the Exchange to report its findings and recommendations on or before ~~certain dates~~ a certain date; expressing the intent of the General Assembly regarding certain actions of the Exchange; and generally relating to the Maryland Health Benefit Exchange.

BY adding to

Article – Insurance

Section 31–101 through 31–111 to be under the new title "Maryland Health Benefit Exchange"

Annotated Code of Maryland

(2006 Replacement Volume and 2010 Supplement)

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

House Bill 170 – The Speaker (By Request – Administration) and Delegates Hammen, Hubbard, Anderson, Arora, Barnes, Cullison, Dumais, Gutierrez, Guzzone, Hucker, A. Kelly, Lee, Morhaim, Nathan–Pulliam, Pena–Melnyk, Pendergrass, Reznik, Rosenberg, V. Turner, and Zucker

AN ACT concerning

Health Insurance – Conformity with Federal Law

FOR the purpose of altering the circumstances under which a person has the right to a hearing and the right to an appeal from an action of the Maryland Insurance Commissioner; requiring the Commissioner to file certain documents in a court in which a certain appeal is pending; providing that certain provisions of federal law apply to certain health insurance coverage issued or delivered by certain insurers, nonprofit health service plans, and health maintenance organizations; authorizing the Commissioner to enforce certain provisions of law; altering the requirement for certain insurers, nonprofit health service plans, and health maintenance organizations to send a certain notice when a child who is covered under a certain insurance policy or contract reaches a certain age; requiring certain health insurance coverage issued or delivered by certain insurers, nonprofit health service plans, and health maintenance organizations to comply with certain loss ratio requirements; authorizing a member's representative to file a certain grievance, complaint, or appeal; altering the circumstances under which a certain complaint may be filed with the Commissioner; altering requirements for certain filings, timeframes, notices, and evidence of coverage information relating to appeals and grievances; requiring the Commissioner to seek advice from certain independent review organizations or certain medical advisors on certain complaints; altering the information that a certain independent review organization must submit to the Commissioner; requiring certain carriers to provide certain notices to certain members in a manner described in the Patient Protection and Affordable Care Act; altering the calculation of a minimum participation requirement in the small group health insurance market; requiring the Maryland Health Care Commission to include certain mental health and substance abuse benefits under the Standard Health Benefit Plan; making certain provisions of this Act applicable to health maintenance organizations; altering certain definitions; defining certain terms; making conforming and technical changes; providing for the application of this Act; and generally relating to conformity with federal law relating to health insurance and mental health benefits.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 1–101(a) and (b)
Annotated Code of Maryland

(2003 Replacement Volume and 2010 Supplement)

BY adding to
Article – Insurance
Section 1–101(b–1)
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 2–210(a) and 2–215(a), (b), (d), and (g)
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY adding to
Article – Insurance
Section 15–137.1, 15–10A–01(m), 15–10A–04(e), 15–10A–10, and 15–10D–05
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–416, 15–605(c), 15–802(a), 15–10A–01(f) and (m), 15–10A–02, 15–10A–03, 15–10A–04(a), 15–10A–05, 15–10D–01, 15–10D–02, 15–1206(c), and 15–1207
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–10A–01(a) and (l)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–703.1(a) and 19–732(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Health –General
Section 19–706(kkkk)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 216 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Health Services Cost Review Commission – User Fees

FOR the purpose of increasing the total amount of user fees that the Health Services Cost Review Commission may assess on certain hospitals and related institutions; and generally relating to the Health Services Cost Review Commission.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–213(a) and (b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–213(c)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 258 – Delegate Beitzel

AN ACT concerning

Garrett County – Tax Sales – Auctioneer's Fees

FOR the purpose of altering the auctioneer's fees allowed as an expense and a lien on property to be sold at certain tax sales in Garrett County; making a certain technical correction; and generally relating to tax sales in Garrett County.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 14–813(e) and (f)
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 262 – Frederick County Delegation

AN ACT concerning

Frederick County – ~~Public~~ Nonprofit School Lease – Property Tax Credit

FOR the purpose of requiring rather than authorizing Frederick County to grant, by law, a property tax credit for real property leased to ~~the Frederick County Board of County Commissioners or to the Frederick County Board of Education~~ a nonprofit school and used exclusively for ~~public school~~ primary or secondary educational purposes; requiring a lessor of real property eligible for a certain tax credit to reduce the amount of taxes for which the tenant is contractually liable under the lease; and providing for the application of this Act.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section ~~9–312(d)~~ 9–312(e)
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 270 – Delegates Eckardt, Cane, and Haddaway–Riccio

AN ACT concerning

Dorchester County – Tax Sales – Advertisement and Auctioneer Fees

FOR the purpose of altering the number of times a certain notice is required to be published in Dorchester County in connection with certain tax sales of property; altering the auctioneer's fee in Dorchester County allowed as an expense relating to certain tax sales of property; and generally relating to certain tax sales of property in Dorchester County.

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 14–813(a)(1) and (e)(1)(iv)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 14–813(a)(2) and (e)(2)
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 285 – Delegates Pena–Melnyk, Rosenberg, Anderson, Barnes, Barve, Beidle, Braveboy, Cane, Carr, Carter, Cullison, Elliott, Feldman, Frick, Frush, Glenn, Griffith, Gutierrez, Haynes, Hubbard, Hucker, Ivey, Kach, A. Kelly, Lee, Luedtke, Murphy, Nathan–Pulliam, Oaks, Proctor, Ross, Tarrant, V. Turner, Valderrama, Vallario, and Wilson

AN ACT concerning

Human Relations – Discrimination by a Place of Public Accommodation – Enforcement and Remedies

FOR the purpose of authorizing certain persons or the Commission on Human Relations to elect to have the claims asserted in a certain complaint alleging discrimination by a place of public accommodation determined in a civil action brought by the Commission under certain circumstances; requiring a civil action brought by the Commission to be filed within a certain time period after an election; expanding the remedies available for discrimination by a place of public accommodation; clarifying the remedies available for an unlawful employment practice; repealing a prohibition against issuing certain orders affecting the cost, level, or type of any transportation services; authorizing a complainant alleging discrimination by a place of public accommodation to bring a civil action under certain circumstances; providing for the venue of and remedies in a certain civil action; repealing the authority of the Commission to seek an order assessing a civil penalty for discrimination by a place of public accommodation; defining a certain term; making certain conforming changes; and generally relating to enforcement and remedies for certain discriminatory acts.

BY repealing and reenacting, with amendments,
Article – State Government
Section ~~20–1009 and 20–1013~~ 20–1001, 20–1006(b), 20–1007(a) and (b), 20–1009, 20–1012(a) and (b), 20–1013, and 20–1016(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 291 – Delegates Morhaim, Anderson, Arora, Aumann, Barnes, Barve, Bobo, Boteler, Branch, Burns, Cane, Cardin, Carr, Clagett, Cullison, Donoghue, Feldman, Frank, Frush, Gilchrist, Glenn, Griffith, Gutierrez, Guzzone, Harrison, Haynes, Hixson, Hucker, Ivey, Kach, Kaiser, Kramer, Lafferty, Love, Luedtke, McComas, McConkey, McHale, McIntosh, A. Miller, Minnick, Mitchell, Mizeur, Murphy, Nathan–Pulliam, Niemann, Proctor, Reznik, B. Robinson, S. Robinson, Rosenberg, Ross, Smigiel, Stein, Stukes, Tarrant, F. Turner, Valderrama, Vaughn, Washington, and Weir

AN ACT concerning

Public Health – ~~Medical Marijuana~~ Maryland Medical Marijuana Model Program Work Group

FOR the purpose of ~~making marijuana a Schedule II controlled dangerous substance; prohibiting certain persons from distributing or dispensing marijuana to certain persons; providing for a certain penalty; requiring the Department of Health and Mental Hygiene (DHMH) to issue a certain request for proposals to select authorized growers of marijuana for medical use; providing for certain requirements of authorized growers; prohibiting an authorized grower from holding any other permit issued under a certain provision of law or being a physician who prepares a certain written certification; requiring DHMH, jointly with the Department of Agriculture, to adopt certain regulations; requiring DHMH to establish a certain registration program to authorize certain entities to distribute marijuana for medical purposes; authorizing DHMH to charge a certain fee for the issuance of a certain permit; requiring certain entities and individuals to apply for a certain criminal history records check and to submit to certain drug testing; requiring the Department to assign a certain identification number to certain permit holders for certain purposes; requiring certain permit holders to display a certain permit at certain times; requiring certain permit holders to report certain changes to DHMH within a certain time period; authorizing a patient or primary caregiver to provide certain reimbursement to certain entities; prohibiting certain individuals issued a certain permit from holding any other permit issued under a certain provision of law or being a physician who prepares a certain written certification; prohibiting a physician that prepares a certain written certification from holding a permit issued under a certain provision of law; requiring DHMH, in consultation with the Board of Pharmacy and stakeholders to develop certain regulations on or before a certain date; requiring DHMH to establish a registry of qualifying patients and primary caregivers and to issue a certain registry identification card to certain individuals under certain circumstances; requiring DHMH to approve or deny an application or renewal for a registry identification card within a certain time period and in a certain manner; requiring a registry identification card to include certain information; requiring an individual who has been issued a registry identification card to provide a certain notification to DHMH under certain circumstances; requiring certain physicians to provide notice to certain patients and the Department regarding the withdrawal of a patient's written certification under certain circumstances; requiring the Department to send a certain notice; requiring certain patients and certain primary caregivers to send to the Department a certain registry identification card under certain circumstances and to dispose of any marijuana within the patient's possession within a certain number of days; requiring DHMH to maintain a confidential list of the individuals to whom DHMH has issued registry identification cards; providing that certain individuals and entities may not be subject to certain penalties or denied certain rights for the medical use of marijuana; providing that the possession of a registry identification card does not constitute probable~~

~~cause to conduct a certain search by a government agency; providing that an individual may not be subject to arrest or prosecution for certain offenses for being in the presence of the medical use of marijuana; requiring certain pharmacies or dispensing centers to dispense a certain amount of usable marijuana to certain individuals for a certain period of time except under certain circumstances; prohibiting certain pharmacies and dispensing centers from dispensing more than a certain amount of marijuana to certain individuals within a certain period of time except under certain circumstances; authorizing certain pharmacies or dispensing centers to dispense more than a certain amount of marijuana to certain individuals under certain circumstances; requiring certain pharmacies and dispensing centers to maintain certain records; requiring qualifying patients, primary caregivers, and certain pharmacies and dispensing centers to follow certain procedures; providing that a patient may be registered at only one pharmacy or dispensing center at a time; establishing procedures for a patient to change an authorized pharmacy or dispensing center; requiring the Secretary of Health and Mental Hygiene to establish a system to monitor the dispensation of marijuana for medical use in the State; providing that a person who knowingly gives certain false information is subject to a certain penalty; requiring certain physicians, pharmacies, and dispensing centers to provide certain information to the Secretary; providing for the construction of this Act; providing that this Act may not be construed to provide immunity to certain persons; providing that this Act may not be construed to require certain insurance reimbursement; requiring DHMH to submit certain reports to the Governor and General Assembly on or before certain dates; requiring DHMH to adopt certain regulations on or before a certain date; authorizing DHMH to accept certain funds; requiring DHMH to use certain fees in a certain manner; requiring DHMH to distribute certain funds to drug rehabilitation programs throughout the State; defining certain terms; and generally relating to marijuana for medical use~~ 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.

~~BY renumbering~~

~~Article – Criminal Law~~
~~Section 5–403(d), (e), and (f), respectively~~
~~to be Section 5–403(e), (f), and (g), respectively~~
~~Annotated Code of Maryland~~
~~(2002 Volume and 2010 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Criminal Law~~
~~Section 5–402(d)(1)~~
~~Annotated Code of Maryland~~
~~(2002 Volume and 2010 Supplement)~~

~~BY adding to~~
~~Article – Criminal Law~~
~~Section 5–403(d) and 5–611~~
~~Annotated Code of Maryland~~
~~(2002 Volume and 2010 Supplement)~~

~~BY adding to~~
~~Article – Health – General~~
~~Section 13–3001 through 13–3013 to be under the new subtitle "Subtitle 30. Medical Marijuana"~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2010 Supplement)~~

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

House Bill 561 – Delegates Cardin and Rosenberg

AN ACT concerning

Election Law – Voter Registration – Exchange of Information

FOR the purpose of requiring State agencies to provide certain data to the State Board of Elections for the purpose of maintaining an accurate statewide voter registration list; prohibiting the State Board from disclosing certain data it receives except under certain circumstances; authorizing the State Board to enter into agreements with other states to exchange certain data that is relevant to maintaining accurate voter registration lists; authorizing the State Board to exchange certain data that is not subject to public disclosure under the Public Information Act with other persons for the purpose of maintaining accurate voter registration lists; prohibiting a person who receives certain data that is not subject to public disclosure under the Public Information Act from using or redisclosing that data except for the purpose of maintaining accurate voter registration lists; requiring the State Board and the Motor Vehicle Administration jointly to submit a report to certain committees of the General Assembly concerning the implementation of a fully automated voter registration system at the Motor Vehicle Administration by a certain date; and generally relating to the exchange of data for the purpose of maintaining accurate voter registration lists.

BY repealing and reenacting, with amendments,
Article – Election Law

Section 3–101
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 665 – Delegates Lee, Arora, Barkley, Barve, DeBoy, Feldman, Frick, George, Glenn, Gutierrez, Kipke, Luedtke, McComas, McDermott, A. Miller, Mitchell, B. Robinson, F. Turner, Valderrama, Vitale, and Wilson

AN ACT concerning

Commission on Maryland Cybersecurity Innovation and Excellence

FOR the purpose of establishing the Commission on Maryland Cybersecurity, Innovation and Excellence; specifying the membership, chairs, staff, and purpose of the Commission; specifying that a member of the Commission may not receive compensation but may receive certain reimbursement; requiring the Commission to conduct an overview of certain laws, develop certain plans and policies, make certain recommendations, and carry out other certain duties regarding cybersecurity and innovation; requiring the Commission to submit certain reports to the Governor and the General Assembly on or before certain dates; providing for the termination of this Act; and generally relating to the Commission on Maryland Cybersecurity Innovation and Excellence.

BY adding to
Article – State Government
Section 9–2901 to be under the new subtitle "Subtitle 29. Commission on Maryland Cybersecurity Innovation and Excellence"
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 675 – Delegates Otto and McDermott

AN ACT concerning

Somerset County – Private Sale of County Property

FOR the purpose of authorizing the County Commissioners of Somerset County to sell at private sale certain properties to the City of Crisfield under certain terms; requiring certain properties to revert to the County Commissioners under certain circumstances; authorizing the County Commissioners to sell certain property to the American Legion – Stanley Cochrane Post #16 at private sale

under certain terms; exempting the sale of certain properties from certain requirements; and generally relating to the sale of specified property by the County Commissioners of Somerset County.

BY adding to
The Public Local Laws of Somerset County
Section 2–414 and 2–415
Article 20 – Public Local Laws of Maryland
(2003 Edition and 2009 Supplement, as amended)

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

House Bill 763 – Delegate Feldman

AN ACT concerning

Insurance – Delivery of Notices by Electronic Means – Authorized

FOR the purpose of authorizing any notice to an applicant, insured, or policyholder required to be given by an insurer under certain provisions of law governing insurance policy cancellations, nonrenewals, premium increases, and reductions of coverage to be delivered by certain electronic means under certain circumstances; providing that delivery of a notice by electronic means shall be considered equivalent to the delivery method required under certain provisions of law; ~~requiring this Act to be construed in a manner consistent with a certain federal law;~~ establishing certain requirements, procedures, and conditions for the delivery of a notice by electronic means; requiring an insurer to give certain notices to a party under certain circumstances; providing that an oral communication or a recording of an oral communication may qualify as a notice delivered by electronic means under certain circumstances; specifying the manner in which certain requirements relating to a signature or record may be satisfied; providing for the effect, construction, and application of this Act; defining ~~a certain term~~ certain terms; and generally relating to delivery of notices to applicants, insureds, and policyholders.

BY adding to
Article – Insurance
Section 27–601.2
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 766 – Delegates Mizeur, Barkley, Bobo, Carr, Frick, Ivey, Kaiser, Lafferty, Luedtke, McMillan, A. Miller, W. Miller, Pena–Melnyk, Reznik, Ross, Sophocleus, ~~and F. Turner~~ F. Turner, Hammen, Pendergrass,

Bromwell, Costa, Cullison, Donoghue, Elliott, Frank, Hubbard, Kach, A. Kelly, Kipke, Krebs, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Ready, Tarrant, and V. Turner

AN ACT concerning

Joint Committee on Transparency and Open Government Act

FOR the purpose of establishing the Joint Committee on Transparency and Open Government; specifying the membership, chairs, and staff of the Committee; requiring the Committee to hold meetings under certain circumstances; authorizing the Committee to hold certain hearings and to consider certain votes and resolutions; specifying the purposes of the Committee; requiring the Committee to make certain recommendations, review certain laws, programs, services, and policies, consult with certain State entities, and perform certain other duties; requiring the Committee to submit a certain report to the General Assembly on or before a certain date each year; and generally relating to the Joint Committee on Transparency and Open Government.

BY adding to
Article – State Government
Section 2–10A–14
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 794 – Delegates Valentino–Smith, Alston, Dumais, McDermott, Mitchell, and Vallario

AN ACT concerning

Division of Parole and Probation – Pre–Parole Investigations for Inmates of Local Facilities

FOR the purpose of requiring the Division of Parole and Probation to complete and submit to the Parole Commission the results of pre–parole investigations of certain inmates in local correctional facilities within a certain number of days of the inmates' commitment for the purpose of enabling the Parole Commission to determine the advisability of granting parole to those inmates; and generally relating to eligibility for parole.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 7–301(a)
Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

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

House Bill 801 – Delegates Valentino–Smith, Alston, Healey, Parrott, Simmons, V. Turner, Vallario, Washington, and Wilson

AN ACT concerning

Criminal Procedure – Victims' Rights – Enforcement

FOR the purpose of ~~expanding the applicability of certain appeal rights from a victim of a violent crime to a victim of a crime; authorizing a certain victim to appeal to the Court of Special Appeals from a certain final order; providing that the filing of a certain appeal or application for leave to appeal does not stay certain other proceedings unless the court finds that the accused's rights to a speedy trial or adjudication will not be violated;~~ requiring a certain court to ensure that a certain victim is afforded the rights provided by law in a certain court proceeding; authorizing a certain victim to file a certain motion requesting relief within a certain time period; providing that, ~~if a~~ if the court finds that a victim's right to restitution under a certain provision of law was not considered or was improperly denied, the court may ~~grant the victim relief provided the remedy does not violate a defendant's or child respondent's certain constitutional right; prohibiting a court from providing a remedy that modifies a certain sentence or commitment unless the victim requests relief from a violation of the victim's right within a certain number of days of the alleged violation; providing for the application of this Act;~~ enter a judgment of restitution; and generally relating to victims' rights.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–103
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 809 – Delegates Afzali, Barkley, Bates, Clagett, Frick, Hough, Jacobs, Kaiser, Kramer, McConkey, McDermott, Niemann, Otto, Ready, Rosenberg, Smigiel, ~~and Valderrama~~ Valderrama, Cane, and Hogan

AN ACT concerning

Agriculture – Maryland Standard of Identity for Honey ~~– Labeling~~

FOR the purpose of ~~prohibiting a person from labeling a certain product as honey unless the product meets~~ establishing a certain standard of identity for honey;

requiring the standard to be applied to certain products; authorizing the designation of certain products as honey; requiring certain products to be distinguished from pure honey under certain circumstances; ~~authorizing a person to label a certain product as a honey blend under a certain circumstance; authorizing the Department of Agriculture to examine a certain product for a certain purpose under a certain circumstance; requiring the Department to charge a certain person a certain fee if the Department conducts a certain examination; requiring the Department to give notice of a certain fee to a certain person before conducting a certain examination;~~ authorizing a person who has suffered certain damages to bring ~~an~~ a certain action to recover damages in a certain court; clarifying that, notwithstanding certain provisions of law, the Department of Agriculture is not required to enforce the requirements of this Act; ~~providing that certain damages may not exceed a certain amount;~~ defining a certain ~~terms~~ term; and generally relating to ~~the regulation of the sale of~~ establishing a standard of identity for honey in Maryland.

BY adding to
Article – Agriculture
Section 10–1801 through ~~10–1804~~ 10–1807 to be under the new subtitle "Subtitle 18. ~~Products Sold as~~ Standard of Identity for Honey"
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 823 – ~~Delegate Krebs~~ Delegates Krebs, Howard, and F. Turner

AN ACT concerning

Sales and Use Tax – Nonprofit Food Vendors – Youth Sporting Events

FOR the purpose of providing an exemption from the sales and use tax for sales of food, bottled water, soft drinks or carbonated beverages, and candy or confectionery by a nonprofit food vendor at a youth sporting event under certain circumstances; and generally relating to a sales and use tax exemption for sales of certain items by a nonprofit food vendor at a youth sporting event.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 11–206(a)(4)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Tax – General

Section 11–206(d)
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 841 – ~~Delegate Kipke~~ Delegates Kipke, Kach, Pendergrass, Bromwell, Cullison, Krebs, and Donoghue

AN ACT concerning

Health Occupations – Dental Hygienists – Nitrous Oxide

FOR the purpose of altering the definition of "practice dental hygiene" for purposes of certain provisions of law governing dental hygienists to include ~~administering nitrous oxide and~~ monitoring a patient to whom nitrous oxide is administered; authorizing the State Board of Dental Examiners to adopt certain regulations; ~~altering the authority of the Board to adopt certain rules and regulations concerning the administration of certain anesthesia by certain dental hygienists;~~ and generally relating to the practice of dental hygiene.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 4–101(k)~~,~~ and 4–205(a)(1)~~, and 4–206~~
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 899 – Delegates Clagett, Anderson, DeBoy, Dumais, Frush, Gaines, Glenn, Guzzone, Haynes, Hixson, Hubbard, James, Jones, K. Kelly, McIntosh, Nathan–Pulliam, Proctor, B. Robinson, Ross, Sophocleus, Valderrama, Vaughn, Walker, and Zucker

AN ACT concerning

Division of Parole and Probation – Warrant Apprehension Unit – Powers ~~and Pension System~~

FOR the purpose of establishing the Warrant Apprehension Unit within the Division of Parole and Probation; providing that certain employees of the Warrant Apprehension Unit also have certain additional powers; including certain employees of the Warrant Apprehension Unit in the defined term "police officer" in connection with provisions of law relating to the authority to make arrests; including certain employees of the Warrant Apprehension Unit in the defined term "law enforcement officer" in connection with provisions of law relating to

the Maryland Police Training Commission and the Law Enforcement Officers' Bill of Rights; ~~providing for the membership of certain employees of the Warrant Apprehension Unit in the Law Enforcement Officers' Pension System; requiring the Board of Trustees for the State Retirement and Pension System to transfer certain funds to the Law Enforcement Officers' Pension System Accumulation Fund; requiring certain members of the Warrant Apprehension Unit to deposit certain amounts in the annuity savings fund of the Law Enforcement Officers' Pension System;~~ and generally relating to the powers ~~and pension system~~ of certain employees of the Warrant Apprehension Unit of the Division of Parole and Probation.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 6–106
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 2–101
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–101 and 3–201
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – State Personnel and Pensions~~
~~Section 26–201, 26–202, and 26–203.1~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2010 Supplement)~~

~~BY adding to~~
~~Article – State Personnel and Pensions~~
~~Section 26–203.4~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2010 Supplement)~~

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

House Bill 933 – Delegate Jameson and the Speaker (By Request – Administration) and Delegates Barve, Anderson, Barkley, Bobo, Bohanan, Branch, Braveboy, Cane, Cardin, Carr, Conaway, Conway, Donoghue, Dumais, Feldman, Frush, Gaines, Glenn, Hammen, Hubbard,

Hucker, Ivey, James, Lafferty, Love, McHale, Minnick, Mizeur, Morhaim, Murphy, Proctor, Rosenberg, Ross, Schuh, Schulz, Valderrama, Vallario, Vaughn, and Wood

AN ACT concerning

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

FOR the purpose of providing that energy from a certain solar water heating system is eligible for inclusion in meeting the renewable energy portfolio standard; providing that a person that owns and operates a certain solar water heating system shall receive a certain renewable energy credit under certain circumstances; requiring the total amount of energy generated and consumed by a nonresidential or commercial solar water heating system to be measured by a certain meter; requiring the total amount of energy generated and consumed by a residential solar water heating system to be measured in a certain way; prohibiting a residential solar water heating system from producing more than a certain number of solar renewable energy credits in any one year; defining a certain term; altering a certain definition; requiring that certain solar water heating systems be installed in accordance with applicable State and local plumbing codes; providing for the application of this Act; providing for a delayed effective date; and generally relating to the eligibility of solar water heating systems for inclusion in meeting the renewable energy portfolio standard.

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 7–701(a)
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article – Public Utilities
Section 7–701(k–1) and 7–704(g)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–701(l)
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 992 – Calvert County Delegation

AN ACT concerning

Calvert County – Regulation of Roads

FOR the purpose of authorizing the County Commissioners of Calvert County, by ordinance, to regulate the grading, constructing, improving, maintaining, and repairing of certain roads; authorizing the County Commissioners to ~~regulate the construction and maintenance activities of private and public utilities in~~ establish standards for utility cuts in and across county rights–of–way; authorizing the County Commissioners to regulate access to county–owned roads; authorizing the County Commissioners to establish certain minimum standards for new roads; authorizing the County Commissioners to regulate the engineering and constructing and acceptance into the county roads system of certain new public roads, bridges, sidewalks, curbs, gutters, and storm drainage facilities; authorizing the County Commissioners to establish certain fees and provide for certain civil penalties; providing for the enforcement of an ordinance enacted under this Act in the same manner and to the same extent as certain municipal infractions; authorizing the County Commissioners to seek other remedies provided by law; providing for the application of this Act; and generally relating to the authority of the County Commissioners of Calvert County to regulate roads in the county.

BY adding to
Article 25 – County Commissioners
Section 11
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

House Bill 1013 – Delegate Hixson

AN ACT concerning

State Department of Education – Permanent Hearing Aid Loan Bank Program – Establishment and Operation

FOR the purpose of establishing a permanent Hearing Aid Loan Bank Program in the State Department of Education; providing for the staffing of the Program; establishing the purpose of the Program; requiring the Program to establish a Hearing Aid Loan Bank; establishing certain criteria for the maintenance of the Hearing Aid Loan Bank; specifying certain criteria for eligibility under the Program; specifying certain conditions for borrowing a hearing aid under the Program; requiring the State Board of Education to adopt certain regulations; requiring that certain instructions be provided to a parent or legal guardian of an eligible child; requiring the State Superintendent to submit a certain annual report to the Governor and General Assembly; defining certain terms; providing

for the effective date of this Act; and generally relating to the Hearing Aid Loan Bank Program for eligible children.

BY adding to
Article – Education
Section 8–601 through 8–606 to be under the new subtitle "Subtitle 6. Hearing Aid Loan Bank Program"
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 1016 – Calvert County Delegation

AN ACT concerning

Calvert County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Calvert County, from time to time, to borrow not more than ~~$20,855,000~~ $12,325,000 to finance the construction, improvement, or development of certain public facilities in Calvert County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and generally relating to the issuance and sale of such bonds.

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

House Bill 1027 – Delegate Ross

AN ACT concerning

Health – ~~Residential~~ Youth Camps – ~~Definition~~ Definitions

FOR the purpose of 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; altering the definition of "residential camp" for purposes of certain provisions of law governing youth camps to increase the number of days a youth camp may operate as a residential camp; 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 generally relating to ~~residential~~ youth camps.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 14–401
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1104 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Permit Program for Roadside Solicitation of Money or Donations – Sunset Extension
PG 402–11

FOR the purpose of extending the termination date for certain provisions of law authorizing the County Council of Prince George's County to enact a permit program to allow a person to stand in a roadway, median divider, or intersection to solicit money or donations from the occupant of a vehicle; and generally relating to roadside solicitation of money or donations in Prince George's County.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–507(d) and (j)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Chapter 698 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 1128 – Delegates Valderrama, Alston, Anderson, Arora, Braveboy, Clippinger, Cluster, Conaway, Dumais, Dwyer, Glenn, Gutierrez, Hough, A. Kelly, Lee, McComas, McDermott, A. Miller, Simmons, Smigiel, Valentino–Smith, Waldstreicher, and Wilson

AN ACT concerning

Criminal Law – Sexual Crimes – Definitions

FOR the purpose of altering the definition of "sexual act" to include an act in which a part of an individual's body is used to penetrate certain body parts of another individual; altering the definition of "sexual contact"; and generally relating to definitions relating to sexual crimes.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 3–301(a)
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–301(e) and (f)
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

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

House Bill 1146 – Chair, Health and Government Operations Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

Electronic Health Records – ~~Definition of State–Regulated Payor –~~ State Employee and Retiree Health and Welfare Benefits Program – Incentives

FOR the purpose of altering the definition of "State–regulated payor" as it relates to the regulation of electronic health records to exclude the State Employee and Retiree Health and Welfare Benefits Program; repealing a certain requirement that the Secretary of Budget and Management ensure that the State Employee and Retiree Health and Welfare Benefits Program complies with certain provisions of law governing electronic health records; stating the intent of the General Assembly that the State Employee and Retiree Health and Welfare Benefits Program support certain incentives through certain contracts; and generally relating to electronic health records.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–142(h)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Health – General
Section 19–143(d)(5)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2–503(a)
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 Budget and Taxation.

House Bill 1147 – Chair, Health and Government Operations Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Maryland Correctional Enterprises Goods and Services – Sales to State Employees

FOR the purpose of authorizing the sale of goods and services of Maryland Correctional Enterprises on the open market to an individual employed by the State government; and generally relating to Maryland Correctional Enterprises.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 3–516
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1150 – Delegates Hubbard, Costa, Cullison, Kach, Lee, Pena–Melnyk, Reznik, and Tarrant

AN ACT concerning

Mental Hygiene Administration – Facilities – Trauma–Informed Care

FOR the purpose of requiring certain facilities to provide certain staff with certain training and to conform with certain trauma–informed care principles under certain circumstances; requiring certain individuals to report certain abuse under certain circumstances; requiring certain facilities to report complaints of

certain sexual abuse and sexual harassment to the State designated protection and advocacy system; requiring a law enforcement agency to submit certain findings to the State designated protection and advocacy system under certain circumstances; requiring the Mental Hygiene Administration to develop certain policies and to develop and oversee certain training and education related to trauma–informed care; ~~prohibiting State facilities from locating male and female bedrooms on the same hallway and requiring the facilities to provide for a certain barrier;~~ requiring the Administration to develop and implement a certain plan to secure the sleeping quarters of male and female patients at State facilities; requiring State facilities to use certain screening tools in a certain manner; requiring State facilities to make certain reassignments under certain circumstances; ~~requiring State facilities to establish a certain female–only unit;~~ requiring State facilities to provide certain patients with certain treatment and education related to sexual abuse; requiring State facilities to ensure that certain staff receive certain training related to trauma recovery; requiring the Administration to utilize a certain team to develop and conduct a certain survey; requiring the Administration to design and implement a certain pilot; requiring the Administration to assess the current design of units at each State facility in a certain manner; requiring the Administration to request technical assistance from a certain group to implement certain provisions of this Act; requiring the Administration to convene a certain committee to provide certain advice and make certain recommendations; requiring the Administration to make a certain report to the Governor and General Assembly on or before a certain date; making certain technical changes; defining certain terms; and generally relating to mental health facilities and trauma–informed care.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–701 and 10–705
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1175 – ~~**Delegates Barkley and Davis**~~ **Economic Matters Committee and Delegates Hucker, Ivey, Barkley, Afzali, Alston, Anderson, Arora, Aumann, Barnes, Barve, Beidle, Bobo, Boteler, Branch, Busch, Cane, Cardin, Carr, Clagett, Cluster, Conway, Costa, Cullison, Davis, Dumais, Eckardt, Elliott, Feldman, Frank, Frick, Frush, Gaines, George, Gilchrist, Glenn, Griffith, Gutierrez, Haddaway–Riccio, Hammen, Harrison, Healey, Hershey, Hixson, Holmes, Hubbard, Impallaria, Jacobs, Jameson, Kach, Kaiser, A. Kelly, Kipke, Kramer, Krebs, Lafferty, Lee, Love, Luedtke, Malone, McDermott, McHale, McIntosh, A. Miller, Mitchell, Mizeur, Morhaim, Murphy, Myers, Niemann, Otto, Pena–Melnyk, Pendergrass, Proctor, Ready, Reznik, S. Robinson, Rosenberg, Ross, Rudolph, Schulz, Serafini, Simmons, Smigiel, Stein, Stocksdale, Stukes, Summers, Szeliga, Tarrant, F. Turner, V. Turner,**

Valderrama, Vallario, Vaughn, Waldstreicher, Washington, Wilson, and Zucker

AN ACT concerning

Alcoholic Beverages – Direct Wine Shipment

FOR the purpose of repealing provisions that provide for a direct wine seller's permit; establishing a direct wine shipper's permit to be issued by the Office of the Comptroller; authorizing the Office to issue a common carrier permit to certain persons; specifying a certain common carrier permit fee; requiring a person to ~~be licensed~~ obtain a certain permit before the person may engage in shipping wine directly to a direct wine consumer in the State; requiring an applicant to meet certain qualifications for a direct wine shipper's permit, submit an application and a copy of its current alcoholic beverages license or proof of the applicant's status to the Office, and pay a certain fee; specifying the term of a direct wine shipper's permit; requiring a direct wine shipper to perform certain actions; prohibiting a direct wine shipper from shipping more than a certain amount of wine each year to ~~any one consumer~~ a single delivery address or making deliveries on Sunday; requiring a direct wine shipper to meet certain requirements to renew the permit; authorizing the Office to deny a renewal application under certain circumstances; specifying certain requirements for receiving a direct shipment of wine; requiring a common carrier to make a certain report; 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; allowing a shipment of wine to be ordered or purchased through electronic or other means; authorizing the Office to adopt certain regulations; prohibiting a person without a permit from shipping wine directly to consumers in the State; 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; requiring a certain security to be posted under certain circumstances; defining certain terms; making certain technical corrections; altering a certain definition; requiring the Comptroller to study certain matters and submit a report to certain committees on or before a certain date; making the provisions of this Act severable; and generally relating to the establishment of a direct wine shipper's permit.

BY repealing
Article 2B – Alcoholic Beverages
Section 7.5–101 through 7.5–110 and the title "Title 7.5. Direct Wine Seller's Permit"
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
Section 2–101(b)(1)(i) and (g), 9–102(a), 12–301, 14–202, and 15–204(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 2–101(y); and 7.5–101 through 7.5–114 to be under the new title "Title 7.5. Direct Wine Shipper's Permit"
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 16–503
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 5–101(a)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 5–101(f), 5–201(d), and 13–825(b)
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article – Tax – General
Section 13–825(i)
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 1178 – Delegates Tarrant, Kach, Bromwell, Krebs, Murphy, Reznik, ~~and Walker~~ Walker, Donoghue, Frank, Nathan–Pulliam, Oaks, Pena–Melnyk, and Pendergrass

AN ACT concerning

~~Health Insurance – Public Health Plans – Education and Disclosure Requirements~~

Licensed Insurance Producers – Information on State Health Programs

FOR the purpose of ~~requiring that, in the case of an applicant for a license as an insurance producer for health insurance, a certain program of studies shall include a course designed to familiarize the applicant with certain public health plans available to residents of the State; requiring certain applicants to pass a certain examination to determine the familiarity of the applicant with certain public health plans; requiring certain insurance producers to receive continuing education that directly relates to certain public health plans; requiring~~ authorizing a licensed insurance producer to provide to a certain small employer information about certain ~~public health plans on a certain form and at a certain time~~ State health programs in accordance with regulations adopted by the Maryland Insurance Commissioner; ~~requiring a certain small employer, under certain circumstances, to agree to provide information about certain public health plans on a certain form and to certain employees; defining a certain term; and generally relating to education and disclosure requirements relating to public health plans~~ and generally relating to licensed insurance producers and information on State health programs.

~~BY repealing and reenacting, without amendments,~~
~~Article – Insurance~~
~~Section 10–101(a), 10–105(c)(1), and 10–116(a)(1) and (4)(i)~~
~~Annotated Code of Maryland~~
~~(2003 Replacement Volume and 2010 Supplement)~~

~~BY adding to~~
~~Article – Insurance~~
~~Section 10–101(h–1), 10–105(c)(5), and 10–116(a)(4)(v)~~
~~Annotated Code of Maryland~~
~~(2003 Replacement Volume and 2010 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Insurance~~
~~Section 10–109(b)(1)~~
~~Annotated Code of Maryland~~
~~(2003 Replacement Volume and 2010 Supplement)~~

BY adding to
Article – Insurance
Section 15–1206(h)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Insurance~~
~~Section 15–1209(c)~~
~~Annotated Code of Maryland~~

~~(2006 Replacement Volume and 2010 Supplement)~~

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

House Bill 1180 – Delegate Barkley

AN ACT concerning

Department of Health and Mental Hygiene – Certificates of Foreign Birth – IH–3 Visa

FOR the purpose of requiring the Secretary of Health and Mental Hygiene, on request, to prepare and register a certificate of foreign birth for certain individuals who have been granted an IH–3 visa by the United States Immigration and Naturalization Service; requiring the certificate to be established on receipt of certain documents, including proof of IH–3 visa status; making stylistic changes; and generally relating to certificates of foreign birth prepared and registered by the Department of Health and Mental Hygiene.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 4–211(i)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1193 – Chair, Health and Government Operations Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

Volunteer Company Assistance Fund – Reporting Requirements – Military Department

FOR the purpose of altering a certain definition to require the Military Department, instead of the Department of Budget and Management, to receive and review certain information from the Maryland State Firemen's Association and provide a certain annual report to certain committees of the General Assembly; and generally relating to the certain reports on the Volunteer Company Assistance Fund.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 8–201
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 8–206
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 1209 – Delegate Wilson

AN ACT concerning

Video Lottery Terminal Applicants and Licensees – Minority Business Participation – Modifications and Sunset Extension

FOR the purpose of adding maintenance and ongoing service delivery to the requirements that certain applicants or licensees for video lottery operations must meet regarding minority business participation under certain circumstances; extending a certain termination date for certain provisions of law relating to minority participation in video lottery facility operations; providing a termination date for certain monitoring, reporting, and other duties of the State Lottery Commission and the Governor's Office of Minority Affairs; and generally relating to minority business participation requirements and video lottery operation licenses.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–10
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 1218 – Frederick County Delegation

AN ACT concerning

Frederick County – Beer, Wine and Liquor Tasting License

FOR the purpose of creating in Frederick County a beer, wine and liquor tasting license; specifying to whom the licenses may be issued; setting maximum limits on the amounts of certain individual servings; specifying that the license may be issued for tasting or sampling purposes only; providing for a license fee; and generally relating to alcoholic beverages licenses in Frederick County.

BY renumbering
Article 2B – Alcoholic Beverages
Section 8–406.1 and 8–406.2, respectively
to be Section 8–406.2 and 8–406.3, respectively
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–406.1
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 1225 – Delegates Gilchrist, Bobo, Frush, Holmes, Hucker, Lafferty, A. Miller, Morhaim, Niemann, S. Robinson, Stein, Waldstreicher, and Weir

AN ACT concerning

Natural Resources – Commercial Fishing Violations – Enhanced Penalties

FOR the purpose of establishing certain enhanced penalties for a person who commits a certain separate commercial fisheries violation while the person's commercial fishing license or authorization is suspended or revoked or who engages in commercial fishing activities without an appropriate license or authorization; requiring that certain fines imposed under this Act be paid into the Fisheries Research and Development Fund; clarifying certain commercial fishing violations; and generally relating to enhanced penalties for certain commercial fishing violations.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–708 and 4–1202
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4–1201(a) and (b)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article – Natural Resources

Section 4–1201(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 1233 – Delegate Frick

AN ACT concerning

Income Tax – Withholding Statements – Electronic Submission

FOR the purpose of altering the number of statements that certain payors of amounts subject to income tax withholding must be required to submit for purposes of a requirement that certain statements be submitted electronically; repealing an obsolete provision; and generally relating to a requirement to submit certain statements in a certain manner.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–911
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 1242 – Chair, Baltimore County Delegation (By Request – Baltimore County Administration)

AN ACT concerning

Baltimore County – Miscellaneous Business Licenses – Fees

FOR the purpose of ~~authorizing the County Executive and County Council of Baltimore County to establish~~ altering certain license fees that applicants are required to pay ~~for acting as a cigarette retailer, for selling cigarettes at retail,~~ for keeping a billiard table for commercial use, for doing certain construction business, for keeping a garage where motor vehicles are stored for a fee, for doing the business of cleaning or laundering, for doing business as a plumber or gas fitter, for operating a restaurant, for doing business as a trader, and for operating a chain store; and generally relating to business license fees in Baltimore County.

BY repealing and reenacting, with amendments,
Article – Business Regulation

Section ~~16–204(b)(1), 16–302,~~ 17–504, 17–603, 17–803, 17–1103, 17–1504, 17–1604, 17–1808(a), and 17–1809(b)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

House Bill 1243 – Chair, Baltimore County Delegation (By Request – Baltimore County Administration)

AN ACT concerning

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

FOR the purpose of ~~repealing certain alcoholic beverages license fees in Baltimore County; authorizing the Baltimore County Executive and the County Council of Baltimore County to establish alcoholic beverages license fees within Baltimore County; and generally relating to the Baltimore County Executive and the County Council of Baltimore County regulating~~ altering alcoholic beverages license fees within Baltimore County; and generally relating to alcoholic beverages license fees in Baltimore County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 4–201(a)(2), 5–101(a)(1), 5–201(a)(1), 5–301(a)(1), 5–401(a)(1), 6–101(a)(1), 6–201(a)(1), 6–301(a)(1), 6–401(a)(1), ~~6–702(b),~~ 7–101(b)(1)(i) and (d)(1)(i), 8–204(c), 8–204.1(c), 8–304(a), 8–404(a)(1), ~~8–404.1(a), (b), and (e)~~ and 8–802(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 5–101(e), 5–201(e)(1), 5–301(e), 5–401(e)(1), 6–101(e), 6–201(e)(2), 6–301(e), 6–401(e)(2), ~~6–702(g),~~ 7–101(b)(4) and (d)(4)(i), 8–204(e), 8–204.1(e), 8–304(d), 8–404(a)(5), ~~8–404.1(d), 8–601,~~ and 8–802(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 4–201(b)(8) ~~and 18–105~~
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 1245 – Delegate Kach

AN ACT concerning

Recordation Tax and State Transfer Tax – Exemptions

FOR the purpose of exempting from recordation tax and State transfer tax certain instruments of writing transferring property from a transferor to a grandparent or stepgrandparent; and generally relating to an exemption from recordation tax and State transfer tax for certain instruments of writing transferring property from a transferor to certain relatives.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 12–108(c)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 13–207(a)(2)
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 1254 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Reduction of Lead Risk in Housing – Registration and Fees

FOR the purpose of authorizing the Department of the Environment to alter by regulation the date by which certain rental dwelling units must be registered for a certain purpose and certain fees must be paid; and generally relating to the reduction of lead risk in housing.

BY repealing and reenacting, with amendments,
Article – Environment
Section 6–812 and 6–843
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

House Bill 1282 – Delegates Glenn, K. Kelly, Kramer, McConkey, Myers, Norman, and Parrott

AN ACT concerning

Transportation – Vehicle Parking Facilities – Motorcycle Parking

FOR the purpose of requiring vehicle parking facilities that are owned, leased, or operated by the State or a political subdivision of the State or that receive funding from the State or a political subdivision of the State to allow motorcycles to park in the facilities, subject to certain charges; defining certain terms; and generally relating to the parking of motorcycles in vehicle parking facilities.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 4–101(j)
Annotated Code of Maryland
(2008 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 Judicial Proceedings.

House Bill 1311 – Delegates Jameson, Barkley, Kramer, Love, W. Miller, Schulz, and Vaughn

AN ACT concerning

Motor Vehicle Insurers – Standards for Cancellation or Refusal of Insurance – Driving While Impaired by Alcohol

FOR the purpose of establishing that, subject to a certain provision of law, a conviction for driving while impaired by alcohol is included among the standards reasonably related to an insurer's economic and business purposes that may be applied by the insurer for purposes of canceling or refusing to underwrite or renew a particular insurance risk or class of risk in the case of private passenger motor vehicle insurance; and generally relating to standards for the cancellation or refusal of motor vehicle insurance and the offense of driving while impaired by alcohol.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 27–501(a)(2)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 27–501(l)(1)(vi)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–902
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1315 – Howard County Delegation

AN ACT concerning

Howard County – Orphans' Court Sessions
Ho. Co. 9–11

FOR the purpose of requiring the Orphans' Court in Howard County to determine when to hold its sessions for the transaction of business.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 2–106(g)
Annotated Code of Maryland
(2001 Replacement Volume and 2010 Supplement)

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

House Bill 1327 – Delegate Conaway

AN ACT concerning

Criminal Law – Salvia Divinorum – Distribution to Individual Under 21 Years of Age – Penalties

FOR the purpose of altering the penalties for a conviction for the crime of distributing Salvia divinorum to a person under the age of 21 years; and generally relating

to the crime of distributing Salvia divinorum to a person under the age of 21 years.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–131
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

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

House Bill 1329 – Delegate Norman

AN ACT concerning

Motor Vehicles – Renewal of Drivers' Licenses – Contractors for the Armed Forces of the United States

FOR the purpose of requiring the Motor Vehicle Administration to renew the driver's license of an individual who has a Maryland residence address but resides outside the United States if the individual provides certain documentation indicating that the individual resides outside the United States, is, or is the spouse or dependent of, a contractor who performs work for the armed forces of the United States, and meets certain other requirements; and generally relating to the renewal of drivers' licenses.

BY adding to
Article – Transportation
Section 16–115(j)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1343 – Allegany County Delegation

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 Finance.

House Bill 11 – Delegate Cardin

AN ACT concerning

Income Tax – Subtraction Modification – Maryland Defense Force

FOR the purpose of making certain members of the Maryland Defense Force eligible under certain circumstances for a certain subtraction modification under the Maryland income tax for qualifying volunteer fire, rescue, or emergency medical services members; providing that an individual may not qualify for the subtraction modification based on membership in the Maryland Defense Force unless the Maryland Defense Force maintains certain records and provides certain reports; providing for the application of this Act; and generally relating to a State income tax subtraction modification for certain qualifying members of the Maryland Defense Force.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–208(a)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–208(i–1)
Annotated Code of Maryland

(2010 Replacement Volume)

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

House Bill 87 – Delegates Reznik, Barkley, Bobo, Boteler, Braveboy, Bromwell, Carr, Cullison, Feldman, Gilchrist, Gutierrez, Hixson, Howard, Hucker, Kaiser, A. Kelly, Lee, Love, Luedtke, A. Miller, Murphy, B. Robinson, S. Robinson, Valderrama, Vaughn, Weir, ~~and Zucker~~ Zucker, Carter, and Glenn

AN ACT concerning

Job Applicant Fairness Act

FOR the purpose of prohibiting an employer from using the credit report or credit history of an employee or applicant for employment for certain purposes; authorizing an employer to request or ~~consider~~ use an applicant's or employee's credit report or credit history under certain circumstances; 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; authorizing certain ~~civil actions under certain circumstances~~ 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; providing that this Act does not apply to certain employers; specifying that this Act does not prohibit an employer from performing an employment–related background investigation that meets certain requirements; and generally relating to the use by employers of credit reports and credit histories of employees and applicants for employment.

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 Finance.

House Bill 171 – The Speaker (By Request – Administration) and Delegates Barkley, Barnes, Clagett, Gaines, Gutierrez, Haynes, Hubbard, Nathan–Pulliam, Stukes, V. Turner, Valderrama, and Zucker

AN ACT concerning

Collective Bargaining – Independent Home Care Providers

FOR the purpose of establishing collective bargaining rights for certain independent home care providers; providing that there may be only one appropriate bargaining unit for certain independent home care providers; authorizing providers to designate an exclusive representative; requiring that certain procedures relating to the election and certification of an exclusive representative, collective bargaining process, and bargaining agreements be governed by certain provisions of the collective bargaining law for State employees; prohibiting the State Labor Relations Board from conducting a certain election within a certain period; requiring an exclusive representative to represent all independent home care providers, whether or not they are members of the provider organization; providing for the scope of collective bargaining for independent home care providers; authorizing collective bargaining negotiations pertaining to independent home care providers to include, ~~under certain circumstances~~ subject to certain conditions, negotiations relating to the right of an employee organization to receive service fees from nonmembers; requiring an exclusive representative, if a memorandum of understanding contains a certain service fee provision, to provide notice of the service fee provision to independent home care providers before a certain vote is held; providing that certain independent home care providers are not required to pay certain fees and are required to make certain other payments; specifying that the certification of certain exclusive representatives under this Act does not prevent provider organizations or other persons from communicating with or appearing before or making proposals to certain State agencies at a public meeting or hearing; prohibiting a provider organization from calling or directing a strike; providing that the provisions of this Act may not alter certain rights of home care consumers with regard to independent home care providers; declaring the intent of the General Assembly as it relates to the application of a certain exemption to State and federal antitrust laws; providing for the application and construction of this Act; providing that a certain provider organization certified as the majority representative in a certain election pursuant to a certain Executive Order shall continue as the exclusive representative without the requirement of an additional election and certification; defining certain terms; declaring that the provisions of this Act are severable; and generally relating to collective bargaining for independent home care providers.

BY adding to
Article – Health – General

Section 15–901 through 15–907 to be under the new subtitle "Subtitle 9. Collective Bargaining by Independent Home Care Providers"
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 235 – Delegates Pena–Melnyk, A. Kelly, Alston, Anderson, Barkley, Barnes, Barve, Beidle, Bobo, Carr, Clippinger, Cullison, Dumais, Feldman, Frick, Frush, Gaines, Gilchrist, Gutierrez, Guzzone, Hammen, Healey, Hixson, Hubbard, Hucker, Ivey, Kaiser, Kramer, Lafferty, Lee, Love, Luedtke, McIntosh, A. Miller, Mitchell, Mizeur, Morhaim, Murphy, Nathan–Pulliam, Niemann, Oaks, Reznik, B. Robinson, S. Robinson, Rosenberg, Ross, Simmons, Summers, Tarrant, F. Turner, V. Turner, Valderrama, Vallario, Waldstreicher, Washington, and Zucker

AN ACT concerning

Human Relations – Sexual Orientation and Gender Identity – Antidiscrimination

FOR the purpose of prohibiting discrimination based on gender identity with regard to housing and employment; prohibiting discrimination based on gender identity by certain licensed or regulated persons; ~~prohibiting discrimination based on sexual orientation or gender identity with regard to the leasing of property for commercial usage or in the provision of certain services or facilities;~~ altering a certain exception for employers that relates to standards concerning dress and grooming; providing that certain provisions of law relating to discrimination in employment do not apply to certain religious entities with respect to the employment of individuals of a particular gender identity to perform certain work; providing that an employer is immune from certain liability for certain acts to verify the gender identity of any employee or applicant in response to a certain charge; making certain remedies and procedures regarding discrimination applicable to discrimination based on sexual orientation and gender identity; requiring certain State personnel actions to be made without regard to gender identity or sexual orientation; defining the term "gender identity"; making certain conforming changes; and generally relating to discrimination based on sexual orientation and gender identity.

BY renumbering
Article – State Government
Section 20–101(e) and (f), respectively
to be Section 20–101(f) and (g), respectively
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – State Government
Section 20–101(e)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 20–401, 20–402, ~~20–501,~~ 20–602, 20–603, 20–604(2), 20–605(a)(2), 20–606(a) through (e), 20–608, 20–702(a), 20–704(a)(2), 20–705, 20–707(b) and (c), and 20–1103(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2–302
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 289 – Delegates Pena–Melnyk, Barnes, and Frush

AN ACT concerning

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

FOR the purpose of providing for original jurisdiction of the District Court for certain actions; prohibiting a person without authorization from the State Highway Administration from placing or maintaining a sign within the right–of–way of a State highway; providing that a sign placed or maintained in violation of this Act may be removed by the Administration, a law enforcement officer, or certain local governments; authorizing the Administration or certain local governments to collect certain civil penalties and to seek an injunction against certain violations of this Act; providing for civil penalties for certain violations of this Act; providing that certain provisions of this Act may be enforced only by issuance of a warning for a certain period of time; requiring the Administration and certain local governments to retain civil penalties collected under certain provisions of this Act; providing that the presence of a sign within a State highway right–of–way is evidence of certain facts; repealing a certain provision relating to when certain political signs may be erected; repealing a certain obsolete reporting requirement; and generally relating to the placement and maintenance of unauthorized signs on State highway rights–of–way.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings
Section 4–401(16) and (17)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 4–401(18)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 8–605 and 8–714
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 387 – Delegates Nathan–Pulliam, Burns, Hubbard, A. Kelly, Oaks, Pena–Melnyk, B. Robinson, and V. Turner

AN ACT concerning

Residential Child and Youth Care Practitioners – ~~Definition~~ Certification – Implementation Plan

FOR the purpose of ~~altering the definition of "residential child and youth care practitioner" as it relates to the certification of certain residential child care program professionals so as to exclude individuals performing certain duties in certain private therapeutic group homes; defining a certain term;~~ 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 and certain recommendations; requiring the Office to report on the workgroup's implementation plan to the Governor and certain legislative committees on or before a certain date; and generally relating to certification of residential child and youth care practitioners.

BY repealing and reenacting, ~~with~~ without amendments,
Article – Health Occupations
Section ~~20–101~~ 20–301(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 396 – Delegates Beidle, Frush, Gilchrist, Glenn, Holmes, Lafferty, Love, Malone, McIntosh, Niemann, Stein, and Weir

AN ACT concerning

Natural Resources – Administrative Procedures – Electronic Citations, Inspections, and Hearings

FOR the purpose of altering the acknowledgment procedures for citations issued by certain police officers for certain natural resources violations; repealing a certain hearing requirement that must be met before the Department of Natural Resources may suspend a recreational or commercial fishing license and requiring the Department to provide certain notice to certain persons of the right to a hearing; requiring the Department to hold a hearing under certain circumstances within a certain time frame in accordance with certain procedures before suspending a recreational or commercial fishing license; authorizing the Department to suspend a recreational ~~or commercial~~ fishing license without a hearing under certain circumstances; ~~altering who may perform administrative inspections of commercial fishing operations;~~ altering the authorized scope of administrative inspections of commercial fishing operations; authorizing the seizure and forfeiture by the Department of certain property under certain circumstances; making certain stylistic changes; and generally relating to administrative procedures for natural resources violations.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 1–205, 4–220, and 4–701(l) and (m)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4–701(a) and (b)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–2003
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 477 – Carroll County Delegation

AN ACT concerning

Carroll County – Commissioners – Term Limits and Vacancies

FOR the purpose of stating that the term of office for a County Commissioner on the Board of County Commissioners for Carroll County is a certain number of years; establishing a certain restriction on the number of terms that a County Commissioner for Carroll County may be elected to serve in office; providing for the appointment to fill a vacancy on the Board of County Commissioners; and generally relating to the Board of County Commissioners for Carroll County.

BY adding to
The Public Local Laws of Carroll County
Section 3–101(f)
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 Education, Health, and Environmental Affairs.

House Bill 487 – Delegates Rosenberg and Kaiser

AN ACT concerning

~~Janet L. Hoffman Loan Assistance Repayment~~ Walter Sondheim Jr. Public Service Summer Internship Scholarship Program – Internships

FOR the purpose of providing that certain students who ~~attend certain institutions of higher education and~~ participate in certain internships ~~with the State or local governments~~ that assist in providing certain legal services in the State are eligible to receive funding under the ~~Janet L. Hoffman Loan Assistance Repayment~~ Walter Sondheim Jr. Public Service Summer Internship Scholarship Program; ~~prohibiting certain awards from exceeding a certain amount; limiting the number of awards that the Office of Student Financial Assistance may make to certain students; altering a certain definition; making a stylistic change;~~ and generally relating to funding under the ~~Janet L. Hoffman Loan Assistance Repayment~~ Walter Sondheim Jr. Public Service Summer Internship Scholarship Program for certain students who participate in certain internships.

BY repealing and reenacting, with amendments,
Article – Education
Section ~~18–1501 and 18–1502~~ 18–1702
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 614 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

~~Maryland–National Capital Park and Planning Commission – Prince George's County – Site Plan Approval Authority~~
Prince George's County – Maryland–National Capital Park and Planning Commission – Site Plan Approval Authority and Public Ethics Requirements
MC/PG 114–11

~~FOR the purpose of prohibiting the County Council for Prince George's County, sitting as the district council, from reviewing decisions by the Prince George's County Planning Board to approve or disapprove certain site plans except under certain circumstances; authorizing a party of record to appeal certain decisions by the Planning Board to the district council; prohibiting the district council from revoking certain delegations of approval authority made to the Planning Board by a certain date; authorizing the district council to revoke certain delegations of approval authority for the purpose of delegating that authority to the governing bodies of certain municipal corporations; and generally relating to site plan approval in Prince George's County.~~

FOR the purpose of authorizing the County Council for Prince George's County, sitting as a District Council, to review a final decision of the Prince George's Planning Board on a detailed site plan; requiring the District Council to decide whether to review a final decision of the Planning Board within a certain number of days after the final decision is issued; requiring the District Council to hold a review hearing within a certain number of days after it issues a decision to conduct a certain review; authorizing a party of record to appeal to the District Council a final decision by the Planning Board relating to a detailed site plan; authorizing the District Council to revoke a delegation of site plan approval authority to the Planning Board for the purpose of delegating approval authority over detailed site plans to the governing body of a municipal corporation in the Maryland–Washington Regional District; specifying that certain conflict of interest provisions required to be enacted by Prince George's County shall contain certain prohibitions against issuing credit cards to certain individuals and soliciting a person to enter into a business relationship with or provide anything of value to certain persons for certain purposes; prohibiting certain conflict of interest provisions from being construed in a certain manner; requiring certain lobbying provisions to prohibit a person from being engaged for lobbying purposes for compensation that is contingent on the outcome of a certain action; requiring certain Prince George's County ethics enactments to

provide for the establishment of a Board of Ethics composed of a certain number of members and having an executive director with certain duties and authority; and generally relating to the review of site plans for development projects in Prince George's County and the expansion of public ethics laws required to be enacted by Prince George's County.

BY adding to
Article 28 – Maryland–National Capital Park and Planning Commission
Section 8–129
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 15–807(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 15–808
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 620 – Delegate Frick

AN ACT concerning

Tax Credit Evaluation Act

FOR the purpose of establishing a legislative review and evaluation process for certain credits allowed against certain taxes; establishing dates for review and other legislative action with regard to certain tax credits; providing for termination of certain tax credits under certain circumstances; repealing certain obsolete tax credits; providing for the construction of certain provisions of this Act; providing for a delayed effective date for certain provisions of this Act; and generally relating to a legislative review and evaluation process for certain credits allowed against certain taxes.

BY adding to
Article – Tax – General
Section 1–301 through 1–311 to be under the new subtitle "Subtitle 3. Tax Credit Evaluation Act"
Annotated Code of Maryland

(2010 Replacement Volume)

BY repealing
Article – Labor and Employment
Section 11–1101 through 11–1107 and the subtitle "Subtitle 11. Job Creation and Recovery Tax Credit"
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing
Article – Tax – General
Section 10–704.9, 10–713, 10–719, and 10–728
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 740 – Delegates Cardin and Rosenberg

AN ACT concerning

Election Law – Online Voter Registration

FOR the purpose of authorizing an individual to apply to become a registered voter through an online voter registration system; ~~requiring~~ authorizing the State Board of Elections to operate an online voter registration system that allows an individual to apply to register to vote and make certain changes in the individual's existing voter registration record; requiring an individual who applies to register to vote through the online voter registration system, or who makes certain changes in the individual's existing voter registration record through the online voter registration system, to follow certain procedures and provide certain information; requiring the Motor Vehicle Administration to transmit to the State Board an electronic copy of the signature of an individual who submits a voter registration application through the online voter registration system within a certain period of time; authorizing the State Board to take certain actions to ensure the accuracy and integrity of voter registration applications submitted through the online voter registration system; authorizing the State Board to adopt regulations as necessary to administer the online voter registration system; clarifying that notification of a change of party affiliation or a change to or from a decline may be made by certain methods, including through the online voter registration system; making conforming changes; and generally relating to online voter registration.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 3–201 and 3–303
Annotated Code of Maryland

(2010 Replacement Volume)

BY adding to
Article – Election Law
Section 3–204.1
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 778 – Delegates Mizeur, Smigiel, Ross, Alston, Barkley, Bobo, Carr, Frick, Gaines, Hixson, Hubbard, Jameson, Jones, Kaiser, A. Kelly, Lee, Luedtke, McIntosh, A. Miller, Murphy, Nathan–Pulliam, Pena–Melnyk, ~~and Reznik~~ Reznik, Oaks, Kipke, Costa, Morhaim, Pendergrass, Hammen, V. Turner, Tarrant, Bromwell, and Cullison

AN ACT concerning

Family Planning Works Act

FOR the purpose of altering the eligibility requirements for family planning services under the Maryland Medical Assistance Program by requiring the Program to provide those services beginning on a certain date to all women whose family income is at or below a certain percent of the poverty level under certain circumstances; ~~making this Act subject to a certain contingency;~~ and generally relating to eligibility for family planning services under the Maryland Medical Assistance Program.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–103(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 787 – Delegates Kramer, Arora, Barkley, Dumais, Frick, Hixson, Hucker, Luedtke, Reznik, Simmons, Valderrama, and Wilson

AN ACT concerning

~~Elections – Permanent Absentee Ballot List~~
Election Law – Subsequent Election Absentee Ballot List

FOR the purpose of ~~requiring the State Board of Elections to establish guidelines for a permanent absentee ballot list; authorizing an individual to apply for~~

~~permanent absentee ballot status; authorizing an application for permanent absentee ballot status to be made by certain methods; requiring a written request for permanent absentee ballot status to include certain information; requiring that a voter be placed on the permanent absentee ballot list under certain circumstances; requiring that an absentee ballot be sent to a voter on the permanent absentee ballot list for certain elections; requiring that a voter be removed from the permanent absentee ballot list under certain circumstances; requiring a voter who has permanent absentee ballot status to notify the local board with certain information under certain circumstances; and generally relating to permanent absentee ballot lists~~ requiring the State Board of Elections to establish guidelines for a subsequent election absentee ballot list; requiring that a voter who receives an absentee ballot be provided the opportunity to request an absentee ballot for the next subsequent election in certain materials accompanying the absentee ballot; requiring that a voter who requests an absentee ballot for the next subsequent election be placed on the subsequent election absentee ballot list; requiring that an absentee ballot be sent to a voter on the subsequent election absentee ballot list for certain elections; requiring that a voter be removed from the subsequent election absentee ballot list under certain circumstances; requiring a voter who requests an absentee ballot for the next subsequent election to notify the local board with certain information under certain circumstances; and generally relating to the subsequent election absentee ballot list.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 9–303~~, 9–304, and 9–305(a)~~
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Election Law
Section 9–304
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article – Election Law
Section 9–305.1
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 859 – Delegates Dumais, Clippinger, A. Kelly, Simmons, Valderrama, Waldstreicher, and Wilson

AN ACT concerning

Child Abuse – Out of Court Statements of Child Victims

FOR the purpose of altering the age for the admission into evidence of a certain out of court statement made by a child victim; adding certain counselors and ~~caseworkers~~ therapists to the list of certain professionals to whom a child victim's out of court statement was made and who may testify concerning the statement; ~~repealing provisions that allow certain out of court statements to be admissible if the child victim does not testify;~~ requiring the child victim to testify as a prerequisite to the admissibility of the child victim's out of court statement 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; requiring notice to certain individuals of the audio or visual recording of a certain out of court statement by a child victim; limiting the circumstances under which notice of the content of a certain out of court statement by a child victim is required to be provided ~~and under which a certain deposition is authorized~~; eliminating the requirement that the court examine the child victim in chambers under certain circumstances; and generally relating to out of court statements of child victims.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–304
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 860 – Delegate McHale and the Speaker (By Request – Administration) and Delegates Clippinger, Hammen, Holmes, and Washington

AN ACT concerning

Electricity – Net Energy Metering

FOR the purpose of altering the period during which an eligible customer–generator may accrue certain net excess generation; requiring a certain electric company to carry forward a negative kilowatt–hour reading until a certain accrual period expires; altering how the dollar value of a certain net excess generation is calculated; repealing a requirement that certain generation credit appear on the eligible customer–generator's bill in a dollar amount; requiring an electric company to reimburse certain eligible customer–generators for the dollar value of certain accrued net excess generation on or before a certain date each year; repealing a provision authorizing the Public Service Commission to require a

certain eligible customer–generator to install a certain dual meter under certain circumstances; repealing a provision that requires the Commission to develop a certain credit formula; repealing a certain definition; and generally relating to net energy metering and payment for accrued net excess generation.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–306
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 868 – Delegates Hixson, Barve, Boteler, Frick, Ivey, Kaiser, Luedtke, Ross, Stukes, ~~and F. Turner~~ F. Turner, and Howard

EMERGENCY BILL

AN ACT concerning

Video Lottery Operation Licensees – Noninterference

FOR the purpose of prohibiting a video lottery operation licensee from directly or indirectly interfering with, hindering, obstructing, impeding, or taking any action to delay the implementation or establishment of a video lottery facility by any other video lottery operation licensee or applicant; requiring the State Lottery Commission to adopt regulations to carry out the provisions of this Act; requiring that the regulations adopted by the State Lottery Commission include certain provisions; providing for the application of this Act; making this Act an emergency measure; and generally relating to video lottery facilities and video lottery operation licenses.

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 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 881 – Delegate S. Robinson

AN ACT concerning

Agriculture – Waste Kitchen Grease

FOR the purpose of requiring, with certain exceptions, a person to register annually with the Department of Agriculture before transporting waste kitchen grease; requiring a certain person to submit a certain application to the Department in a form required by the Department; requiring the application to include certain information and fees; requiring the Department to register certain applicants and issue each registrant certain items; requiring ~~the Department to require~~ each registrant to carry a certain certificate when transporting waste kitchen grease and display certain information in a certain manner on certain vehicles; establishing certain record–keeping requirements; ~~authorizing the Department to suspend or revoke a person's registration if the person has taken certain actions;~~ prohibiting a person from knowingly taking certain actions relating to waste kitchen grease; establishing a Waste Kitchen Grease Fund; requiring the Department to administer the Fund; providing that the Fund is a special, nonlapsing fund; requiring the Treasurer to hold the Fund and the Comptroller to account for the Fund; providing for the sources of funding for the Fund; providing for the use of the Fund; requiring the Treasurer to invest and reinvest the money of the Fund in a certain manner; requiring that any investment earnings of the Fund be paid into the Fund; ~~prohibiting a person from accepting waste kitchen grease from certain unregistered transporters unless the person keeps certain records and makes the records available to the Department on request; establishing certain restrictions on the taking or carrying away of waste kitchen grease in a container with a certain label and on labeling containers of waste kitchen grease for a certain purpose;~~ providing for certain criminal ~~and civil~~ penalties; ~~providing for certain appeals;~~ providing for ~~delayed~~ enforcement of this Act ~~against a certain person under a certain circumstance~~, expressing the intent of the General Assembly that the Department of Agriculture has no enforcement authority under certain provisions; defining certain terms; and generally relating to the regulation of waste kitchen grease.

BY adding to
Article – Agriculture
Section 10–1801 through ~~10–1810~~ 10–1809 to be under the new subtitle "Subtitle 18. Waste Kitchen Grease"
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 939 – Delegates Haynes, Barve, Branch, Braveboy, Gaines, Glass, Howard, Kach, Kipke, Pena–Melnyk, Reznik, B. Robinson, Rosenberg, Ross, Stukes, Tarrant, F. Turner, V. Turner, Walker, ~~and Washington~~

Washington, Hammen, Pendergrass, Bromwell, Costa, Cullison, Donoghue, Elliott, Frank, Hubbard, A. Kelly, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, and Ready

AN ACT concerning

State Government – Commemorative Days – Thurgood Marshall Day

FOR the purpose of requiring the Governor annually to proclaim a certain day as Thurgood Marshall Day; requiring the proclamation to urge certain organizations to observe Thurgood Marshall Day properly; and generally relating to commemorative days.

BY adding to
Article – State Government
Section 13–410
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 983 – Delegates Rudolph, Bromwell, Donoghue, Elliott, Frank, Kach, Krebs, Oaks, Ready, Tarrant, ~~and V. Turner~~ V. Turner, Hammen, Pendergrass, Costa, Cullison, Hubbard, A. Kelly, Kipke, McDonough, Morhaim, Murphy, Nathan–Pulliam, Pena–Melnyk, and Reznik

AN ACT concerning

Public Health – Cord Blood Transplant Program

FOR the purpose of establishing the Cord Blood Transplant Program in the Department of Health and Mental Hygiene for certain purposes; establishing the Cord Blood Transplant Center Support Fund; providing for the purpose of the Fund; requiring the Department to administer the Fund; specifying that the Fund is a special, nonlapsing fund that is not subject to a certain provision of law; requiring the State Treasurer to hold the fund separately and invest and reinvest money in the Fund in a certain manner; requiring the State Comptroller to account for the Fund; specifying that the Fund consists of certain money, and that investment earnings be paid into the Fund; specifying the purposes for which the Fund may be used; specifying that expenditures from the Fund may be made only in accordance with the State budget; authorizing certain qualified medical institutions to apply for a certain grant from the Fund each year; requiring the Department to adopt certain regulations; defining certain terms; and generally relating to the Cord Blood Transplant Center Support Fund.

BY adding to
Article – Health – General
Section 13–3001 through 13–3004 to be under the new subtitle "Subtitle 30. Cord Blood Transplant Program"
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1196 – Chair, Ways and Means Committee (By Request – Departmental – Planning)

AN ACT concerning

Sustainable Communities Tax Credit Program

FOR the purpose of altering the application of certain provisions relating to calculation of the amount of the Sustainable Communities tax credit that may be claimed under certain circumstances; ~~authorizing the allocation of the tax credit in a certain manner;~~ altering a certain fee; authorizing the use of a certain reserve fund for certain purposes under certain circumstances; requiring the Director of the Maryland Historical Trust to reserve a certain amount in a certain reserve fund to be used for a certain purpose; requiring additional reporting; ~~providing for the application of this Act;~~ and generally relating to the Sustainable Communities Tax Credit Program.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 5A–303(a)(6) and (18)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 5A–303(b)(6), (c)(1), (d), and (h)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

~~BY adding to~~
~~Article – State Finance and Procurement~~
~~Section 5A–303(e)(5)~~
~~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 1259 – Delegate Frush

AN ACT concerning

Chesapeake and Atlantic Coastal Bays Critical Area – ~~Junk or Scrap Storage or Yards – Regulations~~ Prohibition – Junk and Scrap Metal Facilities

FOR the purpose of ~~requiring regulations adopted by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays to prohibit, subject to a certain exception, the placement in the critical area of newly establish junk or scrap storage or yards; and generally relating to the regulation of junk or scrap storage or yards~~ requiring certain local critical area programs to, with a certain exception, prohibit the location of junk yards, scrap storage yards, and other scrap metal facilities in the Chesapeake and Atlantic Coastal Bays Critical Area; and generally relating to a prohibition on the location of junk yards, scrap storage yards, and other scrap metal facilities in the Chesapeake and Atlantic Coastal Bays Critical Area.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section ~~8–1806(b)~~ 8–1808(c)(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 122 – Delegates Howard, Aumann, Bates, Braveboy, Cane, Eckardt, Frush, Gaines, Griffith, Haynes, Holmes, Jameson, Nathan–Pulliam, Pena–Melnyk, B. Robinson, Stocksdale, Summers, and Washington

AN ACT concerning

Election Law – Use of Campaign Funds for Meeting and Conference Expenses ~~and Other Activities~~

FOR the purpose of including a disbursement to pay the costs for travel, lodging, meals, and registration expenses to attend certain meetings or conferences ~~and other activities~~ as an allowable expenditure of funds from a campaign account under the State election law; ~~prohibiting a campaign finance entity from using campaign funds for certain personal expenses; requiring the State Board of Elections to adopt certain regulations; prohibiting a responsible officer of a campaign finance entity from issuing or authorizing an expenditure except as authorized by the State election law;~~ and generally relating to the use of campaign funds to pay expenses for a candidate's or an elected official's attendance at certain meetings and conferences ~~and certain other activities~~.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 1–101(o) ~~and 13–218~~
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 1–101(aa)~~, 13–245, and 13–602~~
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 287 – ~~Delegate Pena–Melnyk~~ Delegates Pena–Melnyk, Bromwell, Tarrant, Cullison, V. Turner, Pendergrass, Nathan–Pulliam, A. Kelly, and Oaks

AN ACT concerning

Maryland Perfusion Act

FOR the purpose of requiring the State Board of Physicians to adopt regulations for the licensure and practice of perfusion; providing that this Act does not limit the rights of certain individuals to practice certain occupations; authorizing the Board to set certain fees; establishing the Perfusion Advisory Committee within the Board; providing for the membership, powers, and duties of the Committee; establishing the terms and requirements for certain members of the Committee; requiring that on or before a certain date an individual be licensed by the Board before the individual may practice perfusion; providing that certain licensing provisions do not apply to students practicing perfusion under certain circumstances; providing for the qualifications for a license to practice perfusion; providing that certain applicants who qualify for a license under certain circumstances are entitled to be licensed for a single term; providing for the scope of a license to practice perfusion; providing for the issuance, expiration, and renewal of certain licenses; authorizing the Board to deny a license to an applicant, refuse to renew a license, reprimand a licensee, suspend or revoke a license, or impose certain penalties under certain circumstances; establishing certain hearing and appeal procedures for licensed perfusionists; prohibiting certain acts; providing for certain criminal and civil penalties; establishing certain reporting requirements; requiring that an evaluation of the Committee be performed on or before a certain date; ~~providing for the waiver of certain licensure requirements under certain circumstances;~~ requiring that initial perfusionist members of the Committee apply for and receive a license within a certain period of time; specifying the terms of the initial members of the Committee; defining certain terms; ~~providing for the termination of certain~~

~~provisions of this Act~~ providing for a delayed effective date; and generally relating to the regulation and licensure of perfusion.

BY renumbering
Article – State Government
Section 8–403(b)(46) through (68), respectively
to be Section 8–403(b)(47) through (69), respectively
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Health Occupations
Section 14–5E–01 through ~~14–5E–26~~ 14–5E–24 to be under the new subtitle "Subtitle 5E. Perfusionists"
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 adding to
Article – State Government
Section 8–403(b)(46)
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 528 – Delegates Luedtke, Alston, Carr, Clippinger, Frick, Frush, Ivey, Kaiser, A. Kelly, Kipke, A. Miller, Mizeur, Morhaim, Niemann, S. Robinson, Rosenberg, F. Turner, ~~and Zucker~~ Zucker, and Burns

AN ACT concerning

Education – Open Space on Public School Property – Planting and Maintaining Gardens

FOR the purpose of requiring county boards of education to encourage the use of open space on public school property for a certain purpose; ~~requiring certain county boards to permit the use of certain public school property for certain purposes during certain times by certain groups subject to certain requirements; requiring certain groups to submit certain plans to the county superintendent of schools; requiring certain groups to limit the application of pesticides under~~

~~certain circumstances; authorizing certain county boards to incorporate the use of school gardens into certain curriculum guides and courses of study; authorizing county boards to use certain produce in school cafeterias in accordance with certain laws and regulations;~~ requiring each county board to adopt certain procedures; and generally relating to the use of open space on public school property for the planting and maintaining of school gardens.

BY adding to
Article – Education
Section ~~7–108.1~~ 7–108(g)
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 598 – Delegate Davis

AN ACT concerning

Injured Workers' Insurance Fund – Employee Compensation

FOR the purpose of providing that employees of the Injured Worker's Insurance Fund are not subject to certain laws, regulations, or executive orders governing State employee compensation; ~~clarifying that certain employees are not in the State Personnel Management System;~~ repealing a requirement that the Board for the Fund set compensation for its employees in accordance with the State pay plan; and generally relating to compensation of employees of the Injured Workers' Insurance Fund.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 10–113
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 601 – Delegates Olszewski, Minnick, and Weir

AN ACT concerning

Sustainable Communities Tax Credit Program – Eligibility

FOR the purpose of altering the Sustainable Communities Tax Credit Program to allow the Director of the Maryland Historical Trust to accept a commercial rehabilitation tax credit application for which the proposed rehabilitation work

has begun if the rehabilitation work ~~is~~ has been approved under the federal historic tax credit; and generally relating to the Sustainable Communities Tax Credit Program.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 5A–303(b)(4)
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 611 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Washington Suburban Sanitary Commission – Human Resources
MC/PG 103–11

FOR the purpose of repealing a requirement that the Washington Suburban Sanitary Commission submit changes of certain regulations to the Secretary of Budget and Management; repealing a provision stating that failure of the Secretary to act within a certain time period on receipt of a certain regulation constitutes approval; repealing a requirement that the Commission file a certain list of positions and salaries with the Secretary; repealing a requirement that the Commission submit for approval certain position classifications to the Secretary; repealing provisions requiring the Secretary to approve or disapprove certain changes; repealing certain provisions relating to competitive examinations held by the Commission; clarifying that certain honorably discharged veterans shall receive a certain credit in certain competitive selection processes; and generally relating to the human resources practices of the Washington Suburban Sanitary Commission.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 18–105, 18–108, and 18–111
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing
Article – Public Utilities
Section 18–109, 18–110, 18–112, and 18–113
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 685 – Delegates Kaiser, Barkley, Burns, Cardin, Cullison, DeBoy, Feldman, Frush, Gaines, Gilchrist, Holmes, Jameson, A. Kelly, Kramer, Lafferty, Luedtke, McIntosh, Mizeur, Morhaim, Reznik, S. Robinson, Simmons, Stein, Summers, V. Turner, Valentino–Smith, ~~and Waldstreicher~~ Waldstreicher, and Walker

AN ACT concerning

Education – Bullying Safety Risks and Health Problems ~~– Parental Information~~

FOR the purpose of requiring the State ~~Department of Education, in collaboration with the Department of Health and Mental Hygiene, to provide certain information by a certain date to county boards of education relating to certain safety risks and health problems; requiring certain public schools to send certain information to certain parents and guardians~~ Board of Education to include certain information on certain safety risks and health and mental problems in a certain model policy; and generally relating to the dissemination of information on the safety risks and health problems associated with bullying.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–424.1
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 867 – Delegates Oaks, Carter, Anderson, Clippinger, Conaway, Glenn, Hammen, Haynes, McHale, Mitchell, B. Robinson, Rosenberg, and Stukes

AN ACT concerning

Baltimore City – Sale of Property to Enforce Lien for Water and Sewer Service

FOR the purpose of prohibiting the Mayor and City Council of Baltimore City from selling property to enforce a certain lien for unpaid charges for water and sewer service under certain circumstances; and generally relating to the sale of property in Baltimore City to enforce liens for unpaid charges for water and sewer service.

BY adding to
Article – Tax – Property
Section 14–849.1
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 897 – Delegates Murphy, Cardin, Beidle, Bohanan, Boteler, Frick, Frush, Howard, Hubbard, Jameson, Love, Mizeur, Reznik, V. Turner, Walker, ~~and Wood~~ Wood, Gilchrist, Glenn, Hogan, Holmes, Jacobs, Lafferty, McComas, McMillan, Niemann, Norman, O'Donnell, Otto, S. Robinson, Stein, Vitale, Weir, and Wilson

SECOND PRINTING

AN ACT concerning

Engine Coolant and Antifreeze Bittering Agent Act

FOR the purpose of prohibiting a person from selling or offering for sale any engine coolant or antifreeze that ~~is manufactured after a certain date and~~ contains more than a certain percentage of ethylene glycol unless the coolant or antifreeze contains a certain amount of denatonium benzoate; granting immunity from liability to persons that manufacture, process, distribute, recycle, or sell engine coolant or antifreeze with denatonium benzoate in accordance with this Act, except under certain circumstances; providing that this Act does not apply to certain engine coolant or antifreeze sales; establishing a certain penalty for violation of this Act; providing for a delayed effective date; and generally relating to the sale of engine coolant and antifreeze.

BY adding to
Article – Health – General
Section 22–601 to be under the new subtitle "Subtitle 6. Engine Coolant and Antifreeze Bittering Agent Act"
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 and the Committee on Judicial Proceedings.

House Bill 919 – Delegates Hough, Alston, Anderson, Bates, Carter, Clippinger, Cluster, Dwyer, Eckardt, George, Haddaway–Riccio, Lee, McComas, McDermott, Mitchell, Ready, B. Robinson, Rosenberg, Simmons, Valderrama, Valentino–Smith, Waldstreicher, and Wood

AN ACT concerning

Criminal Law – Swift and Certain Sanctions Pilot Program

FOR the purpose of ~~declaring that it is the public policy of the State that certain former inmates under community supervision shall be subject to certain revocation proceedings, possible incarceration, and certain other sanctions under certain circumstances; requiring the Division of Parole and Probation to implement a pilot program involving a system of graduated sanctions for violations of conditions of community supervision; requiring a certain system to set forth a menu of certain presumptive sanctions; requiring certain sanctions to take into account certain factors; requiring a certain system to define certain positive reinforcements; requiring the Secretary of Public Safety and Correctional Services to establish certain review processes by regulation; requiring a certain review to be conducted by a certain employee or representative; requiring a certain court to determine the conditions of community supervision for certain individuals; authorizing a certain court to impose as a condition of community supervision that the Division may impose certain graduated sanctions for certain violations; authorizing the Division to modify the conditions of community supervision for a certain purpose and place a certain supervised individual in a certain facility or center for a certain period of time under certain circumstances; requiring a certain supervision officer who intends to modify the conditions of community supervision in a certain manner to issue to a certain supervised individual a certain notice; requiring the imposition of a graduated sanction by a certain supervision officer to comport with a certain system of graduated sanctions; requiring a certain supervised individual to immediately accept or object to a certain sanction at a certain time; providing that the failure of a certain supervised individual to comply with a certain sanction shall constitute a violation of probation, parole, or mandatory supervision; providing that if a certain supervised individual objects to the imposition of a certain sanction, the individual is entitled to a certain administrative review; establishing that if the Division affirms a certain recommendation, then a certain sanction shall become effective immediately; requiring a certain confinement to be approved by a certain chief supervision officer; allowing a certain supervised individual to be taken into custody for a certain maximum period of time while certain approval is obtained; requiring a certain supervision officer to impose a certain sanction on certain days and times under certain circumstances; prohibiting a certain sanction from being imposed except by order of the court; prohibiting the issuance of a certain notice that could result in a certain felony charge, with a certain exception; prohibiting a court from revoking the term of community supervision or imposing additional sanctions upon successful completion of a graduated sanction; requiring a certain supervision officer to take certain actions if the supervision officer modifies the conditions of community supervision in a certain manner; requiring a certain chief supervision officer periodically to review confinement sanctions recommended by supervision officers for certain purposes; defining certain terms; making the provisions of this Act severable;~~ requiring the Department of Public Safety and Correctional Services to develop by a certain

date a certain pilot program in two counties that creates a system of graduated administrative sanctions for violations of conditions of parole by releasees from the Division of Correction; requiring the Department to make a certain annual report to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Swift and Certain Sanctions Pilot Program.

~~BY adding to~~
~~Article – Correctional Services~~
~~Section 6–301 through 6–306 to be under the new subtitle "Subtitle 3. Swift and Certain Sanctions Pilot Program"~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2010 Supplement)~~

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

House Bill 941 – Delegates Morhaim, Cardin, Clagett, ~~and George~~ George, Cullison, Ready, Murphy, Reznik, Pena–Melnyk, Kipke, Krebs, A. Kelly, McDonough, Kach, and Donoghue

AN ACT concerning

Dining Out Growth Act of 2011

FOR the purpose of authorizing certain restaurants to allow a patron's dog to accompany the patron in certain areas of the restaurant during certain hours; requiring certain restaurant owners to give certain notice to local health departments under certain circumstances; authorizing certain restaurant owners to make certain determinations and establish certain limitations; requiring certain restaurant owners to post a certain notice; prohibiting certain patrons from allowing dogs to travel through certain areas and leaving dogs unattended under certain circumstances; requiring certain patrons to be responsible for certain dogs; establishing certain liability for certain patrons under certain circumstances; providing that a certain provision of law does not affect certain rights of an individual; ~~requiring certain organizations to report to certain committees of the General Assembly on or before a certain date;~~ and generally relating to authorizing restaurants with outdoor dining areas to allow a patron's dog to accompany the patron.

BY adding to
Article – Health – General
Section 21–304.2
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 985 – Delegates Oaks, Burns, Carter, Clagett, Glenn, Haynes, Minnick, Mitchell, B. Robinson, Stukes, Vaughn, Washington, Wilson, and Wood

AN ACT concerning

Maryland Transit Administration – ~~Recovery of Fares and~~ Free Ridership for State Employees

FOR the purpose of ~~altering the percentages of the total operating costs for certain services that the Maryland Transit Administration is required to recover from fares and other operating revenues;~~ requiring the Maryland Transit Administration to extend to employees of the Judicial Branch and the Legislative Branch of State government, the application of any program, policy, or practice through which free ridership on transit vehicles is offered to employees of the Executive Branch of State government; ~~updating a certain provision of law;~~ and generally relating to the Maryland Transit Administration ~~and recovery of fares~~ and free ridership for State employees.

~~BY repealing and reenacting, with amendments,~~
~~Article – Transportation~~
~~Section 7–208(b)(1)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2010 Supplement)~~

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

House Bill 1022 – Delegates Vaughn, Barkley, Bobo, Braveboy, Harrison, Hucker, Jameson, Kramer, Love, Minnick, Niemann, Olszewski, and Washington

AN ACT concerning

Commercial Law – Debt Settlement Services

FOR the purpose of prohibiting a person from offering, providing, or attempting to provide debt settlement services unless the person is registered as a debt settlement services provider with the Commissioner of Financial Regulation or is exempt from registration; authorizing the Commissioner to adopt regulations, enter into certain cooperative and information sharing agreements, and exchange certain information with certain agencies for a certain purpose; requiring a person registering as a debt settlement services provider or renewing a registration to pay certain fees; requiring certain fees to be deposited in a certain fund and used to cover certain costs and expenses incurred by the Commissioner; requiring an applicant for registration to file a certain application; specifying the information to be included in the application; providing that a registration may be renewed under certain circumstances;

prohibiting a registrant from offering, providing, or attempting to provide debt settlement services in the State except as allowed under this Act; authorizing a registrant to charge a certain debt settlement services fee; prohibiting a registrant from charging a certain fee or requiring a certain contribution; prohibiting a registrant from charging a certain debt settlement services fee until after certain actions have been taken; providing that a certain provision of this Act does not prohibit a registrant from requesting or requiring a consumer to deposit certain funds in a certain account under certain circumstances; requiring a registrant to allow a consumer to withdraw from a debt settlement services agreement at any time; prohibiting a registrant from making a certain representation; requiring a debt settlement services agreement to be signed and dated by the registrant and the consumer and to include certain information and disclosures; requiring an advertisement for debt settlement services to include a certain disclosure; requiring a registrant that establishes a certain account to file a certain surety bond with the Commissioner; requiring a registrant to report certain information to the Commissioner, on the form the Commissioner requires, on or before a certain date each year; providing that a violation of this Act is an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions; altering the content and purposes of a certain fund; providing for the application of this Act; providing that, under certain circumstances, certain provisions of this Act are in addition to and not in substitution for any other provision of law; establishing a certain short title; defining certain terms; making certain conforming changes; requiring a registrant to report certain information to the Commissioner on or before a certain date each year for a certain number of years; requiring the Office of the Commissioner of Financial Regulation in the Department of Labor, Licensing, and Regulation, in consultation with the Consumer Protection Division of the Office of the Attorney General, to report certain recommendations to certain committees of the General Assembly on or before a certain date; and generally relating to debt settlement services and debt settlement services providers.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–301(14)(xxvi)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 13–301(14)(xxvii)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article – Commercial Law
Section 13–301(14)(xxviii)

Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 12–905
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY adding to
Article – Financial Institutions
Section 12–1001 through 12–1017 to be under the new subtitle "Subtitle 10. Maryland Debt Settlement Services Act"
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

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

House Bill 1053 – The Speaker (By Request – Administration)

AN ACT concerning

Natural Resources – Aquaculture

FOR the purpose of altering the State agency that is responsible for the employment of the State's Aquaculture Coordinator; clarifying certain roles of certain agencies in the development of an aquaculture industry in the State; 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; altering the membership of the Aquaculture Review Board; authorizing the Department of Natural Resources to issue water column leases under certain circumstances; exempting aquaculture activities in certain leases from a certain wetlands license requirement; altering certain provisions relating to the issuance of submerged land leases; authorizing the Department of Natural Resources to issue water column leases only in waters that have been classified in a certain way by the Department of the Environment; prohibiting water column leases in certain areas; limiting the manner in which shellfish may be cultivated from a water column lease; requiring the Department of Natural Resources to notify certain persons of lease applications under certain circumstances; 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; defining certain terms; altering certain definitions; making technical corrections; and generally relating to aquaculture in the State.

BY renumbering
Article – Natural Resources
Section 4–11A–08 through ~~4–11A–19~~ 4–11A–22, respectively
to be Section 4–11A–09 through ~~4–11A–20~~ 4–11A–23, respectively
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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)

BY repealing and reenacting, with amendments,
Article – Agriculture
Section ~~10–1301 and 10–1302~~ 2–106(a)
Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 16–107 and 16–202(h)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Environment
Section 16–202(a) and (b)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–701(e)(3), 4–1103(d), 4–11A–01(m), 4–11A–02(a), 4–11A–06(b), and 4–11A–07(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4–701(a) and (b) and 4–11A–01(d), (g), (n), and (q)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article – Natural Resources
Section 4–11A–01(r), 4–11A–03, 4–11A–03.1, and 4–11A–08
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–11A–09 and 4–11A–10(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)
(As enacted by Section 1 of this Act)

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

House Bill 1139 – Delegates Vaughn, Anderson, Braveboy, Cane, Carter, Lee, McDonough, McIntosh, Mitchell, Nathan–Pulliam, Oaks, B. Robinson, Stukes, V. Turner, and Walker

AN ACT concerning

Transportation – Highway Construction Training and Supportive Services

FOR the purpose of requiring the State Highway Administration to use the maximum amount of certain federal funds available under a certain provision of federal law for highway construction training and supportive services, including skill improvement programs; requiring the Administration to submit a certain report by a certain date each year to certain committees of the General Assembly; requiring the report to include certain information; defining a certain term; and generally relating to the use of federal funds for highway construction training.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 8–502
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY adding to
Article – Transportation
Section 8–508
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1151 – Delegate Feldman

AN ACT concerning

Corporations and Associations – Limited Liability Companies – Election to Be a Benefit ~~Corporation~~ Limited Liability Company

FOR the purpose of authorizing a Maryland limited liability company to elect to be a benefit ~~corporation; specifying the process by which a limited liability company may elect to be a benefit corporation~~ limited liability company by including a certain statement in its articles of organization; specifying the process by which a limited liability company may terminate its status as a benefit ~~corporation~~ limited liability company; requiring a clear reference to the fact that a limited liability company is a benefit ~~corporation~~ limited liability company to appear prominently at the head of certain articles of organization ~~of the limited liability company~~ or an amendment to the articles of organization; requiring ~~the limited liability company~~ a benefit limited liability company to have a certain purpose; authorizing ~~the limited liability company~~ a benefit limited liability company to have a certain purpose; requiring a ~~member of the limited liability company~~ person managing the business and affairs of a benefit limited liability company

to consider the effects of certain actions or decisions not to act on certain persons and interests; 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; requiring ~~the limited liability company~~ a benefit limited liability company to deliver a certain annual benefit report to each member ~~of the limited liability company~~ within a certain time period and to post the report on a certain portion of its Web site under certain circumstances; prohibiting a provision of the articles of organization or operating agreement of ~~the limited liability company~~ a benefit limited liability company from being inconsistent with certain provisions of law; ~~altering a certain definition; making certain conforming changes;~~ defining certain terms; and generally relating to limited liability companies and benefit ~~corporations~~ limited liability companies.

~~BY repealing and reenacting, with amendments,~~
~~Article – Corporations and Associations~~
~~Section 5–6C–01, 5–6C–02, and 5–6C–04 through 5–6C–08~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2010 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Corporations and Associations~~
~~Section 5–6C–03~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2010 Supplement)~~
~~(As enacted by Chapters 97 and 98 of the Acts of the General Assembly of 2010)~~

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)

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

House Bill 1190 – Delegates Jones, Anderson, Barkley, Braveboy, Burns, Carter, Cullison, Dumais, Frush, Gaines, Griffith, Gutierrez, Guzzone,

Haynes, Healey, Hubbard, James, Kaiser, A. Kelly, K. Kelly, Kramer, Lafferty, Lee, Mizeur, Nathan–Pulliam, Pena–Melnyk, Proctor, B. Robinson, Rosenberg, Rudolph, Stukes, Tarrant, Valderrama, Waldstreicher, Washington, and Wilson

AN ACT concerning

Child in Need of Supervision Pilot Program – Expansion

FOR the purpose of expanding the Child in Need of Supervision Pilot Program by requiring the Secretary of Juvenile Services to include Cecil County, Montgomery County, and Prince George's County in the Pilot Program; ~~requiring~~ authorizing the Governor to include a certain general fund appropriation in the budget ~~bills~~ bill for a certain fiscal ~~years~~ year to be provided as grants to Cecil County, Montgomery County, and Prince George's County to implement the expansion of the Pilot Program; altering a certain definition; providing for a delayed effective date for certain provisions of this Act; and generally relating to the Child in Need of Supervision Pilot Program.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–10.1
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

House Bill 1105 – Prince George's County Delegation

AN ACT concerning

Prince George's County – School Facilities ~~Surcharge for~~ Surcharge – Replacement of Existing Single–Family Dwelling Unit
PG 408–11

Reassigned to the Committee on Budget and Taxation under Rule 33(d).

Read and ordered journalized.

ANNOUNCEMENT BY THE PRESIDENT

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

Reassigned to the Committee on Education, Health, and Environmental Affairs and the Committee on Finance under Rule 33(d).

Read and ordered journalized.

ADJOURNMENT

At 7:26 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 7:28 P.M. on Legislative Day March 26, 2011, Calendar Day, Monday, March 28, 2011.

Annapolis, Maryland
Legislative Day: March 26, 2011
Calendar Day: Monday, March 28, 2011
7:26 P.M. Session

The Senate met at 7:29 P.M.

QUORUM CALL

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

(See Roll Call No. 585)

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

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

THE COMMITTEE ON BUDGET AND TAXATION REPORT #12

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

House Bill 70 – The Speaker (By Request – Administration)

Budget Bill
(Fiscal Year 2012)

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE
TO THE SENATE OF MARYLAND – 2011 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO HOUSE BILL 70 – THE BUDGET BILL

(See Exhibit D of Appendix III)

SENATE BUDGET AND TAXATION COMMITTEE
REPRINT TO HOUSE BILL 70 – THE BUDGET BILL

(See Exhibit E of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPORT ON HOUSE BILL 70 – THE BUDGET BILL AND
HOUSE BILL 72 – THE BUDGET RECONCILIATION AND FINANCING ACT

(See Exhibit F of Appendix III)

The preceding 70 amendments were read only.

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

The motion was adopted.

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

House Bill 72 – The Speaker (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2011

SENATE BUDGET AND TAXATION COMMITTEE REPRINT TO HOUSE BILL 72 – THE BUDGET RECONCILIATION AND
FINANCING ACT

(See Exhibit G of Appendix III)

HB0072/899132/1
BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 72
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "programs;" insert "altering for a certain fiscal year a certain percentage used to determine eligibility for and the amount of certain State grants to certain counties and Baltimore City based on per capita yield of county income taxes; codifying a certain attorney disciplinary fund; authorizing the Court of Appeals to adopt certain rules for the administration and operation of the disciplinary fund, set a certain fee, and provide for certain penalties; providing for the purposes, accounting, investment, and uses of the fund;"; and in line 18, after the second semicolon, insert "requiring the State to provide a certain grant to a county board of

education if certain funding provided to a county board decreases by a certain amount;".

On page 2, in line 14, after "hospitals;" insert "requiring the Developmental Disabilities Administration to reimburse certain providers for certain absence days;"; in line 32, after "funds;" insert "authorizing the Service to credit to certain project reserve funds only moneys that are reimbursable to the State;"; in line 33, strike the first "the" and substitute "certain"; in line 37, strike "a" and substitute "an amount for"; in line 38, strike "benefit" and substitute "deductibles and out–of–pocket limits beginning on a certain date; requiring the Department of Budget and Management to adjust the amount of certain prescription drug out–of–pocket limits on or before a certain date and based on certain factors"; strike beginning with "who" in line 39 down through "date" in line 40; and strike beginning with "setting" in line 44 down through "System;" in line 45.

On page 4, in line 12, after "circumstances;" insert "authorizing the payment of certain grants for a certain fiscal year;"; strike beginning with "altering" in line 17 down through "granted;" in line 24; in line 32, after "fares" insert "and collect other operating revenues"; in line 33, after "requirement;" insert "prohibiting the Administration from reducing the level of services provided for the purpose of achieving a certain farebox recovery requirement;"; strike beginning with "requiring" in line 33 down through "fee;" in line 35; and strike beginning with the second "altering" in line 39 down through "inspections;" in line 40.

On page 5, strike beginning with "providing" in line 19 down through "Fund;" in line 23; in line 25, after "contingencies;" insert "allowing a county under certain circumstances to deduct any reduction in certain costs from the amount the county is required to appropriate to the county board of education for a certain fiscal year; stating the intent of the General Assembly that certain funds shifted by Baltimore City to the Baltimore City Board of School Commissioners be included in the calculation of certain State education aid for a certain fiscal year; requiring that a penalty imposed on a county or Baltimore City for not meeting a certain local maintenance of funding effort requirement be calculated in a certain manner;"; and strike beginning with "requiring" in line 25 down through the semicolon in line 31.

AMENDMENT NO. 2

On page 5, after line 33, insert:

"BY repealing and reenacting, with amendments,

Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1101(b)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article – Business Occupations and Professions
Section 10–316 to be under the new part, "Part III. Disciplinary Fund"
Annotated Code of Maryland
(2010 Replacement Volume)";

in line 36, strike the first comma and substitute "and"; and in the same line, strike ", and 17–317(a)".

On page 6, after line 14, insert:

"BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–523(a)(3)(i)
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)";

in line 17, after "16–310(d)(1)," insert "16–512(a)(1),"; and in line 23, after "Section" insert "5–202(i)".

On page 7, in line 6, strike "15–702" and substitute "7–308 and 15–702".

On page 8, in line 1, strike "Three/One" and substitute "Two/Zero"; in line 3, strike "Three/One" and substitute "Two/Zero"; in line 11, strike "(b),"; in line 26, after "2–202(b)" insert "and (c)"; and in line 36, strike "and 9–103(d)(1) and (4)".

On pages 8 and 9, strike in their entirety the lines beginning with line 39 on page 8 through line 2 on page 9, inclusive.

On page 9, in line 15, strike ", 5–415,"; in line 25, strike "12–120," and substitute "12–118(e)(1), 12–120(a),"; in the same line, after "13–613(b)," insert "and"; and in the same line, strike ", and 23–205".

On page 10, after line 7, insert:

"BY repealing
Article – Education
Section 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)".

AMENDMENT NO. 3

On page 15, strike beginning with "**SHALL**" in line 21 down through "**PARAGRAPH**" in line 30; and after line 31, insert:

"**(IV) FOR FISCAL YEAR 2012 ONLY, BEFORE THE DISTRIBUTION TO THE GENERAL FUND UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH, AN AMOUNT EQUAL TO $2,078,000 FROM THE SURCHARGES COLLECTED UNDER THIS SUBSECTION SHALL BE CREDITED TO THE VOLUNTEER COMPANY ASSISTANCE FUND TO BE USED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 8, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE.**".

AMENDMENT NO. 4

On page 16, after line 28, insert:

"Article – Economic Development

10–523.

(a) (3) (i) To assist the Corporation in complying with subsection (c) of this section, the Governor shall include each year in the State budget bill an appropriation to the Corporation for rural business development and assistance **[**for each of fiscal years 2010 and 2011 in the amount of $2,750,000 and for each of fiscal years 2012 through 2020, in the amount of $4,000,000**] AS FOLLOWS:**

1. FOR FISCAL YEAR 2011, $2,750,000;

2. FOR FISCAL YEAR 2012, $1,000,000;

3. FOR FISCAL YEAR 2013, $2,000,000;

4. FOR FISCAL YEAR 2014, $3,000,000; AND

5. FOR EACH OF FISCAL YEARS 2015 THROUGH 2020, $4,000,000.".

AMENDMENT NO. 5

On page 18, in line 9, after the first "**COUNTY**" insert "**BOARD**"; in line 11, after "**COUNTY**" insert "**BOARD**"; in line 18, strike "**AND**"; and in line 21, after "**TITLE**" insert "**; AND**

(3) THE CHILD WAS INCLUDED IN THE FULL–TIME EQUIVALENT ENROLLMENT OF THE COUNTY AS CALCULATED UNDER § 5–202 OF THIS ARTICLE".

On page 24, in line 24, after the first "**COUNTY**" insert "**BOARD**"; and in line 26, after "**COUNTY**" insert "**BOARD**".

On page 25, in line 2, strike "**AND**"; and in line 5, after "**ARTICLE**" insert "**; AND**

(4) THE CHILD WAS INCLUDED IN THE FULL–TIME EQUIVALENT ENROLLMENT OF THE COUNTY AS CALCULATED UNDER § 5–202 OF THIS ARTICLE".

AMENDMENT NO. 6

On page 18, strike beginning with "**EXCEPT**" in line 26 down through "**APPROVAL**" in line 27 and substitute "**APPROVAL**".

AMENDMENT NO. 7

On page 26, in line 26, strike "**$140,000**" and substitute "**$500,000**".

AMENDMENT NO. 8

On pages 49 and 50, strike in their entirety the lines beginning with line 30 on page 49 through line 4 on page 50 and substitute:

"**(I) RETIRED FROM A STATE SYSTEM UNDER DIVISION II OF THIS ARTICLE ON OR BEFORE JUNE 30, 2011;**

(II) 1. HAD AT LEAST 10 YEARS OF CREDITABLE SERVICE ON OR BEFORE JULY 1, 2011; AND

2. A. WAS IN STATE SERVICE ON JULY 1, 2011; OR

B. WAS NOT IN STATE SERVICE ON JULY 1, 2011, BUT WAS WITHIN 5 YEARS BEFORE THE AGE AT WHICH A VESTED RETIREMENT ALLOWANCE WOULD NORMALLY BEGIN WHEN THE RETIREE ENDED STATE SERVICE; OR

(III) 1. RETIRES FROM A STATE SYSTEM UNDER DIVISION II OF THIS ARTICLE ON OR AFTER JULY 1, 2011; AND

2. ON OR BEFORE JUNE 30, 2011, ENDED, BUT DID NOT RETIRE DIRECTLY FROM, STATE SERVICE AND HAD AT LEAST 16 YEARS OF CREDITABLE SERVICE WHEN THE RETIREE ENDED STATE SERVICE.".

On page 51, in line 7, strike "**(I)**"; strike beginning with "**EXCEPT**" in line 7 down through the second "**THIS**" in line 8 and substitute "**THIS**"; in line 8, after "**WHO**" insert "**:**

(I)";

in line 9, after "**2011**" insert "**; OR**

(II) 1. BEGAN STATE SERVICE BEFORE JULY 1, 2011; AND

2. HAD LESS THAN 10 YEARS OF CREDITABLE SERVICE ON JULY 1, 2011";

strike in their entirety lines 10 and 11; in line 14, strike "**ENDED**" and substitute "**:**

(I) ENDS";

in the same line, strike "**25**" and substitute "**10**"; in line 15, after "**SERVICE**" insert "**; AND**

(II) RETIRES DIRECTLY FROM STATE SERVICE".

On page 52, in line 14, strike "**THE**" and substitute "**SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE**"; in line 15, after "**THAT**" insert "**, BEGINNING JULY 1, 2011, REQUIRES THE RETIREE TO PAY**"; strike in their entirety lines 16 through 20, inclusive, and substitute:

"**(I) A DEDUCTIBLE OF $500; AND**

(II) OUT–OF–POCKET LIMITS EQUAL TO:

1. $2,000 FOR THE RETIREE ONLY; AND

2. $3,000 FOR A RETIREE AND THE RETIREE'S FAMILY.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ON OR BEFORE JUNE 30 OF EACH YEAR THE DEPARTMENT SHALL ADJUST THE OUT–OF–POCKET LIMITS UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION TO REFLECT THE PRESCRIPTION DRUG COMPONENT OF THE MEDICAL CONSUMER PRICE INDEX FOR THE CALENDAR YEAR ENDING DECEMBER 31 THAT FISCAL YEAR.

(II) ANY ADJUSTMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO THE OUT–OF–POCKET LIMITS MAY NOT RESULT IN OUT–OF–POCKET LIMITS GREATER THAN THE OUT–OF–POCKET LIMITS PROVIDED UNDER THE FEDERAL MEDICARE PRESCRIPTION DRUG, IMPROVEMENT, AND MODERNIZATION ACT OF 2003 FOR THAT SAME FISCAL YEAR.

(4) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION.";

and strike beginning with "**WHO**" in line 22 down through "**2011**" in line 24 and substitute "**OF AN OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE WHO:**

(I) RETIRED UNDER AN OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE ON OR BEFORE JUNE 30, 2011;

(II) 1. HAD AT LEAST 10 YEARS OF SERVICE AS AN EMPLOYEE OF THE STATE IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF GOVERNMENT ON OR BEFORE JULY 1, 2011; AND

2. A. WAS AN EMPLOYEE OF THE STATE IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF GOVERNMENT ON JULY 1, 2011; OR

B. WAS NOT AN EMPLOYEE OF THE STATE IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF GOVERNMENT ON JULY 1, 2011, BUT WAS AT LEAST AGE 57 WHEN THE RETIREE ENDED STATE SERVICE; OR

(III) 1. RETIRES UNDER AN OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE ON OR AFTER JULY 1, 2011; AND

2. ON OR BEFORE JUNE 30, 2011, ENDED SERVICE WITH, BUT DID NOT RETIRE DIRECTLY FROM, A STATE INSTITUTION OF HIGHER EDUCATION AND HAD AT LEAST 16 YEARS OF SERVICE AS AN EMPLOYEE OF THE STATE IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF GOVERNMENT WHEN THE INDIVIDUAL ENDED SERVICE WITH A STATE INSTITUTION OF HIGHER EDUCATION".

On page 53, in line 26, strike "§ 2–508" and substitute "**§ 2–508(B)(4)**"; in line 34, strike "§ 2–508(c)(1)" and substitute "**§ 2–508(B)(4)(I)**"; in line 35, strike "**WHO**" and substitute "**OF AN OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE WHO:**

(I)";

in line 36, strike "**WITH A STATE INSTITUTION OF HIGHER EDUCATION**" and substitute "**AS AN EMPLOYEE OF THE STATE IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF GOVERNMENT**"; in line 37, after "**2011**" insert "**; OR**

(II) 1. BEGAN SERVICE AS AN EMPLOYEE OF THE STATE IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF GOVERNMENT BEFORE JULY 1, 2011;

2. HAD LESS THAN 10 YEARS OF SERVICE AS AN EMPLOYEE OF THE STATE IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF GOVERNMENT, ON JULY 1, 2011; AND

3. WAS IN SERVICE AS AN EMPLOYEE OF THE STATE ON JULY 1, 2011".

On page 54, strike beginning with "**AND**" in line 7 down through "**57**" in line 8 and substitute "**AS AN EMPLOYEE OF THE STATE IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF GOVERNMENT**"; in line 8, after the semicolon insert "**AND**"; strike beginning with "**ENDED**" in line 9 down through "**3.**" in line 11; and strike beginning with "**AND**" in line 11 down through the first "**OF**" in line 12.

On page 55, in line 6, strike "**§ 2–508(C)**" and substitute "**§ 2–508(C)(4)**"; and in line 16, strike "**§ 2–508(B)(4)(I)**" and substitute "**§ 2–508(C)(4)(I)**".

AMENDMENT NO. 9

On page 63, strike in their entirety lines 1 through 33, inclusive.

On page 64, strike in their entirety lines 1 through 6, inclusive.

On page 74, in line 28, strike "**30**" and substitute "**92 YEARS OF COMBINED AGE AND**".

On page 79, in line 23, strike "subsection"; in the same line, strike "(b)" and substitute "**SUBSECTIONS (B) AND (C)**"; strike beginning with the colon in line 24 down through "**(1)**" in line 25; strike beginning with "**RECEIVED**" in line 25 down

through "**2011**" in line 28; and in line 29, after "(b)" insert "**THE CONTRIBUTION RATE FOR AN INDIVIDUAL WHO BECOMES A MEMBER ON OR AFTER JULY 1, 2011 IS 8% OF THE MEMBER'S EARNABLE COMPENSATION.**".

On page 80, in line 1, before "After" insert "**(C)**".

On page 84, in lines 24 and 26, in each instance, strike "**THREE/ONE**" and substitute "**TWO/ZERO**".

On page 85, in line 13, strike "**3%**" and substitute "**2%**"; and in line 18, strike "**1%**" and substitute "**0%**".

On page 87, in line 3, strike "**THREE/ONE**" and substitute "**TWO/ZERO**".

AMENDMENT NO. 10

On page 92, in line 26, after "**DISTRIBUTED**" insert "**AS FOLLOWS:**

(I) $1,000,000 TO A SPECIAL FUND, TO BE USED ONLY AS PROVIDED IN SUBSECTION (C) OF THIS SECTION; AND

(II) THE BALANCE";

and after line 31, insert:

"(c) (1) **(I)** For fiscal year 2011, the Comptroller shall pay from the special fund established under subsection (b)(2)(ii) of this section a grant to the local jurisdictions where the electronic bingo machines or electronic tip jar machines that are the source of the revenue are located, to be used by the local jurisdictions only for one–time capital expenditures.

[(2)**]** **(II)** A grant under this **[**subsection**]** **PARAGRAPH** shall be paid to a municipal corporation if the machines are located in a municipal corporation or to a county if the machines are not located in a municipal corporation.

[(3)**]** **(III)** The grants under this **[**subsection**]** **PARAGRAPH** shall be paid to each local jurisdiction in proportion to the amount of tax revenue derived from machines in each jurisdiction.

(2) FOR FISCAL YEAR 2012, THE SPECIAL FUND ESTABLISHED UNDER SUBSECTION (B)(3)(I) OF THIS SECTION MAY BE USED ONLY AS FOLLOWS:

(I) $500,000 AS AN APPROPRIATION TO THE MARYLAND STATE ARTS COUNCIL;

(II) $150,000 AS AN APPROPRIATION TO THE STATE ARCHIVES, TO BE USED ONLY FOR THE OPERATING COSTS ASSOCIATED WITH THE DEVELOPMENT AND IMPLEMENTATION OF THE STATE HOUSE MASTER PLAN AS APPROVED BY THE STATE HOUSE TRUST;

(III) $50,000 AS A GRANT TO BE PAID BY THE COMPTROLLER TO THE MARYLAND HUMANITIES COUNCIL; AND

(IV) IMPACT GRANTS TO BE PAID BY THE COMPTROLLER IN THE LOCAL JURISDICTIONS WHERE THE ELECTRONIC BINGO MACHINES OR ELECTRONIC TIP JAR MACHINES ARE LOCATED, AS FOLLOWS:

1. $150,000 IN ANNE ARUNDEL COUNTY TO THE ANNE ARUNDEL COUNTY VOLUNTEER FIREFIGHTERS ASSOCIATION FOR CAPITAL EXPENDITURES AND REPLACEMENT OF EQUIPMENT; AND

2. $150,000 IN CALVERT COUNTY AS FOLLOWS:

A. $125,000 TO BE DIVIDED EQUALLY BETWEEN THE TOWN OF CHESAPEAKE BEACH AND THE TOWN OF NORTH BEACH, TO BE USED ONLY FOR ONE–TIME CAPITAL EXPENDITURES; AND

B. $25,000 TO THE BEACH TROLLEY ASSOCIATION OF CHESAPEAKE BEACH AND NORTH BEACH.".

AMENDMENT NO. 11

On page 95, in line 6, strike "**$16,669,444**" and substitute "**$13,669,444**".

AMENDMENT NO. 12

On page 96, in line 30, strike "**50%**" and substitute "**90%**".

On page 97, in lines 1 and 3, in each instance, strike "**50%**" and substitute "**90%**".

AMENDMENT NO. 13

On page 113, after line 15, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 18–1201 through 18–1207 and the subtitle "Subtitle 12. Private Career School Student Grant Program" of Article – Education of the Annotated Code of Maryland be repealed.".

AMENDMENT NO. 14

On page 113, in line 27, strike "$1,000,000" and substitute "$500,000".

AMENDMENT NO. 15

On page 113, in line 34, strike "$75,000" and substitute "$150,000".

AMENDMENT NO. 16

On page 121, in line 27, strike the first comma and substitute ":

(a) Except as otherwise provided in this section,";

in line 29, after "2014." insert:

"(b)";

in line 30, after "affect" insert ":

(1)";

in the same line, strike the comma and substitute ";

(2)";

in line 32, strike ", or" and substitute ";

(3)";

and in line 34, strike the period and substitute "; or

(4) for fiscal year 2012 only, operationally critical staff in the University System of Maryland, Morgan State University, or St. Mary's College of Maryland in accordance with policies adopted by the governing boards of those institutions.

(c) On or before December 1, 2011, in accordance with § 2–1246 of the State Government Article, the University System of Maryland, Morgan State University, and St. Mary's College of Maryland shall each submit a report to the Senate Budget and Taxation Committee and the House Appropriations Committee that details all staff identified as critical under subsection (b)(4) of this section and any merit increases awarded as a consequence of this designation.".

AMENDMENT NO. 17

On pages 13 and 14, strike in their entirety the lines beginning with line 33 on page 13 through line 23 on page 14, inclusive.

AMENDMENT NO. 18

On page 10, before line 21, insert:

"Article – Business Occupations and Professions

10–314. RESERVED.

10–315. RESERVED.

PART III. DISCIPLINARY FUND.

10–316.

(A) IN THIS SECTION, "FUND" MEANS THE DISCIPLINARY FUND.

(B) (1) THERE IS A DISCIPLINARY FUND.

(2) THE COURT OF APPEALS MAY ADOPT RULES THAT PROVIDE FOR THE ADMINISTRATION AND OPERATION OF THE FUND.

(C) THE PURPOSE OF THE FUND IS TO PROVIDE MONEY FOR THE OPERATION OF THE ATTORNEY GRIEVANCE COMMISSION ESTABLISHED BY RULE BY THE COURT OF APPEALS.

(D) BY RULE, THE COURT OF APPEALS MAY:

(1) REQUIRE A LAWYER TO PAY AN ANNUAL FEE TO THE FUND; AND

(2) SPECIFY THE PENALTIES, INCLUDING SUSPENSION AND DISBARMENT, FOR PRACTICING LAW WITHOUT HAVING PAID THE ANNUAL FEE.

(E) THE FUND CONSISTS OF:

(1) FEES AND PENALTIES PAID INTO THE FUND UNDER SUBSECTION (C) OF THIS SECTION; AND

(2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE FUND MAY BE USED ONLY TO PAY THE OPERATING EXPENSES OF THE ATTORNEY GRIEVANCE COMMISSION.

(2) FOR FISCAL YEAR 2012 ONLY, UP TO $8,000,000 OF THE MONEY IN THE FUND MAY BE USED FOR OPERATING EXPENSES OF THE JUDICIARY TO OFFSET REDUCTIONS MADE BY THE GENERAL ASSEMBLY IN THE FISCAL YEAR 2012 BUDGET OF THE JUDICIARY.

(G) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.".

On page 124, after line 22, insert:

"SECTION 33. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that Title 10, Subtitle 3, Part III of the Business Occupations and Professions Article, as enacted by this Act, shall be construed to apply retroactively to affirm the authority of the Court of Appeals to establish the Disciplinary Fund under the Maryland Rules.".

AMENDMENT NO. 19

On page 114, in line 18, strike "$1,500,000" and substitute "$1,000,000".

AMENDMENT NO. 20

On pages 97 through 99, strike in their entirety the lines beginning with line 30 on page 97 through line 10 on page 99, inclusive.

On page 124, strike in their entirety lines 29 through 32, inclusive.

AMENDMENT NO. 21

On page 102, in line 30, strike "**SHALL**" and substitute "**:**

(1) SHALL";

and strike beginning with "**FOR**" in line 31 down through "**AT**" in line 33 and substitute "**AND COLLECT OTHER OPERATING REVENUES IN**".

On page 103, in line 2, after "**SECTION**" insert "**; AND**

(2) MAY NOT REDUCE THE LEVEL OF SERVICES PROVIDED BY THE ADMINISTRATION FOR THE PURPOSE OF ACHIEVING THE FAREBOX RECOVERY REQUIREMENT".

AMENDMENT NO. 22

On pages 100 through 102, strike in their entirety the lines beginning with line 20 on page 100 through line 2 on page 102, inclusive.

AMENDMENT NO. 23

On page 117, strike in their entirety lines 32 through 36, inclusive.

AMENDMENT NO. 24

On page 22, in line 13, strike the brackets; and in the same line, strike "**9.5%**"; and in lines 19 and 22, strike "**10.5%**" and "**11%**", respectively, and substitute "**10.8%**" and "**11.3%**", respectively.

AMENDMENT NO. 25

On page 19, in line 36, strike "**18.5%**" and substitute "**19.5%**".

On page 20, in line 5, strike "**18.5%**" and substitute "**19.5%**"; and in lines 15 and 20, strike "**20.5%**" and "**21.5%**", respectively, and substitute "**22%**" and "**23%**", respectively.

On page 20, in lines 25, 30, and 35, strike "**22.5%**", "**23.5%**", and "**25%**", respectively, and substitute "**24%**", "**25%**", and "**26%**", respectively.

On page 21, in line 2, strike "**26.5%**" and substitute "**27%**".

AMENDMENT NO. 26

On page 124, strike in their entirety lines 4 through 16, inclusive.

AMENDMENT NO. 27

On page 114, in line 21, strike "$2,297,142" and substitute "$1,297,142".

AMENDMENT NO. 28

On page 67, in line 3, strike "**FOR**" and substitute "**SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,**";

after line 13, insert:

"**(3) THE STATE SHALL PAY THE PRO RATA SHARE UNDER THIS SECTION OF EACH LIBRARY THAT IS ESTABLISHED OR OPERATES UNDER THE EDUCATION ARTICLE.**";

and in line 22, after "**STATE**" insert "**OR BY EACH LIBRARY THAT IS ESTABLISHED OR OPERATES UNDER TITLE 23 OF THE EDUCATION ARTICLE**".

AMENDMENT NO. 29

On page 39, in line 1, strike the bracket; in line 2, strike the bracket and substitute "**, INCLUDING**"; in line 25, strike "**APPROPRIATED**" and substitute "**RECEIVED BY THE SERVICE**"; and in line 26, after "**(I)**" insert "**THE SERVICE MAY CREDIT TO A PROJECT RESERVE FUND ESTABLISHED UNDER PARAGRAPH (1)(I)1 THROUGH 3 OF THIS SUBSECTION ONLY MONEYS THAT ARE REIMBURSABLE TO THE STATE.**

(II)".

On page 40, in line 1, strike "**(II)**" and substitute "**(III)**"; in the same line, after "**IF**" insert "**AT THE END OF A FISCAL YEAR**"; in line 2, strike "**(I)**" and substitute "**(II)**"; in line 3, after the second "**THE**" insert "**STATE**"; and in line 4, strike beginning with "**APPROPRIATION**" through "**MADE**" and substitute "**MONEYS IN THE PROJECT RESERVE FUND WERE ORIGINALLY APPROPRIATED**".

AMENDMENT NO. 30

On page 16, in line 5, strike "**THROUGH 2016**" and substitute "**AND 2013**".

AMENDMENT NO. 31

On pages 106 and 107, strike in their entirety the lines beginning with line 6 on page 106 through line 15 on page 107, inclusive, and substitute:

"12–120.

(a) In this section, "miscellaneous fees" means all fees collected by the Administration under this article other than:

(1) The vehicle titling tax;

(2) ONE–HALF OF THE CERTIFICATE OF TITLE FEE UNDER § 13–802 OF THIS ARTICLE; and

[(2)**] (3)** Vehicle registration fees under Part II of Title 13, Subtitle 9 of this article.".

On page 109, in line 23, after "is" insert "**:**

(1)";

in the same line, after "**$100**" insert "**FOR A VEHICLE OTHER THAN A RENTAL VEHICLE; AND**

(2) $50 FOR A RENTAL VEHICLE".

On page 110, strike in their entirety lines 10 through 22, inclusive.

AMENDMENT NO. 32

On pages 119 and 120, strike in their entirety the lines beginning with line 21 on page 119 through line 12 on page 120, inclusive.

AMENDMENT NO. 33

On page 117, strike beginning with "any" in line 38 down through "and" in line 40.

On page 118, in line 1, strike "50" and substitute "49".

AMENDMENT NO. 34

On page 28, after line 15, insert:

"**7–308.**

THE ADMINISTRATION SHALL REIMBURSE COMMUNITY PROVIDERS FOR ABSENCE DAYS FOR RESIDENTIAL, DAY, AND SUPPORTED EMPLOYMENT SERVICES.".

AMENDMENT NO. 35

On page 21, after line 31, insert:

"16–512.

(a) (1) The total State operating fund per full–time equivalent student appropriated to Baltimore City Community College for each fiscal year as requested by the Governor shall be:

(i) In fiscal year 2009, not less than an amount equal to 67.25% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;

(ii) In fiscal year 2010, not less than an amount equal to 65.1% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(iii) In fiscal year 2011, not less than an amount equal to 65.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(iv) In fiscal year 2012, not less than an amount equal to 63% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(v) In fiscal year 2013, not less than an amount equal to 63.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(vi) In fiscal year 2014, not less than an amount equal to 64% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(vii) In fiscal year 2015, not less than an amount equal to 64.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(viii) In fiscal year 2016, not less than an amount equal to **[**65%**]** **64.5%** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(ix) In fiscal year 2017, not less than an amount equal to **[**65.5%**]** **65%** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(x) In fiscal year 2018, not less than an amount equal to **[**66%**]** **65.5%** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(xi) In fiscal year 2019, not less than an amount equal to **[**66.5%**]** **66%** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(xii) In fiscal year 2020, not less than an amount equal to **[**67.5%**]** **66.5%** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(XIII) IN FISCAL YEAR 2021, NOT LESS THAN AN AMOUNT EQUAL TO 67% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL–TIME EQUIVALENT STUDENT TO THE 4–YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR;

(XIV) IN FISCAL YEAR 2022, NOT LESS THAN AN AMOUNT EQUAL TO 67.5% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL–TIME EQUIVALENT STUDENT TO THE 4–YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR; and

[(xiii)**] (XV)** In fiscal year **[**2021**] 2023** and each fiscal year thereafter, not less than an amount equal to 68.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year.".

AMENDMENT NO. 36

On page 106, after line 5, insert:

"12–118.

(e) (1) Subject to paragraph (2) of this subsection, money in the special fund established under subsection (c)(2) of this section **[**shall be distributed to**]:**

(I) SHALL BE DISTRIBUTED FIRST TO the Department of State Police and the State Highway Administration to cover the costs of implementing and administering work zone speed control systems**; AND**

(II) AFTER THE DISTRIBUTION UNDER ITEM (I) OF THIS PARAGRAPH, FOR EACH OF FISCAL YEARS 2013 THROUGH 2015 ONLY, $3,000,000 SHALL BE DISTRIBUTED TO THE DEPARTMENT OF STATE POLICE TO

BE USED ONLY FOR THE PURCHASE OF REPLACEMENT VEHICLES AND RELATED MOTOR VEHICLE EQUIPMENT USED TO OUTFIT POLICE VEHICLES.".

AMENDMENT NO. 37

On page 119, after line 20, insert:

"SECTION 19. AND BE IT FURTHER ENACTED, That:

(a) In this section, "county" and "county board" have the meanings stated in § 1–101 of the Education Article.

(b) (1) Notwithstanding § 5–202(d) of the Education Article, for fiscal year 2012 only, a county that shifts to the county board the recurring costs associated with providing retiree health benefits for current retirees may deduct any reduction in those costs from the amount the county is required to appropriate to the county board in fiscal year 2012.

(2) It is the intent of the General Assembly that any funds shifted by Baltimore City to the Baltimore City Board of School Commissioners in fiscal year 2011 be included in the local appropriation on which the calculation of State aid under § 5–210 of the Education Article is based for fiscal year 2012.".

AMENDMENT NO. 38

On page 119, before line 21, insert:

"SECTION 20. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, because of the expiration of federal funds from the American Recovery and Reinvestment Act of 2009 that were used by the State to fund increases in the education aid formulas to the counties and Baltimore City in fiscal year 2010 and 2011, if the State Board of Education imposes any penalty under § 5–213 of the Education Article on a county or Baltimore City for not meeting the required local maintenance of effort in fiscal year 2012 under § 5–202(d) of the Education Article, the penalty may not be more than the net increase in State aid over fiscal year 2011 due to a county or Baltimore City regardless of the fund source.".

AMENDMENT NO. 39

On page 10, after line 20, insert:

"Article 24 – Political Subdivisions – Miscellaneous Provisions

9–1101.

(b) (2) **(I)** [If] **SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF** the per capita yield of the county income tax for a county determined under paragraph (1)(i) of this subsection is less than 75% of the per capita statewide yield of the county income tax determined under paragraph (1)(ii) of this subsection, the Comptroller shall determine the amount that would increase the county per capita yield to equal 75% of the statewide per capita yield, as rounded to the nearest dollar.

(II) FOR FISCAL YEAR 2012 ONLY, IF THE PER CAPITA YIELD OF THE COUNTY INCOME TAX FOR A COUNTY DETERMINED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION IS LESS THAN 77% OF THE PER CAPITA STATEWIDE YIELD OF THE COUNTY INCOME TAX DETERMINED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE COMPTROLLER SHALL DETERMINE THE AMOUNT THAT WOULD INCREASE THE COUNTY PER CAPITA YIELD TO EQUAL 77% OF THE STATEWIDE PER CAPITA YIELD, AS ROUNDED TO THE NEAREST DOLLAR.".

AMENDMENT NO. 40

On page 17 after line 32, insert:

"**(I) (1) IN THIS SUBSECTION, "TOTAL DIRECT EDUCATION AID" MEANS THE TOTAL FINANCIAL ASSISTANCE PROVIDED BY THE STATE TO A COUNTY BOARD UNDER THE FOLLOWING PROGRAMS:**

(I) FUNDING FOR THE FOUNDATION PROGRAM INCLUDING FUNDS FOR THE GEOGRAPHIC COST OF EDUCATION UNDER THIS SECTION;

(II) TRANSPORTATION AID UNDER § 5–205 OF THIS SUBTITLE;

(III) FUNDING FOR COMPENSATORY EDUCATION UNDER § 5–207 OF THIS SUBTITLE;

(IV) FUNDING FOR STUDENTS WITH LIMITED ENGLISH PROFICIENCY UNDER § 5–208 OF THIS SUBTITLE;

(V) FUNDING FOR SPECIAL EDUCATION STUDENTS UNDER § 5–209 OF THIS SUBTITLE;

(VI) FUNDING FOR THE GUARANTEED TAX BASE PROGRAM UNDER § 5–210 OF THIS SUBTITLE; AND

(VII) FUNDING FOR GRANTS PROVIDED UNDER THIS SUBSECTION.

(2) FOR EACH OF FISCAL YEARS 2012 THROUGH 2016 ONLY, IF A COUNTY BOARD'S TOTAL DIRECT EDUCATION AID IN THE CURRENT FISCAL YEAR IS LESS THAN THE PRIOR FISCAL YEAR BY MORE THAN 6%, THEN THE STATE SHALL PROVIDE A GRANT TO THE COUNTY BOARD IN AN AMOUNT NECESSARY TO ENSURE THAT A DECREASE IN TOTAL DIRECT EDUCATION AID IS NOT MORE THAN 6%.".

AMENDMENT NO. 41

On page 1, in line 18, strike "a certain fiscal year" and substitute "certain fiscal years".

On page 74, in line 30, after "**HAS**" insert "**AT LEAST**".

On page 113, in line 22, strike "3." and substitute "4.".

On page 114, in line 3, strike "4." and substitute "5.".

On page 116, in lines 1, 16, 23, 30, and 37, strike "5.", "6.", "7.", "8.", and "9.", respectively, and substitute "6.", "7.", "8.", "9.", and "10.", respectively.

On page 117, in lines 4, 10, 16, and 26, strike "10.", "11.", "12.", and "13.", respectively, and substitute "11.", "12.", "13.", and "14.", respectively.

On page 118, strike beginning with ", other" in line 11 down through "Article" in line 13.

On page 120, in line 13, strike "20." and substitute "21.".

On page 121, in lines 8, 20, 26, and 35, strike "21.", "22.", "23.", and "24.", respectively, and substitute "22.", "23.", "24.", and "25.", respectively.

On page 122, in lines 3, 13, and 38, strike "25.", "26.", and "27.", respectively, and substitute "26.", "27.", and "28.", respectively.

On page 123, in lines 6, 11, and 34, strike "28.", "29.", and "30.", respectively, and substitute "29.", "30.", and "31.", respectively.

On page 124, in line 33, strike "30" and substitute "31"; and in line 36, strike "4" and substitute "2".

The preceding 41 amendments were read only.

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

The motion was adopted.

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

Senate Bill 994 – Senators Jones–Rodwell and Madaleno

AN ACT concerning

Sales and Use Tax – Alcoholic Beverages

SB0994/149637/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 994
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Madaleno" and substitute ", Madaleno, Currie, King, Manno, and McFadden".

AMENDMENT NO. 2

On page 1, in line 2, after "Beverages" insert "– Supplementary Appropriation"; strike beginning with "requiring" in line 4 down through "State;" in line 6 and substitute "making this Act a supplementary appropriation to fund a certain waiting

list initiative for the Developmental Disabilities Administration; requiring the Governor to include certain amounts in the budget bill for certain fiscal years for certain purposes;"; in line 7, after "beverage" insert "and a supplementary appropriation"; and strike in their entirety lines 8 through 12, inclusive.

AMENDMENT NO. 3

On pages 1 and 2, strike in their entirety the lines beginning with line 21 on page 1 through line 13 on page 2.

AMENDMENT NO. 4

On page 2, after line 22, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That for fiscal year 2012 only and from only those additional revenues resulting from this Act that are credited to the General Fund for fiscal year 2012, and from no other funds, and subject to the provisions of law relating to budgetary procedure to the extent applicable, the amount specified below, or as much thereof as required to accomplish the designated purpose, is hereby appropriated and authorized to be disbursed from as much of those additional revenues as are received by the State:

M00M01.02 Community Services

In addition to the amount appropriated in the budget bill for fiscal year 2012, to supplement the appropriation for fiscal year 2012, the following amount to be used to fund a Waiting List initiative for the Developmental Disabilities Administration. Priority shall be given to individuals in the Crisis Prevention and Crisis Resolution categories of the Waiting List:

General Fund Appropriation $5,000,000

SECTION 3. AND BE IT FURTHER ENACTED, That the Governor shall include at least $10,000,000 in the budget bill for fiscal year 2013 and at least $15,000,000 in the budget bill for fiscal year 2014 to fund a Waiting List initiative for the Developmental Disabilities Administration. Priority shall be given to individuals in the Crisis Prevention and Crisis Resolution categories of the Waiting List.";

and in line 23, strike "2." and substitute "4.".

The preceding 4 amendments were read only.

Senator Madaleno 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. 586)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #50
CONSENT CALENDAR #7

BILL NO.	SPONSOR	CONTENT	COMMITTEE
SB 214	Sen. Jones–Rodwell	Public Ethics Laws – Baltimore Cty – Hlth Dept, Police Dept, and Civilian Review Bd	EHE
SB 488	Sen. Conway	Baltimore City – Alcoholic Beverages – Class B–D–7 License Holders – Security Plan	EHE
SB 773	Sen. Conway	Baltimore City – Adult Entertainment – Age	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 7 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 587)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #51

Senate Bill 75 – ~~Senator Astle~~ Senators Astle and Muse

AN ACT concerning

Commercial Law – Maryland Consumer Protection Act – Scope

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

Affirmative – 35 Negative – 11 (See Roll Call No. 588)

The Bill was then sent to the House of Delegates.

Senate Bill 244 – Senators Pugh ~~and Stone~~, Stone, Jones–Rodwell, Garagiola, Klausmeier, and Mathias

AN ACT concerning

Public Service Commission – Customer Education on Customer Choice

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

Affirmative – 29 Negative – 17 (See Roll Call No. 589)

The Bill was then sent to the House of Delegates.

Senate Bill 393 – Calvert County Senators

AN ACT concerning

Calvert County – Regulation of Roads

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

Affirmative – 46 Negative – 0 (See Roll Call No. 590)

The Bill was then sent to the House of Delegates.

Senate Bill 556 – Senators Pugh, Benson, Forehand, Jacobs, Jones–Rodwell, Kelley, King, Klausmeier, and Montgomery

AN ACT concerning

Mental Hygiene Administration – Facilities – Trauma–Informed Care

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

Affirmative – 46 Negative – 0 (See Roll Call No. 591)

The Bill was then sent to the House of Delegates.

Senate Bill 571 – Senator Pugh

AN ACT concerning

Insurance – Delivery of Notices by Electronic Means – Authorized

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

Affirmative – 46 Negative – 0 (See Roll Call No. 592)

The Bill was then sent to the House of Delegates.

Senate Bill 710 – Senator Klausmeier

AN ACT concerning

Health Insurance – Provider Panels – Notice of Receipt of Application

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

Affirmative – 46 Negative – 0 (See Roll Call No. 593)

The Bill was then sent to the House of Delegates.

Senate Bill 723 – Senator Rosapepe

AN ACT concerning

Medical Records – Health Information Exchanges

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

Affirmative – 46 Negative – 0 (See Roll Call No. 594)

The Bill was then sent to the House of Delegates.

Senate Bill 847 – The President (By Request – Administration) and Senator Klausmeier

AN ACT concerning

Natural Resources – Aquaculture

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

Affirmative – 46 Negative – 0 (See Roll Call No. 595)

The Bill was then sent to the House of Delegates.

Senate Bill 885 – Senator Garagiola

AN ACT concerning

Motor Vehicle Insurers – Standards for Cancellation or Refusal of Insurance – Driving While Impaired by Alcohol

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

Affirmative – 46 Negative – 0 (See Roll Call No. 596)

The Bill was then sent to the House of Delegates.

Senate Bill 975 – Senator Edwards

AN ACT concerning

Economic Development – Tri–County Council for Western Maryland – Membership and Leadership

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

Affirmative – 46 Negative – 0 (See Roll Call No. 597)

The Bill was then sent to the House of Delegates.

Senate Bill 980 – Senator Middleton

AN ACT concerning

Credit Unions – Boards of Directors – Electronically Conducted Elections

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

Affirmative – 46 Negative – 0 (See Roll Call No. 598)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #52

Senate Bill 14 – Senator Gladden

AN ACT concerning

Vehicle Laws – Race–Based Traffic Stops, Strip Searches, and Body Cavity Searches – Reporting Requirements

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

Affirmative – 31 Negative – 15 (See Roll Call No. 599)

The Bill was then sent to the House of Delegates.

Senate Bill 236 – Chair, Education, Health, and Environmental Affairs Committee

AN ACT concerning

Maryland Home Improvement Commission – Sunset Extension and Program Evaluation

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

Affirmative – 46 Negative – 0 (See Roll Call No. 600)

The Bill was then sent to the House of Delegates.

Senate Bill 344 – Senators Middleton, Kasemeyer, and Kelley

AN ACT concerning

Residential Child and Youth Care Practitioners – ~~Definition~~ Certification – ~~Change in Date and~~ Implementation Plan

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

Affirmative – 46 Negative – 0 (See Roll Call No. 601)

The Bill was then sent to the House of Delegates.

Senate Bill 501 – Senator Dyson

AN ACT concerning

Election Law – Change of Primary Election Dates and Compliance with Federal MOVE Act

Senator Dyson moved, duly seconded, to place **Senate Bill 501** back on second reading for the purpose of adding amendments.

The motion was adopted.

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

FLOOR AMENDMENT

SB0501/954439/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 501
(Bill as Printed for Third Reading)

On page 5, in line 3, strike "**THIRD**" and substitute "**LAST**"; and in line 5, strike "**MARCH**" and substitute "**APRIL**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 539 – ~~**Senator Colburn**~~ **Senators Colburn, Simonaire, and Reilly**

AN ACT concerning

Environment – Bay Restoration Fund – Authorized Uses

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

Affirmative – 46 Negative – 0 (See Roll Call No. 602)

The Bill was then sent to the House of Delegates.

Senate Bill 605 – Senators Raskin and Kittleman

AN ACT concerning

Campaign Finance Entities – Loans – Reporting Requirement and Penalties

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

Affirmative – 46 Negative – 0 (See Roll Call No. 603)

The Bill was then sent to the House of Delegates.

Senate Bill 607 – Senator Conway

AN ACT concerning

Agriculture – Waste Kitchen Grease

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

Affirmative – 46 Negative – 0 (See Roll Call No. 604)

The Bill was then sent to the House of Delegates.

Senate Bill 827 – Senator Astle

AN ACT concerning

Environment – Severn River Watershed – Silt and Erosion Control – Certification

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

Affirmative – 46 Negative – 0 (See Roll Call No. 605)

The Bill was then sent to the House of Delegates.

Senate Bill 836 – Senator McFadden

AN ACT concerning

Baltimore City – 45th District – Alcoholic Beverages – ~~Class C~~ Licenses

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

Affirmative – 46 Negative – 0 (See Roll Call No. 606)

The Bill was then sent to the House of Delegates.

Senate Bill 952 – Senator Ramirez

AN ACT concerning

Prince George's County ~~– Bladensburg~~ – Alcoholic Beverages – Development District Licenses and Board of License Commissioners Employees

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

Affirmative – 45 Negative – 0 (See Roll Call No. 607)

The Bill was then sent to the House of Delegates.

Senate Bill 960 – Senator Middleton

AN ACT concerning

Health Care Providers – Investigations – Information Sharing Among State Agencies

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

Affirmative – 46 Negative – 0 (See Roll Call No. 608)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #53

Senate Bill 183 – The President (By Request – Administration) and Senators Middleton, Benson, Forehand, Frosh, Garagiola, King, Klausmeier, Madaleno, Manno, Mathias, Montgomery, Pinsky, Ramirez, Raskin, and Rosapepe

AN ACT concerning

Health Insurance – Conformity with Federal Law

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

Affirmative – 45 Negative – 1 (See Roll Call No. 609)

The Bill was then sent to the House of Delegates.

Senate Bill 351 – Senators Pugh, Benson, Conway, Currie, Forehand, Gladden, Jones–Rodwell, Kelley, Montgomery, and Ramirez

AN ACT concerning

Request to Place a Statue of Harriet Tubman in the National Statuary Hall Collection

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

Affirmative – 46 Negative – 0 (See Roll Call No. 610)

The Bill was then sent to the House of Delegates.

Senate Bill 512 – Senators Edwards and Miller

EMERGENCY BILL

AN ACT concerning

Gaming – Video Lottery Terminals

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

Affirmative – 46 Negative – 0 (See Roll Call No. 611)

The Bill was then sent to the House of Delegates.

Senate Bill 513 – Senator Middleton

AN ACT concerning

Maryland Estate Tax – Payment Deferral for Qualified Agricultural Property – ~~Waiver~~ Extension of Payment ~~Requirement~~ Deferral

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

Affirmative – 45 Negative – 1 (See Roll Call No. 612)

The Bill was then sent to the House of Delegates.

Senate Bill 638 – Senators Benson, Currie, Jones–Rodwell, Kelley, McFadden, Pugh, and Rosapepe

AN ACT concerning

Video Lottery Terminal Applicants and Licensees – Minority Business Participation – Modifications and Sunset Extension

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

Affirmative – 46 Negative – 0 (See Roll Call No. 613)

The Bill was then sent to the House of Delegates.

Senate Bill 645 – Senator Ferguson

AN ACT concerning

Baltimore City – Sale of Property to Enforce Lien for Water and Sewer Service

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

Affirmative – 46 Negative – 0 (See Roll Call No. 614)

The Bill was then sent to the House of Delegates.

Senate Bill 721 – Senator Pinsky

AN ACT concerning

Prince George's County – Authority to Impose Fees for Use of Disposable ~~Plastic~~ Bags

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

Affirmative – 42 Negative – 3 (See Roll Call No. 615)

The Bill was then sent to the House of Delegates.

Senate Bill 740 – Senator Madaleno

AN ACT concerning

State Government – Access to Public Records – Electronic Documents

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

Affirmative – 46 Negative – 0 (See Roll Call No. 616)

The Bill was then sent to the House of Delegates.

Senate Bill 787 – Senators Raskin, Forehand, Kelley, Klausmeier, Madaleno, and Manno

AN ACT concerning

Juvenile Services – Services and Programs for Females

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

Affirmative – 43 Negative – 0 (See Roll Call No. 617)

The Bill was then sent to the House of Delegates.

Senate Bill 830 – Senator Currie

AN ACT concerning

Tax Credits for Qualifying Employees with Disabilities – Sunset ~~Extension~~ Repeal

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

Affirmative – 46 Negative – 0 (See Roll Call No. 618)

The Bill was then sent to the House of Delegates.

Senate Bill 950 – Senator Ramirez

AN ACT concerning

Prince George's County – Secondhand Precious Metal Object Dealers – Precious Metal Objects – Holding Period

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

Affirmative – 46 Negative – 0 (See Roll Call No. 619)

The Bill was then sent to the House of Delegates.

Senate Bill 981 – Senators Mathias and Colburn

AN ACT concerning

Wicomico County – Board of Education – Selection of Members – Straw Ballot

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

Affirmative – 46 Negative – 0 (See Roll Call No. 620)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #54

Senate Bill 151 – Senators Frosh, Benson, Gladden, Jones–Rodwell, Kelley, Klausmeier, Madaleno, Manno, Middleton, Montgomery, Peters, Pinsky, Pugh, Raskin, Rosapepe, ~~and Zirkin~~ Zirkin, Garagiola, Glassman, Mathias, and Muse

AN ACT concerning

~~Child Care Articles –~~ Public Health – Containers of Infant Formula Manufactured with Bisphenol–A – Prohibition

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

Affirmative – 46 Negative – 0 (See Roll Call No. 621)

The Bill was then sent to the House of Delegates.

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~~ Shipment

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

Affirmative – 45 Negative – 0 (See Roll Call No. 622)

The Bill was then sent to the House of Delegates.

Senate Bill 551 – Senators Kelley, Benson, Jones–Rodwell, Madaleno, Manno, Montgomery, Pugh, and Raskin

AN ACT concerning

Maryland Wage and Hour Law – Prohibited Acts of Employers – Adverse Action

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

Affirmative – 34 Negative – 12 (See Roll Call No. 623)

The Bill was then sent to the House of Delegates.

Senate Bill 623 – Senators Madaleno and Glassman

AN ACT concerning

Maryland Department of Transportation – Transit Review and Evaluation

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

Affirmative – 46 Negative – 0 (See Roll Call No. 624)

The Bill was then sent to the House of Delegates.

Senate Bill 658 – Senators Kelley ~~and Miller~~, Miller, Glassman, Klausmeier, Muse, and Pugh

AN ACT concerning

~~Real Estate Appraisal Management Companies – Registration and Regulation~~

State Commission of Real Estate Appraisers and Home Inspectors – Special Fund and Registration and Regulation of Real Estate Appraisal Management Companies

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

Affirmative – 46 Negative – 0 (See Roll Call No. 625)

The Bill was then sent to the House of Delegates.

Senate Bill 704 – Senators Klausmeier and Pugh

AN ACT concerning

Electric Companies and Gas Companies – Residential Customer Account Information

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

Affirmative – 13 Negative – 32 (See Roll Call No. 626)

Senate Bill 718 – Senator Garagiola

AN ACT concerning

Telephone Companies – Distribution of Telephone Directories ~~to Residential Customers~~

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

Affirmative – 41 Negative – 4 (See Roll Call No. 627)

The Bill was then sent to the House of Delegates.

Senate Bill 741 – Senators Pugh and Madaleno

AN ACT concerning

Commercial Law – Debt Settlement Services

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

Affirmative – 46 Negative – 0 (See Roll Call No. 628)

The Bill was then sent to the House of Delegates.

Senate Bill 786 – Senators Montgomery ~~and Forehand~~, Forehand, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, Muse, and Pugh

AN ACT concerning

Health – Newborn Screening Program – Critical Congenital Heart Disease

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

Affirmative – 46 Negative – 0 (See Roll Call No. 629)

The Bill was then sent to the House of Delegates.

Senate Bill 993 – ~~Senator Middleton~~ Senators Middleton, Astle, Garagiola, Glassman, Kittleman, Klausmeier, and Pugh

AN ACT concerning

Maryland Automobile Insurance Fund – Employee Compensation

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

Affirmative – 46 Negative – 0 (See Roll Call No. 630)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #52

Senate Bill 410 – Senator Raskin

AN ACT concerning

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

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

Affirmative – 34 Negative – 12 (See Roll Call No. 631)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

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

Senate Bill 430 – Senator Klausmeier

AN ACT concerning

Baltimore County – Public School Employees – Collective Bargaining and Representation Fees

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

FLOOR AMENDMENT

SB0430/557175/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 430
(Bill as Printed for Third Reading)

AMENDMENT NO. 1

On page 1, in line 5, strike "may" and substitute "is required to"; and in line 21, strike "and 6–509(a)".

AMENDMENT NO. 2

On page 2, in line 10, strike "**BOTH CERTIFICATED**" and substitute "**EMPLOYEES WHOSE POSITION REQUIRES AN ADMINISTRATIVE AND SUPERVISORY CERTIFICATE**"; in the same line, after "**AND**" insert "**SUPERVISORY**"; in line 11, strike "**DESCRIBED IN § 6–404(C)(2)**" and substitute "**DEFINED UNDER § 6–501(H)**"; in the same line, strike "**SUBTITLE**" and substitute "**TITLE**"; in the same

line, strike "**MAY**" and substitute "**IS REQUIRED TO**"; strike in their entirety lines 13 through 21, inclusive; in line 24, strike "both certificated" and substitute "employees whose position requires an administrative and supervisory certificate"; in line 25, after "and" insert "supervisory"; and in the same line, strike "described in § 6–404(c)(2)" and substitute "defined under § 6–501(h)".

The preceding 2 amendments were read only.

Senator Klausmeier moved, duly seconded, to make the Bill and Amendments a Special Order for March 31, 2011.

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #33

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

Senate Bill 347 – Senators Pugh, Benson, Conway, Jones–Rodwell, Madaleno, Montgomery, Ramirez, and Rosapepe

AN ACT concerning

Task Force to Study the Impact of Adjunct Faculty on Graduation Rates at Historically Black Institutions

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 487 – Senators Middleton and Frosh

AN ACT concerning

Fertilizer Use Act of 2011

SB0487/324037/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 487
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Frosh" and substitute "Frosh, Young, Conway, Pinsky, Simonaire, Benson, Rosapepe, Ferguson, Montgomery, and Jennings"; in line 3, strike "altering" and substitute "establishing"; in the same line, strike "specialty fertilizer"; in the same line, after "requirements" insert "for specialty fertilizer used on certain turf"; in line 5, after "prohibition;" insert "exempting certain organic fertilizer sold to certain professional fertilizer applicators from a certain prohibition;"; in line 16, strike "specialty"; in line 17, strike "at retail certain specialty" and substitute "certain"; and in line 28, after "terms;" insert "making certain technical changes;".

On page 2, in line 1, after "6–210(d)" insert "and (e), 6–219(a) and (b)"; in the same line, after "6–222(a)" insert "and (b), 8–801, and 8–803.4"; after line 3, insert:

"BY repealing
Article – Agriculture
Section 8–803.5
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)";

in line 6, strike "6–225, 6–226, 6–227, and 6–228" and substitute "8–803.5, 8–803.6, 8–803.7, 8–803.8, and 8–803.9"; strike in their entirety lines 28 through 31, inclusive; in line 32, strike the brackets; and in the same line, strike "**(G)**".

On page 3, in lines 3 and 5, in each instance, strike the brackets; in lines 3 and 5, strike "**(H)**" and "**(I)**", respectively; after line 7, insert:

"**(I) "ENHANCED EFFICIENCY FERTILIZER" MEANS A FERTILIZER PRODUCT THAT INCREASES PLANT UPTAKE AND DECREASES THE POTENTIAL OF NUTRIENT LOSS TO THE ENVIRONMENT, INCLUDING GASEOUS LOSS, LEACHING, OR RUNOFF, WHEN COMPARED TO AN APPROPRIATE REFERENCE FERTILIZER PRODUCT.**";

in lines 11 and 17, in each instance, strike "phosphoric acid (H_3PO_4)" and substitute "**PHOSPHATE (P_2O_5)**"; in lines 20 and 22, in each instance, strike "phosphoric acid"

and substitute "**PHOSPHATE**"; and strike in their entirety lines 29 through 33, inclusive.

On page 4, in lines 1, 4, 8, 11, and 17, strike "**(O)**", "**(P)**", "**(Q)**", "**(R)**", and "**(S)**", respectively, and substitute "**(N)**", "**(O)**", "**(P)**", "**(Q)**", and "**(R)**", respectively; in lines 12, 15, and 16, in each instance, strike "phosphoric acid (H_3PO_4)" and substitute "**PHOSPHATE (P_2O_5)**"; and strike in their entirety lines 33 through 35, inclusive.

On page 5, in lines 1, 4, and 6, strike "**(U)**", "**(V)**", and "**(W)**", respectively, and substitute "**(S)**", "**(T)**", and "**(V)**", respectively; after line 5, insert:

"**(U) (1) "NATURAL ORGANIC FERTILIZER" MEANS A FERTILIZER PRODUCT THAT IS DERIVED FROM EITHER A PLANT OR ANIMAL PRODUCT CONTAINING CARBON, AND ONE OR MORE ELEMENTS, OTHER THAN HYDROGEN OR OXYGEN THAT ARE ESSENTIAL FOR PLANT GROWTH.**

(2) "NATURAL ORGANIC FERTILIZER" DOES NOT INCLUDE A FERTILIZER PRODUCT THAT CONTAINS:

(I) SYNTHETIC MATERIALS; OR

(II) MATERIALS THAT ARE CHANGED IN ANY PHYSICAL OR CHEMICAL MANNER FROM THEIR INITIAL STATE, EXCEPT BY PHYSICAL MANIPULATION, INCLUDING DRYING, COOKING, CHOPPING, GRINDING, SHREDDING, OR PELLETING.";

after line 7, insert:

"**(W) (1) "ORGANIC FERTILIZER" MEANS A FERTILIZER PRODUCT THAT IS DERIVED FROM EITHER A PLANT OR ANIMAL PRODUCT CONTAINING CARBON AND ONE OR MORE ELEMENTS, OTHER THAN HYDROGEN OR OXYGEN THAT ARE ESSENTIAL FOR PLANT GROWTH.**

(2) "ORGANIC FERTILIZER" INCLUDES A FERTILIZER PRODUCT THAT CONTAINS:

(I) SYNTHETIC MATERIALS; OR

(II) MATERIALS THAT ARE CHANGED IN A PHYSICAL OR CHEMICAL MANNER FROM THEIR INITIAL STATE.";

and strike beginning with "**MEANS**" in line 9 down through "**EMPLOYMENT**" in line 16 and substitute "**HAS THE MEANING STATED IN § 8–801 OF THIS ARTICLE**".

On page 6, strike in their entirety lines 23 and 24, inclusive.

AMENDMENT NO. 2

On page 6, in line 26, strike "A" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**"; and in the same line, after "contain" insert "**ALL INFORMATION REQUIRED BY SUBSECTION (A) OF THIS SECTION.**

(2) A SPECIALTY FERTILIZER USED ON TURF SHALL BE LABELED TO CONTAIN".

On page 7, in line 2, after "**POTASH;**" insert "**AND**"; in line 3, after "**(V)**" insert "**1.**"; in line 7, strike "**AND**" and substitute "**OR**"; in line 8, strike "**(VI)**" and substitute "**2.**"; in line 11, strike "**(2)**" and substitute "**(3)**"; in the same line, strike "**PARAGRAPH (1)**" and substitute "**PARAGRAPHS (1) AND (2)**"; after line 14, insert:

"(e) (1) Except as provided in paragraph (2) of this subsection, on or after April 1, 2011, a lawn fertilizer with an available **[**phosphoric acid (H_3PO_4)**] PHOSPHATE (P_2O_5)** content greater than 5%:

(i) May not be labeled for use on established lawns or grass;

(ii) May not be labeled with spreader settings; and

(iii) Shall be marked with the words "NOT FOR USE ON ESTABLISHED LAWNS OR GRASS" in at least a three–quarter inch font and in a legible and conspicuous manner on the front side of the container.

(2) This subsection does not apply to seed starter fertilizer for use on newly established lawns or turf.

6–219.

(a) To determine the commercial value to be applied in subsection (b) of this section, the Secretary shall determine and publish annually the values per pound of nitrogen, available **[**phosphoric acid**]** **PHOSPHATE**, soluble potash and other plant nutrients in commercial fertilizers in the State as determined by the Secretary.

(b) If an official analysis of a lot shows that a commercial fertilizer is deficient in a guaranteed primary plant nutrient, that is nitrogen, available **[**phosphoric acid**]** **PHOSPHATE**, and soluble potash, beyond the investigational allowance as established by rule or regulation, the Secretary shall assess against the registrant a penalty of three times the commercial value of the deficiency in the lot analyzed if the deficiency is confirmed in a hearing before him.";

in lines 19 and 20, in each instance, strike the bracket; in line 20, strike "**A**"; in lines 20 and 21, strike "at a retail establishment in the State"; after line 27, insert:

"**(2) THIS SUBSECTION DOES NOT APPLY TO ORGANIC OR NATURAL ORGANIC FERTILIZER THAT IS SOLD TO A PROFESSIONAL FERTILIZER APPLICATOR.**

(b) (1) On or before April 1, 2011, a manufacturer of lawn fertilizer whose products are sold in the State shall reduce by 50% from 2006 levels the amount of available **[**phosphoric acid (H_3PO_4)**]** **PHOSPHATE** **(P_2O_5)** resulting from the application of its lawn care products within the State.

(2) The amount of available **[**phosphoric acid (H_3PO_4)**]** **PHOSPHATE** **(P_2O_5)** resulting from the application within the State of lawn care products sold or distributed by a manufacturer may not exceed an average of 1.5% available **[**phosphoric acid (H_3PO_4)**]** **PHOSPHATE** **(P_2O_5)** if, prior to April 1, 2010, the manufacturer did not sell or distribute fertilizer in the State intended for use on established lawns or grass.";

and strike beginning with line 1 on page 8 through line 5 on page 10, inclusive.

AMENDMENT NO. 3

On page 10, after line 5, insert "**6–223.**"; in line 6, after "**ENFORCEMENT**" insert "**PROVIDED UNDER § 8–803.5(G) OF THIS ARTICLE**"; after line 11, insert:

"**(C)** **SUBSECTIONS (A) AND (B) OF THIS SECTION DO NOT EXEMPT A PERSON FROM COMPLYING WITH ANY PROVISION OF, OR ANY REGULATION ADOPTED IN ACCORDANCE WITH, THE ENVIRONMENT ARTICLE.**";

in line 15, strike "**6–226.**" and substitute "**6–224.**"; in line 16, strike "**ANY**" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY**"; strike beginning with "**CONTAIN**" in line 17 down through "**CONTAINER**" in line 21 and substitute "**RESULT IN AN APPLICATION OF MORE THAN 0.7 POUNDS PER 1,000 SQUARE FEET OF WATER–SOLUBLE NITROGEN AND NO MORE THAN 0.9 POUNDS PER 1,000 SQUARE FEET OF TOTAL NITROGEN, AT LEAST 20% OF WHICH SHALL CONSIST OF SLOW–RELEASE NITROGEN, WHEN APPLIED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE CONTAINER**"; in line 22, strike "**WHEN**" and substitute "**:**

(I) **FOR ORGANIC AND NATURAL ORGANIC FERTILIZER SOLD TO A PROFESSIONAL FERTILIZER APPLICATOR; AND**

(II) **WHEN**";

in lines 24, 27, and 29, strike "**(I)**", "**1.**", and "**2.**", respectively, and substitute "**1.**", "**A.**", and "**B.**", respectively; in line 25, strike "**PURSUANT TO**" and substitute "**IN ACCORDANCE WITH**"; in line 28, strike "**6–224**" and substitute "**8–803.7**"; and in the same line, strike "**SUBTITLE**" and substitute "**ARTICLE**".

On page 11, in lines 1 and 5, strike "**(II)**" and "**(III)**", respectively, and substitute "**2.**" and "**3.**", respectively; after line 6, insert:

"**(B)** **AN ENHANCED–EFFICIENCY FERTILIZER LABELED FOR USE ON TURF MAY NOT:**

(1) **RESULT IN AN ANNUAL APPLICATION OF MORE THAN 2.5 POUNDS PER 1,000 SQUARE FEET OF TOTAL NITROGEN;**

(2) **RESULT IN AN APPLICATION OF MORE THAN 80% OF THE ANNUAL RECOMMENDED RATE FOR TOTAL NITROGEN ESTABLISHED BY THE UNIVERSITY OF MARYLAND; OR**

(3) HAVE A RELEASE RATE OF MORE THAN 0.7 POUNDS PER 1,000 SQUARE FEET OF TOTAL NITROGEN PER MONTH.";

in line 7, strike "**(B)**" and substitute "**(C)**"; in the same line, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN SUBSECTIONS (D) AND (E) OF THIS SECTION, A**"; in the same line, strike "**AT RETAIL**"; in line 8, after "**FERTILIZER**" insert "**FOR USE ON TURF**"; strike beginning with "**CONTAINS**" in line 9 down through "**TURF**" in line 13 and substitute "**RESULTS IN AN APPLICATION OF MORE THAN 0.7 POUNDS PER 1,000 SQUARE FEET OF WATER–SOLUBLE NITROGEN AND NO MORE THAN 0.9 POUNDS PER 1,000 SQUARE FEET OF TOTAL NITROGEN, AT LEAST 20% OF WHICH SHALL CONSIST OF SLOW–RELEASE NITROGEN, WHEN APPLIED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE CONTAINER**"; in line 19, strike "**6–224 OF THIS SUBTITLE**" and substitute "**8–803.7 OF THIS ARTICLE**"; after line 28, insert:

"**(D) A PERSON MAY OFFER TO SELL AN ORGANIC OR NATURAL ORGANIC FERTILIZER CONTAINING PHOSPHORUS TO A PROFESSIONAL FERTILIZER APPLICATOR.**

(E) A PERSON MAY NOT OFFER TO SELL ENHANCED–EFFICIENCY FERTILIZER FOR USE ON TURF THAT:

(1) RESULTS IN AN ANNUAL APPLICATION OF MORE THAN 2.5 POUNDS PER 1,000 SQUARE FEET OF TOTAL NITROGEN;

(2) RESULTS IN AN APPLICATION OF MORE THAN 80% OF THE ANNUAL RECOMMENDED RATE FOR TOTAL NITROGEN ESTABLISHED BY THE UNIVERSITY OF MARYLAND; OR

(3) HAS A RELEASE RATE OF MORE THAN 0.7 POUNDS PER 1,000 SQUARE FEET OF TOTAL NITROGEN PER MONTH.";

in line 29, strike "**(C)**" and substitute "**(F)**"; in the same line, strike "**AT RETAIL**"; and on pages 11 through 15, strike beginning with line 31 on page 11 through line 8 on page 15, inclusive.

AMENDMENT NO. 4

On page 15, after line 8, insert:

"8–801.

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

(b) "Certified nutrient management consultant" means an individual certified by the Department to prepare a nutrient management plan.

(C) "COMMERCIAL FARM" MEANS A FARM THAT PERFORMS ACTIVITIES RELATED TO THE PRODUCTION AND SALE OF AGRICULTURAL COMMODITIES, INCLUDING ROW CROPS, FRUITS, VEGETABLES, HORTICULTURE, AND SILVACULTURE.

(D) "ENHANCED EFFICIENCY FERTILIZER" HAS THE MEANING STATED IN § 6–201 OF THIS ARTICLE.

(E) "IMPERVIOUS SURFACE" MEANS ANY STRUCTURE, SURFACE, OR IMPROVEMENT THAT REDUCES OR PREVENTS ABSORPTION OF STORMWATER INTO LAND, AND INCLUDES POROUS PAVING, PAVER BLOCKS, GRAVEL, CRUSHED STONE, DECKS, PATIOS, ELEVATED STRUCTURES, AND OTHER SIMILAR STRUCTURES, SURFACES, OR IMPROVEMENTS.

(F) "NATURAL ORGANIC FERTILIZER" HAS THE MEANING STATED IN § 6–201 OF THIS ARTICLE.

[(c)**](G)** "Nutrient management plan" means a plan prepared under this subtitle by a certified nutrient management consultant to manage the amount, placement, timing, and application of animal waste, commercial fertilizer, sludge, or other plant nutrients to prevent pollution by transport of bioavailable nutrients and to maintain productivity.

(H) "ORGANIC FERTILIZER" HAS THE MEANING STATED IN § 6–201 OF THIS ARTICLE.

(I) (1) "PROFESSIONAL FERTILIZER APPLICATOR" MEANS ANY PERSON WHO:

(I) IS CERTIFIED TO APPLY FERTILIZER IN ACCORDANCE WITH § 8–803.4 OF THIS SUBTITLE; AND

(II) APPLIES FERTILIZER FOR HIRE.

(2) "PROFESSIONAL FERTILIZER APPLICATOR" INCLUDES THE OWNER OR MANAGER OF PROPERTY, OR AN EMPLOYEE OF A GOVERNMENT ENTITY WHO APPLIES FERTILIZER WITHIN THE SCOPE OF EMPLOYMENT.

(J) "SLOW–RELEASE NITROGEN" MEANS NITROGEN IN A FORM THAT:

(1) DELAYS ITS AVAILABILITY FOR PLANT UPTAKE AND USE AFTER APPLICATION; OR

(2) EXTENDS ITS AVAILABILITY TO THE PLANT SIGNIFICANTLY LONGER THAN A REFERENCE "RAPIDLY AVAILABLE NUTRIENT" SUCH AS AMMONIUM NITRATE OR UREA, AMMONIUM PHOSPHATE, OR POTASSIUM CHLORIDE.

(K) "SOIL TEST" MEANS A TECHNICAL ANALYSIS OF SOIL CONDUCTED BY A LABORATORY USING STANDARDS RECOMMENDED BY THE UNIVERSITY OF MARYLAND.

(L) "TURF" MEANS LAND, INCLUDING RESIDENTIAL PROPERTY AND PUBLICLY OWNED LAND THAT IS PLANTED IN GRASS, EXCEPT LAND THAT IS USED IN THE SALE AND PRODUCTION OF SOD, AS DEFINED IN § 9–101 OF THIS ARTICLE.

(M) "WATER–SOLUBLE NITROGEN" MEANS NITROGEN THAT IS READILY SOLUBLE IN WATER.

(N) "WATERS OF THE STATE" HAS THE MEANING STATED IN § 5–101 OF THE ENVIRONMENT ARTICLE.

SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Agriculture

8–803.4.

[(a) This section applies to an application of commercial fertilizer, as defined in § 6–201 of this article:

(1) That is performed by:

(i) A person who applies commercial fertilizer for hire; or

(ii) An employee of the owner or manager of the property; and

(2) To:

(i) Ten acres or more annually, whether one or multiple parcels, of property that is not used for agricultural purposes; or

(ii) State property that is not used for agricultural purposes.

(b) A person may apply commercial fertilizer only if the person applies the commercial fertilizer in a manner that is consistent with the recommendations of the University of Maryland Cooperative Extension Service.]

(A) IN THIS SECTION, "FERTILIZER" MEANS A COMMERCIAL FERTILIZER AND SPECIALTY FERTILIZER.

(B) (1) THIS SECTION APPLIES TO A PROFESSIONAL FERTILIZER APPLICATOR WHO APPLIES FERTILIZER TO:

(I) PROPERTY THAT IS NOT USED FOR AGRICULTURAL PURPOSES; AND

(II) STATE PROPERTY THAT IS NOT USED FOR AGRICULTURAL PURPOSES.

(2) THIS SECTION DOES NOT APPLY TO THE APPLICATION OF FERTILIZER ON COMMERCIAL FARMS.

(C) A PROFESSIONAL FERTILIZER APPLICATOR MAY NOT:

(1) APPLY FERTILIZER TO TURF WITHOUT FIRST OBTAINING A FERTILIZER APPLICATION CERTIFICATION, UNLESS THE PERSON IS UNDER THE DIRECT SUPERVISION OF A CERTIFIED PROFESSIONAL FERTILIZER APPLICATOR, IN ACCORDANCE WITH § 8–803.6 OF THIS SUBTITLE; OR

(2) APPLY FERTILIZER INTENDED FOR USE ON TURF ON AN IMPERVIOUS SURFACE.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PROFESSIONAL FERTILIZER APPLICATOR MAY NOT APPLY FERTILIZER CONTAINING PHOSPHORUS OR NITROGEN TO TURF:

(I) BEFORE MARCH 1 OR AFTER NOVEMBER 15 OF ANY CALENDAR YEAR;

(II) ANY TIME THE GROUND IS FROZEN; OR

(III) IN AN AMOUNT THAT IS INCONSISTENT WITH THE ANNUAL RECOMMENDED RATE ESTABLISHED BY THE UNIVERSITY OF MARYLAND.

(2) FROM NOVEMBER 16 THROUGH DECEMBER 1 OF EACH CALENDAR YEAR, A PROFESSIONAL FERTILIZER APPLICATOR MAY APPLY WATER–SOLUBLE NITROGEN TO TURF AT AN APPLICATION RATE OF NO MORE THAN 0.5 POUNDS PER 1,000 SQUARE FEET OF WATER–SOLUBLE NITROGEN.

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PROFESSIONAL FERTILIZER APPLICATOR MAY NOT APPLY

FERTILIZER CONTAINING PHOSPHORUS OR NITROGEN TO TURF THAT IS WITHIN 15 FEET OF WATERS OF THE STATE.

(2) WHEN A DROP SPREADER, ROTARY SPREADER WITH A DEFLECTOR, OR TARGETED SPRAY LIQUID IS USED FOR FERTILIZER APPLICATION, THE SETBACK REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE REDUCED TO 10 FEET.

(3) THE ESTABLISHMENT OF SETBACKS FOR FERTILIZER APPLICATION UNDER THIS SUBSECTION DOES NOT PRECLUDE THE ESTABLISHMENT OR APPLICABILITY OF, OR COMPLIANCE WITH, ANY OTHER ENVIRONMENTAL STANDARDS ESTABLISHED UNDER ANY OTHER STATE OR FEDERAL LAW, RULE, OR REGULATION.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PROFESSIONAL FERTILIZER APPLICATOR MAY NOT APPLY FERTILIZER CONTAINING NITROGEN TO TURF:

(I) AT AN APPLICATION RATE OF MORE THAN 0.7 POUNDS PER 1,000 FEET OF WATER–SOLUBLE NITROGEN; AND

(II) AT AN APPLICATION RATE OF MORE THAN 0.9 POUNDS PER 1,000 SQUARE FEET OF TOTAL NITROGEN.

(2) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, A PROFESSIONAL FERTILIZER APPLICATOR MAY APPLY AN ENHANCED EFFICIENCY FERTILIZER:

1. AT AN ANNUAL APPLICATION RATE OF NO MORE THAN 2.5 POUNDS PER 1,000 SQUARE FEET OF NITROGEN; AND

2. THAT HAS A RELEASE RATE OF NO MORE THAN 0.7 POUNDS PER 1,000 SQUARE FEET OF TOTAL NITROGEN PER MONTH.

(II) THE ANNUAL TOTAL APPLICATION RATE OF AN ENHANCED EFFICIENCY FERTILIZER MAY NOT EXCEED 80% OF THE ANNUAL

RECOMMENDED RATE FOR TOTAL NITROGEN ESTABLISHED BY THE UNIVERSITY OF MARYLAND.

(III) AN ENHANCED EFFICIENCY FERTILIZER MAY NOT BE APPLIED AFTER NOVEMBER 15 OR BEFORE MARCH 1 OF EACH CALENDAR YEAR.

(G) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2), (4), AND (5) OF THIS SUBSECTION, A PROFESSIONAL FERTILIZER APPLICATOR MAY NOT APPLY FERTILIZER CONTAINING PHOSPHORUS TO TURF.

(2) A PROFESSIONAL FERTILIZER APPLICATOR MAY APPLY ORGANIC OR NATURAL ORGANIC FERTILIZER CONTAINING PHOSPHORUS TO TURF WHEN:

(I) 1. A SOIL TEST PERFORMED NO MORE THAN 3 YEARS BEFORE THE FERTILIZER APPLICATION INDICATES A LOW OR MEDIUM LEVEL OF PHOSPHORUS; AND

2. THE FERTILIZER IS APPLIED AT A RATE RECOMMENDED BY THE UNIVERSITY OF MARYLAND; OR

(II) 1. BEGINNING JULY 1, 2013, A SOIL TEST PERFORMED NO MORE THAN 3 YEARS BEFORE THE FERTILIZER APPLICATION INDICATES A LOW OR MEDIUM LEVEL OF PHOSPHORUS; AND

2. A LOW PHOSPHORUS FERTILIZER, AS DEFINED UNDER § 6–201 OF THIS ARTICLE, THAT IS AN ORGANIC OR NATURAL ORGANIC FERTILIZER IS APPLIED AT A RATE RECOMMENDED BY THE UNIVERSITY OF MARYLAND.

(3) PARAGRAPH (2) OF THIS SUBSECTION DOES NOT AUTHORIZE A PROFESSIONAL FERTILIZER APPLICATOR TO APPLY FERTILIZER CONTAINING PHOSPHORUS WHEN A SOIL TEST INDICATES AN OPTIMUM OR EXCESSIVE LEVEL OF PHOSPHORUS.

(4) A PROFESSIONAL FERTILIZER APPLICATOR MAY APPLY FERTILIZER TO TURF CONTAINING PHOSPHORUS IF THE PROFESSIONAL FERTILIZER APPLICATOR:

(I) DETERMINES THAT THE FERTILIZER IS NECESSARY FOR THE SPECIFIC SOILS AND TARGET VEGETATION IN ACCORDANCE WITH A SOIL TEST PERFORMED NO MORE THAN 3 YEARS BEFORE THE FERTILIZER APPLICATION, PROVIDED THE APPLICATION COMPLIES WITH THE RECOMMENDATIONS ESTABLISHED BY THE UNIVERSITY OF MARYLAND;

(II) IS ESTABLISHING VEGETATION FOR THE FIRST TIME, SUCH AS AFTER LAND DISTURBANCE, PROVIDED THE APPLICATION COMPLIES WITH THE RECOMMENDATIONS ESTABLISHED BY THE UNIVERSITY OF MARYLAND; OR

(III) IS REESTABLISHING OR REPAIRING A TURF AREA.

(5) A PROFESSIONAL FERTILIZER APPLICATOR MAY APPLY FERTILIZER TO TURF IN EXCESS OF THE PHOSPHORUS REQUIREMENTS IN § 6–224 OF THIS ARTICLE, IF THE PROFESSIONAL FERTILIZER APPLICATOR IS ESTABLISHING VEGETATION FOR THE FIRST TIME, SUCH AS AFTER LAND DISTURBANCE, PROVIDED THE APPLICATION COMPLIES WITH THE RECOMMENDATIONS OF THE UNIVERSITY OF MARYLAND.

[(c)**](H)** (1) A person who violates any provision of this section is subject to a civil penalty of not more than $1,000 for a first violation.

(2) A person who violates any provision of this section is subject to a civil penalty of not more than $2,000 for each subsequent violation.

(3) Each day a violation occurs under this section is a separate violation.

(4) The total penalties imposed on a person for violations of this section that result from the same set of facts and circumstances may not exceed $10,000.

[(d)**] (I)** The penalty imposed on a person under this section shall be assessed with consideration given to:

(1) The willfulness of the violation, the extent to which the existence of the violation was known to the violator but uncorrected by the violator, and the extent to which the violator exercised reasonable care;

(2) Any actual harm to human health or to the environment including injury to or impairment of the use of the waters of the State or the natural resources of the State;

(3) The cost of control;

(4) The nature and degree of injury to or interference with general welfare, health, and property;

(5) The extent to which the location of the violation, including location near areas of human population, creates the potential for harm to the environment or to human health or safety; and

(6) The extent to which the current violation is part of a recurrent pattern of the same or similar type of violation committed by the violator.

[(e)**] (J)** Penalties collected by the Secretary under this section shall be paid into the General Fund of the State.

(K) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

[8–803.5.

The Department may adopt regulations for agricultural research, education, and demonstration exemptions to this subtitle.**]**

8–803.5.

(A) IN THIS SECTION, "FERTILIZER" MEANS COMMERCIAL FERTILIZER AND SPECIALTY FERTILIZER.

(B) (1) THIS SECTION APPLIES TO A PERSON WHO APPLIES FERTILIZER TO:

(I) PROPERTY THAT IS NOT USED FOR AGRICULTURAL PURPOSES; OR

(II) STATE PROPERTY THAT IS NOT USED FOR AGRICULTURAL PURPOSES.

(2) THIS SECTION DOES NOT APPLY TO THE APPLICATION OF FERTILIZER ON COMMERCIAL FARMS.

(C) A PERSON MAY NOT:

(1) APPLY FERTILIZER INTENDED FOR USE ON TURF TO AN IMPERVIOUS SURFACE; AND

(2) APPLY FERTILIZER CONTAINING PHOSPHORUS OR NITROGEN TO TURF:

(I) BEFORE MARCH 1 OR AFTER NOVEMBER 15 OF ANY CALENDAR YEAR; OR

(II) AT ANY TIME WHEN THE GROUND IS FROZEN.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT APPLY FERTILIZER CONTAINING PHOSPHORUS OR NITROGEN TO TURF THAT IS WITHIN 15 FEET OF WATERS OF THE STATE.

(2) WHEN A DROP SPREADER, ROTARY SPREADER WITH A DEFLECTOR, OR TARGETED SPRAY LIQUID IS USED FOR FERTILIZER APPLICATION, THE SETBACK REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE REDUCED TO 10 FEET.

(3) THE ESTABLISHMENT OF SETBACKS FOR FERTILIZER APPLICATION UNDER THIS SUBSECTION DOES NOT PRECLUDE THE ESTABLISHMENT OR APPLICABILITY OF, OR COMPLIANCE WITH, ANY OTHER ENVIRONMENTAL STANDARDS ESTABLISHED UNDER ANY OTHER STATE OR FEDERAL LAW, RULE, OR REGULATION.

(E) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION:

(1) A PERSON MAY APPLY FERTILIZER TO TURF CONTAINING PHOSPHORUS IF THE PERSON:

(I) DETERMINES THAT THE FERTILIZER IS NECESSARY FOR THE SPECIFIC SOILS AND TARGET VEGETATION IN ACCORDANCE WITH A SOIL TEST PERFORMED NO MORE THAN 3 YEARS BEFORE THE FERTILIZER APPLICATION, PROVIDED THE APPLICATION COMPLIES WITH THE RECOMMENDATIONS ESTABLISHED BY THE UNIVERSITY OF MARYLAND;

(II) IS ESTABLISHING VEGETATION FOR THE FIRST TIME, SUCH AS AFTER LAND DISTURBANCE, PROVIDED THE APPLICATION COMPLIES WITH THE RECOMMENDATIONS ESTABLISHED BY THE UNIVERSITY OF MARYLAND; OR

(III) IS REESTABLISHING OR REPAIRING A TURF AREA; AND

(2) A PERSON MAY APPLY FERTILIZER TO TURF IN EXCESS OF THE PHOSPHORUS REQUIREMENTS IN § 6–224 OF THIS ARTICLE, IF THE PERSON IS ESTABLISHING VEGETATION FOR THE FIRST TIME, SUCH AS AFTER LAND DISTURBANCE, PROVIDED THE APPLICATION COMPLIES WITH THE RECOMMENDATIONS OF THE UNIVERSITY OF MARYLAND.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND IN ADDITION TO THE REQUIREMENTS SET FORTH IN THIS SECTION, A PERSON, OTHER THAN A PROFESSIONAL FERTILIZER APPLICATOR, MAY NOT:

(I) APPLY FERTILIZER TO TURF:

1. IN AN AMOUNT THAT IS INCONSISTENT WITH THE ANNUAL RECOMMENDED RATE ESTABLISHED BY THE UNIVERSITY OF MARYLAND; AND

2. THAT CONTAINS NITROGEN THAT IS LESS THAN 20% SLOW RELEASE;

(II) APPLY NITROGEN TO TURF:

1. AT AN APPLICATION RATE OF MORE THAN 0.7 POUNDS PER 1,000 SQUARE FEET OF WATER–SOLUBLE NITROGEN; AND

2. AT AN APPLICATION RATE THAT IS MORE THAN 0.9 POUNDS PER 1,000 SQUARE FEET OF TOTAL NITROGEN; AND

(III) APPLY FERTILIZER TO A GOLF COURSE.

(2) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, A PERSON MAY APPLY AN ENHANCED EFFICIENCY FERTILIZER:

1. AT AN ANNUAL APPLICATION RATE OF NO MORE THAN 2.5 POUNDS PER 1,000 SQUARE FEET OF NITROGEN; AND

2. THAT HAS A RELEASE RATE OF NO MORE THAN 0.7 POUNDS PER 1,000 SQUARE FEET OF NITROGEN PER MONTH.

(II) THE ANNUAL TOTAL APPLICATION RATE OF AN ENHANCED EFFICIENCY FERTILIZER MAY NOT EXCEED 80% OF THE ANNUAL RECOMMENDATION RATE ESTABLISHED BY THE UNIVERSITY OF MARYLAND.

(III) ENHANCED EFFICIENCY FERTILIZERS MAY NOT BE APPLIED AFTER NOVEMBER 15 OR BEFORE MARCH 1 OF EACH CALENDAR YEAR.

(G) A COUNTY OR MUNICIPALITY MAY ENFORCE THIS SECTION.

(H) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Agriculture

8–803.6.

(A) (1) THE DEPARTMENT SHALL, IN CONSULTATION WITH THE UNIVERSITY OF MARYLAND, ESTABLISH A PROGRAM TO CERTIFY PROFESSIONAL FERTILIZER APPLICATORS.

(2) THE CERTIFICATION PROGRAM SHALL PROVIDE PROFESSIONAL FERTILIZER APPLICATORS WITH TRAINING AND EDUCATION IN THE FOLLOWING SUBJECT AREAS:

(I) THE PROPER USE AND CALIBRATION OF FERTILIZER APPLICATION EQUIPMENT;

(II) THE HAZARDS INVOLVED IN, AND THE ENVIRONMENTAL IMPACT OF, APPLYING FERTILIZER, INCLUDING NUTRIENT POLLUTION TO THE WATERS OF THE STATE;

(III) ALL APPLICABLE STATE AND FEDERAL LAWS, RULES, AND REGULATIONS;

(IV) THE CORRECT INTERPRETATION OF FERTILIZER LABELING INFORMATION; AND

(V) THE RECOMMENDATIONS DEVELOPED BY THE UNIVERSITY OF MARYLAND FOR NUTRIENT MANAGEMENT ON TURF, INCLUDING THE APPROPRIATE TIME TO:

1. APPLY FERTILIZER WHEN RAIN IS FORECAST; AND

2. APPLY FERTILIZER WHEN SOILS ARE WET AND THE POTENTIAL FOR FERTILIZER MOVEMENT OFF–SITE EXISTS.

(B) IN ESTABLISHING THE CERTIFICATION PROGRAM, THE DEPARTMENT MAY:

(1) CHARGE REASONABLE FEES, INCLUDING AN ANNUAL RECERTIFICATION FEE, TO COVER COSTS ASSOCIATED WITH THE CERTIFICATION PROGRAM;

(2) REQUIRE CONTINUING EDUCATION OR TRAINING FOR PROFESSIONAL FERTILIZER APPLICATORS;

(3) DESIGNATE ONE OR MORE ENTITIES TO TRAIN, CERTIFY, AND RECERTIFY PROFESSIONAL FERTILIZER APPLICATORS, WHICH MAY CHARGE FEES TO COVER THE REASONABLE COSTS ASSOCIATED WITH THE CERTIFICATION TRAINING AND EDUCATION; AND

(4) RECOGNIZE THE TRAINING PROGRAM OF AN ENTITY EMPLOYING PROFESSIONAL FERTILIZER APPLICATORS IF THE PROGRAM MEETS THE CERTIFICATION AND RECERTIFICATION TRAINING AND EDUCATION STANDARDS ESTABLISHED BY THE DEPARTMENT UNDER THIS SECTION.

(C) THE DEPARTMENT SHALL PUBLISH AND MAINTAIN A LIST OF ALL CERTIFIED PROFESSIONAL FERTILIZER APPLICATORS AND MAKE THE LIST AVAILABLE ON THE DEPARTMENT'S INTERNET WEB SITE.

(D) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

8–803.7.

(A) THE DEPARTMENT, IN CONSULTATION WITH THE UNIVERSITY OF MARYLAND, SHALL DEVELOP A PROGRAM OF PUBLIC EDUCATION THAT SHALL INCLUDE:

(1) THE DISSEMINATION OF INFORMATION REGARDING NUTRIENT POLLUTION;

(2) BEST MANAGEMENT PRACTICES FOR FERTILIZER USE;

(3) SOIL TESTING;

(4) PROPER INTERPRETATION OF FERTILIZER LABEL INSTRUCTIONS; AND

(5) THE PROPER USE AND CALIBRATION OF FERTILIZER APPLICATION EQUIPMENT.

(B) THE UNIVERSITY OF MARYLAND SHALL IDENTIFY LABORATORIES THAT:

(1) FOLLOW THE RECOMMENDED SOIL TESTING PROCEDURES FOR THE MID–ATLANTIC UNITED STATES; AND

(2) PROVIDE A FINAL REPORT TO A REQUESTOR OF SOIL TESTING WITH THE RESULTS OF A SOIL TEST.

(C) THE UNIVERSITY OF MARYLAND SHALL REVIEW ITS FERTILIZER TURF GUIDELINES EVERY 3 YEARS AND REVISE THE GUIDELINES AS NECESSARY, WITH CONSIDERATION OF PLANT NUTRIENT REQUIREMENTS AND ESTABLISHED STATE GOALS TO PROTECT WATER QUALITY IN THE WATERS OF THE STATE.

8–803.8.

(A) EXCEPT FOR ENFORCEMENT AS AUTHORIZED UNDER § 8–803.5(G) OF THIS SUBTITLE, THE DEPARTMENT HAS THE EXCLUSIVE AUTHORITY TO

ESTABLISH STANDARDS REGULATING FERTILIZER AND ITS APPLICATION TO TURF.

(B) A LOCAL GOVERNMENT ENTITY MAY NOT ADOPT LAWS, REGULATIONS, RULES, ORDINANCES, OR STANDARDS REGULATING FERTILIZER AND ITS APPLICATION TO TURF.

(C) SUBSECTIONS (A) AND (B) OF THIS SECTION DO NOT EXEMPT A PERSON FROM COMPLYING WITH ANY PROVISION OF, OR ANY REGULATION ADOPTED IN ACCORDANCE WITH, THE ENVIRONMENT ARTICLE.

SECTION 7. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Agriculture

8–803.9.

THE DEPARTMENT MAY ADOPT REGULATIONS FOR AGRICULTURAL RESEARCH, EDUCATION, AND DEMONSTRATION EXEMPTIONS TO THIS SUBTITLE.".

AMENDMENT NO. 5

On page 15, in lines 9, 17, 19, and 21, strike "5.", "6.", "7.", and "8.", respectively, and substitute "8.", "9.", "10.", and "11.", respectively; in line 17, strike "2 and"; in the same line, after "4" insert "and 5"; in line 19, strike "Section 3" and substitute "Sections 3 and 6"; and in line 22, strike "6 and 7" and substitute "9 and 10".

The preceding 5 amendments were read and adopted.

Senator Pipkin moved, duly seconded, to make the Bill a Special Order for March 29, 2011.

The motion was adopted.

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

Senate Bill 558 – Senators Pugh, Jones–Rodwell, McFadden, Peters, Ramirez, and Rosapepe

AN ACT concerning

Minority Business Enterprise Program – Amendments to MBE Participation Schedule and Termination Extension

SB0558/174733/2

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 558
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in line 3, strike "and Termination Extension"; in line 5, strike "at a certain" and substitute "within a certain period of"; in line 8, after "unavailable" insert "or is determined to be ineligible to perform the work required under the contract"; strike beginning with "continuing" in line 15 down through "Act;" in line 19; in line 19, strike "providing for the effective dates of this Act" and substitute "making this Act an emergency measure"; in line 23, strike "and 14–309"; and strike in their entirety lines 26 through 28, inclusive.

On page 2, strike in their entirety lines 1 through 3, inclusive.

AMENDMENT NO. 2

On page 4, strike beginning with "**A**" in line 20 down through "**IF,**" in line 21 and substitute "**1. THIS PARAGRAPH APPLIES TO A BIDDER OR OFFEROR**"; in line 23, strike the comma and substitute "**.**

2. IF";

in line 25, after "**UNAVAILABLE**" insert "**OR IS INELIGIBLE TO PERFORM THE WORK REQUIRED UNDER THE CONTRACT, THE BIDDER OR OFFEROR SHALL NOTIFY THE UNIT WITHIN 72 HOURS OF MAKING THE DETERMINATION**"; in line 28, after "**UNAVAILABLE**" insert "**OR IS INELIGIBLE TO PERFORM THE WORK REQUIRED UNDER THE CONTRACT**"; and in line 34, after "**UNAVAILABLE**" insert "**OR INELIGIBLE**".

On page 5, strike in their entirety lines 23 through 35, inclusive.

On page 6, strike in their entirety lines 1 through 16, inclusive; in line 17, strike "4." and substitute "2."; in lines 17 and 18, strike ", except as provided in Section 3 of this Act,"; and in line 18, strike "shall take effect July 1, 2011" and substitute "is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #18

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

Senate Bill 125 – Senator Gladden

AN ACT concerning

Baltimore City – Used Car Dealers – Sunday Operations

SB0125/848974/1
BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 125
(First Reading File Bill)

On page 2, in line 27, strike "October" and substitute "June".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 257 – Senators Stone, Jacobs, Klausmeier, and Simonaire

AN ACT concerning

Vehicle Laws – Accidents Resulting in Death – Appearance in Court for Traffic Citations

SB0257/268876/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 257
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Simonaire" and substitute "Simonaire, and Forehand"; and in line 4, after "citation" insert "with a certain notice".

AMENDMENT NO. 2

On page 3, in line 24, after "**CITATION**" insert "**WITH A NOTICE TO APPEAR IN PERSON**".

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 331 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Roadside Solicitation of Money or Donations – Permit Program

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 570 – Senator Pugh

AN ACT concerning

Motor Vehicles – Towing Practices and Procedures

SB0570/418873/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 570
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Pugh" and substitute "Senators Pugh, Forehand, Gladden, Ramirez, and Raskin"; and in line 14, after "vehicle;" insert "authorizing a court to enter a judgment of restitution for a certain victim under certain circumstances;".

On page 2, after line 34, insert:

"BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–603
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 5, in line 3, strike "**A LICENSED DEALER OR**".

On page 12, in line 5, strike the period and substitute "**; OR**".

AMENDMENT NO. 3

On page 10, in line 5, strike "**$1,200**" and substitute "**$1,000**".

On page 17, in line 25, strike "**DIFFERENT**" and substitute "**LOWER**".

On page 18, in line 9, after the second "**A**" insert "**LOWER**"; in line 11, strike "**$300**" and substitute "**$175**"; in line 12, strike "**$30**" and substitute "**$10**"; and in line 16, strike "**$1,200**" and substitute "**$1,000**".

AMENDMENT NO. 4

On page 10, after line 19, insert:

"Article – Criminal Procedure

11–603.

(a) A court may enter a judgment of restitution that orders a defendant or child respondent to make restitution in addition to any other penalty for the commission of a crime or delinquent act, if:

(1) as a direct result of the crime or delinquent act, property of the victim was stolen, damaged, destroyed, converted, or unlawfully obtained, or its value substantially decreased;

(2) as a direct result of the crime or delinquent act, the victim suffered:

(i) actual medical, dental, hospital, counseling, funeral, or burial expenses or losses;

(ii) direct out–of–pocket loss;

(iii) loss of earnings; or

(iv) expenses incurred with rehabilitation;

(3) the victim incurred medical expenses that were paid by the Department of Health and Mental Hygiene or any other governmental unit;

(4) a governmental unit incurred expenses in removing, towing, transporting, preserving, storing, selling, or destroying an abandoned vehicle as defined in § 25–201 of the Transportation Article;

(5) the Criminal Injuries Compensation Board paid benefits to a victim; **[**or**]**

(6) the Department of Health and Mental Hygiene or other governmental unit paid expenses incurred under Subtitle 1, Part II of this title**; OR**

(7) THE VICTIM INCURRED EXPENSES RELATED TO THE REMOVAL, TOWING, TRANSPORTING, PRESERVING, STORING, SELLING, OR DESTRUCTION OF A VEHICLE AS A RESULT OF A CRIME OR DELINQUENT ACT.

(b) A victim is presumed to have a right to restitution under subsection (a) of this section if:

(1) the victim or the State requests restitution; and

(2) the court is presented with competent evidence of any item listed in subsection (a) of this section.

(c) (1) A judgment of restitution does not preclude the property owner or the victim who suffered personal physical or mental injury, out–of–pocket loss of earnings, or support from bringing a civil action to recover damages from the restitution obligor.

(2) A civil verdict shall be reduced by the amount paid under the criminal judgment of restitution.

(d) In making a disposition on a finding that a child at least 13 years old has committed an act of graffiti under § 6–301(d) of the Criminal Law Article, the court shall order the child to perform community service or pay restitution or both.”.

The preceding 4 amendments were read only.

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

The motion was adopted.

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

Senate Bill 572 – Senators Muse, Benson, Rosapepe, and Young

AN ACT concerning

Raymond Scott Brown II Vehicle Towing Act

SB0572/358877/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 572
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the semicolon in line 6 down through "required" in line 7 and substitute "before towing or removing a vehicle from a parking lot; repealing the requirement for a tower"; in line 10, strike "after" and substitute "before"; and strike beginning with "establishing" in line 10 down through "departments;" in line 12.

AMENDMENT NO. 2

On page 3, in line 12, strike "**BY PHONE, FACSIMILE, OR COMPUTER BOTH**"; strike beginning with "**AND**" in line 12 down through "after" in line 13; and strike beginning with "**, FOR**" in line 16 down through "**VEHICLE,**" in line 17.

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 679 – Senators Brinkley, Madaleno, Middleton, Rosapepe, and Young

AN ACT concerning

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

SB0679/828171/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 679
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "vehicles" insert ", if authorized by a local law enacted by the governing body of the local jurisdiction".

On pages 1 and 2, strike beginning with "establishing" in line 29 on page 1 down through "purposes;" in line 1 on page 2.

AMENDMENT NO. 2

On page 5, in line 21, strike "**A**" and substitute "**(I) A SCHOOL BUS MONITORING CAMERA MAY NOT BE USED IN A LOCAL JURISDICTION UNDER THIS SECTION UNLESS ITS USE IS AUTHORIZED BY THE GOVERNING BODY OF THE LOCAL JURISDICTION BY LOCAL LAW ENACTED AFTER REASONABLE NOTICE AND A PUBLIC HEARING.**

(II) IF AUTHORIZED BY THE GOVERNING BODY OF THE LOCAL JURISDICTION, A".

AMENDMENT NO. 3

On page 6, in line 12, strike "**$500**" and substitute "**$250**".

AMENDMENT NO. 4

On pages 9 and 10, strike in their entirety the lines beginning with line 33 on page 9 through line 8 on page 10, inclusive.

On page 10, in line 9, strike "**(K)**" and substitute "**(J)**".

The preceding 4 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 708 – Senators Klausmeier, Ferguson, Forehand, Kelley, King, Madaleno, Manno, and Stone

AN ACT concerning

Mopeds and Motor Scooters – Titling, Registration, Insurance, and Required Use of Protective Headgear

SB0708/208275/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 708
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "of" insert "authorizing a certain insurer to exclude a moped and motor scooter from certain insurance benefits;"; in line 16, after "device;" insert "authorizing the Motor Vehicle Administrator to approve or disapprove certain headgear and eye–protective devices and adopt and enforce certain regulations; requiring the Administrator to publish a certain list;"; in line 17, after "not" insert "be considered certain evidence or"; in line 18, after "damages;" insert "establishing that certain provisions relating to moped and motor scooter headgear and eye–protective devices do not limit certain liabilities or rights; requiring certain procedures in certain civil proceedings;"; and after line 21, insert:

"BY repealing and reenacting, with amendments,
Article – Insurance
Section 19–505(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)".

On page 2, in line 2, strike "21–1306,"; and in line 8, after "13–939.3" insert ", 21–1306.1,".

AMENDMENT NO. 2

On page 2, after line 12, insert:

"Article – Insurance

19–505.

(c) (1) An insurer may exclude from the coverage described in this section benefits for:

(i) an individual, otherwise insured under the policy, who:

1. intentionally causes the motor vehicle accident resulting in the injury for which benefits are claimed;

2. is a nonresident of the State and is injured as a pedestrian in a motor vehicle accident that occurs outside of the State;

3. is injured in a motor vehicle accident while operating or voluntarily riding in a motor vehicle that the individual knows is stolen; or

4. is injured in a motor vehicle accident while committing a felony or while violating § 21–904 of the Transportation Article; or

(ii) the named insured or a family member of the named insured who resides in the named insured's household for an injury that occurs while the named insured or family member is occupying an uninsured motor vehicle owned by:

1. the named insured; or

2. an immediate family member of the named insured who resides in the named insured's household.

(2) In the case of motorcycles, **MOPEDS, OR MOTOR SCOOTERS,** an insurer may:

(i) exclude the economic loss benefits described in this section; or

(ii) offer the economic loss benefits with deductibles, options, or specific exclusions.".

AMENDMENT NO. 3

On pages 6 through 8, strike in their entirety the lines beginning with line 29 on page 6 through line 4 on page 8, inclusive, and substitute:

"**21–1306.1.**

(A) THIS SECTION DOES NOT APPLY TO ANY INDIVIDUAL RIDING IN AN ENCLOSED CAB.

(B) AN INDIVIDUAL MAY NOT OPERATE OR RIDE ON A MOPED OR MOTOR SCOOTER UNLESS THE INDIVIDUAL IS WEARING PROTECTIVE HEADGEAR THAT MEETS THE STANDARDS ESTABLISHED BY THE ADMINISTRATOR.

(C) AN INDIVIDUAL MAY NOT OPERATE A MOPED OR MOTOR SCOOTER UNLESS:

(1) THE INDIVIDUAL IS WEARING AN EYE–PROTECTIVE DEVICE OF A TYPE APPROVED BY THE ADMINISTRATOR; OR

(2) THE MOPED OR MOTOR SCOOTER IS EQUIPPED WITH A WINDSCREEN.

(D) THE ADMINISTRATOR:

(1) MAY APPROVE OR DISAPPROVE PROTECTIVE HEADGEAR AND EYE–PROTECTIVE DEVICES REQUIRED BY THIS SECTION;

(2) MAY ADOPT AND ENFORCE REGULATIONS ESTABLISHING STANDARDS AND SPECIFICATIONS FOR THE APPROVAL OF PROTECTIVE HEADGEAR AND EYE–PROTECTIVE DEVICES; AND

(3) SHALL PUBLISH LISTS OF ALL PROTECTIVE HEADGEAR AND EYE–PROTECTIVE DEVICES THAT THE ADMINISTRATOR APPROVES, BY NAME AND TYPE.

(E) (1) THE FAILURE OF AN INDIVIDUAL TO WEAR PROTECTIVE HEADGEAR REQUIRED UNDER SUBSECTION (B) OF THIS SECTION MAY NOT:

(I) BE CONSIDERED EVIDENCE OF NEGLIGENCE;

(II) BE CONSIDERED EVIDENCE OF CONTRIBUTORY NEGLIGENCE;

(III) LIMIT LIABILITY OF A PARTY OR AN INSURER; OR

(IV) DIMINISH RECOVERY FOR DAMAGES ARISING OUT OF THE OWNERSHIP, MAINTENANCE, OR OPERATION OF A MOPED OR MOTOR SCOOTER.

(2) SUBJECT TO THE PROVISIONS OF PARAGRAPH (3) OF THIS SUBSECTION, A PARTY, WITNESS, OR COUNSEL MAY NOT MAKE REFERENCE TO PROTECTIVE HEADGEAR DURING A TRIAL OF A CIVIL ACTION THAT INVOLVES PROPERTY DAMAGE, PERSONAL INJURY, OR DEATH IF THE DAMAGE, INJURY, OR DEATH IS NOT RELATED TO THE DESIGN, MANUFACTURE, SUPPLYING, OR REPAIR OF PROTECTIVE HEADGEAR.

(3) (I) NOTHING CONTAINED IN THIS SUBSECTION MAY BE CONSTRUED TO PROHIBIT THE RIGHT OF A PERSON TO INSTITUTE A CIVIL ACTION FOR DAMAGES AGAINST A DEALER, MANUFACTURER, DISTRIBUTOR, FACTORY BRANCH, OR OTHER APPROPRIATE ENTITY OR PERSON ARISING OUT OF AN INCIDENT THAT INVOLVES PROTECTIVE HEADGEAR ALLEGED TO BE DEFECTIVELY DESIGNED, MANUFACTURED, OR REPAIRED.

(II) IN A CIVIL ACTION DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IN WHICH TWO OR MORE PARTIES ARE NAMED AS JOINT TORT–FEASORS, INTERPLEADED AS DEFENDANTS, OR IMPLEADED AS DEFENDANTS, AND AT LEAST ONE OF THE JOINT TORT–FEASORS OR DEFENDANTS IS NOT INVOLVED IN THE DESIGN, MANUFACTURE, SUPPLYING, OR REPAIR OF PROTECTIVE HEADGEAR, A COURT SHALL ORDER ON A MOTION OF ANY PARTY SEPARATE TRIALS TO ACCOMPLISH THE ENDS OF JUSTICE.”.

The preceding 3 amendments were read only.

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

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #19

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

Senate Bill 173 – The President (By Request – Administration) and Senators Astle, Brochin, Forehand, King, Manno, Peters, Raskin, Robey, Stone, and Zirkin

AN ACT concerning

Criminal Law – Diminution Credits – Possession of a Regulated Firearm by Person Convicted of Crime of Violence

SB0173/508375/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 173
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Criminal Law –" and substitute "Task Force on"; strike beginning with "– Possession" in line 2 down through "Violence" in line 3; strike beginning with "decreasing" in line 4 down through "eligibility" in line 9 and substitute "establishing a Task Force on Diminution Credits; providing for the composition, chair, and staffing of the Task Force; providing that a member of the Task Force may not receive compensation or reimbursement for expenses; requiring the Task Force to review certain policies, procedures, laws, and national best practices in the area of diminution credits; requiring the Task Force to make certain recommendations to the Governor and the General Assembly; providing for the termination of this Act; and generally relating to the Task Force on Diminution Credits"; and strike in their entirety lines 10 through 19, inclusive.

AMENDMENT NO. 2

On page 1, in line 21, strike "the Laws of Maryland read as follows".

On pages 1 through 5, strike in their entirety the lines beginning with line 22 on page 1 through line 12 on page 5, inclusive, and substitute:

"(a) There is a Task Force on Diminution Credits.

(b) The Task Force consists of the following members:

(1) two members of the Senate of Maryland, including one member of the minority party, appointed by the President of the Senate;

(2) two members of the House of Delegates, including one member of the minority party, appointed by the Speaker of the House;

(3) the Secretary of Public Safety and Correctional Services, or the Secretary's designee;

(4) the Maryland Public Defender, or the Public Defender's designee;

(5) the Maryland State's Attorneys' Association Coordinator, or the Coordinator's designee;

(6) the Chair of the Maryland State Commission on Criminal Sentencing Policy, or the Chair's designee; and

(7) the following individuals appointed by the Governor:

(i) a representative of a victim's advocacy group;

(ii) a representative of a local correctional facility in the State;

(iii) a representative of the Chiefs of Police Association;

(iv) a representative of the Maryland Sheriffs' Association;

(v) an elected State's Attorney in the State;

(vi) an attorney who practices criminal defense in the State;

(vii) a correctional officer; and

(viii) a representative of a criminal justice policy organization.

(c) The Governor shall designate the chair of the Task Force.

(d) The Governor's Office of Crime Control and Prevention shall provide staff for the Task Force.

(e) A member of the Task Force may not receive:

(1) compensation as a member of the Task Force; or

(2) reimbursement for expenses.

(f) The Task Force shall:

(1) review the current policies, procedures, and laws governing diminution credits in the State;

(2) review the national best practices in the area of diminution credits;

(3) make recommendations on ways to increase the understanding of diminution credits; and

(4) make recommendations on ways to improve the use of diminution credits in the State.

(g) On or before December 1, 2012, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.".

On page 5, in line 14, after the period insert "It shall remain effective for a period of 1 year and 9 months and, at the end of June 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 204 – Senators Forehand, Garagiola, Jacobs, Montgomery, Muse, Ramirez, Raskin, Shank, Simonaire, and Stone

AN ACT concerning

Criminal Law – Sexual Crimes – Definitions

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 586 – Senators Ramirez and Zirkin

AN ACT concerning

Courts – Service of Process – Motor Vehicle Administration as Agent for Driver

SB0586/648579/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 586
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Administration" insert "and Insurer"; in line 9, after "Assembly;" insert "requiring a motor vehicle insurer to act as the agent for a certain resident driver with regard to a subpoena, summons, or other process issued in a certain action related to a certain motor vehicle accident under certain circumstances; requiring the motor vehicle insurer to take certain actions, provide copies of certain documents, and keep certain records; authorizing the motor vehicle insurer to collect a certain fee;"; and after line 16, insert:

"BY adding to
Article – Courts and Judicial Proceedings
Section 6–314

Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 2, in lines 15, 16, and 17, in each instance, strike "nonresident"; in line 24, after "**CERTIFIES**" insert "**UNDER OATH**"; in line 25, strike "**AND**"; and in line 28, after "**ADDRESS**" insert "**; AND**

(III) THAT THE PARTY, AFTER EXERCISING DUE DILIGENCE, WAS UNABLE TO SERVE THE RESIDENT'S MOTOR VEHICLE INSURER, IF ANY, IN ACCORDANCE WITH § 6–314 OF THIS SUBTITLE".

AMENDMENT NO. 3

On page 4, after line 4, insert:

"**6–314.**

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

(2) "MOTOR VEHICLE" HAS THE MEANING STATED IN § 11–135 OF THE TRANSPORTATION ARTICLE.

(3) "RESIDENT" HAS THE MEANING STATED IN § 11–149 OF THE TRANSPORTATION ARTICLE.

(B) BY PURCHASING MOTOR VEHICLE LIABILITY INSURANCE FROM A MOTOR VEHICLE INSURER, A RESIDENT APPOINTS THE MOTOR VEHICLE INSURER AS AGENT TO RECEIVE A SUBPOENA, A SUMMONS, OR OTHER PROCESS THAT IS:

(1) ISSUED IN AN ACTION THAT IS RELATED TO AN ACCIDENT OR COLLISION INVOLVING A MOTOR VEHICLE DRIVEN BY THE RESIDENT DRIVER AND IN WHICH THE RESIDENT DRIVER IS NAMED AS A PARTY; AND

(2) DIRECTED TO THE RESIDENT DRIVER.

(C) A MOTOR VEHICLE INSURER MAY BE SERVED AS AGENT OF A RESIDENT UNDER THIS SECTION ONLY IF THE PARTY SEEKING SERVICE CERTIFIES UNDER OATH TO THE MOTOR VEHICLE INSURER:

(1) THE RESIDENT'S LAST KNOWN ADDRESS; AND

(2) THAT THE PARTY, AFTER EXERCISING DUE DILIGENCE, WAS UNABLE TO SERVE THE RESIDENT AT THE RESIDENT'S LAST KNOWN ADDRESS.

(D) SERVICE OF PROCESS IS SUFFICIENT SERVICE ON A RESIDENT DRIVER UNDER THIS SECTION IF:

(1) SERVICE IS MADE BY THE PERSONAL DELIVERY AND LEAVING OF A COPY OF THE PROCESS, WITH A CERTIFICATION OF THE LAST KNOWN ADDRESS OF THE RESIDENT DRIVER, WITH THE MOTOR VEHICLE INSURER;

(2) THE FEE FOR SERVICE OF PROCESS IS PAID TO THE MOTOR VEHICLE LIABILITY INSURER;

(3) THE MOTOR VEHICLE INSURER SENDS A COPY OF THE PROCESS BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE RESIDENT DRIVER AT THE RESIDENT DRIVER'S LAST KNOWN ADDRESS; AND

(4) THE MOTOR VEHICLE INSURER FILES AN AFFIDAVIT OF COMPLIANCE WITH THE PROVISIONS OF THIS SECTION WITH THE CLERK OF THE COURT IN WHICH THE ACTION IS PENDING.

(E) THE MOTOR VEHICLE INSURER SHALL PROVIDE A COPY OF THE AFFIDAVIT OF COMPLIANCE TO THE PARTY SEEKING SERVICE.

(F) (1) THE MOTOR VEHICLE INSURER SHALL KEEP A RECORD OF ALL PROCESS SERVED UNDER THIS SECTION THAT SHOWS THE DATE AND HOUR OF SERVICE ON THE MOTOR VEHICLE INSURER BY THE PARTY SEEKING SERVICE.

(2) WHEN THE CERTIFIED RETURN RECEIPT IS RETURNED TO THE MOTOR VEHICLE INSURER, THE MOTOR VEHICLE INSURER SHALL:

(I) DELIVER IT TO THE PARTY SEEKING SERVICE; AND

(II) KEEP A RECORD OF THE DATE OF ITS RECEIPT AND THE DATE OF ITS DELIVERY TO THE PARTY SEEKING SERVICE.

(G) THE MOTOR VEHICLE INSURER IS AUTHORIZED TO COLLECT A FEE TO RECOVER THE MOTOR VEHICLE INSURER'S COSTS UNDER THIS SECTION THAT IS EQUIVALENT TO THE FEE CHARGED BY THE MOTOR VEHICLE ADMINISTRATION UNDER § 6–313 OF THIS SUBTITLE.".

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 642 – Senator Gladden

AN ACT concerning

Human Relations – Discrimination by a Place of Public Accommodation – Enforcement and Remedies

SB0642/848573/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 642
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first "of" insert "authorizing certain persons or the Commission on Human Relations to elect to have the claims asserted in a certain complaint alleging discrimination by a place of public accommodation determined in a civil action brought by the Commission under certain circumstances; requiring a civil

action brought by the Commission to be filed within a certain time period after an election;"; in line 9, after the first "action" insert "under certain circumstances"; in the same line, after the second semicolon insert "repealing the authority of the Commission to seek an order assessing a civil penalty for discrimination by a place of public accommodation; defining a certain term; making certain conforming changes;"; and in line 14, strike "20–1009 and 20–1013" and substitute "20–1001, 20–1006(b), 20–1007(a) and (b), 20–1009, 20–1012(a) and (b), 20–1013, and 20–1016(a)".

AMENDMENT NO. 2

On page 1, after line 19, insert:

"20–1001.

(A) In this part**[**, "unlawful**]** **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(B) "DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION" MEANS AN ACT THAT IS PROHIBITED UNDER § 20–304 OF THIS TITLE.

(C) "UNLAWFUL employment practice" means an act that is prohibited under § 20–606 of this title.

20–1006.

(b) The Executive Director of the Commission shall cause a written notice to be issued and served in the name of the Commission, together with a copy of the complaint, requiring the respondent to answer the charges of the complaint at a public hearing:

(1) before an administrative law judge at a time and place certified in the notice; or

(2) if the complaint alleges an unlawful employment practice **OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION**, in a civil action elected under § 20–1007 of this subtitle.

20–1007.

(a) (1) When a complaint alleging an unlawful employment practice **OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION** is issued and served under § 20–1006 of this subtitle, a complainant or respondent may elect to have the claims asserted in the complaint determined in a civil action brought by the Commission on the complainant's behalf, if:

(i) the Commission has found probable cause to believe the respondent has engaged in or is engaging in an unlawful employment practice **OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION**; and

(ii) there is a failure to reach an agreement to remedy and eliminate the unlawful employment practice **OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION**.

(2) An election under paragraph (1) of this subsection shall be made within 30 days after the complainant or respondent receives service under § 20–1006(b) of this subtitle.

(3) If an election is not made under paragraph (1) of this subsection, the Commission shall provide an opportunity for a hearing as provided under § 20–1008(a) of this subtitle.

(b) When a complaint alleging an unlawful employment practice **OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION** is issued and served under § 20–1006 of this subtitle, the Commission may elect to have the claims asserted in the complaint determined in a civil action brought on the Commission's own behalf, if:

(1) the Commission has found probable cause to believe the respondent has engaged in or is engaging in an unlawful employment practice **OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION**; and

(2) there is a failure to reach an agreement to remedy and eliminate the unlawful employment practice **OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION**.".

On page 4, after line 17, insert:

"20–1012.

(a) Within 60 days after an election is made under § 20–1007 of this subtitle, the Commission shall file a civil action in the circuit court for the county where the alleged unlawful employment practice **OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION** occurred.

(b) If the court finds that an unlawful employment practice **OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION** occurred, the court may provide the remedies specified in § 20–1009(b) **OR (C)** of this subtitle**, AS APPROPRIATE**.".

On page 5, after line 30, insert:

"20–1016.

(a) Except as provided in subsection (b) of this section, in addition to any other relief authorized, if the Commission finds that a respondent has engaged in a discriminatory act under **[**Subtitle 3 or**]** Subtitle 4 of this title, the Commission may seek an order assessing a civil penalty against the respondent:

(1) if the respondent has not been adjudicated to have committed any prior discriminatory act, in an amount not exceeding $500;

(2) if the respondent has been adjudicated to have committed one other discriminatory act during the 5–year period ending on the date of the filing of the current charge, in an amount not exceeding $1,000; and

(3) if the respondent has been adjudicated to have committed two or more discriminatory acts during the 7–year period ending on the date of the filing of the current charge, in an amount not exceeding $2,500.".

AMENDMENT NO. 3

On page 3, strike beginning with "**, IN**" in line 25 down through "**COMPLAINANT**" in line 27.

On page 4, in line 19, strike "**(1)**"; in lines 21, 24, and 28, in each instance, after "practice" insert "**OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION**";

in lines 22, 25, and 27, in each instance, strike the brackets; in the same lines, strike "**(I)**", "**(II)**", and "**(III)**", respectively; and strike in their entirety lines 29 through 33, inclusive.

On page 5, in lines 1 and 2, in each instance, strike the brackets; in line 2, strike "**ANY**"; and in the same line, strike "**AN**".

The preceding 3 amendments were read only.

Senator Peters moved, duly seconded, to make the Bill and Amendments a Special Order for March 31, 2011.

The motion was adopted.

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

Senate Bill 809 – Senator Zirkin

AN ACT concerning

Criminal Procedure – Pretrial Release and Bail Bonds

SB0809/648379/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 809
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Pretrial Release and" and substitute "Forfeiture of"; strike beginning with "prohibiting" in line 3 down through "individuals;" in line 15; in line 16, strike "giving back" and substitute "refunding"; in line 19, strike "give back" and substitute "refund"; in line 24, strike "pretrial release and" and substitute "forfeiture of"; and strike in their entirety lines 26 through 30, inclusive.

On page 2, in line 3, strike "5–203, 5–205, and".

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 9 on page 2 through line 12 on page 5, inclusive.

On page 7, in lines 7 and 12, in each instance, strike "**GIVE BACK**" and substitute "**REFUND**".

The preceding 2 amendments were read only.

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

The motion was adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #11

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

Senate Bill 958 – Senator Garagiola

AN ACT concerning

Maryland Clean Energy Incentive Act – Qualified Energy Resources

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 959 – Senator Garagiola

AN ACT concerning

Bio–Heating Oil – Income Tax Credit

SB0959/439930/2
BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 959
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Garagiola" and substitute "Senators Garagiola and Brinkley".

On page 2, in line 1, strike the opening bracket; and in line 2, strike the closing bracket.

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 #19

Senator Middleton, Chair, for the Committee on Finance and Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 182 – The President (By Request – Administration) and Senators Middleton, Benson, Forehand, Frosh, King, Madaleno, Manno, Montgomery, Pinsky, Ramirez, Raskin, and Rosapepe

AN ACT concerning

Maryland Health Benefit Exchange Act of 2011

SB0182/877773/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 182

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, Garagiola, Kelley, Muse, Pugh, Currie, McFadden, and Peters"; in line 3, after "as" insert "a public corporation and"; in line 15, after the semicolon insert "requiring a member to disclose certain matters and certain relationships to the Board and to the public; requiring a member to adhere strictly to certain provisions of law relating to conflicts of interest;"; in line 23, after the semicolon insert "requiring the Exchange to create, consult with, and appoint certain representatives to advisory committees;"; in line 29, strike ", in carrying out certain duties,"; in the same line, after "with" insert "and consider the recommendations of"; and in the same line, after "stakeholders" insert "in the exercise of certain duties".

On page 2, in line 4, after the second "plans" insert "or any dental plans that are not qualified dental plans"; in line 8, after "operations" insert "on or after a certain date; requiring the Exchange to adopt certain regulations before imposing or altering certain fees or assessments"; in line 9, after the semicolon insert "prohibiting the Exchange from imposing certain fees or assessments in a certain manner;"; strike beginning with "implementing" in line 18 down through the first "Assembly" in line 21 and substitute "exercising certain powers, duties, or functions until the Exchange has reported certain findings and recommendations to the Governor and the General Assembly and the Governor and General Assembly have enacted certain legislation"; in line 25, strike "certain dates" and substitute "a certain date"; and in the same line, after the semicolon insert "expressing the intent of the General Assembly regarding certain actions of the Exchange;".

On page 3, in line 12, strike "2016" and substitute "2015".

AMENDMENT NO. 2

On page 4, in line 4, after "entity" insert "or a quasi–governmental entity"; in line 21, strike "**OR**"; after line 21 insert:

"**(4)** **A DENTAL PLAN ORGANIZATION; OR**";

in line 22, strike "**(4)**" and substitute "**(5)**"; in line 26, after "**ESTABLISHED**" insert "**AS A PUBLIC CORPORATION**"; after line 26 insert:

"**(F)** **"FUND" MEANS THE MARYLAND HEALTH BENEFIT EXCHANGE FUND ESTABLISHED UNDER § 31–107 OF THIS SUBTITLE.**";

in line 27, strike "**(F)**" and substitute "**(G)**".

On page 5, in lines 13 and 25, in each instance, strike "**P.L. 104–191**" and substitute "**THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT**".

On page 6, after line 18 insert:

"**(H)** **"MANAGED CARE ORGANIZATION" HAS THE MEANING STATED IN § 15–101 OF THE HEALTH – GENERAL ARTICLE.**

(I) "QUALIFIED DENTAL PLAN" MEANS A PLAN CERTIFIED BY THE EXCHANGE THAT PROVIDES LIMITED SCOPE DENTAL BENEFITS, AS DESCRIBED IN § 31–108(B) OF THIS TITLE.";

in lines 19 and 30, strike "**(G)**" and "**(H)**", respectively, and substitute "**(J)**" and "**(K)**", respectively; and in line 31, after "**CERTIFIED**" insert "**BY THE EXCHANGE**".

On page 7, in lines 1, 11, 13, and 15, strike "**(I)**", "**(J)**", "**(K)**", and "**(L)**", respectively, and substitute "**(L)**", "**(M)**", "**(N)**", and "**(O)**", respectively; and in line 13, after "**BUSINESS**" insert "**HEALTH**".

AMENDMENT NO. 3

On page 8, in line 17, after "**IS**" insert "**A PUBLIC CORPORATION AND**"; in line 28, strike "**AND**"; in line 30, after "**REDUCTIONS**" insert "**; AND**

(5) SUPPLEMENT THE INDIVIDUAL AND SMALL GROUP INSURANCE MARKETS OUTSIDE OF THE EXCHANGE".

On page 9, in line 2, after "**TO**" insert "**:**

(1)";

in lines 4 and 6, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; in line 6, after "**ACT**" insert "**; OR**

(2) AUTHORIZE THE EXCHANGE TO CARRY OUT ANY FUNCTION NOT AUTHORIZED BY THE AFFORDABLE CARE ACT".

AMENDMENT NO. 4

On page 10, in line 17, after "**WHO**" insert "**:**

1.";

after line 19, insert:

"**2. MAY HAVE PUBLIC HEALTH RESEARCH EXPERTISE; AND**";

and in line 28, strike "**AND**".

On page 11, in line 2, after "**COVERAGE**" insert "**, INCLUDING DEMONSTRATED KNOWLEDGE AND EXPERTISE ABOUT THE ROLE OF LICENSED HEALTH INSURANCE PRODUCERS AND THIRD–PARTY ADMINISTRATORS IN CONNECTING EMPLOYERS AND INDIVIDUAL CONSUMERS TO HEALTH PLAN COVERAGE; AND**

7. PUBLIC HEALTH AND PUBLIC HEALTH RESEARCH, INCLUDING KNOWLEDGE ABOUT THE HEALTH NEEDS AND HEALTH DISPARITIES AMONG THE STATE'S DIVERSE COMMUNITIES";

in line 24, after the comma insert "**A MANAGED CARE ORGANIZATION,**"; in the same line, strike "**DOING BUSINESS**" and substitute "**CONTRACTING DIRECTLY**"; in line 25, strike "**OR**"; in line 27, after the second comma insert "**OR MANAGED CARE ORGANIZATIONS;**"; in the same line, after "**OR**" insert:

"**(III)**";

in the same line, after "**OTHER**" insert "**ASSOCIATION OF**"; and in lines 27 and 28, strike "**DOING BUSINESS**" and substitute "**IN A POSITION TO CONTRACT DIRECTLY**".

On page 12, in line 3, strike "**JULY**" and substitute "**JUNE**".

On page 13, in line 12, after "**(N)**" insert "**(1) (I)**"; and after line 14, insert:

"**(II) IN ADDITION TO THE DISCLOSURE REQUIRED UNDER TITLE 15, SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE, A MEMBER OF THE BOARD SHALL DISCLOSE TO THE BOARD AND TO THE PUBLIC ANY RELATIONSHIP NOT ADDRESSED IN THE REQUIRED FINANCIAL DISCLOSURE THAT THE MEMBER HAS WITH A CARRIER, INSURANCE PRODUCER, THIRD–PARTY ADMINISTRATOR, MANAGED CARE ORGANIZATION, OR OTHER**

ENTITY IN AN INDUSTRY INVOLVED IN MATTERS LIKELY TO COME BEFORE THE BOARD.

(2) ON ALL MATTERS THAT COME BEFORE THE BOARD, THE MEMBER SHALL:

(I) ADHERE STRICTLY TO THE CONFLICT OF INTEREST PROVISIONS UNDER TITLE 15, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE RELATING TO RESTRICTIONS ON PARTICIPATION, EMPLOYMENT, AND FINANCIAL INTERESTS; AND

(II) PROVIDE FULL DISCLOSURE TO THE BOARD AND THE PUBLIC ON:

1. ANY MATTER THAT GIVES RISE TO A POTENTIAL CONFLICT OF INTEREST; AND

2. THE MANNER IN WHICH THE MEMBER WILL COMPLY WITH THE PROVISIONS OF TITLE 15, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE TO AVOID ANY CONFLICT OF INTEREST OR APPEARANCE OF A CONFLICT OF INTEREST.".

AMENDMENT NO. 5

On page 13, in line 18, strike "**SUBJECT TO THE APPROVAL OF THE GOVERNOR, THE**" and substitute "**THE**".

On page 14, in line 14, strike "**TO THE EXTENT PRACTICABLE, IN**" and substitute "**IN**"; in lines 11 and 17, in each instance, strike "**SUCH**"; in line 19, strike "**IN HIRING**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION,**"; strike beginning with the comma in line 20 down through "**BE**" in line 23 and substitute "**SHALL BE POSITIONS**"; strike beginning with the semicolon in line 25 down through "**TITLE**" in line 30; after line 30, insert:

"**(6) THE EXECUTIVE DIRECTOR MAY RETAIN AS INDEPENDENT CONTRACTORS OR EMPLOYEES, AND SET COMPENSATION FOR, ATTORNEYS, FINANCIAL CONSULTANTS, AND ANY OTHER PROFESSIONALS OR CONSULTANTS**

NECESSARY TO CARRY OUT THE PLANNING, DEVELOPMENT, AND OPERATIONS OF THE EXCHANGE AND THE PROVISIONS OF THIS TITLE.";

and in line 33, strike "**(I)**".

On page 15, in line 5, strike "**(I)**".

AMENDMENT NO. 6

On page 16, in lines 9 and 12, in each instance, strike "**FURTHER**" and substitute "**CARRY OUT THE FUNCTIONS AUTHORIZED BY THE AFFORDABLE CARE ACT AND CONSISTENT WITH**".

On pages 16 and 17, strike beginning with "**APPOINT**" in line 27 on page 16 down through "**(7)**" in line 3 on page 17.

On page 17, in lines 6 and 8, strike "**(8)**" and "**(9)**", respectively, and substitute "**(7)**" and "**(8)**", respectively; in line 11, after "**CONTRACT**" insert "**OR ENTER INTO MEMORANDA OF UNDERSTANDING**"; in lines 17 and 18, strike "**THAT ARE NOT AFFILIATED WITH A CARRIER**"; in line 19, strike "**NOT AFFILIATED WITH A CARRIER**"; in line 20, after "**GROUP**" insert "**PUBLIC AND PRIVATE**"; in line 21, strike "**AND**" and substitute "**OR**".

AMENDMENT NO. 7

On page 18, after line 28, insert:

"**(G) TO CARRY OUT THE PURPOSES OF THIS TITLE, THE BOARD SHALL:**

(1) CREATE AND CONSULT WITH ADVISORY COMMITTEES; AND

(2) APPOINT TO THE ADVISORY COMMITTEES REPRESENTATIVES OF:

(I) INSURERS OR HEALTH MAINTENANCE ORGANIZATIONS OFFERING HEALTH BENEFIT PLANS IN THE STATE;

(II) NONPROFIT HEALTH SERVICE PLANS OFFERING HEALTH BENEFIT PLANS IN THE STATE;

(III) LICENSED HEALTH INSURANCE PRODUCERS AND ADVISERS;

(IV) THIRD–PARTY ADMINISTRATORS;

(V) HEALTH CARE PROVIDERS, INCLUDING:

1. HOSPITALS;

2. LONG–TERM CARE FACILITIES;

3. MENTAL HEALTH PROVIDERS;

4. DEVELOPMENTAL DISABILITY PROVIDERS;

5. SUBSTANCE ABUSE TREATMENT PROVIDERS;

6. FEDERALLY QUALIFIED HEALTH CENTERS;

7. PHYSICIANS;

8. NURSES;

9. EXPERTS IN SERVICES AND CARE COORDINATION FOR CRIMINAL AND JUVENILE JUSTICE POPULATIONS;

10. LICENSED HOSPICE PROVIDERS; AND

11. OTHER HEALTH CARE PROFESSIONALS;

(VI) MANAGED CARE ORGANIZATIONS;

(VII) EMPLOYERS, INCLUDING LARGE, SMALL, AND MINORITY–OWNED EMPLOYERS;

(VIII) PUBLIC EMPLOYEE UNIONS, INCLUDING PUBLIC EMPLOYEE UNION MEMBERS WHO ARE CASEWORKERS IN LOCAL DEPARTMENTS OF SOCIAL SERVICES WITH DIRECT KNOWLEDGE OF INFORMATION TECHNOLOGY SYSTEMS USED FOR MEDICAID ELIGIBILITY DETERMINATION;

(IX) CONSUMERS, INCLUDING INDIVIDUALS WHO:

1. RESIDE IN LOWER–INCOME AND RACIAL OR ETHNIC MINORITY COMMUNITIES;

2. HAVE CHRONIC DISEASES OR DISABILITIES; OR

3. BELONG TO OTHER HARD–TO–REACH OR SPECIAL POPULATIONS;

(X) INDIVIDUALS WITH KNOWLEDGE AND EXPERTISE IN ADVOCACY FOR CONSUMERS DESCRIBED IN ITEM (IX) OF THIS ITEM;

(XI) PUBLIC HEALTH RESEARCHERS AND OTHER ACADEMIC EXPERTS WITH KNOWLEDGE AND BACKGROUND RELEVANT TO THE FUNCTIONS AND GOALS OF THE EXCHANGE, INCLUDING KNOWLEDGE OF THE HEALTH NEEDS AND HEALTH DISPARITIES AMONG THE STATE'S DIVERSE COMMUNITIES; AND

(XII) ANY OTHER STAKEHOLDERS IDENTIFIED BY THE EXCHANGE AS HAVING KNOWLEDGE OR REPRESENTING INTERESTS RELEVANT TO THE FUNCTIONS AND DUTIES OF THE EXCHANGE.";

and strike in their entirety lines 30 and 31.

On page 19, in lines 1, 2, 5, 6, 10, 24, and 27, strike "**(B)**", "**(C)**", "**(D)**", "**(E)**", "**(F)**", "**(G)**", and "**(H)**", respectively, and substitute "**(A)**", "**(B)**", "**(C)**", "**(D)**", "**(E)**", "**(F)**", and "**(G)**", respectively.

On page 20, in line 5, strike "**(I)**" and substitute "**(H)**".

AMENDMENT NO. 8

On page 20, in line 15, strike "**HEALTH**" and substitute "**DENTAL**"; in line 17, strike "**UNDER**" and substitute "**THAT MEET THE REQUIREMENTS OF**"; in line 33, after "**PLANS**" insert "**AND QUALIFIED DENTAL PLANS**".

On page 21, in line 21, strike "**INSURANCE**"; in line 30, after "**PLAN**" insert "**AND A QUALIFIED DENTAL PLAN**".

On page 23, in line 10, after "**PLANS**" insert "**AND QUALIFIED DENTAL PLANS**".

On pages 23 and 24, strike in their entirety the lines beginning with line 30 on page 23 through line 12 on page 24, inclusive, and substitute:

"**(D) THE EXCHANGE, THROUGH THE ADVISORY COMMITTEES ESTABLISHED UNDER § 31–106(G) OF THIS TITLE OR THROUGH OTHER MEANS, SHALL CONSULT WITH AND CONSIDER THE RECOMMENDATIONS OF THE STAKEHOLDERS REPRESENTED ON THE ADVISORY COMMITTEES IN THE EXERCISE OF ITS DUTIES UNDER THIS TITLE.**".

On page 24, in line 13, after "**AVAILABLE**" insert "**:**

(1)";

and in line 14, after the second "**PLAN**" insert "**; OR**

(2) ANY DENTAL PLAN THAT IS NOT A QUALIFIED DENTAL PLAN".

AMENDMENT NO. 9

On page 26, in lines 13 and 14, strike "**AN ADEQUATE CHOICE OF**" and substitute "**AT LEAST ONE**"; in line 14, strike "**PLANS**" and substitute "**PLAN**".

On page 28, in line 14, after the semicolon insert "**AND**"; in line 15, after "**MINIMUM**" insert "**:**

1.";

after line 17, insert:

"**2. OTHER DENTAL BENEFITS REQUIRED BY THE SECRETARY OR THE EXCHANGE.**";

and strike in their entirety lines 18 and 19.

AMENDMENT NO. 10

On page 28, in line 27, strike "**SUBJECT**" and substitute "**BEGINNING JANUARY 1, 2014, SUBJECT**"; in the same line, strike "**SUBSECTION (B)**" and substitute "**SUBSECTIONS (B) AND (C)**"; and in lines 30 and 31, strike "**ON PERSONS THAT BENEFIT FROM THE EXCHANGE**" and substitute "**THAT DO NOT EXCEED REASONABLE PROJECTIONS REGARDING THE AMOUNT NECESSARY TO SUPPORT THE OPERATIONS OF THE EXCHANGE UNDER THIS TITLE**".

On page 29, after line 3, insert:

"**(C) BEFORE IMPOSING OR ALTERING ANY FEE OR ASSESSMENT ESTABLISHED BY LAW, THE EXCHANGE SHALL ADOPT REGULATIONS THAT SPECIFY:**

(1) THE PERSONS SUBJECT TO THE FEE OR ASSESSMENT;

(2) THE AMOUNT OF THE FEE OR ASSESSMENT; AND

(3) THE MANNER IN WHICH THE FEE OR ASSESSMENT WILL BE COLLECTED.";

in lines 4 and 13, strike "**(C)**" and "**(D)**", respectively, and substitute "**(D)**" and "**(F)**", respectively; in lines 6 and 7, strike "**MARYLAND HEALTH BENEFIT EXCHANGE**"; and after line 12, insert:

"**(E) THE EXCHANGE MAY NOT IMPOSE FEES OR ASSESSMENTS AUTHORIZED UNDER THIS SECTION IN A MANNER THAT WOULD PROVIDE A COMPETITIVE DISADVANTAGE TO HEALTH BENEFIT PLANS OPERATING OUTSIDE OF THE EXCHANGE.**".

AMENDMENT NO. 11

On page 30, strike beginning with "**COVERAGE**" in line 11 down through "**ANALYSIS**" in line 14 and substitute "**:**

1. HEALTH PLAN PARTICIPATION, RATINGS, COVERAGE, PRICE, QUALITY IMPROVEMENT MEASURES, AND BENEFITS;

2. CONSUMER CHOICE, PARTICIPATION, AND SATISFACTION INFORMATION TO THE EXTENT THE INFORMATION IS AVAILABLE;

3. FINANCIAL INTEGRITY, FEE ASSESSMENTS, AND STATUS OF THE FUND; AND

4. ANY OTHER APPROPRIATE METRICS RELATED TO THE OPERATION OF THE EXCHANGE THAT MAY BE USED TO EVALUATE EXCHANGE PERFORMANCE, ASSURE TRANSPARENCY, AND FACILITATE RESEARCH AND ANALYSIS";

in line 15, after the second "**TO**" insert "**GENDER,**"; in line 16, after the second comma insert "**GEOGRAPHIC LOCATION,**"; and in line 33, strike "such" and substitute "the".

AMENDMENT NO. 12

On pages 30 and 31, strike beginning with "with" in line 34 on page 30 down through the period in line 13 on page 31 and substitute "the Maryland Health Benefit Exchange established under Section 1 of this Act may not exercise any powers, duties, or functions under the provisions of § 31–108(b)(1), (7), (12), (17), (19), and (20), § 31–109(a), or § 31–110 of the Insurance Article, as enacted by Section 1 of this Act, until:

(1) the Exchange has reported its findings and recommendations, including recommendations for legislation necessary or desirable to carry out its purposes and functions, to the Governor and the General Assembly, in accordance with Section 5 of this Act; and

(2) the Governor and the General Assembly authorize the exercise of the powers, duties, and functions through enactment of additional legislation in the 2012 legislative session.".

AMENDMENT NO. 13

On page 31, in line 26, strike "31–106(c)(6)" and substitute "31–106(g)"; in line 37, after the comma insert "value–based insurance design,"; and in line 39, strike "within the State".

On page 32, strike beginning with "whether" in line 12 down through "Program" in line 15 and substitute "which provisions applicable to qualified health plans should be made applicable to qualified dental plans"; strike beginning with "how" in line 18 down through "producers" in line 19 and substitute "the infrastructure of the existing private sector health insurance distribution system in the State to determine whether private sector resources may be available and suitable for use by the Exchange;

2. the effect the Exchange may have on private sector employment in the health insurance distribution system in the State";

in lines 20, 22, 25, and 28, strike "2.", "3.", "4.", and "5.", respectively, and substitute "3.", "4.", "5.", and "7.", respectively; in line 27, strike "and"; after line 27, insert:

"6. how to ensure that Navigators provide information in a manner culturally, linguistically, and otherwise appropriate to the needs of the diverse populations served by the Exchange, and that Navigators have the capacity to meet these needs; and";

in line 31, after the comma insert "to promote quality, affordability, and portability,".

On page 33, in line 3, strike "and"; in line 4, strike "2016" and substitute "2015"; in line 8, after "operations" insert ", including what type of user fee cap or other methodology would be appropriate to ensure that the income of the Exchange comports with the expenditures of the Exchange"; in line 10, after the semicolon insert "and

(vi) how the Exchange should conduct its public relations and advertising campaign, including what type of solicitation, if any, of individual consumers or employers, would be desirable and appropriate; and";

in line 11, strike "1" and substitute "23"; in the same line, strike "interim"; in line 12, strike "initial"; strike beginning with the semicolon in line 14 down through "Assembly" in line 18; and in line 21, strike "31–106(c)(6)" and substitute "31–106(g)".

AMENDMENT NO. 14

On page 33, after line 32, insert:

"SECTION 8. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Health Benefits Exchange established under Section 1 of this Act should not take any action that would inhibit the potential transformation of the Exchange into a nongovernmental, nonprofit entity or a quasi–governmental entity.";

in line 33, strike "8." and substitute "9."; and in line 34, strike "July" and substitute "June".

The preceding 14 amendments were read only.

Senator Jacobs 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 406 – Senator Pipkin

AN ACT concerning

Task Force to Study the Use of Telemedicine in Medically Underserved Populations and Areas

SB0406/987870/2

BY: Finance Committee

AMENDMENTS TO SENATE BILL 406
(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 11, strike "a certain report" and substitute "certain reports"; and in line 12, strike "a certain date" and substitute "certain dates".

AMENDMENT NO. 2

On page 2, after line 14, insert:

"(2) the Chair of the Senate Finance Committee, or the Chair's designee, who is a member of the Committee;";

in line 15, strike "(2)" and substitute "(3)"; after line 16, insert:

"(4) a member of the House Health and Government Operations Committee, designated by the Chair of the Committee;";

in lines 17, 19, and 22, strike "(3)", "(4)", and "(5)", respectively, and substitute "(5)", "(6)", and "(7)", respectively; in line 30, strike "and"; and in line 32, after "State" insert ":

(v) an individual who provides home health care through the use of telemedicine;

(vi) a psychiatrist;

(vii) a behavioral health provider;

(viii) a representative from a hospital participating in a telemedicine pilot; and

(ix) a representative of the Governor's Workforce Investment Board".

On page 3, after line 23, insert:

"(3) examine challenges to obtaining reimbursement for telemedicine services;";

and in lines 24, 29, and 32, strike "(3)", "(4)", and "(5)", respectively, and substitute "(4)", "(5)", and "(6)", respectively.

AMENDMENT NO. 3

On page 4, in line 1, strike "(6)" and substitute "(7)"; in line 3, after "(h)" insert "(1) On or before December 31, 2011, the Task Force shall submit an interim report of its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Education, Health, and Environmental

Affairs Committee, the Senate Finance Committee, and the House Health and Government Operations Committee.

(2)";

in the same line, after "shall" insert "submit a final"; in the same line, after "report" insert "of"; in line 6, after the first "Committee" insert ", the Senate Finance Committee,"; in line 8, strike "October" and substitute "June"; and in the same line, after "year" insert "and 4 months".

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 562 – Senator Pugh

AN ACT concerning

Department of Health and Mental Hygiene – Required Certification of Recovery Homes

SB0562/437374/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 562
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Required Certification of"; in line 3, after "Homes" insert "– Best Practices"; strike beginning with "adopt" in line 4 down through "penalty" in line 17 and substitute "identify standards for best practices on recovery homes and report certain findings to the Governor and the General Assembly on or before a certain date"; in line 17, strike "the certification of"; and strike in their entirety lines 18 through 22, inclusive.

AMENDMENT NO. 2

On page 1, in line 24, strike "the Laws of Maryland read as follows:" and substitute "the Department of Health and Mental Hygiene shall:

(1) identify standards for best practices for recovery homes; and

(2) on or before December 31, 2011, report its findings regarding standards for best practices for recovery homes to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.".

On pages 1 through 3, strike in their entirety the lines beginning with line 25 on page 1 through line 16 on page 3, inclusive.

On page 3, in line 18, strike "October" and substitute "July".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 568 – Senators Pugh and Kittleman

AN ACT concerning

Labor and Employment – Workers' Compensation – Venue for Appeal

SB0568/277971/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 568
(First Reading File Bill)

On page 1, in line 20, strike "**APPELLANT**" and substitute "**COVERED EMPLOYEE**"; in line 21, strike "**, IF THE APPELLANT IS AN INDIVIDUAL**".

On page 2, in line 1, strike "**APPELLANT**" and substitute "**EMPLOYER**"; in lines 1 and 2, strike "**, IF THE APPELLANT IS AN EMPLOYER**".

The preceding amendment was read only.

Senator Stone 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 574 – Senators Muse, Raskin, and Benson

AN ACT concerning

Department of Health and Mental Hygiene – Biennial Cancer Study – Environmental Causes

SB0574/997377/2

BY: Finance Committee

AMENDMENTS TO SENATE BILL 574
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Biennial Cancer Study –" and substitute "Workgroup on Cancer Clusters and"; in line 3, after "Causes" insert "of Cancer"; strike beginning with "Biennial" in line 4 down through "toxins" in line 6 and substitute "Department of Health and Mental Hygiene, in consultation with the Maryland Department of the Environment, to convene a certain workgroup to examine certain issues; requiring the workgroup to include certain representatives; requiring the Department of Health and Mental Hygiene to report the findings and any recommendations of the workgroup to the Governor and the General Assembly on or before a certain date"; in line 7, after "to" insert "cancer clusters and"; in the same line, strike "and the Biennial Cancer Study"; strike in their entirety lines 8 through 17, inclusive; and in line 19, strike "the Laws of Maryland read as follows".

AMENDMENT NO. 2

On pages 1 through 4, strike in their entirety the lines beginning with line 20 on page 1 through line 6 on page 4, inclusive, and substitute:

"(a) The Department of Health and Mental Hygiene, in consultation with the Maryland Department of the Environment, shall convene a workgroup to examine

issues relating to the investigation of potential cancer clusters in the State and potential environmental causes of cancer, including:

(1) the process that State agencies use to research and identify cancer clusters in the State;

(2) communication between State agencies and between State and federal agencies regarding research about and the identification of cancer clusters and potential environmental causes of cancer;

(3) research being conducted by the academic medical institutions in the State on potential cancer clusters and how findings from this research are communicated to the appropriate State and federal agencies; and

(4) whether additional information regarding potential cancer clusters and potential environmental causes of cancer should be provided in annual reports to the public.

(b) (1) The workgroup required under this section shall include representatives of academic medical institutions in the State, advocates for cancer patients, legislators, scientists, and environmentalists.

(2) In selecting members of the workgroup, the Department shall include representatives from both urban and rural areas of the State.

(3) The Department of Health and Mental Hygiene shall invite representatives of federal agencies to participate in the workgroup.

(c) On or before December 1, 2011, the Department of Health and Mental Hygiene shall report the findings of the workgroup required under this section and any recommendations of the workgroup to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.".

On page 4, in line 8, strike "October" and substitute "July".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 692 – Senator Middleton and the President (By Request – Administration) and Senators Benson, Forehand, Frosh, Garagiola, Jones–Rodwell, King, Madaleno, Manno, Mathias, Montgomery, Muse, Pinsky, Ramirez, Raskin, and Rosapepe

EMERGENCY BILL

AN ACT concerning

Maryland Electricity Service Quality and Reliability Act

SB0692/497875/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 692
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosapepe" and substitute ", Rosapepe, Kittleman, Klausmeier, Pipkin, and Pugh"; in line 2, after "Act" insert "– Safety Violations"; in line 7, strike "include" and substitute "account for certain major outages, and require an electric company to file a corrective action plan if it fails to meet certain service quality and reliability standards; authorizing the Commission to include in certain regulations"; strike beginning with the comma in line 8 down through "purposes" in line 9; in line 9, before "requiring" insert "requiring the Commission, in adopting certain regulations, to consider certain standards, ensure certain service quality and reliability standards are cost–effective, and consider certain factors relating to vegetation management;"; in line 12, strike "an" and substitute "a certain"; strike beginning with "requiring" in line 14 down through "principle" in line 16 and substitute "authorizing the Commission to impose certain civil penalties on or after a certain date"; in line 18, after "ratepayers;" insert "providing that certain provisions relating to corrective action taken by the Commission against an electric company that fails to meet certain service quality and reliability standards do not apply to electric cooperatives;"; in line 20, after "report;" insert "requiring the Commission to hold a certain hearing at the request of an electric company; altering the maximum daily civil penalty that may be imposed on a public service company for certain safety violations; removing a certain cap on the total civil

penalty that may be imposed for a related series of safety violations;"; in line 21, strike "certain regulations may" and substitute "this Act does"; in line 22, after "companies;" insert "providing that this Act may not be construed to limit the Commission's authority to adopt and enforce engineering and safety standards for electric companies; providing that certain authorization for the Commission to impose certain civil penalties does not apply to a violation of a certain provision as that provision applies to electric cooperatives; requiring the Commission to establish a certain workgroup to provide certain recommendations; requiring the Commission to review certain regulations, tariffs, or standards, conduct certain studies, and report its findings to certain committees on or before a certain date;"; and in line 23, after "electricity" insert "safety and".

On page 2, after line 2, insert:

"BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 13–201 and 13–202
Annotated Code of Maryland
(2010 Replacement Volume)".

AMENDMENT NO. 2

On page 2, in line 7, strike the comma; strike beginning with "**AVERAGE**" in line 10 down through "**SERVED**" in line 13 and substitute "**SUM OF THE CUSTOMER INTERRUPTION HOURS DIVIDED BY THE TOTAL NUMBER OF CUSTOMERS SERVED**"; strike beginning with "**AVERAGE**" in line 15 down through "**SERVED**" in line 17 and substitute "**SUM OF THE NUMBER OF CUSTOMER INTERRUPTIONS DIVIDED BY THE TOTAL NUMBER OF CUSTOMERS SERVED**"; strike lines 18 through 20, inclusive, and substitute:

"**(B) IT IS THE GOAL OF THE STATE THAT EACH ELECTRIC COMPANY PROVIDE ITS CUSTOMERS WITH HIGH LEVELS OF SERVICE QUALITY AND RELIABILITY IN A COST–EFFECTIVE MANNER, AS MEASURED BY OBJECTIVE AND VERIFIABLE STANDARDS, AND THAT EACH ELECTRIC COMPANY BE HELD ACCOUNTABLE IF IT FAILS TO DELIVER RELIABLE SERVICE ACCORDING TO THOSE STANDARDS.**";

in line 21, strike "**REGULATIONS ADOPTED UNDER THIS**" and substitute "**THIS**"; in the same line, strike "**MAY**" and substitute "**DOES**"; in line 26, after "**COMPANIES**"

insert "**THROUGH THEIR DISTRIBUTION SYSTEMS**"; and in line 29, strike "**STANDARD**" and substitute "**PERFORMANCE MEASUREMENT**".

On page 3, in line 1, after "**(E)**" insert "**(1)**"; in line 3, strike "**(1)**" and substitute "**(I)**"; after line 8, insert:

"**5. PERIODIC EQUIPMENT INSPECTIONS;**";

in lines 5, 6, 7, 8, 9, and 10, strike "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", and "**(VI)**", respectively, and substitute "**1.**", "**2.**", "**3.**", "**4.**", "**6.**", and "**7.**", respectively; in line 4, after "**INCLUDING**" insert "**STANDARDS RELATING TO**"; in line 6, strike "**REPAIR**" and substitute "**RESPONSE**"; and in line 7, strike "**SERVICE QUALITY**" and substitute "**CUSTOMER COMMUNICATIONS**".

AMENDMENT NO. 3

On page 3, after line 11, insert:

"**(II) ACCOUNT FOR MAJOR OUTAGES CAUSED BY EVENTS OUTSIDE THE CONTROL OF AN ELECTRIC COMPANY; AND**

(III) FOR AN ELECTRIC COMPANY THAT FAILS TO MEET THE APPLICABLE SERVICE QUALITY AND RELIABILITY STANDARDS, REQUIRE THE COMPANY TO FILE A CORRECTIVE ACTION PLAN THAT DETAILS SPECIFIC ACTIONS THE COMPANY WILL TAKE TO MEET THE STANDARDS.";

in line 12, before "**INCLUDE**" insert "**THE REGULATIONS ADOPTED UNDER SUBSECTION (D) OF THIS SECTION MAY**"; in line 14, after "**FACTORS**" insert a comma; in line 18, strike "**; AND**" and substitute a period; strike in their entirety lines 19 through 25, inclusive; and after line 25, insert:

"**(3) IN ADOPTING THE REGULATIONS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION, THE COMMISSION SHALL:**

(I) CONSIDER APPLICABLE STANDARDS OF THE INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS;

(II) ENSURE THAT THE SERVICE QUALITY AND RELIABILITY STANDARDS ARE COST–EFFECTIVE; AND

(III) WITH RESPECT TO STANDARDS RELATING TO VEGETATION MANAGEMENT, CONSIDER:

1. LIMITATIONS ON AN ELECTRIC COMPANY'S RIGHT TO ACCESS PRIVATE PROPERTY; AND

2. CUSTOMER ACCEPTANCE OF VEGETATION MANAGEMENT INITIATIVES.".

AMENDMENT NO. 4

On page 4, in line 6, after "**(2)**" insert "**(I) THIS PARAGRAPH DOES NOT APPLY TO ELECTRIC COOPERATIVES.**

(II)";

in line 8, after the first "**THE**" insert "**APPLICABLE**"; strike beginning with "**ADOPTED**" in line 8 down through "**SECTION**" in line 9; in line 9, after "**INCLUDING**" insert "**, ON OR AFTER JULY 1, 2014, THE IMPOSITION OF**"; in line 10, after "**NONCOMPLIANCE**" insert "**AS PROVIDED IN § 13–201 OF THIS ARTICLE**"; strike lines 11 through 19, inclusive; in line 20, strike "**(4)**" and substitute "**(III)**"; and in line 22, strike "**MAY**" and substitute "**FEBRUARY**".

On page 5, in line 12, strike "**AND**"; in line 14, after "**TIME**" insert "**; AND**

6. TO THE EXTENT PRACTICABLE, A BREAKDOWN, BY THE NUMBER OF DAYS EACH CUSTOMER WAS WITHOUT ELECTRIC SERVICE, OF THE NUMBER OF CUSTOMERS THAT EXPERIENCED AN OUTAGE";

after line 14, insert:

"**(3) AT THE REQUEST OF AN ELECTRIC COMPANY, THE COMMISSION SHALL HOLD A HEARING TO DISCUSS THE ANNUAL PERFORMANCE REPORT OF THE ELECTRIC COMPANY.**

(H) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE COMMISSION'S AUTHORITY TO ADOPT AND ENFORCE ENGINEERING AND SAFETY STANDARDS FOR ELECTRIC COMPANIES.

13–201.

(a) This section does not apply to a violation of the following provisions of this article:

(1) Title 5, Subtitle 4;

(2) Title 7, Subtitle 1;

(3) **§ 7–213 AS IT APPLIES TO ELECTRIC COOPERATIVES;**

(4) Title 8, Subtitles 1 and 3;

[(4)**] (5)** Title 9, Subtitle 3; and

[(5)**] (6)** Title 8, Subtitle 4.

(b) (1) Except as provided in paragraph (2) of this subsection, the Commission may impose a civil penalty not exceeding $10,000 against a person who violates a provision of this division, or an effective and outstanding direction, ruling, order, rule, or regulation of the Commission.

(2) The civil penalty that the Commission may impose on a common carrier for each violation may not exceed $2,500.

(c) (1) A civil penalty may be imposed in addition to any other penalty authorized by this division.

(2) Each violation is a separate offense.

(3) Each day or part of a day the violation continues is a separate offense.

(d) The Commission shall determine the amount of any civil penalty after considering:

(1) the number of previous violations of any provision of this article;

(2) the gravity of the current violation;

(3) the good faith efforts of the violator in attempting to achieve compliance after notification of the violation; and

(4) any other matter that the Commission considers appropriate and relevant.

(e) A civil penalty collected under this section shall be paid into the General Fund of the State.

13–202.

(a) In this section, "safety violation" means a condition or activity likely to cause injury or harm to an individual or property.

(b) This section does not apply to a safety violation by a gas company that is subject to § 13–203 of this subtitle.

(c) (1) Subject to paragraph (2) of this subsection, a public service company that violates a provision of this division that relates to safety is subject to a civil penalty not exceeding **[**$500**] $10,000** for each violation for each day that the violation persists.

(2) **[**The maximum civil penalty may not exceed:

(i) $50,000 for a related series of violations; or

(ii) for**] FOR** a common carrier, **THE MAXIMUM CIVIL PENALTY MAY NOT EXCEED** $500 for each violation or related series of violations stemming from a single safety inspection.

(d) In determining the amount of a civil penalty imposed under this section, the Commission shall consider the:

(1) appropriateness of the penalty to the size of the public service company;

(2) number of previous violations of this article by the public service company;

(3) gravity of the current violation; and

(4) good faith of the public service company in attempting to achieve compliance after notification of the violation.

(e) The public service company involved may request reconsideration of a penalty imposed under this section within 30 days after the date of notification of the determination.

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Public Service Commission shall:

(1) review current regulations, tariffs, or standards relating to electric company responsibility for customer damages caused by electrical surges and assess the feasibility of obtaining information from electric companies regarding the extent of electrical surges and customer damages that result from electrical surges;

(2) study the feasibility of incorporating an electric company's service restoration plan into the electric company's reliability plan; and

(3) on or before January 1, 2012, report its findings to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2–1246 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That the Public Service Commission shall convene a stakeholder workgroup to provide recommendations regarding the regulations to be adopted by the Commission under this Act.";

and in line 15, strike "2." and substitute "4.".

The preceding 4 amendments were read only.

Senator Frosh 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 743 – Senator Pugh

AN ACT concerning

Family Planning Works Act

SB0743/977278/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 743
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "services" insert "beginning on a certain date"; and strike beginning with "making" in line 6 down through "contingency;" in line 7.

AMENDMENT NO. 2

On page 2, in line 9, strike "Shall" and substitute "**BEGINNING ON JANUARY 1, 2012, SHALL**"; and in line 13, strike "**250**" and substitute "**200**".

On page 4, strike in their entirety lines 4 through 12, inclusive; in line 13, strike "3." and substitute "2."; and strike beginning with ", subject" in line 13 down through "Act," in line 14.

The preceding 2 amendments were read only.

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

The motion was adopted.

Senator Middleton, Chair, for the Committee on Finance and Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 891 – Senator Edwards

AN ACT concerning

Economic Development – Qualified Distressed Counties

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. 632)

ADJOURNMENT

At 9:30 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day March 27, 2011, Calendar Day, Tuesday, March 29, 2011.

Annapolis, Maryland
Legislative Day: March 27, 2011
Calendar Day: Tuesday, March 29, 2011
10:00 A.M. Session

The Senate met at 10:11 A.M.

Prayer by Reverend Chris McMillan, LifeHouse Church, guest of Senator Rosapepe.

(See Exhibit A of Appendix III)

The Journal of March 26, 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. 634)

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

House Bill 897 – Delegates Murphy, Cardin, Beidle, Bohanan, Boteler, Frick, Frush, Howard, Hubbard, Jameson, Love, Mizeur, Reznik, V. Turner, Walker, ~~and Wood~~ Wood, Gilchrist, Glenn, Hogan, Holmes, Jacobs, Lafferty, McComas, McMillan, Niemann, Norman, O'Donnell, Otto, S. Robinson, Stein, Vitale, Weir, and Wilson

SECOND PRINTING

AN ACT concerning

Engine Coolant and Antifreeze Bittering Agent Act

Reassigned to the Committee on Finance and the Committee on Judicial Proceedings under Rule 33(d).

Read and ordered journalized.

ANNOUNCEMENT BY THE PRESIDENT

House Bill 1282 – Delegates Glenn, K. Kelly, Kramer, McConkey, Myers, Norman, and Parrott

AN ACT concerning

Transportation – Vehicle Parking Facilities – Motorcycle Parking

Reassigned to the Committee on Finance under Rule 33(d).

Read and ordered journalized.

LAID OVER BILLS

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

House Bill 70 – The Speaker (By Request – Administration)

Budget Bill
(Fiscal Year 2012)

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE
TO THE SENATE OF MARYLAND – 2011 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO HOUSE BILL 70 – THE BUDGET BILL

(See Exhibit D of Appendix III)

SENATE BUDGET AND TAXATION COMMITTEE
REPRINT TO HOUSE BILL 70 – THE BUDGET BILL

(See Exhibit E of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPORT ON HOUSE BILL 70 – THE BUDGET BILL AND
HOUSE BILL 72 – THE BUDGET RECONCILIATION AND FINANCING ACT

(See Exhibit F of Appendix III)

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

Committee amendments 1 through 12 were read and adopted.

Committee amendments 13 through 23 were read and adopted.

Committee amendments 24 through 38 were read and adopted.

Committee amendments 39 through 55 were read and adopted.

Committee amendments 56 through 64 were read and adopted.

Committee amendments 65 through 70 were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0070/699933/1
BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 70, AS AMENDED
(Third Reading File Bill – Committee Reprint)

On page 132, in Committee Amendment No. 40, under:

Heading: AID TO EDUCATION

Program: R00A02.01

Entitled: State Share of Foundation Program

In line 18, strike "*$1,750,414*" and substitute "$138,619"; in line 23, strike "*$21,041,989*" and substitute "$22,653,784"; and in line 38, strike "*and*".

On page 133, in Committee Amendment No. 40, in line 9, after "*education*" insert "; and

(3) $1,611,795 to provide grants to local school systems for which total direct education aid in fiscal year 2012 is less than the amount received in fiscal 2011 by more than 6%, contingent on enactment of HB 72 or SB 87 establishing the grants".

The preceding amendment was read and adopted.

Senator Kasemeyer moved, duly seconded, to make the Bill a Special Order for p.m. session.

The motion was adopted.

House Bill 72 – The Speaker (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2011

SENATE BUDGET AND TAXATION COMMITTEE
REPRINT TO HOUSE BILL 72 – THE BUDGET RECONCILIATION AND FINANCING ACT

(See Exhibit G of Appendix III)

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

HB0072/899132/1
BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 72
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "programs;" insert "altering for a certain fiscal year a certain percentage used to determine eligibility for and the amount of certain State grants to certain counties and Baltimore City based on per capita yield of county income taxes; codifying a certain attorney disciplinary fund; authorizing the Court of Appeals to adopt certain rules for the administration and operation of the disciplinary fund, set a certain fee, and provide for certain penalties; providing for the purposes, accounting, investment, and uses of the fund;"; and in line 18, after the second semicolon, insert "requiring the State to provide a certain grant to a county board of education if certain funding provided to a county board decreases by a certain amount;".

On page 2, in line 14, after "hospitals;" insert "requiring the Developmental Disabilities Administration to reimburse certain providers for certain absence days;"; in line 32, after "funds;" insert "authorizing the Service to credit to certain project reserve funds only moneys that are reimbursable to the State;"; in line 33, strike the

first "the" and substitute "certain"; in line 37, strike "a" and substitute "an amount for"; in line 38, strike "benefit" and substitute "deductibles and out–of–pocket limits beginning on a certain date; requiring the Department of Budget and Management to adjust the amount of certain prescription drug out–of–pocket limits on or before a certain date and based on certain factors"; strike beginning with "who" in line 39 down through "date" in line 40; and strike beginning with "setting" in line 44 down through "System;" in line 45.

On page 4, in line 12, after "circumstances;" insert "authorizing the payment of certain grants for a certain fiscal year;"; strike beginning with "altering" in line 17 down through "granted;" in line 24; in line 32, after "fares" insert "and collect other operating revenues"; in line 33, after "requirement;" insert "prohibiting the Administration from reducing the level of services provided for the purpose of achieving a certain farebox recovery requirement;"; strike beginning with "requiring" in line 33 down through "fee;" in line 35; and strike beginning with the second "altering" in line 39 down through "inspections;" in line 40.

On page 5, strike beginning with "providing" in line 19 down through "Fund;" in line 23; in line 25, after "contingencies;" insert "allowing a county under certain circumstances to deduct any reduction in certain costs from the amount the county is required to appropriate to the county board of education for a certain fiscal year; stating the intent of the General Assembly that certain funds shifted by Baltimore City to the Baltimore City Board of School Commissioners be included in the calculation of certain State education aid for a certain fiscal year; requiring that a penalty imposed on a county or Baltimore City for not meeting a certain local maintenance of funding effort requirement be calculated in a certain manner;"; and strike beginning with "requiring" in line 25 down through the semicolon in line 31.

AMENDMENT NO. 2

On page 5, after line 33, insert:

"BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1101(b)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article – Business Occupations and Professions

Section 10–316 to be under the new part, "Part III. Disciplinary Fund"
Annotated Code of Maryland
(2010 Replacement Volume)";

in line 36, strike the first comma and substitute "and"; and in the same line, strike ", and 17–317(a)".

On page 6, after line 14, insert:

"BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–523(a)(3)(i)
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)";

in line 17, after "16–310(d)(1)," insert "16–512(a)(1),"; and in line 23, after "Section" insert "5–202(i)".

On page 7, in line 6, strike "15–702" and substitute "7–308 and 15–702".

On page 8, in line 1, strike "Three/One" and substitute "Two/Zero"; in line 3, strike "Three/One" and substitute "Two/Zero"; in line 11, strike "(b),"; in line 26, after "2–202(b)" insert "and (c)"; and in line 36, strike "and 9–103(d)(1) and (4)".

On pages 8 and 9, strike in their entirety the lines beginning with line 39 on page 8 through line 2 on page 9, inclusive.

On page 9, in line 15, strike ", 5–415,"; in line 25, strike "12–120," and substitute "12–118(e)(1), 12–120(a),"; in the same line, after "13–613(b)," insert "and"; and in the same line, strike ", and 23–205".

On page 10, after line 7, insert:

"BY repealing
Article – Education
Section 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)".

AMENDMENT NO. 3

On page 15, strike beginning with "**SHALL**" in line 21 down through "**PARAGRAPH**" in line 30; and after line 31, insert:

"**(IV) FOR FISCAL YEAR 2012 ONLY, BEFORE THE DISTRIBUTION TO THE GENERAL FUND UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH, AN AMOUNT EQUAL TO $2,078,000 FROM THE SURCHARGES COLLECTED UNDER THIS SUBSECTION SHALL BE CREDITED TO THE VOLUNTEER COMPANY ASSISTANCE FUND TO BE USED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 8, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE.**".

AMENDMENT NO. 4

On page 16, after line 28, insert:

"Article – Economic Development

10–523.

(a) (3) (i) To assist the Corporation in complying with subsection (c) of this section, the Governor shall include each year in the State budget bill an appropriation to the Corporation for rural business development and assistance **[**for each of fiscal years 2010 and 2011 in the amount of $2,750,000 and for each of fiscal years 2012 through 2020, in the amount of $4,000,000**] AS FOLLOWS:**

1. FOR FISCAL YEAR 2011, $2,750,000;

2. FOR FISCAL YEAR 2012, $1,000,000;

3. FOR FISCAL YEAR 2013, $2,000,000;

4. FOR FISCAL YEAR 2014, $3,000,000; AND

5. FOR EACH OF FISCAL YEARS 2015 THROUGH 2020, $4,000,000.".

AMENDMENT NO. 5

On page 18, in line 9, after the first "**COUNTY**" insert "**BOARD**"; in line 11, after "**COUNTY**" insert "**BOARD**"; in line 18, strike "**AND**"; and in line 21, after "**TITLE**" insert "**; AND**

(3) THE CHILD WAS INCLUDED IN THE FULL–TIME EQUIVALENT ENROLLMENT OF THE COUNTY AS CALCULATED UNDER § 5–202 OF THIS ARTICLE".

On page 24, in line 24, after the first "**COUNTY**" insert "**BOARD**"; and in line 26, after "**COUNTY**" insert "**BOARD**".

On page 25, in line 2, strike "**AND**"; and in line 5, after "**ARTICLE**" insert "**; AND**

(4) THE CHILD WAS INCLUDED IN THE FULL–TIME EQUIVALENT ENROLLMENT OF THE COUNTY AS CALCULATED UNDER § 5–202 OF THIS ARTICLE".

AMENDMENT NO. 6

On page 18, strike beginning with "**EXCEPT**" in line 26 down through "**APPROVAL**" in line 27 and substitute "**APPROVAL**".

AMENDMENT NO. 7

On page 26, in line 26, strike "**$140,000**" and substitute "**$500,000**".

AMENDMENT NO. 8

On pages 49 and 50, strike in their entirety the lines beginning with line 30 on page 49 through line 4 on page 50 and substitute:

"**(I) RETIRED FROM A STATE SYSTEM UNDER DIVISION II OF THIS ARTICLE ON OR BEFORE JUNE 30, 2011;**

(II) 1. HAD AT LEAST 10 YEARS OF CREDITABLE SERVICE ON OR BEFORE JULY 1, 2011; AND

2. A. WAS IN STATE SERVICE ON JULY 1, 2011; OR

B. WAS NOT IN STATE SERVICE ON JULY 1, 2011, BUT WAS WITHIN 5 YEARS BEFORE THE AGE AT WHICH A VESTED RETIREMENT ALLOWANCE WOULD NORMALLY BEGIN WHEN THE RETIREE ENDED STATE SERVICE; OR

(III) 1. RETIRES FROM A STATE SYSTEM UNDER DIVISION II OF THIS ARTICLE ON OR AFTER JULY 1, 2011; AND

2. ON OR BEFORE JUNE 30, 2011, ENDED, BUT DID NOT RETIRE DIRECTLY FROM, STATE SERVICE AND HAD AT LEAST 16 YEARS OF CREDITABLE SERVICE WHEN THE RETIREE ENDED STATE SERVICE.".

On page 51, in line 7, strike "**(I)**"; strike beginning with "**EXCEPT**" in line 7 down through the second "**THIS**" in line 8 and substitute "**THIS**"; in line 8, after "**WHO**" insert "**:**

(I)";

in line 9, after "**2011**" insert "**; OR**

(II) 1. BEGAN STATE SERVICE BEFORE JULY 1, 2011; AND

2. HAD LESS THAN 10 YEARS OF CREDITABLE SERVICE ON JULY 1, 2011";

strike in their entirety lines 10 and 11; in line 14, strike "**ENDED**" and substitute "**:**

(I) ENDS";

in the same line, strike "**25**" and substitute "**10**"; in line 15, after "**SERVICE**" insert "**; AND**

(II) RETIRES DIRECTLY FROM STATE SERVICE".

On page 52, in line 14, strike "**THE**" and substitute "**SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE**"; in line 15, after "**THAT**" insert "**, BEGINNING JULY**

1, 2011, REQUIRES THE RETIREE TO PAY"; strike in their entirety lines 16 through 20, inclusive, and substitute:

"**(I) A DEDUCTIBLE OF $500; AND**

(II) OUT–OF–POCKET LIMITS EQUAL TO:

1. $2,000 FOR THE RETIREE ONLY; AND

2. $3,000 FOR A RETIREE AND THE RETIREE'S FAMILY.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ON OR BEFORE JUNE 30 OF EACH YEAR THE DEPARTMENT SHALL ADJUST THE OUT–OF–POCKET LIMITS UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION TO REFLECT THE PRESCRIPTION DRUG COMPONENT OF THE MEDICAL CONSUMER PRICE INDEX FOR THE CALENDAR YEAR ENDING DECEMBER 31 THAT FISCAL YEAR.

(II) ANY ADJUSTMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO THE OUT–OF–POCKET LIMITS MAY NOT RESULT IN OUT–OF–POCKET LIMITS GREATER THAN THE OUT–OF–POCKET LIMITS PROVIDED UNDER THE FEDERAL MEDICARE PRESCRIPTION DRUG, IMPROVEMENT, AND MODERNIZATION ACT OF 2003 FOR THAT SAME FISCAL YEAR.

(4) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION.";

and strike beginning with "**WHO**" in line 22 down through "**2011**" in line 24 and substitute "**OF AN OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE WHO:**

(I) RETIRED UNDER AN OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE ON OR BEFORE JUNE 30, 2011;

(II) 1. HAD AT LEAST 10 YEARS OF SERVICE AS AN EMPLOYEE OF THE STATE IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF GOVERNMENT ON OR BEFORE JULY 1, 2011; AND

2. A. WAS AN EMPLOYEE OF THE STATE IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF GOVERNMENT ON JULY 1, 2011; OR

B. WAS NOT AN EMPLOYEE OF THE STATE IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF GOVERNMENT ON JULY 1, 2011, BUT WAS AT LEAST AGE 57 WHEN THE RETIREE ENDED STATE SERVICE; OR

(III) 1. RETIRES UNDER AN OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE ON OR AFTER JULY 1, 2011; AND

2. ON OR BEFORE JUNE 30, 2011, ENDED SERVICE WITH, BUT DID NOT RETIRE DIRECTLY FROM, A STATE INSTITUTION OF HIGHER EDUCATION AND HAD AT LEAST 16 YEARS OF SERVICE AS AN EMPLOYEE OF THE STATE IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF GOVERNMENT WHEN THE INDIVIDUAL ENDED SERVICE WITH A STATE INSTITUTION OF HIGHER EDUCATION".

On page 53, in line 26, strike "§ 2–508" and substitute "**§ 2–508(B)(4)**"; in line 34, strike "§ 2–508(c)(1)" and substitute "**§ 2–508(B)(4)(I)**"; in line 35, strike "**WHO**" and substitute "**OF AN OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE WHO:**

(I)";

in line 36, strike "**WITH A STATE INSTITUTION OF HIGHER EDUCATION**" and substitute "**AS AN EMPLOYEE OF THE STATE IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF GOVERNMENT**"; in line 37, after "**2011**" insert "**; OR**

(II) 1. BEGAN SERVICE AS AN EMPLOYEE OF THE STATE IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF GOVERNMENT BEFORE JULY 1, 2011;

2. HAD LESS THAN 10 YEARS OF SERVICE AS AN EMPLOYEE OF THE STATE IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF GOVERNMENT, ON JULY 1, 2011; AND

3. WAS IN SERVICE AS AN EMPLOYEE OF THE STATE ON JULY 1, 2011".

On page 54, strike beginning with "**AND**" in line 7 down through "**57**" in line 8 and substitute "**AS AN EMPLOYEE OF THE STATE IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF GOVERNMENT**"; in line 8, after the semicolon insert "**AND**"; strike beginning with "**ENDED**" in line 9 down through "**3.**" in line 11; and strike beginning with "**AND**" in line 11 down through the first "**OF**" in line 12.

On page 55, in line 6, strike "**§ 2–508(C)**" and substitute "**§ 2–508(C)(4)**"; and in line 16, strike "**§ 2–508(B)(4)(I)**" and substitute "**§ 2–508(C)(4)(I)**".

AMENDMENT NO. 9

On page 63, strike in their entirety lines 1 through 33, inclusive.

On page 64, strike in their entirety lines 1 through 6, inclusive.

On page 74, in line 28, strike "**30**" and substitute "**92 YEARS OF COMBINED AGE AND**".

On page 79, in line 23, strike "subsection"; in the same line, strike "(b)" and substitute "**SUBSECTIONS (B) AND (C)**"; strike beginning with the colon in line 24 down through "**(1)**" in line 25; strike beginning with "**RECEIVED**" in line 25 down through "**2011**" in line 28; and in line 29, after "(b)" insert "**THE CONTRIBUTION RATE FOR AN INDIVIDUAL WHO BECOMES A MEMBER ON OR AFTER JULY 1, 2011 IS 8% OF THE MEMBER'S EARNABLE COMPENSATION.**".

On page 80, in line 1, before "After" insert "**(C)**".

On page 84, in lines 24 and 26, in each instance, strike "**THREE/ONE**" and substitute "**TWO/ZERO**".

On page 85, in line 13, strike "**3%**" and substitute "**2%**"; and in line 18, strike "**1%**" and substitute "**0%**".

On page 87, in line 3, strike "**THREE/ONE**" and substitute "**TWO/ZERO**".

AMENDMENT NO. 10

On page 92, in line 26, after "**DISTRIBUTED**" insert "**AS FOLLOWS:**

(I) $1,000,000 TO A SPECIAL FUND, TO BE USED ONLY AS PROVIDED IN SUBSECTION (C) OF THIS SECTION; AND

(II) THE BALANCE";

and after line 31, insert:

"(c) (1) **(I)** For fiscal year 2011, the Comptroller shall pay from the special fund established under subsection (b)(2)(ii) of this section a grant to the local jurisdictions where the electronic bingo machines or electronic tip jar machines that are the source of the revenue are located, to be used by the local jurisdictions only for one–time capital expenditures.

[(2)**]** **(II)** A grant under this **[**subsection**]** **PARAGRAPH** shall be paid to a municipal corporation if the machines are located in a municipal corporation or to a county if the machines are not located in a municipal corporation.

[(3)**]** **(III)** The grants under this **[**subsection**]** **PARAGRAPH** shall be paid to each local jurisdiction in proportion to the amount of tax revenue derived from machines in each jurisdiction.

(2) FOR FISCAL YEAR 2012, THE SPECIAL FUND ESTABLISHED UNDER SUBSECTION (B)(3)(I) OF THIS SECTION MAY BE USED ONLY AS FOLLOWS:

(I) $500,000 AS AN APPROPRIATION TO THE MARYLAND STATE ARTS COUNCIL;

(II) $150,000 AS AN APPROPRIATION TO THE STATE ARCHIVES, TO BE USED ONLY FOR THE OPERATING COSTS ASSOCIATED WITH THE DEVELOPMENT AND IMPLEMENTATION OF THE STATE HOUSE MASTER PLAN AS APPROVED BY THE STATE HOUSE TRUST;

(III) $50,000 AS A GRANT TO BE PAID BY THE COMPTROLLER TO THE MARYLAND HUMANITIES COUNCIL; AND

(IV) IMPACT GRANTS TO BE PAID BY THE COMPTROLLER IN THE LOCAL JURISDICTIONS WHERE THE ELECTRONIC BINGO MACHINES OR ELECTRONIC TIP JAR MACHINES ARE LOCATED, AS FOLLOWS:

1. $150,000 IN ANNE ARUNDEL COUNTY TO THE ANNE ARUNDEL COUNTY VOLUNTEER FIREFIGHTERS ASSOCIATION FOR CAPITAL EXPENDITURES AND REPLACEMENT OF EQUIPMENT; AND

2. $150,000 IN CALVERT COUNTY AS FOLLOWS:

A. $125,000 TO BE DIVIDED EQUALLY BETWEEN THE TOWN OF CHESAPEAKE BEACH AND THE TOWN OF NORTH BEACH, TO BE USED ONLY FOR ONE–TIME CAPITAL EXPENDITURES; AND

B. $25,000 TO THE BEACH TROLLEY ASSOCIATION OF CHESAPEAKE BEACH AND NORTH BEACH.".

AMENDMENT NO. 11

On page 95, in line 6, strike "**$16,669,444**" and substitute "**$13,669,444**".

AMENDMENT NO. 12

On page 96, in line 30, strike "**50%**" and substitute "**90%**".

On page 97, in lines 1 and 3, in each instance, strike "**50%**" and substitute "**90%**".

AMENDMENT NO. 13

On page 113, after line 15, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 18–1201 through 18–1207 and the subtitle "Subtitle 12. Private Career School Student Grant Program" of Article – Education of the Annotated Code of Maryland be repealed.".

AMENDMENT NO. 14

On page 113, in line 27, strike "$1,000,000" and substitute "$500,000".

AMENDMENT NO. 15

On page 113, in line 34, strike "$75,000" and substitute "$150,000".

AMENDMENT NO. 16

On page 121, in line 27, strike the first comma and substitute ":

(a) Except as otherwise provided in this section,";

in line 29, after "2014." insert:

"(b)";

in line 30, after "affect" insert ":

(1)";

in the same line, strike the comma and substitute ";

(2)";

in line 32, strike ", or" and substitute ";

(3)";

and in line 34, strike the period and substitute "; or

(4) for fiscal year 2012 only, operationally critical staff in the University System of Maryland, Morgan State University, or St. Mary's College of

Maryland in accordance with policies adopted by the governing boards of those institutions.

(c) On or before December 1, 2011, in accordance with § 2–1246 of the State Government Article, the University System of Maryland, Morgan State University, and St. Mary's College of Maryland shall each submit a report to the Senate Budget and Taxation Committee and the House Appropriations Committee that details all staff identified as critical under subsection (b)(4) of this section and any merit increases awarded as a consequence of this designation.".

AMENDMENT NO. 17

On pages 13 and 14, strike in their entirety the lines beginning with line 33 on page 13 through line 23 on page 14, inclusive.

AMENDMENT NO. 18

On page 10, before line 21, insert:

"Article – Business Occupations and Professions

10–314. RESERVED.

10–315. RESERVED.

PART III. DISCIPLINARY FUND.

10–316.

(A) IN THIS SECTION, "FUND" MEANS THE DISCIPLINARY FUND.

(B) (1) THERE IS A DISCIPLINARY FUND.

(2) THE COURT OF APPEALS MAY ADOPT RULES THAT PROVIDE FOR THE ADMINISTRATION AND OPERATION OF THE FUND.

(C) THE PURPOSE OF THE FUND IS TO PROVIDE MONEY FOR THE OPERATION OF THE ATTORNEY GRIEVANCE COMMISSION ESTABLISHED BY RULE BY THE COURT OF APPEALS.

(D) BY RULE, THE COURT OF APPEALS MAY:

(1) REQUIRE A LAWYER TO PAY AN ANNUAL FEE TO THE FUND; AND

(2) SPECIFY THE PENALTIES, INCLUDING SUSPENSION AND DISBARMENT, FOR PRACTICING LAW WITHOUT HAVING PAID THE ANNUAL FEE.

(E) THE FUND CONSISTS OF:

(1) FEES AND PENALTIES PAID INTO THE FUND UNDER SUBSECTION (C) OF THIS SECTION; AND

(2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE FUND MAY BE USED ONLY TO PAY THE OPERATING EXPENSES OF THE ATTORNEY GRIEVANCE COMMISSION.

(2) FOR FISCAL YEAR 2012 ONLY, UP TO $8,000,000 OF THE MONEY IN THE FUND MAY BE USED FOR OPERATING EXPENSES OF THE JUDICIARY TO OFFSET REDUCTIONS MADE BY THE GENERAL ASSEMBLY IN THE FISCAL YEAR 2012 BUDGET OF THE JUDICIARY.

(G) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.”.

On page 124, after line 22, insert:

"SECTION 33. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that Title 10, Subtitle 3, Part III of the Business Occupations and Professions Article, as enacted by this Act, shall be construed to apply retroactively to affirm the authority of the Court of Appeals to establish the Disciplinary Fund under the Maryland Rules.".

AMENDMENT NO. 19

On page 114, in line 18, strike "$1,500,000" and substitute "$1,000,000".

AMENDMENT NO. 20

On pages 97 through 99, strike in their entirety the lines beginning with line 30 on page 97 through line 10 on page 99, inclusive.

On page 124, strike in their entirety lines 29 through 32, inclusive.

AMENDMENT NO. 21

On page 102, in line 30, strike "**SHALL**" and substitute "**:**

(1) **SHALL**";

and strike beginning with "**FOR**" in line 31 down through "**AT**" in line 33 and substitute "**AND COLLECT OTHER OPERATING REVENUES IN**".

On page 103, in line 2, after "**SECTION**" insert "**; AND**

(2) **MAY NOT REDUCE THE LEVEL OF SERVICES PROVIDED BY THE ADMINISTRATION FOR THE PURPOSE OF ACHIEVING THE FAREBOX RECOVERY REQUIREMENT**".

AMENDMENT NO. 22

On pages 100 through 102, strike in their entirety the lines beginning with line 20 on page 100 through line 2 on page 102, inclusive.

AMENDMENT NO. 23

On page 117, strike in their entirety lines 32 through 36, inclusive.

AMENDMENT NO. 24

On page 22, in line 13, strike the brackets; and in the same line, strike "**9.5%**"; and in lines 19 and 22, strike "**10.5%**" and "**11%**", respectively, and substitute "**10.8%**" and "**11.3%**", respectively.

AMENDMENT NO. 25

On page 19, in line 36, strike "**18.5%**" and substitute "**19.5%**".

On page 20, in line 5, strike "**18.5%**" and substitute "**19.5%**"; and in lines 15 and 20, strike "**20.5%**" and "**21.5%**", respectively, and substitute "**22%**" and "**23%**", respectively.

On page 20, in lines 25, 30, and 35, strike "**22.5%**", "**23.5%**", and "**25%**", respectively, and substitute "**24%**", "**25%**", and "**26%**", respectively.

On page 21, in line 2, strike "**26.5%**" and substitute "**27%**".

AMENDMENT NO. 26

On page 124, strike in their entirety lines 4 through 16, inclusive.

AMENDMENT NO. 27

On page 114, in line 21, strike "$2,297,142" and substitute "$1,297,142".

AMENDMENT NO. 28

On page 67, in line 3, strike "**FOR**" and substitute "**SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,**";

after line 13, insert:

"**(3) THE STATE SHALL PAY THE PRO RATA SHARE UNDER THIS SECTION OF EACH LIBRARY THAT IS ESTABLISHED OR OPERATES UNDER THE EDUCATION ARTICLE.**";

and in line 22, after "**STATE**" insert "**OR BY EACH LIBRARY THAT IS ESTABLISHED OR OPERATES UNDER TITLE 23 OF THE EDUCATION ARTICLE**".

AMENDMENT NO. 29

On page 39, in line 1, strike the bracket; in line 2, strike the bracket and substitute "**, INCLUDING**"; in line 25, strike "**APPROPRIATED**" and substitute "**RECEIVED BY THE SERVICE**"; and in line 26, after "**(I)**" insert "**THE SERVICE MAY CREDIT TO A PROJECT RESERVE FUND ESTABLISHED UNDER PARAGRAPH (1)(I)1 THROUGH 3 OF THIS SUBSECTION ONLY MONEYS THAT ARE REIMBURSABLE TO THE STATE.**

(II)".

On page 40, in line 1, strike "**(II)**" and substitute "**(III)**"; in the same line, after "**IF**" insert "**AT THE END OF A FISCAL YEAR**"; in line 2, strike "**(I)**" and substitute "**(II)**"; in line 3, after the second "**THE**" insert "**STATE**"; and in line 4, strike beginning with "**APPROPRIATION**" through "**MADE**" and substitute "**MONEYS IN THE PROJECT RESERVE FUND WERE ORIGINALLY APPROPRIATED**".

AMENDMENT NO. 30

On page 16, in line 5, strike "**THROUGH 2016**" and substitute "**AND 2013**".

AMENDMENT NO. 31

On pages 106 and 107, strike in their entirety the lines beginning with line 6 on page 106 through line 15 on page 107, inclusive, and substitute:

"12–120.

(a) In this section, "miscellaneous fees" means all fees collected by the Administration under this article other than:

(1) The vehicle titling tax;

(2) ONE–HALF OF THE CERTIFICATE OF TITLE FEE UNDER § 13–802 OF THIS ARTICLE; and

[(2)**] (3)** Vehicle registration fees under Part II of Title 13, Subtitle 9 of this article.".

On page 109, in line 23, after "is" insert "**:**

(1)";

in the same line, after "**$100**" insert "**FOR A VEHICLE OTHER THAN A RENTAL VEHICLE; AND**

(2) $50 FOR A RENTAL VEHICLE".

On page 110, strike in their entirety lines 10 through 22, inclusive.

AMENDMENT NO. 32

On pages 119 and 120, strike in their entirety the lines beginning with line 21 on page 119 through line 12 on page 120, inclusive.

AMENDMENT NO. 33

On page 117, strike beginning with "any" in line 38 down through "and" in line 40.

On page 118, in line 1, strike "50" and substitute "49".

AMENDMENT NO. 34

On page 28, after line 15, insert:

"**7–308.**

THE ADMINISTRATION SHALL REIMBURSE COMMUNITY PROVIDERS FOR ABSENCE DAYS FOR RESIDENTIAL, DAY, AND SUPPORTED EMPLOYMENT SERVICES.".

AMENDMENT NO. 35

On page 21, after line 31, insert:

"16–512.

(a) (1) The total State operating fund per full–time equivalent student appropriated to Baltimore City Community College for each fiscal year as requested by the Governor shall be:

(i) In fiscal year 2009, not less than an amount equal to 67.25% of the State's General Fund appropriation per full–time equivalent student to the

4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;

(ii) In fiscal year 2010, not less than an amount equal to 65.1% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(iii) In fiscal year 2011, not less than an amount equal to 65.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(iv) In fiscal year 2012, not less than an amount equal to 63% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(v) In fiscal year 2013, not less than an amount equal to 63.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(vi) In fiscal year 2014, not less than an amount equal to 64% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(vii) In fiscal year 2015, not less than an amount equal to 64.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(viii) In fiscal year 2016, not less than an amount equal to **[**65%**]** **64.5%** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(ix) In fiscal year 2017, not less than an amount equal to **[**65.5%**]** **65%** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(x) In fiscal year 2018, not less than an amount equal to **[**66%**]** **65.5%** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(xi) In fiscal year 2019, not less than an amount equal to **[**66.5%**]** **66%** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(xii) In fiscal year 2020, not less than an amount equal to **[**67.5%**]** **66.5%** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(XIII) IN FISCAL YEAR 2021, NOT LESS THAN AN AMOUNT EQUAL TO 67% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL–TIME EQUIVALENT STUDENT TO THE 4–YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR;

(XIV) IN FISCAL YEAR 2022, NOT LESS THAN AN AMOUNT EQUAL TO 67.5% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL–TIME EQUIVALENT STUDENT TO THE 4–YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR; and

[(xiii)**] (XV)** In fiscal year **[**2021**] 2023** and each fiscal year thereafter, not less than an amount equal to 68.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year.".

AMENDMENT NO. 36

On page 106, after line 5, insert:

"12–118.

(e) (1) Subject to paragraph (2) of this subsection, money in the special fund established under subsection (c)(2) of this section **[**shall be distributed to**]:**

(I) SHALL BE DISTRIBUTED FIRST TO the Department of State Police and the State Highway Administration to cover the costs of implementing and administering work zone speed control systems**; AND**

(II) AFTER THE DISTRIBUTION UNDER ITEM (I) OF THIS PARAGRAPH, FOR EACH OF FISCAL YEARS 2013 THROUGH 2015 ONLY, $3,000,000 SHALL BE DISTRIBUTED TO THE DEPARTMENT OF STATE POLICE TO BE USED ONLY FOR THE PURCHASE OF REPLACEMENT VEHICLES AND RELATED MOTOR VEHICLE EQUIPMENT USED TO OUTFIT POLICE VEHICLES.".

AMENDMENT NO. 37

On page 119, after line 20, insert:

"SECTION 19. AND BE IT FURTHER ENACTED, That:

(a) In this section, "county" and "county board" have the meanings stated in § 1–101 of the Education Article.

(b) (1) Notwithstanding § 5–202(d) of the Education Article, for fiscal year 2012 only, a county that shifts to the county board the recurring costs associated with providing retiree health benefits for current retirees may deduct any reduction in those costs from the amount the county is required to appropriate to the county board in fiscal year 2012.

(2) It is the intent of the General Assembly that any funds shifted by Baltimore City to the Baltimore City Board of School Commissioners in fiscal year 2011 be included in the local appropriation on which the calculation of State aid under § 5–210 of the Education Article is based for fiscal year 2012.".

AMENDMENT NO. 38

On page 119, before line 21, insert:

"SECTION 20. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, because of the expiration of federal funds from the American Recovery and Reinvestment Act of 2009 that were used by the State to fund increases in the education aid formulas to the counties and Baltimore City in fiscal year 2010 and 2011, if the State Board of Education imposes any penalty under § 5–213 of the Education Article on a county or Baltimore City for not meeting the required local maintenance of effort in fiscal year 2012 under § 5–202(d) of the Education Article, the penalty may not be more than the net increase in State aid over fiscal year 2011 due to a county or Baltimore City regardless of the fund source.".

AMENDMENT NO. 39

On page 10, after line 20, insert:

"Article 24 – Political Subdivisions – Miscellaneous Provisions

9–1101.

(b) (2) **(I)** **[**If**]** **SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF** the per capita yield of the county income tax for a county determined under paragraph (1)(i) of this subsection is less than 75% of the per capita statewide yield of the county income tax determined under paragraph (1)(ii) of this subsection,

the Comptroller shall determine the amount that would increase the county per capita yield to equal 75% of the statewide per capita yield, as rounded to the nearest dollar.

(II) FOR FISCAL YEAR 2012 ONLY, IF THE PER CAPITA YIELD OF THE COUNTY INCOME TAX FOR A COUNTY DETERMINED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION IS LESS THAN 77% OF THE PER CAPITA STATEWIDE YIELD OF THE COUNTY INCOME TAX DETERMINED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE COMPTROLLER SHALL DETERMINE THE AMOUNT THAT WOULD INCREASE THE COUNTY PER CAPITA YIELD TO EQUAL 77% OF THE STATEWIDE PER CAPITA YIELD, AS ROUNDED TO THE NEAREST DOLLAR.".

AMENDMENT NO. 40

On page 17 after line 32, insert:

"**(I) (1) IN THIS SUBSECTION, "TOTAL DIRECT EDUCATION AID" MEANS THE TOTAL FINANCIAL ASSISTANCE PROVIDED BY THE STATE TO A COUNTY BOARD UNDER THE FOLLOWING PROGRAMS:**

(I) FUNDING FOR THE FOUNDATION PROGRAM INCLUDING FUNDS FOR THE GEOGRAPHIC COST OF EDUCATION UNDER THIS SECTION;

(II) TRANSPORTATION AID UNDER § 5–205 OF THIS SUBTITLE;

(III) FUNDING FOR COMPENSATORY EDUCATION UNDER § 5–207 OF THIS SUBTITLE;

(IV) FUNDING FOR STUDENTS WITH LIMITED ENGLISH PROFICIENCY UNDER § 5–208 OF THIS SUBTITLE;

(V) FUNDING FOR SPECIAL EDUCATION STUDENTS UNDER § 5–209 OF THIS SUBTITLE;

(VI) FUNDING FOR THE GUARANTEED TAX BASE PROGRAM UNDER § 5–210 OF THIS SUBTITLE; AND

(VII) FUNDING FOR GRANTS PROVIDED UNDER THIS SUBSECTION.

(2) FOR EACH OF FISCAL YEARS 2012 THROUGH 2016 ONLY, IF A COUNTY BOARD'S TOTAL DIRECT EDUCATION AID IN THE CURRENT FISCAL YEAR IS LESS THAN THE PRIOR FISCAL YEAR BY MORE THAN 6%, THEN THE STATE SHALL PROVIDE A GRANT TO THE COUNTY BOARD IN AN AMOUNT NECESSARY TO ENSURE THAT A DECREASE IN TOTAL DIRECT EDUCATION AID IS NOT MORE THAN 6%.".

AMENDMENT NO. 41

On page 1, in line 18, strike "a certain fiscal year" and substitute "certain fiscal years".

On page 74, in line 30, after "**HAS**" insert "**AT LEAST**".

On page 113, in line 22, strike "3." and substitute "4.".

On page 114, in line 3, strike "4." and substitute "5.".

On page 116, in lines 1, 16, 23, 30, and 37, strike "5.", "6.", "7.", "8.", and "9.", respectively, and substitute "6.", "7.", "8.", "9.", and "10.", respectively.

On page 117, in lines 4, 10, 16, and 26, strike "10.", "11.", "12.", and "13.", respectively, and substitute "11.", "12.", "13.", and "14.", respectively.

On page 118, strike beginning with ", other" in line 11 down through "Article" in line 13.

On page 120, in line 13, strike "20." and substitute "21.".

On page 121, in lines 8, 20, 26, and 35, strike "21.", "22.", "23.", and "24.", respectively, and substitute "22.", "23.", "24.", and "25.", respectively.

On page 122, in lines 3, 13, and 38, strike "25.", "26.", and "27.", respectively, and substitute "26.", "27.", and "28.", respectively.

On page 123, in lines 6, 11, and 34, strike "28.", "29.", and "30.", respectively, and substitute "29.", "30.", and "31.", respectively.

On page 124, in line 33, strike "30" and substitute "31"; and in line 36, strike "4" and substitute "2".

The preceding 41 amendments were read and adopted.

Favorable report, as amended, adopted.

Senator Kasemeyer moved, duly seconded, to make the Bill a Special Order for p.m. session.

The motion was adopted.

Senate Bill 994 – Senators Jones–Rodwell and Madaleno

AN ACT concerning

Sales and Use Tax – Alcoholic Beverages

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

SB0994/149637/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 994
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Madaleno" and substitute ", Madaleno, Currie, King, Manno, and McFadden".

AMENDMENT NO. 2

On page 1, in line 2, after "Beverages" insert "– Supplementary Appropriation"; strike beginning with "requiring" in line 4 down through "State;" in line 6 and substitute "making this Act a supplementary appropriation to fund a certain waiting list initiative for the Developmental Disabilities Administration; requiring the Governor to include certain amounts in the budget bill for certain fiscal years for certain purposes;"; in line 7, after "beverage" insert "and a supplementary appropriation"; and strike in their entirety lines 8 through 12, inclusive.

AMENDMENT NO. 3

On pages 1 and 2, strike in their entirety the lines beginning with line 21 on page 1 through line 13 on page 2.

AMENDMENT NO. 4

On page 2, after line 22, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That for fiscal year 2012 only and from only those additional revenues resulting from this Act that are credited to the General Fund for fiscal year 2012, and from no other funds, and subject to the provisions of law relating to budgetary procedure to the extent applicable, the amount specified below, or as much thereof as required to accomplish the designated purpose, is hereby appropriated and authorized to be disbursed from as much of those additional revenues as are received by the State:

M00M01.02 Community Services

In addition to the amount appropriated in the budget bill for fiscal year 2012, to supplement the appropriation for fiscal year 2012, the following amount to be used to fund a Waiting List initiative for the Developmental Disabilities Administration. Priority shall be given to individuals in the Crisis Prevention and Crisis Resolution categories of the Waiting List:

General Fund Appropriation $5,000,000

SECTION 3. AND BE IT FURTHER ENACTED, That the Governor shall include at least $10,000,000 in the budget bill for fiscal year 2013 and at least $15,000,000 in the budget bill for fiscal year 2014 to fund a Waiting List initiative for the Developmental Disabilities Administration. Priority shall be given to individuals in the Crisis Prevention and Crisis Resolution categories of the Waiting List.";

and in line 23, strike "2." and substitute "4.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0994/393627/1
BY: Senator Forehand

AMENDMENT TO SENATE BILL 994, AS AMENDED

On page 1 of the Budget and Taxation Committee Amendments (SB0994/149637/1), in line 2 of Amendment No. 1, strike "and McFadden" and substitute "McFadden, and Forehand".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0994/803727/1
BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 994, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1
In the Budget and Taxation Committee Amendments (SB0994/149637/1), strike Amendments No. 2 and No. 4 in their entirety.

AMENDMENT NO. 2
On page 1 of the bill, in line 5, strike beginning with the third "the" in line 5 down through "State" in line 6 and substitute "a special fund, to be used only for certain purposes"; and strike in their entirety lines 8 through 12, inclusive.

AMENDMENT NO. 3
On page 2 of the bill, in line 15, after "**(G)**" insert "**(1)**"; in lines 17, 19, and 21, strike "**(1)**", "**(2)**", and "**(3)**", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively; and after line 22, insert:

"**(2) NOTWITHSTANDING § 2–1303 OF THIS ARTICLE, THE COMPTROLLER SHALL DISTRIBUTE THE REVENUE ATTRIBUTABLE TO A SALES AND USE TAX RATE IN EXCESS OF 6% ON THE SALE OF ALCOHOLIC BEVERAGES TO A SPECIAL FUND, TO BE USED ONLY AS FOLLOWS:**

(I) 50% TO SUPPORT SERVICES TO INDIVIDUALS WHO ARE ON THE DEVELOPMENTAL DISABILITIES ADMINISTRATION WAITING LIST AND ARE ELIGIBLE FOR, BUT NOT RECEIVING, SERVICES FROM THE ADMINISTRATION; AND

(II) 50% TO SUPPORT COMMUNITY–BASED PROGRAMS FOR THE TREATMENT AND PREVENTION OF MENTAL ILLNESSES IN CHILDREN AND ADULTS, INCLUDING TREATMENT FOR THOSE WITH CO–OCCURRING SUBSTANCE USE AND MENTAL HEALTH DISORDERS.".

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

Affirmative – 14 Negative – 30 (See Roll Call No. 635)

Read the second time and ordered prepared for Third Reading.

Senate Bill 570 – Senator Pugh

AN ACT concerning

Motor Vehicles – Towing Practices and Procedures

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

SB0570/418873/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 570
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Pugh" and substitute "Senators Pugh, Forehand, Gladden, Ramirez, and Raskin"; and in line 14, after "vehicle;" insert "authorizing a court to enter a judgment of restitution for a certain victim under certain circumstances;".

On page 2, after line 34, insert:

"BY repealing and reenacting, with amendments,
Article – Criminal Procedure

Section 11–603
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 5, in line 3, strike "**A LICENSED DEALER OR**".

On page 12, in line 5, strike the period and substitute "**; OR**".

AMENDMENT NO. 3

On page 10, in line 5, strike "**$1,200**" and substitute "**$1,000**".

On page 17, in line 25, strike "**DIFFERENT**" and substitute "**LOWER**".

On page 18, in line 9, after the second "**A**" insert "**LOWER**"; in line 11, strike "**$300**" and substitute "**$175**"; in line 12, strike "**$30**" and substitute "**$10**"; and in line 16, strike "**$1,200**" and substitute "**$1,000**".

AMENDMENT NO. 4

On page 10, after line 19, insert:

"Article – Criminal Procedure

11–603.

(a) A court may enter a judgment of restitution that orders a defendant or child respondent to make restitution in addition to any other penalty for the commission of a crime or delinquent act, if:

(1) as a direct result of the crime or delinquent act, property of the victim was stolen, damaged, destroyed, converted, or unlawfully obtained, or its value substantially decreased;

(2) as a direct result of the crime or delinquent act, the victim suffered:

(i) actual medical, dental, hospital, counseling, funeral, or burial expenses or losses;

(ii) direct out–of–pocket loss;

(iii) loss of earnings; or

(iv) expenses incurred with rehabilitation;

(3) the victim incurred medical expenses that were paid by the Department of Health and Mental Hygiene or any other governmental unit;

(4) a governmental unit incurred expenses in removing, towing, transporting, preserving, storing, selling, or destroying an abandoned vehicle as defined in § 25–201 of the Transportation Article;

(5) the Criminal Injuries Compensation Board paid benefits to a victim; **[**or**]**

(6) the Department of Health and Mental Hygiene or other governmental unit paid expenses incurred under Subtitle 1, Part II of this title**; OR**

(7) THE VICTIM INCURRED EXPENSES RELATED TO THE REMOVAL, TOWING, TRANSPORTING, PRESERVING, STORING, SELLING, OR DESTRUCTION OF A VEHICLE AS A RESULT OF A CRIME OR DELINQUENT ACT.

(b) A victim is presumed to have a right to restitution under subsection (a) of this section if:

(1) the victim or the State requests restitution; and

(2) the court is presented with competent evidence of any item listed in subsection (a) of this section.

(c) (1) A judgment of restitution does not preclude the property owner or the victim who suffered personal physical or mental injury, out–of–pocket loss of earnings, or support from bringing a civil action to recover damages from the restitution obligor.

(2) A civil verdict shall be reduced by the amount paid under the criminal judgment of restitution.

(d) In making a disposition on a finding that a child at least 13 years old has committed an act of graffiti under § 6–301(d) of the Criminal Law Article, the court shall order the child to perform community service or pay restitution or both.".

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 679 – Senators Brinkley, Madaleno, Middleton, Rosapepe, and Young

AN ACT concerning

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

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

SB0679/828171/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 679
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "vehicles" insert ", if authorized by a local law enacted by the governing body of the local jurisdiction".

On pages 1 and 2, strike beginning with "establishing" in line 29 on page 1 down through "purposes;" in line 1 on page 2.

AMENDMENT NO. 2

On page 5, in line 21, strike "**A**" and substitute "**(I) A SCHOOL BUS MONITORING CAMERA MAY NOT BE USED IN A LOCAL JURISDICTION UNDER THIS SECTION UNLESS ITS USE IS AUTHORIZED BY THE GOVERNING BODY OF THE LOCAL JURISDICTION BY LOCAL LAW ENACTED AFTER REASONABLE NOTICE AND A PUBLIC HEARING.**

(II) IF AUTHORIZED BY THE GOVERNING BODY OF THE LOCAL JURISDICTION, A".

AMENDMENT NO. 3

On page 6, in line 12, strike "**$500**" and substitute "**$250**".

AMENDMENT NO. 4

On pages 9 and 10, strike in their entirety the lines beginning with line 33 on page 9 through line 8 on page 10, inclusive.

On page 10, in line 9, strike "**(K)**" and substitute "**(J)**".

The preceding 4 amendments were read only.

Senator Pipkin moved, duly seconded, to make the Bill and Amendments a Special Order for March 31, 2011.

The motion was adopted.

Senate Bill 708 – Senators Klausmeier, Ferguson, Forehand, Kelley, King, Madaleno, Manno, and Stone

AN ACT concerning

Mopeds and Motor Scooters – Titling, Registration, Insurance, and Required Use of Protective Headgear

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

SB0708/208275/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 708

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "of" insert "authorizing a certain insurer to exclude a moped and motor scooter from certain insurance benefits;"; in line 16, after "device;" insert "authorizing the Motor Vehicle Administrator to approve or disapprove certain headgear and eye–protective devices and adopt and enforce certain regulations; requiring the Administrator to publish a certain list;"; in line 17, after "not" insert "be

considered certain evidence or"; in line 18, after "damages;" insert "establishing that certain provisions relating to moped and motor scooter headgear and eye–protective devices do not limit certain liabilities or rights; requiring certain procedures in certain civil proceedings;"; and after line 21, insert:

"BY repealing and reenacting, with amendments,
Article – Insurance
Section 19–505(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)".

On page 2, in line 2, strike "21–1306,"; and in line 8, after "13–939.3" insert ", 21–1306.1,".

AMENDMENT NO. 2

On page 2, after line 12, insert:

"Article – Insurance

19–505.

(c) (1) An insurer may exclude from the coverage described in this section benefits for:

(i) an individual, otherwise insured under the policy, who:

1. intentionally causes the motor vehicle accident resulting in the injury for which benefits are claimed;

2. is a nonresident of the State and is injured as a pedestrian in a motor vehicle accident that occurs outside of the State;

3. is injured in a motor vehicle accident while operating or voluntarily riding in a motor vehicle that the individual knows is stolen; or

4. is injured in a motor vehicle accident while committing a felony or while violating § 21–904 of the Transportation Article; or

(ii) the named insured or a family member of the named insured who resides in the named insured's household for an injury that occurs while the named insured or family member is occupying an uninsured motor vehicle owned by:

1. the named insured; or

2. an immediate family member of the named insured who resides in the named insured's household.

(2) In the case of motorcycles, **MOPEDS, OR MOTOR SCOOTERS,** an insurer may:

(i) exclude the economic loss benefits described in this section; or

(ii) offer the economic loss benefits with deductibles, options, or specific exclusions.".

AMENDMENT NO. 3

On pages 6 through 8, strike in their entirety the lines beginning with line 29 on page 6 through line 4 on page 8, inclusive, and substitute:

"**21–1306.1.**

(A) THIS SECTION DOES NOT APPLY TO ANY INDIVIDUAL RIDING IN AN ENCLOSED CAB.

(B) AN INDIVIDUAL MAY NOT OPERATE OR RIDE ON A MOPED OR MOTOR SCOOTER UNLESS THE INDIVIDUAL IS WEARING PROTECTIVE HEADGEAR THAT MEETS THE STANDARDS ESTABLISHED BY THE ADMINISTRATOR.

(C) AN INDIVIDUAL MAY NOT OPERATE A MOPED OR MOTOR SCOOTER UNLESS:

(1) THE INDIVIDUAL IS WEARING AN EYE–PROTECTIVE DEVICE OF A TYPE APPROVED BY THE ADMINISTRATOR; OR

(2) THE MOPED OR MOTOR SCOOTER IS EQUIPPED WITH A WINDSCREEN.

(D) THE ADMINISTRATOR:

(1) MAY APPROVE OR DISAPPROVE PROTECTIVE HEADGEAR AND EYE–PROTECTIVE DEVICES REQUIRED BY THIS SECTION;

(2) MAY ADOPT AND ENFORCE REGULATIONS ESTABLISHING STANDARDS AND SPECIFICATIONS FOR THE APPROVAL OF PROTECTIVE HEADGEAR AND EYE–PROTECTIVE DEVICES; AND

(3) SHALL PUBLISH LISTS OF ALL PROTECTIVE HEADGEAR AND EYE–PROTECTIVE DEVICES THAT THE ADMINISTRATOR APPROVES, BY NAME AND TYPE.

(E) (1) THE FAILURE OF AN INDIVIDUAL TO WEAR PROTECTIVE HEADGEAR REQUIRED UNDER SUBSECTION (B) OF THIS SECTION MAY NOT:

(I) BE CONSIDERED EVIDENCE OF NEGLIGENCE;

(II) BE CONSIDERED EVIDENCE OF CONTRIBUTORY NEGLIGENCE;

(III) LIMIT LIABILITY OF A PARTY OR AN INSURER; OR

(IV) DIMINISH RECOVERY FOR DAMAGES ARISING OUT OF THE OWNERSHIP, MAINTENANCE, OR OPERATION OF A MOPED OR MOTOR SCOOTER.

(2) SUBJECT TO THE PROVISIONS OF PARAGRAPH (3) OF THIS SUBSECTION, A PARTY, WITNESS, OR COUNSEL MAY NOT MAKE REFERENCE TO PROTECTIVE HEADGEAR DURING A TRIAL OF A CIVIL ACTION THAT INVOLVES PROPERTY DAMAGE, PERSONAL INJURY, OR DEATH IF THE DAMAGE, INJURY, OR DEATH IS NOT RELATED TO THE DESIGN, MANUFACTURE, SUPPLYING, OR REPAIR OF PROTECTIVE HEADGEAR.

(3) (I) NOTHING CONTAINED IN THIS SUBSECTION MAY BE CONSTRUED TO PROHIBIT THE RIGHT OF A PERSON TO INSTITUTE A CIVIL ACTION FOR DAMAGES AGAINST A DEALER, MANUFACTURER, DISTRIBUTOR, FACTORY BRANCH, OR OTHER APPROPRIATE ENTITY OR PERSON ARISING OUT OF AN INCIDENT THAT INVOLVES PROTECTIVE HEADGEAR ALLEGED TO BE DEFECTIVELY DESIGNED, MANUFACTURED, OR REPAIRED.

(II) IN A CIVIL ACTION DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IN WHICH TWO OR MORE PARTIES ARE NAMED AS JOINT TORT–FEASORS, INTERPLEADED AS DEFENDANTS, OR IMPLEADED AS DEFENDANTS, AND AT LEAST ONE OF THE JOINT TORT–FEASORS OR DEFENDANTS IS NOT INVOLVED IN THE DESIGN, MANUFACTURE, SUPPLYING, OR REPAIR OF PROTECTIVE HEADGEAR, A COURT SHALL ORDER ON A MOTION OF ANY PARTY SEPARATE TRIALS TO ACCOMPLISH THE ENDS OF JUSTICE.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0708/883929/1
BY: Senator McFadden

AMENDMENT TO SENATE BILL 708
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, and McFadden".

The preceding amendment was read and adopted.

Senator Glassman moved, duly seconded, to make the Bill a Special Order for March 30, 2011.

The motion was adopted.

Senate Bill 586 – Senators Ramirez and Zirkin

AN ACT concerning

Courts – Service of Process – Motor Vehicle Administration as Agent for Driver

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

SB0586/648579/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 586
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Administration" insert "and Insurer"; in line 9, after "Assembly;" insert "requiring a motor vehicle insurer to act as the agent for a certain resident driver with regard to a subpoena, summons, or other process issued in a certain action related to a certain motor vehicle accident under certain circumstances; requiring the motor vehicle insurer to take certain actions, provide copies of certain documents, and keep certain records; authorizing the motor vehicle insurer to collect a certain fee;"; and after line 16, insert:

"BY adding to
Article – Courts and Judicial Proceedings
Section 6–314
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 2, in lines 15, 16, and 17, in each instance, strike "nonresident"; in line 24, after "**CERTIFIES**" insert "**UNDER OATH**"; in line 25, strike "**AND**"; and in line 28, after "**ADDRESS**" insert "**; AND**

(III) THAT THE PARTY, AFTER EXERCISING DUE DILIGENCE, WAS UNABLE TO SERVE THE RESIDENT'S MOTOR VEHICLE INSURER, IF ANY, IN ACCORDANCE WITH § 6–314 OF THIS SUBTITLE".

AMENDMENT NO. 3

On page 4, after line 4, insert:

"**6–314.**

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

(2) "MOTOR VEHICLE" HAS THE MEANING STATED IN § 11–135 OF THE TRANSPORTATION ARTICLE.

(3) "RESIDENT" HAS THE MEANING STATED IN § 11–149 OF THE TRANSPORTATION ARTICLE.

(B) BY PURCHASING MOTOR VEHICLE LIABILITY INSURANCE FROM A MOTOR VEHICLE INSURER, A RESIDENT APPOINTS THE MOTOR VEHICLE INSURER AS AGENT TO RECEIVE A SUBPOENA, A SUMMONS, OR OTHER PROCESS THAT IS:

(1) ISSUED IN AN ACTION THAT IS RELATED TO AN ACCIDENT OR COLLISION INVOLVING A MOTOR VEHICLE DRIVEN BY THE RESIDENT DRIVER AND IN WHICH THE RESIDENT DRIVER IS NAMED AS A PARTY; AND

(2) DIRECTED TO THE RESIDENT DRIVER.

(C) A MOTOR VEHICLE INSURER MAY BE SERVED AS AGENT OF A RESIDENT UNDER THIS SECTION ONLY IF THE PARTY SEEKING SERVICE CERTIFIES UNDER OATH TO THE MOTOR VEHICLE INSURER:

(1) THE RESIDENT'S LAST KNOWN ADDRESS; AND

(2) THAT THE PARTY, AFTER EXERCISING DUE DILIGENCE, WAS UNABLE TO SERVE THE RESIDENT AT THE RESIDENT'S LAST KNOWN ADDRESS.

(D) SERVICE OF PROCESS IS SUFFICIENT SERVICE ON A RESIDENT DRIVER UNDER THIS SECTION IF:

(1) SERVICE IS MADE BY THE PERSONAL DELIVERY AND LEAVING OF A COPY OF THE PROCESS, WITH A CERTIFICATION OF THE LAST KNOWN ADDRESS OF THE RESIDENT DRIVER, WITH THE MOTOR VEHICLE INSURER;

(2) THE FEE FOR SERVICE OF PROCESS IS PAID TO THE MOTOR VEHICLE LIABILITY INSURER;

(3) THE MOTOR VEHICLE INSURER SENDS A COPY OF THE PROCESS BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE RESIDENT DRIVER AT THE RESIDENT DRIVER'S LAST KNOWN ADDRESS; AND

(4) THE MOTOR VEHICLE INSURER FILES AN AFFIDAVIT OF COMPLIANCE WITH THE PROVISIONS OF THIS SECTION WITH THE CLERK OF THE COURT IN WHICH THE ACTION IS PENDING.

(E) THE MOTOR VEHICLE INSURER SHALL PROVIDE A COPY OF THE AFFIDAVIT OF COMPLIANCE TO THE PARTY SEEKING SERVICE.

(F) (1) THE MOTOR VEHICLE INSURER SHALL KEEP A RECORD OF ALL PROCESS SERVED UNDER THIS SECTION THAT SHOWS THE DATE AND HOUR OF SERVICE ON THE MOTOR VEHICLE INSURER BY THE PARTY SEEKING SERVICE.

(2) WHEN THE CERTIFIED RETURN RECEIPT IS RETURNED TO THE MOTOR VEHICLE INSURER, THE MOTOR VEHICLE INSURER SHALL:

(I) DELIVER IT TO THE PARTY SEEKING SERVICE; AND

(II) KEEP A RECORD OF THE DATE OF ITS RECEIPT AND THE DATE OF ITS DELIVERY TO THE PARTY SEEKING SERVICE.

(G) THE MOTOR VEHICLE INSURER IS AUTHORIZED TO COLLECT A FEE TO RECOVER THE MOTOR VEHICLE INSURER'S COSTS UNDER THIS SECTION THAT IS EQUIVALENT TO THE FEE CHARGED BY THE MOTOR VEHICLE ADMINISTRATION UNDER § 6–313 OF THIS SUBTITLE.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 636)

RECESS

At 12:34 P.M. on motion of Senator Garagiola, seconded, the Senate recessed until 3:30 P.M. on Legislative Day, March 27, 2011, Calendar Day, Tuesday, March 29, 2011.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 27, 2011
Calendar Day: Tuesday, March 29, 2011

At 3:41 P.M. the Senate resumed its session.

QUORUM CALL

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

(See Roll Call No. 638)

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 266 – Delegates Waldstreicher, Alston, Anderson, Arora, Aumann, Clippinger, Dumais, Frank, Frush, Haddaway–Riccio, Hough, Lee, Luedtke, McDermott, Mitchell, Morhaim, S. Robinson, Smigiel, Tarrant, Valderrama, Valentino–Smith, and Wilson

AN ACT concerning

Human Trafficking Victim Protection Act

FOR the purpose of ~~authorizing a court to order a person who has been convicted of human trafficking to pay restitution to the victim for certain expenses incurred by the victim; providing for the verification of certain expenses alleged to be incurred by the victim; establishing that certain absences of the victim may not be a basis for denial of restitution; establishing that this Act may not be constructed to limit a person's right to certain restitution; clarifying that certain provisions of law related to restitution apply to an order of restitution under this Act;~~ authorizing a person convicted of prostitution to file a ~~petition~~ motion to vacate the judgment ~~if the person's involvement in prostitution was the result of the person having been a victim of human trafficking~~ under certain circumstances; establishing the requirements for a ~~petition~~ motion filed under this Act; ~~requiring a person filing a petition under this Act to provide a certain notice to the State; authorizing the State to file a certain response in a certain~~

~~period of time;~~ requiring the court to hold a hearing on the ~~petition~~ motion under certain circumstances, with a certain exception; authorizing the court to take certain actions in ruling on the ~~petition~~ motion; requiring the court to state on the record the reasons for its ruling on the ~~petition~~ motion; establishing that a ~~petitioner~~ defendant in a proceeding under this Act has the burden of proof; and generally relating to victims of human trafficking.

BY repealing and reenacting, ~~with~~ without amendments,
Article – Criminal Law
Section 11–303
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

BY adding to
Article – Criminal Procedure
Section 8–302
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 448 – Delegates Ivey, Afzali, Anderson, Barnes, Barve, Conaway, Davis, Frick, Frush, Gilchrist, Glenn, Griffith, Guzzone, Hammen, Hucker, Kaiser, Luedtke, McHale, A. Miller, Mitchell, Murphy, Oaks, Proctor, B. Robinson, Stocksdale, Stukes, Summers, Tarrant, F. Turner, Valderrama, Vaughn, Walker, Washington, and Wilson

AN ACT concerning

Education – Residential Boarding Education Programs for At–Risk Youth – Funding

FOR the purpose of requiring the Governor to appropriate certain funds to the State Department of Education to cover the transportation, boarding, and administrative costs of residential boarding education programs for at–risk youth; limiting the total amount of funds to an amount adequate to fund a certain maximum number of students; defining certain terms; and generally relating to funding for residential boarding education programs for at–risk youth.

BY repealing and reenacting, with amendments,
Article – Education
Section 8–710
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

House Bill 115 – Delegates Tarrant, Anderson, Branch, Clippinger, Conaway, Glenn, Hammen, Haynes, McHale, McIntosh, Mitchell, Oaks, B. Robinson, Rosenberg, Stukes, and Washington

AN ACT concerning

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

Reassigned to the Committee on Budget and Taxation and the Committee on Education, Health, and Environmental Affairs under Rule 33(d).

Read and ordered journalized.

ANNOUNCEMENT BY THE PRESIDENT

House Bill 1156 – Delegates Rudolph and James

AN ACT concerning

~~Northeastern Maryland~~ Task Force to Study the Creation of a Regional Higher Education ~~and Applied Technology~~ Center in Northeastern Maryland

Reassigned to the Committee on Budget and Taxation under Rule 33(d).

Read and ordered journalized.

LAID OVER BILLS

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

Senate Bill 182 – The President (By Request – Administration) and Senators Middleton, Benson, Forehand, Frosh, King, Madaleno, Manno, Montgomery, Pinsky, Ramirez, Raskin, and Rosapepe

AN ACT concerning

Maryland Health Benefit Exchange Act of 2011

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (14) AND THE FAVORABLE REPORT.

SB0182/877773/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 182
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, Garagiola, Kelley, Muse, Pugh, Currie, McFadden, and Peters"; in line 3, after "as" insert "a public corporation and"; in line 15, after the semicolon insert "requiring a member to disclose certain matters and certain relationships to the Board and to the public; requiring a member to adhere strictly to certain provisions of law relating to conflicts of interest;"; in line 23, after the semicolon insert "requiring the Exchange to create, consult with, and appoint certain representatives to advisory committees;"; in line 29, strike ", in carrying out certain duties,"; in the same line, after "with" insert "and consider the recommendations of"; and in the same line, after "stakeholders" insert "in the exercise of certain duties".

On page 2, in line 4, after the second "plans" insert "or any dental plans that are not qualified dental plans"; in line 8, after "operations" insert "on or after a certain date; requiring the Exchange to adopt certain regulations before imposing or altering certain fees or assessments"; in line 9, after the semicolon insert "prohibiting the Exchange from imposing certain fees or assessments in a certain manner;"; strike beginning with "implementing" in line 18 down through the first "Assembly" in line 21 and substitute "exercising certain powers, duties, or functions until the Exchange has reported certain findings and recommendations to the Governor and the General Assembly and the Governor and General Assembly have enacted certain legislation"; in line 25, strike "certain dates" and substitute "a certain date"; and in the same line, after the semicolon insert "expressing the intent of the General Assembly regarding certain actions of the Exchange;".

On page 3, in line 12, strike "2016" and substitute "2015".

AMENDMENT NO. 2

On page 4, in line 4, after "entity" insert "or a quasi–governmental entity"; in line 21, strike "**OR**"; after line 21 insert:

"**(4)** **A DENTAL PLAN ORGANIZATION; OR**";

in line 22, strike "**(4)**" and substitute "**(5)**"; in line 26, after "**ESTABLISHED**" insert "**AS A PUBLIC CORPORATION**"; after line 26 insert:

"**(F)** **"FUND" MEANS THE MARYLAND HEALTH BENEFIT EXCHANGE FUND ESTABLISHED UNDER § 31–107 OF THIS SUBTITLE.**";

in line 27, strike "**(F)**" and substitute "**(G)**".

On page 5, in lines 13 and 25, in each instance, strike "**P.L. 104–191**" and substitute "**THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT**".

On page 6, after line 18 insert:

"**(H)** **"MANAGED CARE ORGANIZATION" HAS THE MEANING STATED IN § 15–101 OF THE HEALTH – GENERAL ARTICLE.**

(I) **"QUALIFIED DENTAL PLAN" MEANS A PLAN CERTIFIED BY THE EXCHANGE THAT PROVIDES LIMITED SCOPE DENTAL BENEFITS, AS DESCRIBED IN § 31–108(B) OF THIS TITLE.**";

in lines 19 and 30, strike "**(G)**" and "**(H)**", respectively, and substitute "**(J)**" and "**(K)**", respectively; and in line 31, after "**CERTIFIED**" insert "**BY THE EXCHANGE**".

On page 7, in lines 1, 11, 13, and 15, strike "**(I)**", "**(J)**", "**(K)**", and "**(L)**", respectively, and substitute "**(L)**", "**(M)**", "**(N)**", and "**(O)**", respectively; and in line 13, after "**BUSINESS**" insert "**HEALTH**".

AMENDMENT NO. 3

On page 8, in line 17, after "**IS**" insert "**A PUBLIC CORPORATION AND**"; in line 28, strike "**AND**"; in line 30, after "**REDUCTIONS**" insert "**; AND**

(5) **SUPPLEMENT THE INDIVIDUAL AND SMALL GROUP INSURANCE MARKETS OUTSIDE OF THE EXCHANGE**".

On page 9, in line 2, after "**TO**" insert "**:**

(1)";

in lines 4 and 6, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; in line 6, after "**ACT**" insert "**; OR**

(2) AUTHORIZE THE EXCHANGE TO CARRY OUT ANY FUNCTION NOT AUTHORIZED BY THE AFFORDABLE CARE ACT".

AMENDMENT NO. 4

On page 10, in line 17, after "**WHO**" insert "**:**

1.";

after line 19, insert:

"**2. MAY HAVE PUBLIC HEALTH RESEARCH EXPERTISE; AND**";

and in line 28, strike "**AND**".

On page 11, in line 2, after "**COVERAGE**" insert "**, INCLUDING DEMONSTRATED KNOWLEDGE AND EXPERTISE ABOUT THE ROLE OF LICENSED HEALTH INSURANCE PRODUCERS AND THIRD–PARTY ADMINISTRATORS IN CONNECTING EMPLOYERS AND INDIVIDUAL CONSUMERS TO HEALTH PLAN COVERAGE; AND**

7. PUBLIC HEALTH AND PUBLIC HEALTH RESEARCH, INCLUDING KNOWLEDGE ABOUT THE HEALTH NEEDS AND HEALTH DISPARITIES AMONG THE STATE'S DIVERSE COMMUNITIES";

in line 24, after the comma insert "**A MANAGED CARE ORGANIZATION,**"; in the same line, strike "**DOING BUSINESS**" and substitute "**CONTRACTING DIRECTLY**"; in line 25, strike "**OR**"; in line 27, after the second comma insert "**OR MANAGED CARE ORGANIZATIONS;**"; in the same line, after "**OR**" insert:

"**(III)**";

in the same line, after "**OTHER**" insert "**ASSOCIATION OF**"; and in lines 27 and 28, strike "**DOING BUSINESS**" and substitute "**IN A POSITION TO CONTRACT DIRECTLY**".

On page 12, in line 3, strike "**JULY**" and substitute "**JUNE**".

On page 13, in line 12, after "**(N)**" insert "**(1) (I)**"; and after line 14, insert:

"**(II) IN ADDITION TO THE DISCLOSURE REQUIRED UNDER TITLE 15, SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE, A MEMBER OF THE BOARD SHALL DISCLOSE TO THE BOARD AND TO THE PUBLIC ANY RELATIONSHIP NOT ADDRESSED IN THE REQUIRED FINANCIAL DISCLOSURE THAT THE MEMBER HAS WITH A CARRIER, INSURANCE PRODUCER, THIRD–PARTY ADMINISTRATOR, MANAGED CARE ORGANIZATION, OR OTHER ENTITY IN AN INDUSTRY INVOLVED IN MATTERS LIKELY TO COME BEFORE THE BOARD.**

(2) ON ALL MATTERS THAT COME BEFORE THE BOARD, THE MEMBER SHALL:

(I) ADHERE STRICTLY TO THE CONFLICT OF INTEREST PROVISIONS UNDER TITLE 15, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE RELATING TO RESTRICTIONS ON PARTICIPATION, EMPLOYMENT, AND FINANCIAL INTERESTS; AND

(II) PROVIDE FULL DISCLOSURE TO THE BOARD AND THE PUBLIC ON:

1. ANY MATTER THAT GIVES RISE TO A POTENTIAL CONFLICT OF INTEREST; AND

2. THE MANNER IN WHICH THE MEMBER WILL COMPLY WITH THE PROVISIONS OF TITLE 15, SUBTITLE 5 OF THE STATE

GOVERNMENT ARTICLE TO AVOID ANY CONFLICT OF INTEREST OR APPEARANCE OF A CONFLICT OF INTEREST.".

AMENDMENT NO. 5

On page 13, in line 18, strike "**SUBJECT TO THE APPROVAL OF THE GOVERNOR, THE**" and substitute "**THE**".

On page 14, in line 14, strike "**TO THE EXTENT PRACTICABLE, IN**" and substitute "**IN**"; in lines 11 and 17, in each instance, strike "**SUCH**"; in line 19, strike "**IN HIRING**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION,**"; strike beginning with the comma in line 20 down through "**BE**" in line 23 and substitute "**SHALL BE POSITIONS**"; strike beginning with the semicolon in line 25 down through "**TITLE**" in line 30; after line 30, insert:

"**(6) THE EXECUTIVE DIRECTOR MAY RETAIN AS INDEPENDENT CONTRACTORS OR EMPLOYEES, AND SET COMPENSATION FOR, ATTORNEYS, FINANCIAL CONSULTANTS, AND ANY OTHER PROFESSIONALS OR CONSULTANTS NECESSARY TO CARRY OUT THE PLANNING, DEVELOPMENT, AND OPERATIONS OF THE EXCHANGE AND THE PROVISIONS OF THIS TITLE.**";

and in line 33, strike "**(I)**".

On page 15, in line 5, strike "**(I)**".

AMENDMENT NO. 6

On page 16, in lines 9 and 12, in each instance, strike "**FURTHER**" and substitute "**CARRY OUT THE FUNCTIONS AUTHORIZED BY THE AFFORDABLE CARE ACT AND CONSISTENT WITH**".

On pages 16 and 17, strike beginning with "**APPOINT**" in line 27 on page 16 down through "**(7)**" in line 3 on page 17.

On page 17, in lines 6 and 8, strike "**(8)**" and "**(9)**", respectively, and substitute "**(7)**" and "**(8)**", respectively; in line 11, after "**CONTRACT**" insert "**OR ENTER INTO MEMORANDA OF UNDERSTANDING**"; in lines 17 and 18, strike "**THAT ARE NOT AFFILIATED WITH A CARRIER**"; in line 19, strike "**NOT AFFILIATED WITH A**

CARRIER"; in line 20, after "**GROUP**" insert "**PUBLIC AND PRIVATE**"; in line 21, strike "**AND**" and substitute "**OR**".

AMENDMENT NO. 7

On page 18, after line 28, insert:

"**(G) TO CARRY OUT THE PURPOSES OF THIS TITLE, THE BOARD SHALL:**

(1) CREATE AND CONSULT WITH ADVISORY COMMITTEES; AND

(2) APPOINT TO THE ADVISORY COMMITTEES REPRESENTATIVES OF:

(I) INSURERS OR HEALTH MAINTENANCE ORGANIZATIONS OFFERING HEALTH BENEFIT PLANS IN THE STATE;

(II) NONPROFIT HEALTH SERVICE PLANS OFFERING HEALTH BENEFIT PLANS IN THE STATE;

(III) LICENSED HEALTH INSURANCE PRODUCERS AND ADVISERS;

(IV) THIRD–PARTY ADMINISTRATORS;

(V) HEALTH CARE PROVIDERS, INCLUDING:

1. HOSPITALS;

2. LONG–TERM CARE FACILITIES;

3. MENTAL HEALTH PROVIDERS;

4. DEVELOPMENTAL DISABILITY PROVIDERS;

5. SUBSTANCE ABUSE TREATMENT PROVIDERS;

6. FEDERALLY QUALIFIED HEALTH CENTERS;

7. PHYSICIANS;

8. NURSES;

9. EXPERTS IN SERVICES AND CARE COORDINATION FOR CRIMINAL AND JUVENILE JUSTICE POPULATIONS;

10. LICENSED HOSPICE PROVIDERS; AND

11. OTHER HEALTH CARE PROFESSIONALS;

(VI) MANAGED CARE ORGANIZATIONS;

(VII) EMPLOYERS, INCLUDING LARGE, SMALL, AND MINORITY–OWNED EMPLOYERS;

(VIII) PUBLIC EMPLOYEE UNIONS, INCLUDING PUBLIC EMPLOYEE UNION MEMBERS WHO ARE CASEWORKERS IN LOCAL DEPARTMENTS OF SOCIAL SERVICES WITH DIRECT KNOWLEDGE OF INFORMATION TECHNOLOGY SYSTEMS USED FOR MEDICAID ELIGIBILITY DETERMINATION;

(IX) CONSUMERS, INCLUDING INDIVIDUALS WHO:

1. RESIDE IN LOWER–INCOME AND RACIAL OR ETHNIC MINORITY COMMUNITIES;

2. HAVE CHRONIC DISEASES OR DISABILITIES; OR

3. BELONG TO OTHER HARD–TO–REACH OR SPECIAL POPULATIONS;

(X) INDIVIDUALS WITH KNOWLEDGE AND EXPERTISE IN ADVOCACY FOR CONSUMERS DESCRIBED IN ITEM (IX) OF THIS ITEM;

(XI) PUBLIC HEALTH RESEARCHERS AND OTHER ACADEMIC EXPERTS WITH KNOWLEDGE AND BACKGROUND RELEVANT TO THE FUNCTIONS AND GOALS OF THE EXCHANGE, INCLUDING KNOWLEDGE OF THE HEALTH NEEDS AND HEALTH DISPARITIES AMONG THE STATE'S DIVERSE COMMUNITIES; AND

(XII) ANY OTHER STAKEHOLDERS IDENTIFIED BY THE EXCHANGE AS HAVING KNOWLEDGE OR REPRESENTING INTERESTS RELEVANT TO THE FUNCTIONS AND DUTIES OF THE EXCHANGE.";

and strike in their entirety lines 30 and 31.

On page 19, in lines 1, 2, 5, 6, 10, 24, and 27, strike "**(B)**", "**(C)**", "**(D)**", "**(E)**", "**(F)**", "**(G)**", and "**(H)**", respectively, and substitute "**(A)**", "**(B)**", "**(C)**", "**(D)**", "**(E)**", "**(F)**", and "**(G)**", respectively.

On page 20, in line 5, strike "**(I)**" and substitute "**(H)**".

AMENDMENT NO. 8

On page 20, in line 15, strike "**HEALTH**" and substitute "**DENTAL**"; in line 17, strike "**UNDER**" and substitute "**THAT MEET THE REQUIREMENTS OF**"; in line 33, after "**PLANS**" insert "**AND QUALIFIED DENTAL PLANS**".

On page 21, in line 21, strike "**INSURANCE**"; in line 30, after "**PLAN**" insert "**AND A QUALIFIED DENTAL PLAN**".

On page 23, in line 10, after "**PLANS**" insert "**AND QUALIFIED DENTAL PLANS**".

On pages 23 and 24, strike in their entirety the lines beginning with line 30 on page 23 through line 12 on page 24, inclusive, and substitute:

"**(D) THE EXCHANGE, THROUGH THE ADVISORY COMMITTEES ESTABLISHED UNDER § 31–106(G) OF THIS TITLE OR THROUGH OTHER MEANS, SHALL CONSULT WITH AND CONSIDER THE RECOMMENDATIONS OF THE STAKEHOLDERS REPRESENTED ON THE ADVISORY COMMITTEES IN THE EXERCISE OF ITS DUTIES UNDER THIS TITLE.**".

On page 24, in line 13, after "**AVAILABLE**" insert "**:**

(1)";

and in line 14, after the second "**PLAN**" insert "**; OR**

(2) **ANY DENTAL PLAN THAT IS NOT A QUALIFIED DENTAL PLAN**".

AMENDMENT NO. 9

On page 26, in lines 13 and 14, strike "**AN ADEQUATE CHOICE OF**" and substitute "**AT LEAST ONE**"; in line 14, strike "**PLANS**" and substitute "**PLAN**".

On page 28, in line 14, after the semicolon insert "**AND**"; in line 15, after "**MINIMUM**" insert "**:**

1.";

after line 17, insert:

"**2.** **OTHER DENTAL BENEFITS REQUIRED BY THE SECRETARY OR THE EXCHANGE.**";

and strike in their entirety lines 18 and 19.

AMENDMENT NO. 10

On page 28, in line 27, strike "**SUBJECT**" and substitute "**BEGINNING JANUARY 1, 2014, SUBJECT**"; in the same line, strike "**SUBSECTION (B)**" and substitute "**SUBSECTIONS (B) AND (C)**"; and in lines 30 and 31, strike "**ON PERSONS THAT BENEFIT FROM THE EXCHANGE**" and substitute "**THAT DO NOT EXCEED REASONABLE PROJECTIONS REGARDING THE AMOUNT NECESSARY TO SUPPORT THE OPERATIONS OF THE EXCHANGE UNDER THIS TITLE**".

On page 29, after line 3, insert:

"**(C)** **BEFORE IMPOSING OR ALTERING ANY FEE OR ASSESSMENT ESTABLISHED BY LAW, THE EXCHANGE SHALL ADOPT REGULATIONS THAT SPECIFY:**

(1) **THE PERSONS SUBJECT TO THE FEE OR ASSESSMENT;**

(2) **THE AMOUNT OF THE FEE OR ASSESSMENT; AND**

(3) **THE MANNER IN WHICH THE FEE OR ASSESSMENT WILL BE COLLECTED.**";

in lines 4 and 13, strike "**(C)**" and "**(D)**", respectively, and substitute "**(D)**" and "**(F)**", respectively; in lines 6 and 7, strike "**MARYLAND HEALTH BENEFIT EXCHANGE**"; and after line 12, insert:

"**(E)** **THE EXCHANGE MAY NOT IMPOSE FEES OR ASSESSMENTS AUTHORIZED UNDER THIS SECTION IN A MANNER THAT WOULD PROVIDE A COMPETITIVE DISADVANTAGE TO HEALTH BENEFIT PLANS OPERATING OUTSIDE OF THE EXCHANGE.**".

AMENDMENT NO. 11

On page 30, strike beginning with "**COVERAGE**" in line 11 down through "**ANALYSIS**" in line 14 and substitute "**:**

1. **HEALTH PLAN PARTICIPATION, RATINGS, COVERAGE, PRICE, QUALITY IMPROVEMENT MEASURES, AND BENEFITS;**

2. **CONSUMER CHOICE, PARTICIPATION, AND SATISFACTION INFORMATION TO THE EXTENT THE INFORMATION IS AVAILABLE;**

3. **FINANCIAL INTEGRITY, FEE ASSESSMENTS, AND STATUS OF THE FUND; AND**

4. **ANY OTHER APPROPRIATE METRICS RELATED TO THE OPERATION OF THE EXCHANGE THAT MAY BE USED TO EVALUATE EXCHANGE PERFORMANCE, ASSURE TRANSPARENCY, AND FACILITATE RESEARCH AND ANALYSIS**";

in line 15, after the second "**TO**" insert "**GENDER,**"; in line 16, after the second comma insert "**GEOGRAPHIC LOCATION,**"; and in line 33, strike "such" and substitute "the".

AMENDMENT NO. 12

On pages 30 and 31, strike beginning with "with" in line 34 on page 30 down through the period in line 13 on page 31 and substitute "the Maryland Health Benefit Exchange established under Section 1 of this Act may not exercise any powers, duties, or functions under the provisions of § 31–108(b)(1), (7), (12), (17), (19), and (20), § 31–109(a), or § 31–110 of the Insurance Article, as enacted by Section 1 of this Act, until:

(1) the Exchange has reported its findings and recommendations, including recommendations for legislation necessary or desirable to carry out its purposes and functions, to the Governor and the General Assembly, in accordance with Section 5 of this Act; and

(2) the Governor and the General Assembly authorize the exercise of the powers, duties, and functions through enactment of additional legislation in the 2012 legislative session.".

AMENDMENT NO. 13

On page 31, in line 26, strike "31–106(c)(6)" and substitute "31–106(g)"; in line 37, after the comma insert "value–based insurance design,"; and in line 39, strike "within the State".

On page 32, strike beginning with "whether" in line 12 down through "Program" in line 15 and substitute "which provisions applicable to qualified health plans should be made applicable to qualified dental plans"; strike beginning with "how" in line 18 down through "producers" in line 19 and substitute "the infrastructure of the existing private sector health insurance distribution system in the State to determine whether private sector resources may be available and suitable for use by the Exchange;

2. the effect the Exchange may have on private sector employment in the health insurance distribution system in the State";

in lines 20, 22, 25, and 28, strike "2.", "3.", "4.", and "5.", respectively, and substitute "3.", "4.", "5.", and "7.", respectively; in line 27, strike "and"; after line 27, insert:

"6. how to ensure that Navigators provide information in a manner culturally, linguistically, and otherwise appropriate to the needs of the diverse populations served by the Exchange, and that Navigators have the capacity to meet these needs; and";

in line 31, after the comma insert "to promote quality, affordability, and portability,".

On page 33, in line 3, strike "and"; in line 4, strike "2016" and substitute "2015"; in line 8, after "operations" insert ", including what type of user fee cap or other methodology would be appropriate to ensure that the income of the Exchange comports with the expenditures of the Exchange"; in line 10, after the semicolon insert "and

(vi) how the Exchange should conduct its public relations and advertising campaign, including what type of solicitation, if any, of individual consumers or employers, would be desirable and appropriate; and";

in line 11, strike "1" and substitute "23"; in the same line, strike "interim"; in line 12, strike "initial"; strike beginning with the semicolon in line 14 down through "Assembly" in line 18; and in line 21, strike "31–106(c)(6)" and substitute "31–106(g)".

AMENDMENT NO. 14

On page 33, after line 32, insert:

"SECTION 8. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Health Benefits Exchange established under Section 1 of this Act should not take any action that would inhibit the potential transformation of the Exchange into a nongovernmental, nonprofit entity or a quasi–governmental entity.";

in line 33, strike "8." and substitute "9."; and in line 34, strike "July" and substitute "June".

The preceding 14 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 568 – Senators Pugh and Kittleman

AN ACT concerning

Labor and Employment – Workers' Compensation – Venue for Appeal

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

SB0568/277971/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 568
(First Reading File Bill)

On page 1, in line 20, strike "**APPELLANT**" and substitute "**COVERED EMPLOYEE**"; in line 21, strike "**, IF THE APPELLANT IS AN INDIVIDUAL**".

On page 2, in line 1, strike "**APPELLANT**" and substitute "**EMPLOYER**"; in lines 1 and 2, strike "**, IF THE APPELLANT IS AN EMPLOYER**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 692 – Senator Middleton and the President (By Request – Administration) and Senators Benson, Forehand, Frosh, Garagiola, Jones–Rodwell, King, Madaleno, Manno, Mathias, Montgomery, Muse, Pinsky, Ramirez, Raskin, and Rosapepe

EMERGENCY BILL

AN ACT concerning

Maryland Electricity Service Quality and Reliability Act

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

SB0692/497875/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 692
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosapepe" and substitute ", Rosapepe, Kittleman, Klausmeier, Pipkin, and Pugh"; in line 2, after "Act" insert "– Safety Violations"; in line 7, strike "include" and substitute "account for certain major outages, and require an electric company to file a corrective action plan if it fails to meet certain service quality and reliability standards; authorizing the Commission to include in certain regulations"; strike beginning with the comma in line 8 down through "purposes" in line 9; in line 9, before "requiring" insert "requiring the Commission, in adopting certain regulations, to consider certain standards, ensure certain service quality and reliability standards are cost–effective, and consider certain factors relating to vegetation management;"; in line 12, strike "an" and substitute "a certain"; strike beginning with "requiring" in line 14 down through "principle" in line 16 and substitute "authorizing the Commission to impose certain civil penalties on or after a certain date"; in line 18, after "ratepayers;" insert "providing that certain provisions relating to corrective action taken by the Commission against an electric company that fails to meet certain service quality and reliability standards do not apply to electric cooperatives;"; in line 20, after "report;" insert "requiring the Commission to hold a certain hearing at the request of an electric company; altering the maximum daily civil penalty that may be imposed on a public service company for certain safety violations; removing a certain cap on the total civil penalty that may be imposed for a related series of safety violations;"; in line 21, strike "certain regulations may" and substitute "this Act does"; in line 22, after "companies;" insert "providing that this Act may not be construed to limit the Commission's authority to adopt and enforce engineering and safety standards for electric companies; providing that certain authorization for the Commission to impose certain civil penalties does not apply to a violation of a certain provision as that provision applies to electric cooperatives; requiring the Commission to establish a certain workgroup to provide certain recommendations; requiring the Commission to review certain regulations, tariffs, or standards, conduct certain studies, and report its findings to certain committees on or before a certain date;"; and in line 23, after "electricity" insert "safety and".

On page 2, after line 2, insert:

"BY repealing and reenacting, with amendments,
Article – Public Utilities

Section 13–201 and 13–202
Annotated Code of Maryland
(2010 Replacement Volume)".

AMENDMENT NO. 2

On page 2, in line 7, strike the comma; strike beginning with "**AVERAGE**" in line 10 down through "**SERVED**" in line 13 and substitute "**SUM OF THE CUSTOMER INTERRUPTION HOURS DIVIDED BY THE TOTAL NUMBER OF CUSTOMERS SERVED**"; strike beginning with "**AVERAGE**" in line 15 down through "**SERVED**" in line 17 and substitute "**SUM OF THE NUMBER OF CUSTOMER INTERRUPTIONS DIVIDED BY THE TOTAL NUMBER OF CUSTOMERS SERVED**"; strike lines 18 through 20, inclusive, and substitute:

"**(B) IT IS THE GOAL OF THE STATE THAT EACH ELECTRIC COMPANY PROVIDE ITS CUSTOMERS WITH HIGH LEVELS OF SERVICE QUALITY AND RELIABILITY IN A COST–EFFECTIVE MANNER, AS MEASURED BY OBJECTIVE AND VERIFIABLE STANDARDS, AND THAT EACH ELECTRIC COMPANY BE HELD ACCOUNTABLE IF IT FAILS TO DELIVER RELIABLE SERVICE ACCORDING TO THOSE STANDARDS.**";

in line 21, strike "**REGULATIONS ADOPTED UNDER THIS**" and substitute "**THIS**"; in the same line, strike "**MAY**" and substitute "**DOES**"; in line 26, after "**COMPANIES**" insert "**THROUGH THEIR DISTRIBUTION SYSTEMS**"; and in line 29, strike "**STANDARD**" and substitute "**PERFORMANCE MEASUREMENT**".

On page 3, in line 1, after "**(E)**" insert "**(1)**"; in line 3, strike "**(1)**" and substitute "**(I)**"; after line 8, insert:

"**5. PERIODIC EQUIPMENT INSPECTIONS;**";

in lines 5, 6, 7, 8, 9, and 10, strike "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", and "**(VI)**", respectively, and substitute "**1.**", "**2.**", "**3.**", "**4.**", "**6.**", and "**7.**", respectively; in line 4, after "**INCLUDING**" insert "**STANDARDS RELATING TO**"; in line 6, strike "**REPAIR**" and substitute "**RESPONSE**"; and in line 7, strike "**SERVICE QUALITY**" and substitute "**CUSTOMER COMMUNICATIONS**".

AMENDMENT NO. 3

On page 3, after line 11, insert:

"**(II) ACCOUNT FOR MAJOR OUTAGES CAUSED BY EVENTS OUTSIDE THE CONTROL OF AN ELECTRIC COMPANY; AND**

(III) FOR AN ELECTRIC COMPANY THAT FAILS TO MEET THE APPLICABLE SERVICE QUALITY AND RELIABILITY STANDARDS, REQUIRE THE COMPANY TO FILE A CORRECTIVE ACTION PLAN THAT DETAILS SPECIFIC ACTIONS THE COMPANY WILL TAKE TO MEET THE STANDARDS.";

in line 12, before "**INCLUDE**" insert "**THE REGULATIONS ADOPTED UNDER SUBSECTION (D) OF THIS SECTION MAY**"; in line 14, after "**FACTORS**" insert a comma; in line 18, strike "**; AND**" and substitute a period; strike in their entirety lines 19 through 25, inclusive; and after line 25, insert:

"**(3) IN ADOPTING THE REGULATIONS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION, THE COMMISSION SHALL:**

(I) CONSIDER APPLICABLE STANDARDS OF THE INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS;

(II) ENSURE THAT THE SERVICE QUALITY AND RELIABILITY STANDARDS ARE COST–EFFECTIVE; AND

(III) WITH RESPECT TO STANDARDS RELATING TO VEGETATION MANAGEMENT, CONSIDER:

1. LIMITATIONS ON AN ELECTRIC COMPANY'S RIGHT TO ACCESS PRIVATE PROPERTY; AND

2. CUSTOMER ACCEPTANCE OF VEGETATION MANAGEMENT INITIATIVES.".

AMENDMENT NO. 4

On page 4, in line 6, after "**(2)**" insert "**(I) THIS PARAGRAPH DOES NOT APPLY TO ELECTRIC COOPERATIVES.**

(II)";

in line 8, after the first "**THE**" insert "**APPLICABLE**"; strike beginning with "**ADOPTED**" in line 8 down through "**SECTION**" in line 9; in line 9, after "**INCLUDING**" insert "**, ON OR AFTER JULY 1, 2014, THE IMPOSITION OF**"; in line 10, after "**NONCOMPLIANCE**" insert "**AS PROVIDED IN § 13–201 OF THIS ARTICLE**"; strike lines 11 through 19, inclusive; in line 20, strike "**(4)**" and substitute "**(III)**"; and in line 22, strike "**MAY**" and substitute "**FEBRUARY**".

On page 5, in line 12, strike "**AND**"; in line 14, after "**TIME**" insert "**; AND**

6. TO THE EXTENT PRACTICABLE, A BREAKDOWN, BY THE NUMBER OF DAYS EACH CUSTOMER WAS WITHOUT ELECTRIC SERVICE, OF THE NUMBER OF CUSTOMERS THAT EXPERIENCED AN OUTAGE";

after line 14, insert:

"**(3) AT THE REQUEST OF AN ELECTRIC COMPANY, THE COMMISSION SHALL HOLD A HEARING TO DISCUSS THE ANNUAL PERFORMANCE REPORT OF THE ELECTRIC COMPANY.**

(H) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE COMMISSION'S AUTHORITY TO ADOPT AND ENFORCE ENGINEERING AND SAFETY STANDARDS FOR ELECTRIC COMPANIES.

13–201.

(a) This section does not apply to a violation of the following provisions of this article:

(1) Title 5, Subtitle 4;

(2) Title 7, Subtitle 1;

(3) **§ 7–213 AS IT APPLIES TO ELECTRIC COOPERATIVES;**

(4) Title 8, Subtitles 1 and 3;

[(4)**] (5)** Title 9, Subtitle 3; and

[(5)**] (6)** Title 8, Subtitle 4.

(b) (1) Except as provided in paragraph (2) of this subsection, the Commission may impose a civil penalty not exceeding $10,000 against a person who violates a provision of this division, or an effective and outstanding direction, ruling, order, rule, or regulation of the Commission.

(2) The civil penalty that the Commission may impose on a common carrier for each violation may not exceed $2,500.

(c) (1) A civil penalty may be imposed in addition to any other penalty authorized by this division.

(2) Each violation is a separate offense.

(3) Each day or part of a day the violation continues is a separate offense.

(d) The Commission shall determine the amount of any civil penalty after considering:

(1) the number of previous violations of any provision of this article;

(2) the gravity of the current violation;

(3) the good faith efforts of the violator in attempting to achieve compliance after notification of the violation; and

(4) any other matter that the Commission considers appropriate and relevant.

(e) A civil penalty collected under this section shall be paid into the General Fund of the State.

13–202.

(a) In this section, "safety violation" means a condition or activity likely to cause injury or harm to an individual or property.

(b) This section does not apply to a safety violation by a gas company that is subject to § 13–203 of this subtitle.

(c) (1) Subject to paragraph (2) of this subsection, a public service company that violates a provision of this division that relates to safety is subject to a civil penalty not exceeding **[**$500**] $10,000** for each violation for each day that the violation persists.

(2) **[**The maximum civil penalty may not exceed:

(i) $50,000 for a related series of violations; or

(ii) for**] FOR** a common carrier, **THE MAXIMUM CIVIL PENALTY MAY NOT EXCEED** $500 for each violation or related series of violations stemming from a single safety inspection.

(d) In determining the amount of a civil penalty imposed under this section, the Commission shall consider the:

(1) appropriateness of the penalty to the size of the public service company;

(2) number of previous violations of this article by the public service company;

(3) gravity of the current violation; and

(4) good faith of the public service company in attempting to achieve compliance after notification of the violation.

(e) The public service company involved may request reconsideration of a penalty imposed under this section within 30 days after the date of notification of the determination.

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Public Service Commission shall:

(1) review current regulations, tariffs, or standards relating to electric company responsibility for customer damages caused by electrical surges and assess the feasibility of obtaining information from electric companies regarding the extent of electrical surges and customer damages that result from electrical surges;

(2) study the feasibility of incorporating an electric company's service restoration plan into the electric company's reliability plan; and

(3) on or before January 1, 2012, report its findings to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2–1246 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That the Public Service Commission shall convene a stakeholder workgroup to provide recommendations regarding the regulations to be adopted by the Commission under this Act.";

and in line 15, strike "2." and substitute "4.".

The preceding 4 amendments were read only.

Senator Middleton moved, duly seconded, to make the Bill and Amendments a Special Order for March 30, 2011.

The motion was adopted.

Senate Bill 743 – Senator Pugh

AN ACT concerning

Family Planning Works Act

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

SB0743/977278/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 743
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "services" insert "beginning on a certain date"; and strike beginning with "making" in line 6 down through "contingency;" in line 7.

AMENDMENT NO. 2

On page 2, in line 9, strike "Shall" and substitute "**BEGINNING ON JANUARY 1, 2012, SHALL**"; and in line 13, strike "**250**" and substitute "**200**".

On page 4, strike in their entirety lines 4 through 12, inclusive; in line 13, strike "3." and substitute "2."; and strike beginning with ", subject" in line 13 down through "Act," in line 14.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0743/193429/1
BY: Senator Reilly

AMENDMENTS TO SENATE BILL 743
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "circumstances;" insert "requiring the Department of Health and Mental Hygiene to collect, for a certain purpose, data regarding the number of abortions performed annually in the State; requiring the data to be collected on a certain form and submitted annually by certain physicians; prohibiting the data from including certain identifying information;"; in line 7, strike "eligibility for"; in line 8, strike "under the Maryland Medical Assistance Program" and substitute "and abortion statistics"; and after line 13, insert:

"BY adding to
Article – Health – General
Section 20–217 to be under the new part "Part V. Statistics"
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 4, after line 3, insert:

"**20–215. RESERVED.**

20–216. RESERVED.

PART V. STATISTICS.

20–217.

(A) TO MONITOR WHETHER THE PROVISION OF FAMILY PLANNING SERVICES RESULTS IN THE REDUCTION OF UNINTENDED PREGNANCIES, THE DEPARTMENT SHALL COLLECT DATA REGARDING THE NUMBER OF ABORTIONS PERFORMED ANNUALLY IN THE STATE.

(B) THE DATA COLLECTED UNDER SUBSECTION (A) OF THIS SECTION:

(1) SHALL BE COLLECTED ON A FORM DEVELOPED BY THE DEPARTMENT;

(2) SHALL BE SUBMITTED ANNUALLY TO THE DEPARTMENT BY EACH PHYSICIAN WHO PERFORMS AN ABORTION IN THE STATE; AND

(3) MAY NOT INCLUDE ANY INFORMATION IDENTIFYING THE PATIENT ON WHOM AN ABORTION WAS PERFORMED.".

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

Affirmative – 17 Negative – 28 (See Roll Call No. 639)

FLOOR AMENDMENT

SB0743/403529/1

BY: Senator Simonaire

AMENDMENTS TO SENATE BILL 743, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

In the Finance Committee Amendments (SB0743/977278/1), in line 1 of Amendment No. 1, before "beginning" insert ", except for abortions,".

AMENDMENT NO. 2

On page 2 of the bill, in line 10, after "services" insert "**, EXCEPT FOR ABORTIONS,**".

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

Affirmative – 16 Negative – 30 (See Roll Call No. 640)

Read the second time and ordered prepared for Third Reading.

Senate Bill 809 – Senator Zirkin

AN ACT concerning

Criminal Procedure – Pretrial Release and Bail Bonds

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

SB0809/648379/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 809
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Pretrial Release and" and substitute "Forfeiture of"; strike beginning with "prohibiting" in line 3 down through "individuals;" in line 15; in line 16, strike "giving back" and substitute "refunding"; in line 19, strike "give back" and substitute "refund"; in line 24, strike "pretrial release and" and substitute "forfeiture of"; and strike in their entirety lines 26 through 30, inclusive.

On page 2, in line 3, strike "5–203, 5–205, and".

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 9 on page 2 through line 12 on page 5, inclusive.

On page 7, in lines 7 and 12, in each instance, strike "**GIVE BACK**" and substitute "**REFUND**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0809/613623/1
BY: Senator Conway

AMENDMENTS TO SENATE BILL 809, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike the Judicial Proceedings Committee Amendments (SB0809/648379/2) in their entirety.

AMENDMENT NO. 2

On page 1 of the bill, in line 2, strike "Pretrial Release and"; and in the same line, after "Bonds" insert "Study".

On page 1, strike beginning with "prohibiting" in line 3 down through "Court" in line 25 and substitute "requiring the Maryland Insurance Administration to conduct a certain study concerning bond forfeiture rates and minimum deposits required by bail bondsmen; and requiring the Administration to report on the results of the study to the General Assembly on or before a certain date".

On pages 1 and 2, strike beginning with "BY" in line 26 on page 1 down through "Supplement)" in line 5 on page 2, inclusive.

AMENDMENT NO. 3

On pages 2 through 7 of the bill, strike beginning with "the" in line 7 on page 2 down through "inconsistency." in line 22 on page 7, inclusive, and substitute "the Maryland Insurance Administration shall:

(1) study the bond forfeiture rates in the State by jurisdiction and the minimum deposits that are required by bail bondsmen in the State; and

(2) on or before December 31, 2011, report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the results of the study.".

On page 7, in line 23, strike "3." and substitute "2.".

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

Affirmative – 15 Negative – 31 (See Roll Call No. 641)

FLOOR AMENDMENT

SB0809/313429/1
BY: Senator Conway

AMENDMENTS TO SENATE BILL 809
(First Reading File Bill)

AMENDMENT NO. 1
On page 1, in line 15, after "prohibiting" insert ", except in Baltimore City,".

AMENDMENT NO. 2
On page 7, in lines 6 and 12, strike "**(I)**" and "**(II)**", respectively, and substitute "**(II)**" and "**(III)**", respectively; in line 6, after "**(3)**" insert "**(I) THIS PARAGRAPH DOES NOT APPLY IN BALTIMORE CITY.**"; and in the same line, strike "**(II)**" and substitute "**(III)**".

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

Affirmative – 15 Negative – 31 (See Roll Call No. 642)

FLOOR AMENDMENT

SB0809/753927/1
BY: Senator Benson

AMENDMENTS TO SENATE BILL 809, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, after "appear" insert ", unless a certain appeal has been filed"; and in line 24, after "Act;" insert "authorizing the Insurance Commissioner to fine or sanction a certain bail bondsman under certain circumstances;".

On page 2, after line 5, insert:

"BY adding to
Article – Criminal Procedure
Section 5–208.1
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 5, in line 21, strike "The" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE**"; and after line 34, insert:

"**(3) IF AN APPEAL OF THE FORFEITURE IS FILED IN THE CASE, A FORFEITURE OF BAIL OR COLLATERAL UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY NOT OCCUR UNTIL THE APPEAL HAS BEEN DETERMINED.**".

AMENDMENT NO. 3

On page 7, after line 19, insert:

"**5–208.1.**

THE INSURANCE COMMISSIONER, ON A SHOWING OF GOOD AND SUBSTANTIAL CAUSE, MAY FINE OR OTHERWISE SANCTION A BAIL BONDSMAN THAT HAS ENGAGED IN THE PRACTICE OF FILING FRIVOLOUS FORFEITURE APPEALS.".

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

Affirmative – 12 Negative – 34 (See Roll Call No. 643)

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 487 – Senators Middleton and Frosh

AN ACT concerning

Fertilizer Use Act of 2011

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

Senator Pipkin moved, duly seconded, to make the Bill and Report a Special Order for March 30, 2011.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 644)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #55

Senate Bill 125 – Senator Gladden

AN ACT concerning

Baltimore City – Used Car Dealers – Sunday Operations

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

Affirmative – 44 Negative – 0 (See Roll Call No. 645)

The Bill was then sent to the House of Delegates.

Senate Bill 173 – The President (By Request – Administration) and Senators Astle, Brochin, Forehand, King, Manno, Peters, Raskin, Robey, Stone, and Zirkin

AN ACT concerning

~~Criminal Law –~~ Task Force on Diminution Credits ~~– Possession of a Regulated Firearm by Person Convicted of Crime of Violence~~

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

Affirmative – 46 Negative – 0 (See Roll Call No. 646)

The Bill was then sent to the House of Delegates.

Senate Bill 204 – Senators Forehand, Garagiola, Jacobs, Montgomery, Muse, Ramirez, Raskin, Shank, Simonaire, and Stone

AN ACT concerning

Criminal Law – Sexual Crimes – Definitions

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

Affirmative – 46 Negative – 0 (See Roll Call No. 647)

The Bill was then sent to the House of Delegates.

Senate Bill 257 – Senators Stone, Jacobs, Klausmeier, ~~and Simonaire~~ Simonaire, and Forehand

AN ACT concerning

Vehicle Laws – Accidents Resulting in Death – Appearance in Court for Traffic Citations

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

Affirmative – 46 Negative – 0 (See Roll Call No. 648)

The Bill was then sent to the House of Delegates.

Senate Bill 331 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Roadside Solicitation of Money or Donations – Permit Program

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

Affirmative – 46 Negative – 0 (See Roll Call No. 649)

The Bill was then sent to the House of Delegates.

Senate Bill 347 – Senators Pugh, Benson, Conway, Jones–Rodwell, Madaleno, Montgomery, Ramirez, and Rosapepe

AN ACT concerning

Task Force to Study the Impact of Adjunct Faculty on Graduation Rates at Historically Black Institutions

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

Affirmative – 46 Negative – 0 (See Roll Call No. 650)

The Bill was then sent to the House of Delegates.

Senate Bill 558 – Senators Pugh, Jones–Rodwell, McFadden, Peters, Ramirez, and Rosapepe

EMERGENCY BILL

AN ACT concerning

Minority Business Enterprise Program – Amendments to MBE Participation Schedule ~~and Termination Extension~~

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

Affirmative – 46 Negative – 0 (See Roll Call No. 651)

The Bill was then sent to the House of Delegates.

Senate Bill 572 – Senators Muse, Benson, Rosapepe, and Young

AN ACT concerning

Raymond Scott Brown II Vehicle Towing Act

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

Affirmative – 45 Negative – 1 (See Roll Call No. 652)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #56

Senate Bill 406 – ~~Senator Pipkin~~ Senators Pipkin, Astle, Garagiola, Glassman, Kittleman, Klausmeier, Mathias, Middleton, Muse, and Pugh

AN ACT concerning

Task Force to Study the Use of Telemedicine in Medically Underserved Populations and Areas

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

Affirmative – 46 Negative – 0 (See Roll Call No. 653)

The Bill was then sent to the House of Delegates.

Senate Bill 501 – Senator Dyson and The President (By Request – Administration) and Senators Garagiola and Jacobs

SECOND PRINTING

AN ACT concerning

Election Law – Change of Primary Election Dates and Compliance with Federal MOVE Act

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

Affirmative – 46 Negative – 0 (See Roll Call No. 654)

The Bill was then sent to the House of Delegates.

Senate Bill 562 – Senator Pugh

AN ACT concerning

Department of Health and Mental Hygiene – ~~Required Certification of~~ Recovery Homes – Best Practices

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

Affirmative – 46 Negative – 0 (See Roll Call No. 655)

The Bill was then sent to the House of Delegates.

Senate Bill 574 – Senators Muse, Raskin, and Benson

AN ACT concerning

Department of Health and Mental Hygiene – ~~Biennial Cancer Study –~~ Workgroup on Cancer Clusters and Environmental Causes of Cancer

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

Affirmative – 46 Negative – 0 (See Roll Call No. 656)

The Bill was then sent to the House of Delegates.

Senate Bill 891 – Senator Edwards

AN ACT concerning

Economic Development – Qualified Distressed Counties

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

Affirmative – 46 Negative – 0 (See Roll Call No. 657)

The Bill was then sent to the House of Delegates.

Senate Bill 958 – Senator Garagiola

AN ACT concerning

Maryland Clean Energy Incentive Act – Qualified Energy Resources

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

Affirmative – 46 Negative – 0 (See Roll Call No. 658)

The Bill was then sent to the House of Delegates.

Senate Bill 959 – ~~Senator Garagiola~~ Senators Garagiola and Brinkley

AN ACT concerning

Bio–Heating Oil – Income Tax Credit

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

Affirmative – 46 Negative – 0 (See Roll Call No. 659)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

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

House Bill 70 – The Speaker (By Request – Administration)

Budget Bill

Fiscal Year 2012

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

FLOOR AMENDMENT

HB0070/763328/1
BY: Senator Simonaire

AMENDMENT TO HOUSE BILL 70
(Third Reading File Bill – Committee Reprint)

On page 38, under:

Heading: OFFICE OF PERSONNEL SERVICES AND BENEFITS

Program: F10A02.08

Entitled: Statewide Expenses

after line 1, insert:

"Provided that no funding for employee bonuses may be disbursed to employees whose annual salary exceeds $100,000 during fiscal 2012.".

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

Affirmative – 13 Negative – 33 (See Roll Call No. 660)

FLOOR AMENDMENT

HB0070/393120/1
BY: Senator Middleton

AMENDMENT TO HOUSE BILL 70
(Third Reading File Bill – Committee Reprint)

On page 30, under:

Heading: COMPLIANCE DIVISION

Program: E00A05.01

Entitled: Compliance Administration

In line 16, strike "$500,000" and substitute "$400,000".

The preceding amendment was withdrawn.

FLOOR AMENDMENT

HB0070/213524/1
BY: Senator Gladden

AMENDMENT TO HOUSE BILL 70
(Third Reading File Bill – Committee Reprint)

On page 109, under:

Heading: DIVISION OF RACING

Program: P00E01.04

Entitled: Share of Racing Revenue to Local Subdivisions

In line 15, in the Special Fund Appropriation, strike "0" and substitute "602,800".

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

Affirmative – 10 Negative – 35 (See Roll Call No. 661)

FLOOR AMENDMENT

HB0070/293826/2
BY: Senator Shank

AMENDMENT TO HOUSE BILL 70, AS AMENDED
(Third Reading File Bill – Committee Reprint)

On page 265, after line 10, insert:

"SECTION 50. AND BE IT FURTHER ENACTED, That no funds may be expended for a State procurement until the contractor and all subcontractors, if any, have affirmed to the contracting agency under penalty of perjury that all employees who are hired during the performance period of the contract and who are to be utilized in any manner in the performance of the contract are lawfully present in the United States as verified using the E–Verify employment verification program as jointly administered by the United States Department of Homeland Security and the Social Security Administration or its successor program.".

On page 265, in Committee Amendment No. 70, in line 11, strike "*50.*" and substitute "51."; and in line 18, strike "*51.*" and substitute "52.".

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

Affirmative – 18 Negative – 29 (See Roll Call No. 662)

FLOOR AMENDMENT

HB0070/673224/1
BY: Senator Jacobs

AMENDMENT TO HOUSE BILL 70, AS AMENDED
(Third Reading File Bill – Committee Reprint)

On page 151, under:

Heading: HIGHER EDUCATION

Program: R75T00.01

Entitled: Support for State Operated Institutions of Higher Education

In line 2, after "Appropriation" insert "<u>, provided that, contingent upon the enactment of SB 167 or HB 470, $5,000,000 of the General Fund appropriation for the University System of Maryland (USM) may not be expended until USM submits a report to the budget committees on the number of Maryland residents enrolled at USM institutions and the number of undocumented students enrolled at institutions under the SB 167 or HB 470 eligibility criteria during the 2010–2011 and 2011–2012 academic years. The report shall be submitted to the budget committees by May 1, 2012, and the budget committees shall have 45 days to review and comment on the report. If the proportion of Maryland residents, excluding undocumented students enrolled under specific criteria, declines between the academic years, then the restricted $5,000,000 shall revert to the General Fund. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.</u>".

In line 13, in Committee Amendment No. 49, strike the comma and substitute "<u>Further</u>".

<u>The preceding amendment was withdrawn.</u>

<u>Read the second time and ordered prepared for Third Reading.</u>

House Bill 72 – The Speaker (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2011

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

FLOOR AMENDMENT

HB0072/233420/1
BY: Senator Kittleman

AMENDMENTS TO HOUSE BILL 72
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 2, in line 41, after "Fund;" insert "requiring State procurement contracts to include a clause that prohibits contractors and any subcontractors from entering into a project labor agreement;".

On page 8, after line 32, insert:

"BY adding to
Article – State Finance and Procurement
Section 13–218(f)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 56, after line 19, insert:

"13–218.

(F) EACH PROCUREMENT CONTRACT SHALL INCLUDE A CLAUSE THAT PROHIBITS THE CONTRACTOR AND ANY SUBCONTRACTOR FROM ENTERING INTO A PROJECT LABOR AGREEMENT.".

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

Affirmative – 11 Negative – 36 (See Roll Call No. 663)

FLOOR AMENDMENT

HB0072/413625/1
BY: Senator Kittleman

AMENDMENTS TO HOUSE BILL 72
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 3, in line 12, after "Program;" insert "repealing certain provisions of law that authorize collective bargaining for certain State employees to include negotiations relating to the right of an employee organization to receive service fees from nonmembers;".

On page 9, in line 7, after "2–516," insert "3–502,".

AMENDMENT NO. 2

On page 65, after line 19, insert:

"3–502.

(a) Collective bargaining shall include all matters relating to wages, hours, and other terms and conditions of employment.

(b) **[**(1) Except as provided in paragraph (3) of this subsection, collective**]** **COLLECTIVE** bargaining may **NOT** include negotiations relating to the right of an employee organization to receive service fees from nonmembers.

[(2) An employee whose religious beliefs are opposed to joining or financially supporting any collective bargaining organization is:

(i) not required to pay a service fee; and

(ii) required to pay an amount of money as determined in collective bargaining negotiations, not to exceed any service fee negotiated under paragraph (1) of this subsection, to any charitable organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code and to furnish to the Department and the exclusive representative written proof of such payment.

(3) Collective bargaining between an employee organization and a system institution, Morgan State University, St. Mary's College of Maryland, or Baltimore City Community College may not include negotiations relating to the right of an employee organization to receive service fees from nonmembers.**]**

(c) Notwithstanding subsection (a) of this section, the representatives of the State, a system institution, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College:

(1) shall not be required to negotiate over any matter that is inconsistent with applicable law; and

(2) may negotiate and reach agreement with regard to any such matter only if it is understood that the agreement with respect to such matter cannot become effective unless the applicable law is amended by the General Assembly.".

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

Affirmative – 12 Negative – 35 (See Roll Call No. 664)

FLOOR AMENDMENT

HB0072/303829/1
BY: Senator Reilly

AMENDMENTS TO HOUSE BILL 72, AS AMENDED
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 2, strike beginning with "making" in line 35 down through "tax;" in line 36.

On page 8, strike in their entirety lines 7 through 11, inclusive; and strike in their entirety lines 17 through 21, inclusive.

AMENDMENT NO. 2

On page 43, strike in their entirety lines 5 through 16, inclusive.

On page 45, strike in their entirety lines 8 through 13, inclusive.

AMENDMENT NO. 3

On page 132, strike in their entirety lines 10 through 24, inclusive, and substitute:

"SECTION 21. RESERVED.".

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

Affirmative – 10 Negative – 36 (See Roll Call No. 665)

Read the second time and ordered prepared for Third Reading.

RECESS

At 4:58 P.M. on motion of Senator Garagiola, seconded, the Senate recessed until 5:03 P.M. on Legislative Day, March 27, 2011, Calendar Day, Tuesday, March 29, 2011.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 27, 2011
Calendar Day: Tuesday, March 29, 2011

At 5:03 P.M. the Senate resumed its session.

QUORUM CALL

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

(See Roll Call No. 666)

RECESS

At 5:05 P.M. on motion of Senator Garagiola, seconded, the Senate recessed until 6:30 P.M. on Legislative Day, March 27, 2011, Calendar Day, Tuesday, March 29, 2011.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 27, 2011
Calendar Day: Tuesday, March 29, 2011

At 6:39 P.M. the Senate resumed its session.

QUORUM CALL

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

(See Roll Call No. 667)

MOTION

Senator Kasemeyer moved, duly seconded, to put **House Bill 70** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 668)

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 70** on Third Reading and Final Passage.

House Bill 70 – The Speaker (By Request – Administration)

Budget Bill

Fiscal Year 2012

STATUS OF BILL: BILL ON 3RD READING.

FLOOR AMENDMENT

HB0070/973720/1
BY: Senator Reilly

AMENDMENT TO HOUSE BILL 70
(Third Reading File Bill – Committee Reprint)

On page 96, under:

Heading: MEDICAL CARE PROGRAMS ADMINISTRATION

Program: M00Q01.03

Entitled: Medical Care Provider Reimbursements

strike beginning with "; or" in line 1 down through "health" in line 12.

On page 98, under:

Heading: MEDICAL CARE PROGRAMS ADMINISTRATION

Program: M00Q01.07

Entitled: Maryland Children's Health Program

strike beginning with "or" in line 21 down through "health" in line 32.

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

Affirmative – 16 Negative – 30 (See Roll Call No. 669)

FLOOR AMENDMENT

HB0070/543025/1
BY: Senator Reilly

AMENDMENT TO HOUSE BILL 70, AS AMENDED
(Third Reading File Bill – Committee Reprint)

On page 168, in Committee Amendment No. 58, under:

Heading: MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION

Program: T50T01.03

Entitled: Maryland Stem Cell Research Fund

In line 21, in the General Fund Appropriation, strike "*10,400,000*" and substitute "0".

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

Affirmative – 15 Negative – 31 (See Roll Call No. 670)

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

Affirmative – 37 Negative – 10 (See Roll Call No. 671)

The Bill was then sent to the House of Delegates.

Senator Kasemeyer moved, duly seconded, to put **House Bill 72** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 672)

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 72** on Third Reading and Final Passage.

House Bill 72 – The Speaker (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2011

STATUS OF BILL: BILL ON 3RD READING

FLOOR AMENDMENT

HB0072/583622/1
BY: Senator Pipkin

AMENDMENT TO HOUSE BILL 72, AS AMENDED
(Third Reading File Bill – Committee Reprint)

On pages 129 and 130, strike in their entirety the lines beginning with line 34 on page 129 through line 22 on page 130, inclusive, and substitute:

"SECTION 17. RESERVED.".

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

Affirmative – 13 Negative – 34 (See Roll Call No. 673)

FLOOR AMENDMENT

HB0072/933120/1
BY: Senator Pipkin

AMENDMENTS TO HOUSE BILL 72, AS AMENDED
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 12 down through "purposes;" in line 13; and strike beginning with "altering" in line 21 down through "Probation;" in line 24.

On page 2, strike beginning with "altering" in line 17 down through "reports;" in line 19.

On page 4, strike beginning with "altering" in line 28 down through "tax;" in line 29.

On page 5, strike beginning with "; altering" in line 8 down through "regulations" in line 18.

On page 6, in line 25, strike "15–607"; in the same line, strike "*and*"; strike in their entirety lines 28 through 32, inclusive; and in line 35, strike "and 13–604(a)".

On pages 6 and 7, strike in their entirety the lines beginning with line 38 on page 6 through line 1 on page 7, inclusive.

On page 7, in line 37, strike "4–217(c)(1) and (3),".

On page 9, in line 24, after "2–1302.1," insert "and"; and in the same line, strike ", and 11–105(c)".

On page 10, strike in their entirety lines 1 through 5, inclusive; strike line 23 in its entirety and substitute:

"Section 12–118(e)(1)";

and strike in their entirety lines 26 through 32, inclusive.

On page 11, in line 9, after "*Section*" insert "5–202(f); and".

AMENDMENT NO. 2

On page 13, strike in their entirety lines 14 through 26, inclusive.

On page 17, strike in their entirety lines 15 through 19, inclusive.

On pages 18 and 19, strike in their entirety the lines beginning with line 32 on page 18 through 13 on page 19, inclusive.

On pages 33 and 34, strike in their entirety the lines beginning with line 23 on page 33 through line 32 on page 34, inclusive.

On page 106, strike in their entirety lines 19 through 25, inclusive.

On page 109, strike in their entirety lines 22 through 25, inclusive.

On page 118, strike in their entirety lines 8 through 15, inclusive.

On pages 120 and 121, strike in their entirety the lines beginning with line 2 on page 120 through line 15 on page 121, inclusive.

AMENDMENT NO. 3

On page 124, in line 25, after "*Section(s)*" insert "5–202(f); and".

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

Affirmative – 12 Negative – 35 (See Roll Call No. 674)

FLOOR AMENDMENT

HB0072/223826/1

BY: Senator Getty

AMENDMENT TO HOUSE BILL 72
(Third Reading File Bill – Committee Reprint)

On page 120, in lines 25 and 26, strike "***: (1)***"; and strike beginning with "***FOR***" in line 26 down through "***VEHICLE***" in line 28.

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

Affirmative – 10 Negative – 37 (See Roll Call No. 675)

FLOOR AMENDMENT

HB0072/813727/2
BY: Senator Pipkin

AMENDMENTS TO HOUSE BILL 72
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 4, in line 47, after "report;" insert "altering certain requirements for the percentage of operating costs that must be recovered from certain revenues for certain public transit services;".

AMENDMENT NO. 2

On page 112, in line 10, strike "2009" and substitute "**2012**"; and in line 12, strike "35" and substitute "**50**".

AMENDMENT NO. 3

On page 114, in lines 11, 28, and 29, strike "**90.4%**", "**79.8%**", and "**90%**", respectively, and substitute "**87%**", "**76.2%**", and "**86.3%**", respectively.

On page 115, in lines 18 and 21, strike "**1.5%**" and "**0.4%**", respectively, and substitute "**4.1%**" and "**1.2%**", respectively.

On page 116, in lines 7, 9, 15, and 17, strike "**0.8%**", "**0.6%**", "**1.5%**", and "**0.4%**", respectively, and substitute "**2.3%**", "**1.2%**", "**4.3%**", and "**1.3%**", respectively.

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

Affirmative – 13 Negative – 34 (See Roll Call No. 676)

FLOOR AMENDMENT

HB0072/863729/1
BY: Senator Pipkin

AMENDMENT TO HOUSE BILL 72
(Third Reading File Bill – Committee Reprint)

On pages 134 and 135, strike beginning with the first "the" in line 34 on page 134 down through "For" in line 1 on page 135 and substitute "for".

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

Affirmative – 15 Negative – 32 (See Roll Call No. 677)

FLOOR AMENDMENT

HB0072/593828/1
BY: Senator Getty

AMENDMENTS TO HOUSE BILL 72
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 4, in line 29, after "tax;" insert "providing certain vendors a certain annual credit for collecting and paying the sales and use tax;".

On page 6, in line 10, before "making" insert "making a certain provision of this Act contingent on the taking effect of another Act;".

On page 9, after line 31, insert:

"BY adding to
Article – Tax – General
Section 11–105(d)
Annotated Code of Maryland
(2010 Replacement Volume)".

AMENDMENT NO. 2

On page 106, after line 25, insert:

"**(D) FOR EACH OF FISCAL YEARS 2012 THROUGH 2014 ONLY, A VENDOR THAT IS REQUIRED TO COLLECT THE SALES AND USE TAX ON THE SALE OF ALCOHOLIC BEVERAGES AT A RATE IN EXCESS OF 6% IS ALLOWED, FOR THE EXPENSE OF COLLECTING AND PAYING THE TAX, AN ANNUAL CREDIT IN AN AMOUNT EQUAL TO $750 IN ADDITION TO THE CREDIT ALLOWED UNDER SUBSECTION (A) OF THIS SECTION.**".

On page 137, after line 17, insert:

"SECTION 33A. AND BE IT FURTHER ENACTED, That § 11–105(d) of the Tax – General Article as enacted by this Act is contingent on the taking effect of Chapter ____ (S.B. 994) of the Acts of the General Assembly of 2011, and if Chapter ____ (S.B. 994) does not become effective, § 11–105(d) of the Tax – General Article as enacted by this Act shall be null and void without the necessity of further action by the General Assembly.".

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

Affirmative – 15 Negative – 32 (See Roll Call No. 678)

FLOOR AMENDMENT

HB0072/833126/1
BY: Senator Pipkin

AMENDMENTS TO HOUSE BILL 72, AS AMENDED
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 2, strike beginning with "requiring" in line 21 down through "hospitals;" in line 23; and strike beginning with "altering" in line 25 down through "savings;" in line 30.

On page 7, in line 37, strike "19–214(d)(2)(i) and (e),".

On page 8, in line 4, strike "*and 15–702*".

AMENDMENT NO. 2

On page 38, strike in their entirety lines 16 through 26, inclusive.

On pages 41 and 42, strike in their entirety the lines beginning with line 21 on page 41 through line 4 on page 42, inclusive.

AMENDMENT NO. 3

On page 129, strike in their entirety lines 15 through 33, inclusive, and substitute:

"SECTION 16. RESERVED.".

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

Affirmative – 12 Negative – 35 (See Roll Call No. 679)

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

Affirmative – 37 Negative – 10 (See Roll Call No. 680)

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. 681)

ADJOURNMENT

At 7:57 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day March 28, 2011, Calendar Day, Wednesday, March 30, 2011. The Senate adjourned in memory of Kendal Ehrlich's father Walter Sibiski.

Annapolis, Maryland
Legislative Day: March 28, 2011
Calendar Day: Wednesday, March 30, 2011
10:00 A.M. Session

The Senate met at 10:09 A.M.

Prayer by Reverend Dr. Gregg R. Meserole, Christ's Reformed Church, guest of Senator Shank.

(See Exhibit A of Appendix III)

The Journal of March 27, 2011 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 684)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 493 – Senator Verna L. Jones–Rodwell:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Alpha Kappa Alpha Sorority, Incorporated
North Atlantic Regions Cluster I
in recognition of
your national theme "Global Leadership Through Timeless Service" exemplified
through your efforts to cultivate emerging young leaders, promote quality education,
health and economic development programs throughout the State of Maryland.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 30th day of March 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 685)

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #34

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

Senate Bill 438 – Senator Rosapepe

AN ACT concerning

Maryland–Washington Metropolitan District and Regional District – Boundaries – City of Laurel

SB0438/784035/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 438
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 5 and 6, strike "the City of Laurel as its boundaries are defined as of a certain date" and substitute "certain property annexed by the City of Laurel during a certain time period"; and in line 9, after "date" insert "and certain property annexed by the City of Laurel during a certain time period".

AMENDMENT NO. 2

On page 2, in lines 4 and 14, in each instance, strike the bracket; and in the same lines, in each instance, strike "**2011**" and substitute "**, AND ANY SINGLE–FAMILY REAL PROPERTY ANNEXED BY THE CITY OF LAUREL FROM JULY 2, 1997, TO JULY 1, 2011, BOTH 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 613 – Senators Jones–Rodwell and Pugh

AN ACT concerning

Board of Liquor License Commissioners for Baltimore City – Ethics, Open Meetings, and Performance Audit

SB0613/474935/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 613
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Ethics," insert "Staff Compensation,"; in line 7, after "beverages;" insert "requiring the Board to set for its appellate counsel the same compensation and benefits as are set for certain inspectors;"; and in line 27, after "(2)" insert "and (10)".

AMENDMENT NO. 2

On page 3, after line 5, insert:

"(10) The Board shall:

(i) Employ a qualified attorney to serve as appellate counsel for the Board in actions of appeal; and

(ii) Set for appellate counsel the same compensation and benefits as are set for **[**full–time inspectors**]** **THE ASSISTANT CHIEF INSPECTOR–GRADE 097 OR THE CHIEF INSPECTOR–GRADE 099**.".

AMENDMENT NO. 3

On page 4, in line 22, after "Governor" insert "**, UNLESS THE REPORT IS OF THE BOARD OF LIQUOR LICENSE COMMISSIONERS FOR BALTIMORE CITY**"; in line 24, after "Treasurer" insert "**, UNLESS THE REPORT IS OF THE BOARD OF LIQUOR LICENSE COMMISSIONERS FOR BALTIMORE CITY**"; in line 25, after "General" insert "**, UNLESS THE REPORT IS OF THE BOARD OF LIQUOR LICENSE COMMISSIONERS FOR BALTIMORE CITY**"; and in line 27, after "Management"

insert "**, UNLESS THE REPORT IS OF THE BOARD OF LIQUOR LICENSE COMMISSIONERS FOR BALTIMORE CITY**".

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 928 – Senators Rosapepe and Reilly

AN ACT concerning

Procurement – Preferences – Blind Industries and Services of Maryland

SB0928/614935/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 928
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 4 and 5, strike "providing certain vending machine supplies and services or"; in line 5, strike "the vending machine"; and in line 6, strike "defining a certain term;".

AMENDMENT NO. 2

On pages 1 and 2, strike beginning with "**IN**" in line 18 on page 1 down through "**(B)**" in line 4 on page 2.

On page 2, strike beginning with "**OR,**" in line 11 down through "**SERVICES**" in line 13; and strike beginning with "**OR,**" in line 24 down through "**SERVICES**" in line 26.

On page 3, strike beginning with "**OR,**" in line 4 down through "**SERVICES**" in line 6; in lines 13 and 14, in each instance, strike the bracket; in line 13, strike "**(C)**"; and in line 14, strike "**(B)**".

AMENDMENT NO. 3

On page 3, in line 17, 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 Conway, Chair, for the Committee on Education, Health, and Environmental Affairs and Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 937 – Senator Dyson

AN ACT concerning

Natural Resources Police Force – Number of Officers

SB0937/404735/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 937

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Dyson" and substitute "Senators Dyson and Colburn"; strike beginning with "requiring" in line 5 down through "goal;" in line 7 and substitute "authorizing under certain circumstances, beginning in a certain fiscal year and continuing each subsequent year, the Natural Resources Police Force to increase the number of cadets and recruits enrolling in the Maryland Natural Resources Police Academy until the size of the force is sufficient to meet a certain mission of the Department; requiring the Natural Resources Police Force to provide certain reports to the General Assembly on or before certain dates;".

AMENDMENT NO. 2

On page 2, strike beginning with "**THE**" in line 13 down through "**SECTION**" in line 17 and substitute "**(1) TO THE EXTENT THAT FUNDS ARE AVAILABLE AS BUDGET CONDITIONS IMPROVE IN THE STATE, BEGINNING IN FISCAL YEAR 2013 AND CONTINUING IN EACH SUBSEQUENT YEAR, THE NATURAL RESOURCES POLICE FORCE MAY INCREASE THE NUMBER OF CADETS AND RECRUITS**

ENROLLING IN THE MARYLAND NATURAL RESOURCES POLICE ACADEMY UNTIL THE SIZE OF THE FORCE IS SUFFICIENT TO MEET THE MISSION OF THE DEPARTMENT.

(2) ON OR BEFORE JUNE 30, 2012, AND EACH JUNE 30 THEREAFTER UNTIL JUNE 30, 2021, THE NATURAL RESOURCES POLICE FORCE SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON THE PROGRESS THE POLICE FORCE HAS MADE IN ACHIEVING THE GOAL OF EMPLOYING NATURAL RESOURCES POLICE OFFICERS ESTABLISHED 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.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #35

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

Senate Bill 369 – Senator Conway

AN ACT concerning

Education – School Buses – Fire Safety Standards

SB0369/394233/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 369
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 3 down through "standard" in line 6 and substitute "requiring a school bus to be constructed with certain materials that enable it to meet certain criteria; requiring the Motor Vehicle

Administration, with the advice of the State Department of Education, to adopt certain regulations".

AMENDMENT NO. 2

On page 1, in line 23, strike "**(1)**".

On pages 1 and 2, strike beginning with the first "**THE**" in line 23 on page 1 down through "**SCHOOL**" in line 10 on page 2 and substitute "**, "SCHOOL**".

On page 2, strike in their entirety lines 12 through 16, inclusive, and substitute:

"**(B) A SCHOOL BUS SHALL BE CONSTRUCTED WITH MATERIALS THAT ENABLE IT TO MEET ALL THE CRITERIA OF THE SCHOOL BUS SEAT UPHOLSTERY FIRE BLOCK TEST ESTABLISHED BY THE NATIONAL SCHOOL TRANSPORTATION SPECIFICATIONS AND PROCEDURES ADOPTED AT THE MOST RECENT NATIONAL CONGRESS ON SCHOOL TRANSPORTATION.**

(C) (1) THE MOTOR VEHICLE ADMINISTRATION, WITH THE ADVICE OF THE DEPARTMENT, SHALL ADOPT REGULATIONS TO PROMOTE FIRE SAFETY STANDARDS OF SCHOOL BUSES.";

and strike in their entirety lines 26 through 30, 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 755 – Senator Pugh

AN ACT concerning

Task Force to Study High School Dropout Rates of Persons in the Criminal Justice System

SB0755/994933/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 755
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "issues" insert ", obtain certain data, and make certain recommendations"; and in lines 9 and 10, strike "make certain reports" and substitute "report its findings and recommendations".

AMENDMENT NO. 2

On page 2, in line 3, strike "and"; in line 4, after "General" insert ";

(7) one representative from the Department of Juvenile Services;

(8) one representative from the Maryland Association of Boards of Education; and

(9) one representative of the Public School Superintendents Association of Maryland";

in line 6, strike "Department of Budget and Management" and substitute "Governor's Office of Crime Control and Prevention"; in line 15, strike "and"; in line 17, after "school" insert ";

(3) obtain existing statistical data from:

(i) the Department of Juvenile Services regarding the percentage of individuals served by the Department who have dropped out of high school; and

(ii) the Department of Labor, Licensing, and Regulation on adults in the State who have dropped out of high school; and

(4) make recommendations on:

(i) how individuals can be kept in high school until graduation;

(ii) the availability of continuing education options for individuals who have not received a high school diploma while those individuals are incarcerated; and

(iii) how individuals can be informed of alternative high school education or work–related programs";

in line 18, strike "2011" and substitute "2012"; in the same line, after "findings" insert "and recommendations"; in line 22, strike "1 year" and substitute "2 years"; and in line 23, strike "2012" and substitute "2013".

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 757 – Senators Kittleman and Raskin

AN ACT concerning

Election Law – Electronic Media – Electronic Contributions and Expenditures

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 771 – Senators Conway, Colburn, Currie, Ferguson, Forehand, Frosh, Kelley, Klausmeier, Madaleno, Manno, Mathias, McFadden, Middleton, Montgomery, Pinsky, Pugh, Ramirez, Raskin, Young, and Zirkin

AN ACT concerning

Education – Student–Athletes – Concussions

SB0771/764730/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 771
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Zirkin" and substitute "Zirkin, Benson, and Dyson"; in line 2, strike "Student–Athletes" and substitute "Public Schools and Youth Sports Programs"; strike in their entirety lines 3 through 15, inclusive, and substitute:

"FOR the purpose of requiring the State Department of Education, in collaboration with certain entities, to develop certain policies and to implement a certain program to provide awareness to certain coaches, school personnel, students, and parents or guardians of students on the risk of concussions and head injuries; requiring a county board of education to provide certain information and a certain notice to a certain student and parent or guardian; requiring a student and parent or guardian to sign a certain statement; requiring the Department to create a certain information sheet and acknowledgment statement; authorizing the Department to use certain materials; requiring the removal from play of certain students or youth athletes under certain circumstances; prohibiting the return to play of certain students or youth athletes under certain circumstances until a certain condition is met; requiring a county board, or a third party, to provide certain information to certain individuals; requiring certain individuals to acknowledge receipt of a certain information sheet in a certain manner; requiring certain youth sports programs to provide certain statements of intent to comply to certain county boards of education or their agents; requiring a youth sports program to make certain information on concussions and head injuries available to certain coaches, youth athletes, and the parents or guardians of youth athletes; requiring a local government to provide a certain notice to a youth sports program under certain circumstances; defining certain terms; and generally relating to the development of policies and the implementation of a program on concussions and head injuries.";

and after line 20, insert:

"BY adding to
Article – Health – General

Section 14–501 to be under the new subtitle "Subtitle 5. Youth Sports Programs"
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 26 on page 2 through line 4 on page 3.

On page 3, in line 5, strike "**(4)**" and substitute "**(3)**"; strike beginning with "**ARE:**" in line 7 down through "**AGE.**" in line 10 and substitute "**ARE UNDER THE AGE OF 19 YEARS.**"; strike beginning with the comma in line 11 down through the comma in line 16; in lines 18 and 19, in each instance, strike "**STUDENT–ATHLETES**" and substitute "**STUDENTS**"; in line 19, after the comma, insert "**IN COLLABORATION WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, EACH COUNTY BOARD, THE MARYLAND PUBLIC SECONDARY SCHOOLS ATHLETIC ASSOCIATION, THE MARYLAND ATHLETIC TRAINERS' ASSOCIATION, THE BRAIN INJURY ASSOCIATION OF MARYLAND, AND REPRESENTATIVES OF LICENSED HEALTH CARE PROVIDERS WHO TREAT CONCUSSIONS,**"; in line 26, strike "**THE APPROPRIATE**" and substitute "**APPROPRIATE**"; and in line 27, strike "**STUDENT–ATHLETES WHO ARE SUSPECTED OF SUSTAINING**" and substitute "**STUDENTS DIAGNOSED AS HAVING SUSTAINED**".

On page 4, in line 1, strike "**STUDENT–ATHLETE**" and substitute "**STUDENT ENROLLED IN A PUBLIC SCHOOL SYSTEM IN THE STATE**"; in the same line, after "**AN**" insert "**AUTHORIZED INTERSCHOLASTIC**"; in lines 3, 4, 5, 6, 15, 18, and 19, in each instance, strike "**STUDENT–ATHLETE**" and substitute "**STUDENT**"; in lines 13 and 14, strike "**SOURCE TO FULFILL**" and substitute "**ENTITY TO CARRY OUT**"; in line 21, strike "**AND HEAD INJURY**"; after line 21, insert:

"**(D) (1) BEFORE AN INDIVIDUAL PARTICIPATES IN AN AUTHORIZED ATHLETIC ACTIVITY ON SCHOOL PROPERTY, THE COUNTY BOARD SHALL PROVIDE, OR REQUIRE THAT A THIRD PARTY PROVIDE:**

(I) INFORMATION ON CONCUSSIONS AND HEAD INJURIES TO THE INDIVIDUAL AND, IF APPLICABLE, A PARENT OR GUARDIAN OF THE INDIVIDUAL; AND

(II) NOTICE THAT ACKNOWLEDGEMENT OF THE RECEIPT OF THE INFORMATION BY THE INDIVIDUAL AND, IF APPLICABLE, THE PARENT OR GUARDIAN OF THE INDIVIDUAL, IS REQUIRED.

(2) THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IN THE FORM OF:

(I) A SEPARATE INFORMATION SHEET; OR

(II) A NOTICE ON THE REGISTRATION FORM FOR A YOUTH SPORTS PROGRAM STATING THAT INFORMATION ON CONCUSSION AND HEAD INJURY IS AVAILABLE, INCLUDING DIRECTIONS ON HOW TO RECEIVE THE INFORMATION ELECTRONICALLY.

(3) THE INDIVIDUAL AND, IF APPLICABLE, THE PARENT OR GUARDIAN OF THE INDIVIDUAL SHALL:

(I) ACKNOWLEDGE RECEIPT OF THE INFORMATION SHEET BY:

1. SIGNATURE;

2. CHECKING AN ACKNOWLEDGMENT BOX ON THE REGISTRATION FORM; OR

3. ANOTHER METHOD OF WRITTEN OR ELECTRONIC ACKNOWLEDGEMENT; AND

(II) RETURN THE ACKNOWLEDGEMENT TO THE COUNTY BOARD OR THIRD PARTY.";

in line 22, strike "**(D)**" and substitute "**(E)**"; in the same line, strike "**BEFORE THE FIRST USE OF A PUBLIC SCHOOL FACILITY, A**" and substitute "**A**"; in line 23, strike "**SHALL PROVIDE**" and substitute "**THAT USES A PUBLIC SCHOOL FACILITY SHALL PROVIDE ANNUALLY**"; in the same line, after "**BOARD**" insert "**OR THE BOARD'S**

AGENT"; in line 24, strike "**COMPLIANCE**" and substitute "**INTENT TO COMPLY FOR ALL OF ITS ATHLETIC ACTIVITIES**"; in line 25, strike "**STUDENT–ATHLETE**" and substitute "**PARTICIPANT**"; in line 26, strike "**SUBSECTION (C) OF**"; and after line 26, insert:

"Article – Health – General

SUBTITLE 5. YOUTH SPORTS PROGRAMS.

14–501.

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

(2) "CONCUSSION" MEANS A TRAUMATIC INJURY TO THE BRAIN CAUSING AN IMMEDIATE AND, USUALLY, SHORT–LIVED CHANGE IN MENTAL STATUS OR AN ALTERATION OF NORMAL CONSCIOUSNESS RESULTING FROM:

(I) A FALL;

(II) A VIOLENT BLOW TO THE HEAD OR BODY; OR

(III) THE SHAKING OR SPINNING OF THE HEAD OR BODY.

(3) "YOUTH ATHLETE" MEANS AN INDIVIDUAL WHO PARTICIPATES IN AN ATHLETIC ACTIVITY IN ASSOCIATION WITH A YOUTH SPORTS PROGRAM CONDUCTED:

(I) AT A PUBLIC SCHOOL FACILITY; OR

(II) BY A RECREATIONAL ATHLETIC ORGANIZATION.

(4) "YOUTH SPORTS PROGRAM" MEANS A PROGRAM ORGANIZED FOR RECREATIONAL ATHLETIC COMPETITION OR INSTRUCTION FOR PARTICIPANTS WHO ARE UNDER THE AGE OF 19 YEARS.

(B) (1) A YOUTH SPORTS PROGRAM SHALL MAKE AVAILABLE INFORMATION ON CONCUSSIONS AND HEAD INJURIES DEVELOPED BY THE STATE DEPARTMENT OF EDUCATION UNDER § 7–432 OF THE EDUCATION ARTICLE TO COACHES, YOUTH ATHLETES, AND THE PARENTS OR GUARDIANS OF YOUTH ATHLETES.

(2) A COACH OF A YOUTH SPORTS PROGRAM SHALL REVIEW THE INFORMATION PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION.

(C) (1) A YOUTH ATHLETE WHO IS SUSPECTED OF SUSTAINING A CONCUSSION OR OTHER HEAD INJURY IN A PRACTICE OR GAME SHALL BE REMOVED FROM PLAY AT THAT TIME.

(2) A YOUTH ATHLETE WHO HAS BEEN REMOVED FROM PLAY MAY NOT RETURN TO PLAY UNTIL THE YOUTH ATHLETE HAS OBTAINED WRITTEN CLEARANCE FROM A LICENSED HEALTH CARE PROVIDER TRAINED IN THE EVALUATION AND MANAGEMENT OF CONCUSSIONS.

(D) BEFORE A YOUTH SPORTS PROGRAM MAY USE A FACILITY OWNED OR OPERATED BY A LOCAL GOVERNMENT, THE LOCAL GOVERNMENT SHALL PROVIDE NOTICE TO THE YOUTH SPORTS PROGRAM OF THE REQUIREMENTS OF THIS SECTION.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0771/123920/1
BY: Senator Conway

AMENDMENT TO SENATE BILL 771, AS AMENDED

On page 4 of the Education, Health, and Environmental Affairs Committee Amendments (SB0771/764730/1), in line 1 of Amendment No. 2, strike "**SHEET**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #20

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

Senate Bill 850 – Senator Middleton

AN ACT concerning

Health Insurance – Public Health Plans – Education and Disclosure Requirements

SB0850/607477/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 850
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute "Licensed Insurance Producers – Information on State Health Programs"; strike beginning with "requiring" in line 4 down through "requiring" in line 10 and substitute "authorizing"; in line 12, strike "public health plans on a certain form and at a certain time" and substitute "State health programs in accordance with regulations adopted by the Maryland Insurance Commissioner"; and strike beginning with "requiring" in line 13 down through "plans" in line 16 and substitute "and generally relating to licensed insurance producers and information on State health programs".

On pages 1 and 2, strike in their entirety the lines beginning with line 17 on page 1 through line 3 on page 2, inclusive.

On page 2, strike in their entirety lines 9 through 13, inclusive.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 17 on page 2 through line 4 on page 4, inclusive.

AMENDMENT NO. 3

On page 4, strike beginning with "**IN**" in line 6 down through "**PRODUCER**" in line 15 and substitute "**IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSIONER, A LICENSED INSURANCE PRODUCER MAY PROVIDE TO A SMALL EMPLOYER INFORMATION ABOUT THE MARYLAND MEDICAL ASSISTANCE PROGRAM AND THE MARYLAND CHILDREN'S HEALTH PROGRAM FOR THE SMALL EMPLOYER TO DISTRIBUTE TO ITS EMPLOYEES DURING THE ENROLLMENT PERIOD.**

(2) THE INFORMATION PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE RESTRICTED TO GENERAL INFORMATION ABOUT THE MARYLAND MEDICAL ASSISTANCE PROGRAM AND THE MARYLAND CHILDREN'S HEALTH PROGRAM, INCLUDING:

(I) INCOME ELIGIBILITY THRESHOLDS; AND

(II) APPLICATION INSTRUCTIONS".

AMENDMENT NO. 4

On pages 4 and 5, strike in their entirety the lines beginning with line 16 on page 4 through line 12 on page 5, inclusive.

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 RULES REPORT #11

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 997 – Senator Klausmeier

EMERGENCY BILL

AN ACT concerning

Baltimore County – Alcoholic Beverages – Expiration of Licenses – Extension for Casualty Loss

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 708 – Senators Klausmeier, Ferguson, Forehand, Kelley, King, Madaleno, Manno, and Stone

AN ACT concerning

Mopeds and Motor Scooters – Titling, Registration, Insurance, and Required Use of Protective Headgear

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

FLOOR AMENDMENT

SB0708/713423/1
BY: Senator Astle

AMENDMENTS TO SENATE BILL 708, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

In the Judicial Proceedings Committee Amendments (SB0708/208275/1), strike Amendment Nos. 1 and 3 in their entirety.

AMENDMENT NO. 2

On page 1 of the bill, in line 2, after "Registration," insert "and"; strike beginning with the third comma in line 2 down through "Headgear" in line 3; in line 4, after "of" insert "authorizing a certain insurer to exclude a moped and motor scooter from certain insurance benefits;"; strike beginning with "prohibiting" in line 14 down through "damages;" in line 18; and after line 21, insert:

"BY repealing and reenacting, with amendments,
Article – Insurance

Section 19–505(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)".

On page 2 of the bill, in line 2, strike "21–1306,".

AMENDMENT NO. 3

On pages 6 through 8 of the bill, strike in their entirety the lines beginning with line 29 on page 6 through line 4 on page 8, inclusive.

The preceding 3 amendments were read only.

Senator Astle moved, duly seconded, to make the Bill and Amendments a Special Order for March 31, 2011.

The motion was adopted.

Senate Bill 692 – Senator Middleton and the President (By Request – Administration) and Senators Benson, Forehand, Frosh, Garagiola, Jones–Rodwell, King, Madaleno, Manno, Mathias, Montgomery, Muse, Pinsky, Ramirez, Raskin, and Rosapepe

EMERGENCY BILL

AN ACT concerning

Maryland Electricity Service Quality and Reliability Act

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

SB0692/497875/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 692
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosapepe" and substitute ", Rosapepe, Kittleman, Klausmeier, Pipkin, and Pugh"; in line 2, after "Act" insert "– Safety Violations"; in line 7, strike "include" and substitute "account for certain major outages, and require an electric company to file a corrective action plan if it fails to

meet certain service quality and reliability standards; authorizing the Commission to include in certain regulations"; strike beginning with the comma in line 8 down through "purposes" in line 9; in line 9, before "requiring" insert "requiring the Commission, in adopting certain regulations, to consider certain standards, ensure certain service quality and reliability standards are cost–effective, and consider certain factors relating to vegetation management;"; in line 12, strike "an" and substitute "a certain"; strike beginning with "requiring" in line 14 down through "principle" in line 16 and substitute "authorizing the Commission to impose certain civil penalties on or after a certain date"; in line 18, after "ratepayers;" insert "providing that certain provisions relating to corrective action taken by the Commission against an electric company that fails to meet certain service quality and reliability standards do not apply to electric cooperatives;"; in line 20, after "report;" insert "requiring the Commission to hold a certain hearing at the request of an electric company; altering the maximum daily civil penalty that may be imposed on a public service company for certain safety violations; removing a certain cap on the total civil penalty that may be imposed for a related series of safety violations;"; in line 21, strike "certain regulations may" and substitute "this Act does"; in line 22, after "companies;" insert "providing that this Act may not be construed to limit the Commission's authority to adopt and enforce engineering and safety standards for electric companies; providing that certain authorization for the Commission to impose certain civil penalties does not apply to a violation of a certain provision as that provision applies to electric cooperatives; requiring the Commission to establish a certain workgroup to provide certain recommendations; requiring the Commission to review certain regulations, tariffs, or standards, conduct certain studies, and report its findings to certain committees on or before a certain date;"; and in line 23, after "electricity" insert "safety and".

On page 2, after line 2, insert:

"BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 13–201 and 13–202
Annotated Code of Maryland
(2010 Replacement Volume)".

AMENDMENT NO. 2

On page 2, in line 7, strike the comma; strike beginning with "**AVERAGE**" in line 10 down through "**SERVED**" in line 13 and substitute "**SUM OF THE CUSTOMER INTERRUPTION HOURS DIVIDED BY THE TOTAL NUMBER OF CUSTOMERS**

SERVED"; strike beginning with "**AVERAGE**" in line 15 down through "**SERVED**" in line 17 and substitute "**SUM OF THE NUMBER OF CUSTOMER INTERRUPTIONS DIVIDED BY THE TOTAL NUMBER OF CUSTOMERS SERVED**"; strike lines 18 through 20, inclusive, and substitute:

"**(B) IT IS THE GOAL OF THE STATE THAT EACH ELECTRIC COMPANY PROVIDE ITS CUSTOMERS WITH HIGH LEVELS OF SERVICE QUALITY AND RELIABILITY IN A COST–EFFECTIVE MANNER, AS MEASURED BY OBJECTIVE AND VERIFIABLE STANDARDS, AND THAT EACH ELECTRIC COMPANY BE HELD ACCOUNTABLE IF IT FAILS TO DELIVER RELIABLE SERVICE ACCORDING TO THOSE STANDARDS.**";

in line 21, strike "**REGULATIONS ADOPTED UNDER THIS**" and substitute "**THIS**"; in the same line, strike "**MAY**" and substitute "**DOES**"; in line 26, after "**COMPANIES**" insert "**THROUGH THEIR DISTRIBUTION SYSTEMS**"; and in line 29, strike "**STANDARD**" and substitute "**PERFORMANCE MEASUREMENT**".

On page 3, in line 1, after "**(E)**" insert "**(1)**"; in line 3, strike "**(1)**" and substitute "**(I)**"; after line 8, insert:

"**5. PERIODIC EQUIPMENT INSPECTIONS;**";

in lines 5, 6, 7, 8, 9, and 10, strike "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", and "**(VI)**", respectively, and substitute "**1.**", "**2.**", "**3.**", "**4.**", "**6.**", and "**7.**", respectively; in line 4, after "**INCLUDING**" insert "**STANDARDS RELATING TO**"; in line 6, strike "**REPAIR**" and substitute "**RESPONSE**"; and in line 7, strike "**SERVICE QUALITY**" and substitute "**CUSTOMER COMMUNICATIONS**".

AMENDMENT NO. 3

On page 3, after line 11, insert:

"**(II) ACCOUNT FOR MAJOR OUTAGES CAUSED BY EVENTS OUTSIDE THE CONTROL OF AN ELECTRIC COMPANY; AND**

(III) FOR AN ELECTRIC COMPANY THAT FAILS TO MEET THE APPLICABLE SERVICE QUALITY AND RELIABILITY STANDARDS, REQUIRE THE

COMPANY TO FILE A CORRECTIVE ACTION PLAN THAT DETAILS SPECIFIC ACTIONS THE COMPANY WILL TAKE TO MEET THE STANDARDS.";

in line 12, before "**INCLUDE**" insert "**THE REGULATIONS ADOPTED UNDER SUBSECTION (D) OF THIS SECTION MAY**"; in line 14, after "**FACTORS**" insert a comma; in line 18, strike "**; AND**" and substitute a period; strike in their entirety lines 19 through 25, inclusive; and after line 25, insert:

"**(3) IN ADOPTING THE REGULATIONS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION, THE COMMISSION SHALL:**

(I) CONSIDER APPLICABLE STANDARDS OF THE INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS;

(II) ENSURE THAT THE SERVICE QUALITY AND RELIABILITY STANDARDS ARE COST–EFFECTIVE; AND

(III) WITH RESPECT TO STANDARDS RELATING TO VEGETATION MANAGEMENT, CONSIDER:

1. LIMITATIONS ON AN ELECTRIC COMPANY'S RIGHT TO ACCESS PRIVATE PROPERTY; AND

2. CUSTOMER ACCEPTANCE OF VEGETATION MANAGEMENT INITIATIVES.".

AMENDMENT NO. 4

On page 4, in line 6, after "**(2)**" insert "**(I) THIS PARAGRAPH DOES NOT APPLY TO ELECTRIC COOPERATIVES.**

(II)";

in line 8, after the first "**THE**" insert "**APPLICABLE**"; strike beginning with "**ADOPTED**" in line 8 down through "**SECTION**" in line 9; in line 9, after "**INCLUDING**" insert "**, ON OR AFTER JULY 1, 2014, THE IMPOSITION OF**"; in line 10, after "**NONCOMPLIANCE**" insert "**AS PROVIDED IN § 13–201 OF THIS ARTICLE**"; strike

lines 11 through 19, inclusive; in line 20, strike "**(4)**" and substitute "**(III)**"; and in line 22, strike "**MAY**" and substitute "**FEBRUARY**".

On page 5, in line 12, strike "**AND**"; in line 14, after "**TIME**" insert "**; AND**

6. TO THE EXTENT PRACTICABLE, A BREAKDOWN, BY THE NUMBER OF DAYS EACH CUSTOMER WAS WITHOUT ELECTRIC SERVICE, OF THE NUMBER OF CUSTOMERS THAT EXPERIENCED AN OUTAGE";

after line 14, insert:

"**(3) AT THE REQUEST OF AN ELECTRIC COMPANY, THE COMMISSION SHALL HOLD A HEARING TO DISCUSS THE ANNUAL PERFORMANCE REPORT OF THE ELECTRIC COMPANY.**

(H) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE COMMISSION'S AUTHORITY TO ADOPT AND ENFORCE ENGINEERING AND SAFETY STANDARDS FOR ELECTRIC COMPANIES.

13–201.

(a) This section does not apply to a violation of the following provisions of this article:

(1) Title 5, Subtitle 4;

(2) Title 7, Subtitle 1;

(3) **§ 7–213 AS IT APPLIES TO ELECTRIC COOPERATIVES;**

(4) Title 8, Subtitles 1 and 3;

[(4)**] (5)** Title 9, Subtitle 3; and

[(5)**] (6)** Title 8, Subtitle 4.

(b) (1) Except as provided in paragraph (2) of this subsection, the Commission may impose a civil penalty not exceeding $10,000 against a person who

violates a provision of this division, or an effective and outstanding direction, ruling, order, rule, or regulation of the Commission.

(2) The civil penalty that the Commission may impose on a common carrier for each violation may not exceed $2,500.

(c) (1) A civil penalty may be imposed in addition to any other penalty authorized by this division.

(2) Each violation is a separate offense.

(3) Each day or part of a day the violation continues is a separate offense.

(d) The Commission shall determine the amount of any civil penalty after considering:

(1) the number of previous violations of any provision of this article;

(2) the gravity of the current violation;

(3) the good faith efforts of the violator in attempting to achieve compliance after notification of the violation; and

(4) any other matter that the Commission considers appropriate and relevant.

(e) A civil penalty collected under this section shall be paid into the General Fund of the State.

13–202.

(a) In this section, "safety violation" means a condition or activity likely to cause injury or harm to an individual or property.

(b) This section does not apply to a safety violation by a gas company that is subject to § 13–203 of this subtitle.

(c) (1) Subject to paragraph (2) of this subsection, a public service company that violates a provision of this division that relates to safety is subject to a civil penalty not exceeding **[**$500**]** **$10,000** for each violation for each day that the violation persists.

(2) **[**The maximum civil penalty may not exceed:

(i) $50,000 for a related series of violations; or

(ii) for**]** **FOR** a common carrier, **THE MAXIMUM CIVIL PENALTY MAY NOT EXCEED** $500 for each violation or related series of violations stemming from a single safety inspection.

(d) In determining the amount of a civil penalty imposed under this section, the Commission shall consider the:

(1) appropriateness of the penalty to the size of the public service company;

(2) number of previous violations of this article by the public service company;

(3) gravity of the current violation; and

(4) good faith of the public service company in attempting to achieve compliance after notification of the violation.

(e) The public service company involved may request reconsideration of a penalty imposed under this section within 30 days after the date of notification of the determination.

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Public Service Commission shall:

(1) review current regulations, tariffs, or standards relating to electric company responsibility for customer damages caused by electrical surges and assess the feasibility of obtaining information from electric companies regarding the extent of electrical surges and customer damages that result from electrical surges;

(2) study the feasibility of incorporating an electric company's service restoration plan into the electric company's reliability plan; and

(3) on or before January 1, 2012, report its findings to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2–1246 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That the Public Service Commission shall convene a stakeholder workgroup to provide recommendations regarding the regulations to be adopted by the Commission under this Act.";

and in line 15, strike "2." and substitute "4.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0692/123624/4
BY: Senator Frosh

AMENDMENTS TO SENATE BILL 692, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Finance Committee Amendments (SB0692/497875/1), in line 12 of Amendment No. 1, after "impose" insert "a"; in lines 12 and 13, strike "penalties on or after a certain date" and substitute "penalty"; in line 13, after "that" insert "a"; in line 14, strike "provisions" and substitute "provision"; in the same line, strike "corrective action taken" and substitute "penalties imposed"; strike beginning with "altering" in line 17 down through "violations;" in line 20; and strike beginning with "providing" in line 23 down through "cooperatives;" in line 25.

On page 2 of the Finance Committee Amendments, in Amendment No. 1, strike beginning with "BY" in line 5 down through "Volume)" in line 9.

AMENDMENT NO. 2

On page 4 of the bill, strike beginning with "**SHALL**" in line 6 down through "**ACTION**" in line 7 and substitute "**MAY IMPOSE A PENALTY**"; and strike beginning

with "**, INCLUDING**" in line 9 down through "**NONCOMPLIANCE**" in line 10 and substitute "**IN AN AMOUNT NOT EXCEEDING 2.5% OF THE ELECTRIC COMPANY'S TRANSMISSION AND DISTRIBUTION REVENUES FOR THE PREVIOUS CALENDAR YEAR**".

On page 4 of the Finance Committee Amendments, in line 6 of Amendment No. 4, strike "**, ON OR AFTER JULY 1, 2014, THE IMPOSITION OF**"; and in line 7, strike "**AS PROVIDED IN § 13–201 OF THIS ARTICLE**".

On pages 5 through 8 of the Finance Committee Amendments, in Amendment No. 4, strike beginning with "13–201." in line 12 on page 5 down through "determination." in line 6 on page 8.

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

Affirmative – 27 Negative – 18 (See Roll Call No. 686)

FLOOR AMENDMENT

SB0692/103926/1
BY: Senator Frosh

AMENDMENTS TO SENATE BILL 692, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 3, after "of" insert "prohibiting the Public Service Commission from authorizing an electric company to adjust the electric company's rates to recover profits lost during a disruption in electrical service;"; in the same line, strike "Public Service"; in line 21, after "that" insert "certain provisions of"; in line 24, after "standards" insert "and rates"; and in line 27, after "Section" insert "4–307 and".

AMENDMENT NO. 2

On page 1 of the Finance Committee Amendments (SB0692/497875/1), in the sixth line from the bottom of Amendment No. 1, strike "does" and substitute "do".

AMENDMENT NO. 3

On page 2 of the bill, after line 5, insert:

"**4–307.**

THE COMMISSION MAY NOT AUTHORIZE AN ELECTRIC COMPANY TO ADJUST THE ELECTRIC COMPANY'S RATES TO RECOVER PROFITS LOST DURING A DISRUPTION IN ELECTRICAL SERVICE.".

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

Affirmative – 22 Negative – 22 (See Roll Call No. 687)

FLOOR AMENDMENT

SB0692/243126/1
BY: Senator Middleton

AMENDMENT TO SENATE BILL 692, AS AMENDED

On page 8 of the Finance Committee Amendments (SB0692/497875/1), in line 14 of Amendment No. 4, strike "and"; and in line 15, after "(3)" insert "study and consider whether to prohibit an electric company from calculating the rate charged by the electric company using a formula that decouples the electric company's revenue from the sale of kilowatt–hours unless the formula provides for the suspension of decoupling during any extended service disruption; and

(4)".

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

Affirmative – 45 Negative – 0 (See Roll Call No. 688)

FLOOR AMENDMENT

SB0692/943521/1
BY: Senator Madaleno

AMENDMENTS TO SENATE BILL 692, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Finance Committee Amendments (SB0692/497875/1), in line 9 of Amendment No. 1, strike the second "and"; and in line 10, after "management" insert ", and with respect to inspection and maintenance standards, include a schedule for certain inspections and require a certain annual compliance plan".

AMENDMENT NO. 2

On page 2 of the bill, in line 9, after "**(2)**" insert "**"DETAILED INSPECTION" MEANS AN INSPECTION IN WHICH INDIVIDUAL PIECES OF EQUIPMENT AND STRUCTURES, INCLUDING SUB–TRANSMISSION AND DISTRIBUTION LINES AND FACILITIES ARE CAREFULLY EXAMINED, VISUALLY AND THROUGH THE USE OF ROUTINE DIAGNOSTIC TESTS, AS APPROPRIATE, AND OPENED, IF APPROPRIATE, AND THE CONDITION OF EACH PIECE OF EQUIPMENT AND STRUCTURE IS RATED AND RECORDED.**

(3)";

and in line 14, strike "**(3)**" and substitute "**(4)**".

AMENDMENT NO. 3

On page 3 of the Finance Committee Amendments, in line 5 of Amendment No. 2, after "**INSPECTIONS**" insert "**AND MAINTENANCE**".

On page 4 of the Finance Committee Amendments, in line 6 of Amendment No. 3, strike "**AND**"; and in line 12, after "**INITIATIVES**" insert "**; AND**

(IV) WITH RESPECT TO INSPECTION AND MAINTENANCE STANDARDS, INCLUDE:

1. A SCHEDULE FOR PERIODIC DETAILED INSPECTIONS OF SUB–TRANSMISSION AND DISTRIBUTION LINES, FACILITIES, AND EQUIPMENT BY ELECTRIC COMPANIES; AND

2. A REQUIRED ANNUAL COMPLIANCE PLAN TO BE SUBMITTED BY EACH ELECTRIC COMPANY TO THE COMMISSION THAT INCLUDES:

A. THE NUMBER AND TYPE OF FACILITIES THAT WERE INSPECTED IN THE PREVIOUS YEAR;

B. THE NUMBER AND TYPE OF FACILITIES THAT WERE SCHEDULED FOR INSPECTION BUT WHICH WERE NOT INSPECTED ACCORDING TO SCHEDULE, WITH AN EXPLANATION AS TO WHY THE INSPECTIONS WERE NOT CONDUCTED AND A DATE BY WHICH THE REQUIRED INSPECTIONS WILL OCCUR;

C. THE TOTAL AND PERCENTAGE BREAKDOWN OF INSPECTED EQUIPMENT, RATED BY OPERATING CONDITION, INCLUDING EQUIPMENT DETERMINED TO BE IN NEED OF MAINTENANCE, REPAIR, OR REPLACEMENT, ALONG WITH A SCHEDULE FOR THE MAINTENANCE, REPAIR, OR REPLACEMENT;

D. THE TOTAL AND PERCENTAGE BREAKDOWN OF EQUIPMENT THAT WAS MAINTAINED, REPAIRED, OR REPLACED DURING THE PREVIOUS YEAR; AND

E. THE ELECTRIC COMPANY'S PLANS FOR THE TYPES OF INSPECTIONS AND EQUIPMENT TO BE INSPECTED IN THE NEXT FOLLOWING YEAR".

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

Affirmative – 16 Negative – 30 (See Roll Call No. 689)

Read the second time and ordered prepared for Third Reading.

Senate Bill 487 – Senators Middleton and Frosh

AN ACT concerning

Fertilizer Use Act of 2011

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

Favorable report adopted.

FLOOR AMENDMENT

SB0487/723127/1
BY: Senator Pipkin

AMENDMENT TO SENATE BILL 487, AS AMENDED

On page 23 of the Education, Health, and Environmental Affairs Committee Amendments (SB0487/324037/1), in Amendment No. 4, strike beginning with "**REQUIRE**" in line 12 down through "**(3)**" in line 14; and in line 18, strike "**(4)**" and substitute "**(3)**".

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

Affirmative – 9 Negative – 35 (See Roll Call No. 690)

FLOOR AMENDMENT

SB0487/803525/2
BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 487, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 20, after "circumstances;" insert "prohibiting a person from applying sewage sludge as a fertilizer in the Critical Area;".

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0487/324037/1), in line 17 of Amendment No. 1, strike "6–225,".

AMENDMENT NO. 2

On page 11 of the bill, after line 30, insert:

"**6–225.**

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

(2) "CRITICAL AREA" HAS THE MEANING STATED IN § 8–1802 OF THE NATURAL RESOURCES ARTICLE.

(3) "SEWAGE SLUDGE" HAS THE MEANING STATED IN § 9–201 OF THE ENVIRONMENT ARTICLE.

(B) NOTWITHSTANDING ANY OTHER PROVISION, A PERSON MAY NOT APPLY SEWAGE SLUDGE AS A FERTILIZER IN THE CRITICAL AREA.".

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

Affirmative – 7 Negative – 39 (See Roll Call No. 691)

Read the second time and ordered prepared for Third Reading.

MESSAGE TO THE SENATE

BILL: **HB 0070**
SPONSOR: The Spkr (Admin)
SUBJECT: Budget Bill Fiscal Year 2012

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

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

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

Delegate Conway, Chair
Delegate Bohanan
Delegate Gaines
Delegate James
Delegate Beitzel

In addition, the House has appointed in advisory capacity: Delegates Clagett, DeBoy, Griffith and Jones.

Said Bill is returned herewith.

By Order,

Mary Monahan

Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0070**
SPONSOR: The Spkr (Admin)
SUBJECT: Budget Bill Fiscal Year 2012

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Conway, Chair
Delegate Bohanan
Delegate Gaines
Delegate James
Delegate Beitzel

In addition, the House has appointed in advisory capacity: Delegates Clagett, DeBoy, Griffith and Jones.

The Senate appoints:
Senator Kasemeyer, Chair
Senator McFadden
Senator DeGrange
Senator Madaleno
Senator Edwards

In addition, the Senate has appointed in advisory capacity: Senators Robey, Jones–Rodwell, Currie and Brinkley.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **HB 0072**
SPONSOR: The Spkr (Admin)
SUBJECT: Budget Reconciliation and Financing Act of 2011

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

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

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

Delegate Conway, Chair
Delegate Bohanan
Delegate Gaines
Delegate Griffith
Delegate Hammen

In addition, the House has appointed in advisory capacity: Delegates Proctor, Hixson, Jones and Beitzel.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0072**
SPONSOR: The Spkr (Admin)
SUBJECT: Budget Reconciliation and Financing Act of 2011

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:

Delegate Conway, Chair
Delegate Bohanan
Delegate Gaines
Delegate Griffith
Delegate Hammen

In addition, the House has appointed in advisory capacity: Delegates Proctor, Hixson, Jones and Beitzel.

The Senate appoints:
Senator Kasemeyer, Chair
Senator McFadden
Senator DeGrange
Senator Madaleno
Senator Edwards

In addition, the Senate has appointed in advisory capacity: Senators Robey, Jones–Rodwell, Currie and Brinkley.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

QUORUM CALL

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

(See Roll Call No. 692)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #57

Senate Bill 570 – ~~Senator Pugh~~ Senators Pugh, Forehand, Gladden, Ramirez, and Raskin

AN ACT concerning

Motor Vehicles – Towing Practices and Procedures

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

Affirmative – 46 Negative – 0 (See Roll Call No. 693)

The Bill was then sent to the House of Delegates.

Senate Bill 586 – Senators Ramirez and Zirkin

AN ACT concerning

Courts – Service of Process – Motor Vehicle Administration and Insurer as Agent for Driver

Senator Kittleman moved, duly seconded, to make the Bill a Special Order for March 31, 2011.

The motion was adopted.

Senate Bill 994 – Senators Jones–Rodwell ~~and Madaleno~~, Madaleno, Currie, King, Manno, ~~and McFadden~~ McFadden, and Forehand

AN ACT concerning

Sales and Use Tax – Alcoholic Beverages – Supplementary Appropriation

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

Affirmative – 27 Negative – 19 (See Roll Call No. 694)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #58

Senate Bill 182 – The President (By Request – Administration) and Senators Middleton, Benson, Forehand, Frosh, King, Madaleno, Manno, Montgomery, Pinsky, Ramirez, Raskin, ~~and Rosapepe~~ Rosapepe, Garagiola, Kelley, Muse, Pugh, Currie, McFadden, and Peters

AN ACT concerning

Maryland Health Benefit Exchange Act of 2011

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

Affirmative – 34 Negative – 11 (See Roll Call No. 695)

The Bill was then sent to the House of Delegates.

Senate Bill 568 – Senators Pugh and Kittleman

AN ACT concerning

Labor and Employment – Workers' Compensation – Venue for Appeal

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

Affirmative – 46 Negative – 0 (See Roll Call No. 696)

The Bill was then sent to the House of Delegates.

Senate Bill 743 – Senator Pugh

AN ACT concerning

Family Planning Works Act

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

Affirmative – 40 Negative – 6 (See Roll Call No. 697)

The Bill was then sent to the House of Delegates.

Senate Bill 809 – Senator Zirkin

AN ACT concerning

Criminal Procedure – ~~Pretrial Release and~~ Forfeiture of Bail Bonds

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

Affirmative – 40 Negative – 6 (See Roll Call No. 698)

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. 699)

ADJOURNMENT

At 12:22 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day March 29, 2011, Calendar Day, Thursday, March 31, 2011.

Annapolis, Maryland
Legislative Day: March 29, 2011
Calendar Day: Thursday, March 31, 2011
10:00 A.M. Session

The Senate met at 10:10 A.M.

Prayer by Sr. Pastor Victor McGodman, Christ International Ministries, guest of Senator Rosapepe.

(See Exhibit A of Appendix III)

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

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

QUORUM CALL

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

(See Roll Call No. 701)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 450 – Senator Rob Garagiola:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Northwest High School Girls Track and Field Team
in recognition of
winning the 4A Girls Indoor Track and Field State Championship. Your hard work and dedication
are to be commended!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 31st day of March 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 702)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 715 – Delegates Walker, Barnes, Branch, Braveboy, Davis, Feldman, Hixson, Howard, Hubbard, Luedtke, Mitchell, Morhaim, Murphy, Niemann, Olszewski, Ross, Stukes, F. Turner, Vallario, Vaughn, Waldstreicher, and Wilson

AN ACT concerning

Consumer Protection – Home Appliances – Warranty Enforcement

FOR the purpose of requiring a manufacturer of home appliances~~,~~ or its agent~~, or its authorized dealer~~ to repair or correct a nonconformity in a home appliance at no cost to the consumer if the home appliance does not conform to the manufacturer's express warranties; providing that a manufacturer's obligation to repair or correct a nonconformity under this Act applies only if the consumer satisfies certain conditions; requiring a manufacturer, under certain circumstances and at the option of the consumer, to replace a home appliance with a comparable home appliance or accept return of a home appliance and refund the purchase price less certain reasonable allowances; requiring that a refund of the purchase price be made to the consumer and any holder of a perfected security interest in the home appliance in a certain manner; providing that the manufacturer is responsible for the cost of returning a home appliance to the manufacturer; providing for certain affirmative defenses; establishing a certain presumption; providing for the extension of the term of a manufacturer's express warranty by any time during which a home appliance is out of service for repair of a nonconformity; providing for the extension of the term of a manufacturer's express warranty and a certain out–of–service period if repair services are not available for certain reasons; providing that this Act does not limit the rights and remedies that otherwise are available to a consumer under any other law; providing that a consumer is not required to resort to a certain informal dispute settlement procedure before certain provisions of this Act apply; providing that a consumer who resorts to an informal dispute resolution procedure may not be precluded from seeking other available remedies; providing that an agreement for the purchase of a home appliance is void to the extent that it attempts to waive, limit, or disclaim certain rights of a consumer; providing that a manufacturer that fails to comply with certain provisions of this Act is liable to the consumer for certain damages; authorizing a court to award reasonable attorney's fees to a prevailing plaintiff in an action brought under this Act; authorizing a court to order a party to pay to the other party reasonable attorney's fees if it appears that an action is brought in bad faith or is frivolous in nature; requiring that an action brought under this Act be

brought within a certain time; providing that a violation of certain provisions of this Act is an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act; prohibiting a consumer who recovers damages under certain provisions of this Act from recovering damages for the same violation under a certain provision of the Maryland Consumer Protection Act; providing for the application of this Act; defining certain terms; and generally relating to home appliances and the enforcement of manufacturers' express warranties on home appliances.

BY adding to
Article – Commercial Law
Section 14–15A–01 through 14–15A–08 to be under the new subtitle "Subtitle 15A. Home Appliance Warranty Enforcement Act"
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

House Bill 807 – Delegates McHale and Hammen

AN ACT concerning

Labor and Employment – Health Care Personnel Training Fund

FOR the purpose of establishing the Health Care Personnel Training Fund as a special fund to be used to provide grants to certain training consortiums; and generally relating to the Health Care Personnel Training Fund.

BY adding to
Article – Labor and Employment
Section 11–1015
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1005 – Prince George's County Delegation

AN ACT concerning

Public Utility Companies – University of Maryland, College Park Bus Service – Motor Carrier Permit Exemption – ~~Removal~~ Extension of Sunset
PG 403–11

FOR the purpose of providing that a motor carrier permit is not required for a shuttle bus service operated by the University of Maryland, College Park for its students that is also used to provide, in exchange for payment by the municipal

corporation in which the University of Maryland, College Park operates shuttle bus service, transportation service to the residents of the municipal corporation; ~~removing~~ extending to a certain date the termination provision applicable to a certain motor carrier permit exemption relating to bus service provided by the University of Maryland, College Park; requiring the Department of Transportation Services in the University of Maryland, College Park, in consultation with the Public Service Commission, to report certain information to certain committees of the General Assembly on or before a certain date; and generally relating to bus service provided by the University of Maryland, College Park to its students and to the residents of a certain municipal corporation.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 9–201
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Chapter 346 of the Acts of the General Assembly of 2008
Section 3

BY repealing and reenacting, with amendments,
Chapter 347 of the Acts of the General Assembly of 2008
Section 3

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

House Bill 1181 – ~~Delegate Braveboy~~ Delegates Braveboy and Stifler

AN ACT concerning

~~Real Estate Appraisal Management Companies – Registration and Regulation~~
State Commission of Real Estate Appraisers and Home Inspectors – Special Fund and Registration and Regulation of Real Estate Appraisal Management Companies

FOR the purpose of requiring certain persons to register as appraisal management companies with the State Commission of Real Estate Appraisers and Home Inspectors; requiring an appraisal management company's registration to include certain information in a certain form; establishing that a registration is valid for a certain period of time; requiring the Commission to collect a certain national registry fee from appraisal management companies; requiring a person applying for registration to complete a certain consent to service of process; requiring the Commission to set certain fees by regulation; requiring the Commission to publish a certain fee schedule; requiring the Commission to pay certain fees to the Comptroller; requiring the Comptroller to distribute certain

fees to a certain fund; prohibiting a person applying for registration from being owned by certain persons; requiring the owner of an appraisal management company to meet certain requirements; requiring a certain individual to serve as a main contact for communication between the Commission and an appraisal management company; prohibiting an appraisal management company from engaging in certain activities relating to employees; requiring an appraisal management company to verify that an appraiser is a competent appraiser before assigning certain work; requiring certain individuals that perform an appraisal review to hold a certain license or certificate; prohibiting an appraisal management company from entering into certain agreements with an appraiser in conjunction with federally related transactions unless the company verifies certain qualifications; requiring a person applying for registration to make a certain certification concerning its record keeping; requiring an appraisal management company to retain certain records for a certain period of time; prohibiting an appraisal management company from handling certain fees and certain compensation in a certain manner; requiring an appraisal management company to ensure that appraisals are conducted in a certain manner; prohibiting an individual working on behalf of an appraisal management company from engaging in certain activities; requiring an appraisal management company to inform the Commission when the company has a reasonable basis to believe that an appraiser is behaving in a certain manner; designating certain conduct as unprofessional; requiring an appraisal management company to pay an appraiser for certain work within a certain period of time under certain circumstances; prohibiting an appraisal management company from changing a completed appraisal report in a certain manner; establishing guidelines for the use of an appraiser's digital signature or seal; requiring the Commission to issue certain registration numbers; requiring the Commission to publish an annual list of appraisal management companies; requiring an appraisal management company to disclose certain registration information in a certain manner; prohibiting an appraisal management company from taking certain actions relative to an appraiser under certain circumstances without providing certain notice and opportunity to respond; authorizing an appraiser that is removed from an appraisal panel for certain reasons to file a certain complaint with the Commission for certain review; requiring the Commission to adjudicate a complaint within a certain period of time; establishing certain grounds for denying a registration or reprimanding, suspending, or revoking the registration of an appraisal management company; establishing certain penalties; altering provisions relating to commencement of Commission proceedings and hearings; authorizing the Commission to adopt certain regulations; altering the membership of the State Commission of Real Estate Appraisers and Home Inspectors; establishing an appraisal management company hearing board; requiring that a certain evaluation of the law and regulations concerning the registration and regulation of real estate appraisal management companies be performed on or before a certain date; establishing the ~~Appraisal Management Company~~ State Commission of Real Estate Appraisers and Home Inspectors Fund as a special, nonlapsing fund in the Department of Labor, Licensing, and Regulation; requiring that the Fund be

used for certain purposes; providing for an audit of the Fund; requiring the Secretary of Labor, Licensing, and Regulation, or a designee of the Secretary, to administer the Fund; requiring the Secretary, in consultation with the Commission, to calculate annually certain costs; ~~requiring~~ authorizing the Commission to set certain fees, based on certain calculations, beginning on a certain date; prohibiting certain fees from increasing more than a certain amount each year; requiring the Commission to publish a certain fee schedule; repealing a provision of law requiring the Commission to pay certain money into the General Fund of the State; requiring the Commission to pay certain fees to the Comptroller beginning on a certain date; requiring the Comptroller to distribute certain fees to the Fund; requiring any unspent portion of the Fund in excess of a certain amount to revert to the General Fund at the end of each fiscal year; crediting certain earnings to the General Fund; altering, establishing, and specifying the use of certain fees; requiring that certain fees in effect on a certain date shall remain in full force and effect until certain other fees are adopted and made effective; requiring certain fees to approximate the cost of regulating certain professions; defining certain terms; and generally relating to the registration and regulation of real estate appraisal management companies and the State Commission of Real Estate Appraisers and Home Inspectors.

BY adding to
Article – Business Occupations and Professions
Section 16–210.2 and 16–217; 16–5B–01 through 16–5B–19 to be under the new subtitle "Subtitle 5B. Real Estate Appraisal Management Companies"; and 16–701.2
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section ~~16–601~~ 16–202, 16–303(a)(2), 16–308(c)(2), 16–310(3), 16–3A–03, 16–3A–05(2), 16–3A–07(c)(2), 16–3A–08(a)(3), 16–505(2), 16–510(c)(2), 16–512(3), 16–5A–01(b)(5), 16–5A–04(b)(1)(ii), 16–601, and 16–602
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing
Article – Business Occupations and Professions
Section 16–217
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article – Business Regulation
Section 2–106.7 and 2–106.8
Annotated Code of Maryland

(2010 Replacement Volume and 2010 Supplement)

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

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

House Bill 1304 – Delegates Hucker, Bobo, Impallaria, W. Miller, Murphy, Myers, ~~and Rudolph~~ Rudolph, Barkley, Barnes, Braveboy, Burns, Davis, Feldman, Haddaway–Riccio, Harrison, Hershey, Jameson, Kramer, Love, McHale, Minnick, Olszewski, Schuh, Schulz, Stifler, and Vaughn

AN ACT concerning

National Human Trafficking Resource Center Hotline Information – Sign Posting Requirements

FOR the purpose of requiring the business owner of a privately owned bus station or truck stop located in the State to post in restrooms in a certain manner a certain sign that provides National Human Trafficking Resource Center Hotline information; requiring a certain agency that determines a certain violation has occurred to provide a certain notice to the business owner of a bus station or truck stop or the business owner's agent; subjecting ~~an~~ a business owner of a bus station or truck stop that violates the sign posting requirement to a certain civil penalty, if certain signs are not posted within a certain period of time after the business owner receives a certain notice; specifying that, for each restroom in which the business owner fails to post a sign in accordance with this Act, the business owner is subject to a separate civil penalty; requiring the State Highway Administration to post in a certain manner a certain sign that provides National Human Trafficking Resource Center Hotline information in the restrooms at rest areas within the right–of–way of any interstate or State highway; defining a certain term; and generally relating to sign posting requirements for National Human Trafficking Resource Center Hotline information.

BY adding to
Article – Business Regulation
Section 19–103
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY adding to
Article – Transportation
Section 8–655

Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

House Bill 1347 – Delegate Bohanan

AN ACT concerning

Southern Maryland Higher Education Council

Reassigned to the Committee on Budget and Taxation under Rule 33(d).

Read and ordered journalized.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #13

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation and Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 841 – Senator Pugh

AN ACT concerning

Arts and Entertainment Districts – Artistic Work – Design

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 996 – Senator DeGrange

AN ACT concerning

Sales and Use Tax – Machinery and Equipment – Energy Star Windows and Doors

SB0996/299230/1
BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 996
(First Reading File Bill)

On page 1, in line 19, strike the second "**OR**" and substitute "**AND**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #21

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

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

AN ACT concerning

Prescription Drug Monitoring Program

SB0883/757076/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 883
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "Board;" insert "specifying the terms of the initial appointed members of the Board;"; in line 15, after "data;" insert "establishing a technical advisory committee to the Program; establishing the membership and duties of the technical advisory committee;"; in line 19, after "circumstances;" insert "requiring the technical advisory committee to review certain information and provide certain guidance before the Program discloses information to certain agencies and persons;"; in line 27, after "programs;" insert "prohibiting prescription monitoring data from being used as the basis for imposing clinical practice standards;"; and in line 30,

after "Program;" insert "providing that the release of prescription monitoring data in a certain manner is not a violation of the requirements of the Program;".

On page 2, in line 3, after "date;" insert "requiring the Program to develop a mechanism to allow certain persons to correct erroneous data reported to the Program; requiring the Department and the Board to report to the Governor and certain committees of the General Assembly on or before a certain date on certain matters relating to the Program; declaring the intent of the General Assembly regarding technology used by the Program;"; in line 13, strike "21–2A–09" and substitute "21–2A–10"; in line 37, after "care" insert "and public health"; strike beginning with the second comma in line 37 down through "enforcement" in line 38; and in line 38, strike ", treatment,".

AMENDMENT NO. 2

On page 4, in line 3, strike "**AND**"; in line 4, after "**PROGRAM**" insert "**;**

(III) A VETERINARIAN LICENSED UNDER TITLE 2, SUBTITLE 3 OF THE AGRICULTURE ARTICLE WHEN PRESCRIBING CONTROLLED SUBSTANCES FOR ANIMALS IN THE USUAL COURSE OF PROVIDING PROFESSIONAL SERVICES;

(IV) A PHARMACY ISSUED A WAIVER PERMIT UNDER COMAR 10.34.17.03 THAT PROVIDES PHARMACEUTICAL SPECIALTY SERVICES EXCLUSIVELY TO PERSONS LIVING IN ASSISTED LIVING FACILITIES, COMPREHENSIVE CARE FACILITIES, AND DEVELOPMENTAL DISABILITIES FACILITIES; AND

(V) A PHARMACY THAT:

1. DISPENSES MEDICATIONS TO AN INPATIENT HOSPICE; AND

2. HAS BEEN GRANTED A WAIVER UNDER § 21–2A–03(F) OF THIS SUBTITLE";

after line 11, insert:

"**(G)** **"OPIOID MAINTENANCE PROGRAM" MEANS A PROGRAM THAT:**

(1) **IS LICENSED BY THE STATE UNDER § 8–404 OF THIS ARTICLE;**

(2) **IS AUTHORIZED TO TREAT PATIENTS WITH OPIOID DEPENDENCE WITH A MEDICATION APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR OPIOID DEPENDENCE;**

(3) **COMPLIES WITH:**

(I) **THE CODE OF FEDERAL REGULATIONS 42, PART 8;**

(II) **COMAR 10.47.02.11; AND**

(III) **REQUIREMENTS FOR THE SECURE STORAGE AND ACCOUNTING OF OPIOID MEDICATION IMPOSED BY THE FEDERAL DRUG ENFORCEMENT ADMINISTRATION AND THE STATE DIVISION OF DRUG CONTROL; AND**

(4) **HAS BEEN GRANTED A CERTIFICATION FOR OPERATION BY THE DEPARTMENT, THE FEDERAL SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION, AND THE FEDERAL CENTER FOR SUBSTANCE ABUSE TREATMENT.**";

and in lines 12, 14, 16, and 18, strike "**(G)**", "**(H)**", "**(I)**", and "**(J)**", respectively, and substitute "**(H)**", "**(I)**", "**(J)**", and "**(K)**", respectively.

AMENDMENT NO. 3

On page 4, in line 26, strike "**, TREATMENT,**".

AMENDMENT NO. 4

On page 5, in line 24, after "**WITH**" insert "**THE MARYLAND HEALTH CARE COMMISSION AND**"; in line 25, strike "**ESTABLISH A WEB SITE FOR THE PROGRAM**" and substitute "**DETERMINE THE APPROPRIATE TECHNOLOGY TO SUPPORT THE OPERATION OF THE PROGRAM**"; after line 27, insert:

"**(F)** **(1)** **THE SECRETARY SHALL GRANT A WAIVER TO A PHARMACY THAT DISPENSES MEDICATIONS TO AN INPATIENT HOSPICE FROM REPORTING TO THE PROGRAM PRESCRIPTION MONITORING DATA FOR HOSPICE INPATIENTS IF:**

(I) **THE PHARMACY DEMONSTRATES HOW IT WILL DISTINGUISH HOSPICE INPATIENTS FROM OTHER CONSUMERS RECEIVING MEDICATIONS FROM THE PHARMACY; AND**

(II) **THE PHARMACY AGREES THAT IT WILL BE SUBJECT TO ONSITE, UNANNOUNCED INSPECTIONS BY THE DEPARTMENT TO VERIFY ITS REPORTING OF THE PRESCRIPTION DATA OF CONSUMERS WHO ARE NOT HOSPICE INPATIENTS.**

(2) **A WAIVER GRANTED UNDER THIS SUBSECTION MAY REMAIN IN EFFECT FOR UP TO 2 YEARS.**

(3) **THE SECRETARY MAY ESTABLISH AN APPLICATION PROCESS FOR A PHARMACY TO APPLY FOR A WAIVER UNDER THIS SUBSECTION.**".

AMENDMENT NO. 5

On page 6, in line 7, strike "**AND PRESCRIBERS**"; after line 9, insert:

"**(3)** **SPECIFY THAT THE PROGRAM:**

(I) **SHALL PROVIDE THE INFORMATION TECHNOLOGY SOFTWARE TO DISPENSERS NECESSARY TO UPLOAD PRESCRIPTION DRUG MONITORING DATA TO THE PROGRAM; AND**

(II) **MAY NOT IMPOSE ANY FEES OR OTHER ASSESSMENTS ON PRESCRIBERS OR DISPENSERS TO SUPPORT THE OPERATION OF THE PROGRAM;**";

in lines 10, 13, and 16, strike "**(3)**", "**(4)**", and "**(5)**", respectively, and substitute "**(4)**", "**(5)**", and "**(6)**", respectively; strike in their entirety lines 19 through 25; and in line 27, after "**DATA**" insert "**FOR 3 YEARS**".

AMENDMENT NO. 6

On page 7, in line 4, strike "**§ 21–2A–07**" and substitute "**§ 21–2A–06**"; and strike beginning with "**ADVISORY**" in line 7 down through "**MONITORING**" in line 8 and substitute "**ADVISORY BOARD ON PRESCRIPTION DRUG MONITORING**".

On pages 7 and 8, strike in their entirety the lines beginning with line 9 on page 7 through line 1 on page 8, inclusive, and substitute:

"**(B) THE BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS:**

(1) THE SECRETARY, OR THE SECRETARY'S DESIGNEE;

(2) THE PRESIDENT OF THE MARYLAND BOARD OF PHARMACY, OR THE PRESIDENT'S DESIGNEE;

(3) THE CHAIR OF THE MARYLAND BOARD OF PHYSICIANS, OR THE CHAIR'S DESIGNEE;

(4) THE PRESIDENT OF THE MARYLAND BOARD OF NURSING, OR THE PRESIDENT'S DESIGNEE;

(5) THE CHAIRMAN OF THE MARYLAND HEALTH CARE COMMISSION, OR THE CHAIRMAN'S DESIGNEE;

(6) FOUR PHYSICIANS AND ONE NURSE PRACTITIONER WITH EXPERTISE IN CLINICAL TREATMENT USING CONTROLLED DANGEROUS SUBSTANCES, INCLUDING PAIN MANAGEMENT, SUBSTANCE ABUSE, AND BEHAVIORAL DISORDERS, APPOINTED BY THE SECRETARY AFTER CONSULTATION WITH:

(I) FOR THE PHYSICIAN APPOINTMENTS, THE MEDICAL AND CHIRURGICAL FACULTY OF MARYLAND, THE MARYLAND PHYSICAL MEDICINE AND REHABILIATION SOCIETY, THE MARYLAND SOCIETY OF ANESTHESIOLOGISTS, THE MARYLAND–D.C. SOCIETY OF CLINICAL ONCOLOGY, THE HOSPICE AND PALLIATIVE CARE NETWORK OF MARYLAND, AND THE MARYLAND CHAPTER OF THE AMERICAN ACADEMY OF PEDIATRICS; AND

(II) FOR THE NURSE PRACTITIONER APPOINTMENT, THE MARYLAND NURSES ASSOCIATION;

(7) ONE PEDIATRICIAN, APPOINTED BY THE SECRETARY AFTER CONSULTATION WITH THE MARYLAND CHAPTER OF THE AMERICAN ACADEMY OF PEDIATRICS;

(8) THREE PHARMACISTS WHO REPRESENT THE PERSPECTIVE OF INDEPENDENT AND CHAIN PHARMACIES, APPOINTED BY THE SECRETARY AFTER CONSULTATION WITH THE MARYLAND PHARMACISTS ASSOCIATION, THE MARYLAND ASSOCIATION OF CHAIN DRUG STORES, AND ANY OTHER APPROPRIATE ORGANIZATION;

(9) A LOCAL LAW ENFORCEMENT OFFICIAL, APPOINTED BY THE SECRETARY AFTER CONSULTATION WITH THE MARYLAND CHIEFS OF POLICE ASSOCIATION AND THE MARYLAND SHERIFF'S ASSOCIATION;

(10) TWO MARYLAND RESIDENTS WHO REPRESENT THE PERSPECTIVE OF PATIENTS, APPOINTED BY THE SECRETARY.

(C) THE SECRETARY SHALL DESIGNATE THE CHAIR OF THE BOARD.

(D) (1) THE TERM OF A MEMBER APPOINTED BY THE SECRETARY IS 3 YEARS.

(2) THE TERMS OF MEMBERS APPOINTED BY THE SECRETARY ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2011.

(3) IF A VACANCY OCCURS DURING THE TERM OF AN APPOINTED MEMBER, THE SECRETARY SHALL APPOINT A SUCCESSOR WHO SHALL SERVE UNTIL THE TERM EXPIRES.".

On page 8, in lines 2 and 8, strike "**(D)**" and "**(E)**", respectively, and substitute "**(E)**" and "**(F)**", respectively.

AMENDMENT NO. 7

On page 9, after line 6, insert:

"**(G) THE SECRETARY AND THE BOARD SHALL CONSULT WITH STAKEHOLDERS AND PROFESSIONALS KNOWLEDGEABLE ABOUT PRESCRIPTION DRUG MONITORING PROGRAMS AS APPROPRIATE TO OBTAIN INPUT AND GUIDANCE ABOUT IMPLEMENTATION OF THE PROGRAM.**".

AMENDMENT NO. 8

On page 9, in line 17, after "**REGULATIONS**" insert "**ADOPTED BY THE SECRETARY**"; in lines 18 and 20, in each instance, strike "**ANY OTHER PERSON**" and substitute "**A LICENSED HEALTH CARE PRACTITIONER**"; in line 27, after "**ENTITY**" insert "**, ON ISSUANCE OF AN ADMINISTRATIVE SUBPOENA VOTED ON BY A QUORUM OF THE BOARD OF THE LICENSING ENTITY, FOR THE PURPOSES OF FURTHERING AN EXISTING BONA FIDE INDIVIDUAL INVESTIGATION**"; after line 27, insert:

"**(5) A REHABILITATION PROGRAM UNDER A HEALTH OCCUPATIONS BOARD, ON ISSUANCE OF AN ADMINISTRATIVE SUBPOENA;**";

and in line 28, strike "**(5)**" and substitute "**(6)**".

On page 10, in lines 1 and 3, strike "**(6)**" and "**(7)**", respectively, and substitute "**(7)**" and "**(8)**", respectively; in line 1, strike "**AN**" and substitute "**SUBJECT TO SUBSECTION (G) OF THIS SECTION, THE**"; in line 2, strike "**OR**"; in line 3, strike "**A UNIT**" and substitute "**THE FOLLOWING UNITS**"; in the same line, after "**DEPARTMENT**" insert "**, ON APPROVAL OF THE SECRETARY, FOR THE PURPOSE OF FURTHERING AN EXISTING BONA FIDE INDIVIDUAL INVESTIGATION:**

(I) THE OFFICE OF THE CHIEF MEDICAL EXAMINER;

(II) THE MARYLAND MEDICAL ASSISTANCE PROGRAM;

(III) THE OFFICE OF THE INSPECTOR GENERAL; AND

(IV) THE OFFICE OF HEALTH CARE QUALITY; OR

(9) THE TECHNICAL ADVISORY COMMITTEE ESTABLISHED UNDER § 21–2A–07 OF THIS SUBTITLE FOR THE PURPOSES SET FORTH IN SUBSECTION (C) OF THIS SECTION.

(C) BEFORE THE PROGRAM DISCLOSES INFORMATION UNDER SUBSECTION (B)(3), (4), (5), (7), OR (8) OF THIS SECTION, THE TECHNICAL ADVISORY COMMITTEE TO THE PROGRAM SHALL:

(1) REVIEW THE REQUESTS FOR INFORMATION;

(2) PROVIDE CLINICAL GUIDANCE AND INTERPRETATION OF THE INFORMATION REQUESTED TO THE SECRETARY TO ASSIST IN THE SECRETARY'S DECISION ON HOW TO RESPOND TO A JUDICIAL SUBPOENA, ADMINISTRATIVE SUBPOENA, OR OTHER REQUEST; AND

(3) PROVIDE CLINICAL GUIDANCE AND INTERPRETATION OF THE INFORMATION REQUESTED TO THE AUTHORIZED RECIPIENT OF THE INFORMATION";

in lines 4, 7, 20, and 23, strike "**(C)**", "**(D)**", "**(E)**", and "**(F)**", respectively, and substitute "**(D)**", "**(E)**", "**(F)**", and "**(G)**", respectively; in line 4, after "**REGULATIONS**" insert "**ADOPTED BY THE SECRETARY**"; strike beginning with the colon in line 23 down through "**PROVIDE**" in line 24 and substitute "**PROVIDE**"; in line 25, strike "**, PROVIDED**" and substitute "**ONLY IF**"; in line 28, strike the semicolon and substitute a period; after line 28, insert:

"**(H) THE PROGRAM MAY:**";

and in line 29, strike "**(2)**" and substitute "**(1)**".

AMENDMENT NO. 9

On page 11, in line 1, strike "**(3)**" and substitute "**(2)**"; in line 5, strike "**(G)**" and substitute "**(I)**"; after line 8, insert:

"**(J) PRESCRIPTION MONITORING DATA MAY NOT BE USED AS THE BASIS FOR IMPOSING CLINICAL PRACTICE STANDARDS.**";

after line 9, insert:

"**(A) THERE IS A TECHNICAL ADVISORY COMMITTEE TO THE PROGRAM.**

(B) THE PURPOSE OF THE TECHNICAL ADVISORY COMMITTEE IS TO REVIEW REQUESTS FOR INFORMATION FROM THE PROGRAM UNDER § 21–2A–06(B)(3), (4), (5), (7), AND (8) OF THIS SUBTITLE.

(C) THE TECHNICAL ADVISORY COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS, APPOINTED BY THE SECRETARY:

(1) A BOARD CERTIFIED ANESTHESIOLOGIST LICENSED AND PRACTICING IN THE STATE, NOMINATED BY THE MARYLAND SOCIETY OF ANESTHESIOLOGISTS;

(2) A CERTIFIED ADDICTION MEDICINE SPECIALIST LICENSED AND PRACTICING IN THE STATE, NOMINATED BY THE MARYLAND SOCIETY FOR ADDICTION MEDICINE;

(3) A PHARMACIST LICENSED AND PRACTICING IN THE STATE;

(4) A MEDICAL PROFESSIONAL, LICENSED AND PRACTICING IN THE STATE, WHO IS TREATING CANCER PATIENTS; AND

(5) A BOARD CERTIFIED PHYSICIAN SPECIALIZING IN THE TREATMENT OF PATIENTS WITH PAIN, LICENSED AND PRACTICING IN THE STATE, NOMINATED BY THE MARYLAND SOCIETY OF PHYSICAL MEDICINE AND REHABILITATION.

21–2A–08.";

in line 10, strike "**THE**" and substitute "**WITH RESPECT TO THE ADMINISTRATION AND OPERATION OF THE PROGRAM, THE**"; in line 15, strike "**PROVIDED TO**" and substitute "**BY**"; in the same line, after "**PERSON**" insert "**TO WHOM THE PROGRAM WAS AUTHORIZED TO PROVIDE THE PRESCRIPTION MONITORING DATA UNDER**

THIS SUBTITLE"; in line 22, strike "**21–2A–08.**" and substitute "**21–2A–09.**"; and strike in their entirety lines 27 through 30, inclusive.

On page 12, in line 1, strike "**(C)**" and substitute "**(B)**"; in the same line, strike "**DISCLOSES OR USES**" and substitute "**DISCLOSES, USES, OBTAINS, OR ATTEMPTS TO OBTAIN BY FRAUD OR DECEIT,**"; after line 10, insert:

"**(3) THE RELEASE OF PRESCRIPTION MONITORING DATA BY A PRESCRIBER OR DISPENSER TO A LICENSED HEALTH CARE PROFESSIONAL SOLELY FOR TREATMENT PURPOSES IN A MANNER OTHERWISE CONSISTENT WITH STATE AND FEDERAL LAW IS NOT A VIOLATION OF THIS SUBTITLE.**";

and in line 11, strike "**21–2A–09.**" and substitute "**21–2A–10.**".

AMENDMENT NO. 10

On page 12, after line 28, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial appointed members of the Advisory Board on Prescription Drug Monitoring established under Section 2 of this Act shall expire as follows:

(1) four members in 2013;

(2) four members in 2014; and

(3) three members in 2015.

SECTION 4. AND BE IT FURTHER ENACTED, That the Prescription Drug Monitoring Program established under Section 2 of this Act shall develop a mechanism to allow a patient or the patient's prescriber to correct erroneous data reported to the Program relating to the patient's prescription history.

SECTION 5. AND BE IT FURTHER ENACTED, That, on or before December 1, 2012, the Department and the Advisory Board on Prescription Drug Monitoring established under Section 2 of this Act shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Finance Committee and the House Health and Government Operations Committee on:

(1) the status and funding of the Prescription Drug Monitoring Program established under Section 2 of this Act;

(2) feedback from stakeholders on the operations of the Program;

(3) any recommendations from the Department and the Advisory Board to improve the operations of the Program; and

(4) whether a legislative safe harbor provision is recommended to address any access issues experienced by patients after implementation of the Program.

SECTION 6. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Secretary of Health and Mental Hygiene, in adopting regulations for the Prescription Drug Monitoring Program established under Section 2 of this Act, shall ensure that the technology used by the Program to report prescription monitoring data to authorized recipients is not subject to manipulation by the recipient.";

and in line 29, strike "3." and substitute "7.".

The preceding 10 amendments were read only.

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

The motion was adopted.

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

Senate Bill 974 – Senator Astle

AN ACT concerning

Health Insurance – Pharmacy Benefits Managers – Contracts, Disclosures, and Audits

SB0974/417377/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 974
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "Contracts, Disclosures, and"; strike beginning with "requiring" in line 4 down through "requiring" in line 20 and substitute "providing that"; in line 21, strike "to" and substitute "shall"; in line 22, strike "not on" and substitute "may not include"; in the same line, after "cost" insert ", except under certain circumstances"; in line 23, after "sponsor" insert ", under certain circumstances,"; and in line 27, strike "15–1628 and".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 4 on page 2 through line 15 on page 3, inclusive.

On page 4, strike in their entirety lines 5 through 8, inclusive; in lines 9, 12, 15, and 18, in each instance, strike the bracket; in lines 9, 12, 15, and 18, strike "**(7)**", "**(8)**", "**(9)**", and "**(10)**", respectively; and in line 19, strike "**AND A COPY OF THE FINAL AUDIT REPORT TO THE PLAN SPONSOR**".

AMENDMENT NO. 3

On page 5, in line 3, after "**DISPENSED**" insert "**, UNLESS THE PHARMACY OR PHARMACIST COMMITTED FRAUD IN CONNECTION WITH THE CLAIM OR FILLED AN INVALID PRESCRIPTION IN CONNECTION WITH THE CLAIM**"; in line 5, after "**SUBSECTION,**" insert "**IF THE PRESCRIPTION WAS OTHERWISE LEGALLY DISPENSED AND THE CLAIM WAS OTHERWISE MATERIALLY CORRECT,**"; in line 8, strike the first comma and substitute "**OR**"; strike beginning with "**, OR**" in line 8 down through "**NETWORK**" in line 9; in line 10, strike the first comma and substitute "**OR**"; strike beginning with the second comma in line 10 down through "**NETWORK**" in line 12; in line 14, strike the first comma and substitute "**OR**"; strike beginning with "**, OR**" in line 14 down through "**NETWORK**" in line 15; and in line 18, strike "**MATHEMATICAL CALCULATION ERROR,**".

The preceding 3 amendments were read only.

Senator Astle 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 45 Members present.

(See Roll Call No. 703)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #59

Senate Bill 369 – Senator Conway

AN ACT concerning

Education – School Buses – Fire Safety Standards

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

Affirmative – 45 Negative – 0 (See Roll Call No. 704)

The Bill was then sent to the House of Delegates.

Senate Bill 438 – Senator Rosapepe

AN ACT concerning

Maryland–Washington Metropolitan District and Regional District – Boundaries – City of Laurel

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

Affirmative – 45 Negative – 0 (See Roll Call No. 705)

The Bill was then sent to the House of Delegates.

Senate Bill 487 – Senators Middleton ~~and Frosh~~, Frosh, Young, Conway, Pinsky, Simonaire, Benson, Rosapepe, Ferguson, Montgomery, and Jennings

AN ACT concerning

Fertilizer Use Act of 2011

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

Affirmative – 40 Negative – 5 (See Roll Call No. 706)

The Bill was then sent to the House of Delegates.

Senate Bill 613 – Senators Jones–Rodwell and Pugh

AN ACT concerning

Board of Liquor License Commissioners for Baltimore City – Ethics, Staff Compensation, Open Meetings, and Performance Audit

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

Affirmative – 45 Negative – 0 (See Roll Call No. 707)

The Bill was then sent to the House of Delegates.

Senate Bill 692 – Senator Middleton and the President (By Request – Administration) and Senators Benson, Forehand, Frosh, Garagiola, Jones–Rodwell, King, Madaleno, Manno, Mathias, Montgomery, Muse, Pinsky, Ramirez, Raskin, ~~and Rosapepe~~ Rosapepe, Kittleman, Klausmeier, Pipkin, and Pugh

EMERGENCY BILL

AN ACT concerning

Maryland Electricity Service Quality and Reliability Act – Safety Violations

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

Affirmative – 45 Negative – 0 (See Roll Call No. 708)

The Bill was then sent to the House of Delegates.

Senate Bill 755 – Senator Pugh

AN ACT concerning

Task Force to Study High School Dropout Rates of Persons in the Criminal Justice System

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

Affirmative – 45 Negative – 0 (See Roll Call No. 709)

The Bill was then sent to the House of Delegates.

Senate Bill 757 – Senators Kittleman and Raskin

AN ACT concerning

Election Law – Electronic Media – Electronic Contributions and Expenditures

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

Affirmative – 45 Negative – 0 (See Roll Call No. 710)

The Bill was then sent to the House of Delegates.

Senate Bill 771 – Senators Conway, Colburn, Currie, Ferguson, Forehand, Frosh, Kelley, Klausmeier, Madaleno, Manno, Mathias, McFadden, Middleton, Montgomery, Pinsky, Pugh, Ramirez, Raskin, Young, ~~and Zirkin~~ Zirkin, Benson, and Dyson

AN ACT concerning

Education – ~~Student-Athletes~~ Public Schools and Youth Sports Programs – Concussions

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

Affirmative – 45 Negative – 0 (See Roll Call No. 711)

The Bill was then sent to the House of Delegates.

Senate Bill 850 – Senator Middleton

AN ACT concerning

~~Health Insurance – Public Health Plans – Education and Disclosure Requirements~~ Licensed Insurance Producers – Information on State Health Programs

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

Affirmative – 45 Negative – 0 (See Roll Call No. 712)

The Bill was then sent to the House of Delegates.

Senate Bill 928 – Senators Rosapepe and Reilly

AN ACT concerning

Procurement – Preferences – Blind Industries and Services of Maryland

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

Affirmative – 45 Negative – 0 (See Roll Call No. 713)

The Bill was then sent to the House of Delegates.

Senate Bill 937 – ~~Senator Dyson~~ Senators Dyson and Colburn

AN ACT concerning

Natural Resources Police Force – Number of Officers

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

Affirmative – 45 Negative – 0 (See Roll Call No. 714)

The Bill was then sent to the House of Delegates.

MOTION

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

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #8

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

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #8
March 31, 2011

District Court, Frederick County (District 11)

1. William Milnor Roberts District 3

Judge of the District Court of Maryland, District 11, Frederick County; reappointed to serve a term of ten years from September 23, 2011

Archaeology, Advisory Committee on

2. Richard J. Dent, Ph.D. District 99
P.O. Box 415
Great Cacapon, WV 25422

Member of the Advisory Committee on Archaeology; reappointed to serve a term of three years from July 1, 2011

Ethics Commission, State

3. Andrea Leahy–Fucheck, Esq. District 21
14001 Barkham Court
Laurel, MD 20707

Member of the State Ethics Commission; appointed to serve remainder of a term of five years from July 1, 2008

Health and Mental Hygiene, Board of Review of the Department of

4. Kelly Cao District 46
108 S. High Street
Baltimore, MD 21202

Member of the Board of Review of the Department of Health and Mental Hygiene; reappointed to serve a term of three years from July 1, 2011

5. Betty Makell Coleman District 30
8 Kirby Lane
Annapolis, MD 21401

Member of the Board of Review of the Department of Health and Mental Hygiene; reappointed to serve a term of three years from July 1, 2010

6. Anne Ruth Cullen District 23
3024 Traymore Lane
Bowie, MD 20715

Member of the Board of Review of the Department of Health and Mental Hygiene; reappointed to serve a term of three years from July 1, 2010

Infants and Toddlers, Interagency Coordinating Council for

7. Deborah G. Badawi, M.D. District 5
14 Edelweiss Way
Parkton, MD 21120

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve a term of three years from July 1, 2011

8. Margaret C. Berman District 42
7031 Kenleigh Road
Baltimore, MD 21212

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2011

Labor Relations Board, Public School

9. Robert Chanin, Esq. District 20
600 Quaint Acres Drive
Silver Spring, MD 20904

Member of the Public School Labor Relations Board; appointed to serve a term to expire June 30, 2013

10. Charles I. Ecker District 12
5002 Durham Road E.
Columbia, MD 21044

Member of the Public School Labor Relations Board; appointed to serve a term to expire June 30, 2012

11. Donald P. Kopp District 11
614 Wood Glenn Court
Timonium, MD 21093

Member of the Public School Labor Relations Board; appointed to serve a term to expire June 30, 2013

12. Stuart O. Simms, Esq. District 41
3511 Cedardale Road
Baltimore, MD 21215

Member of the Public School Labor Relations Board; appointed to serve a term to expire June 30, 2014

13. Seymour Strongin, Esq. District 37
8010 Church Neck Road
St. Michaels, MD 21663

Member of the Public School Labor Relations Board; appointed to serve a term to expire June 30, 2014

Morticians and Funeral Directors, State Board of

14. Renee Derketsch District 11
4712 Belle Forte Road
Baltimore, MD 21208

Member of the State Board of Morticians and Funeral Directors; reappointed to serve a term of four years from July 1, 2011

15. Donald L. Newman District 1
1034 North Park Road, P.O. Box 275
Grantsville, MD 21536

Member of the State Board of Morticians and Funeral Directors; appointed to serve a term of four years from July 1, 2011

Parole Commission, Maryland

16. Jasper R. Clay District 12
4964 Moonfall Way
Columbia, MD 21044

Member of the Maryland Parole Commission; reappointed to serve a term of six years from January 1, 2011

17. Donna M. Hill District 25
5512 Gunston Lane
Suitland, MD 20746

Member of the Maryland Parole Commission; appointed to serve remainder of a term of six years from January 1, 2008

18. Christopher John Reynolds District 27
3411 Abelia Road
Port Republic, MD 20676

Member of the Maryland Parole Commission; appointed to serve remainder of a term of six years from January 1, 2006

19. H. Erle Schafer District 31
237 Carroll Road
Glen Burnie, MD 21060

Member of the Maryland Parole Commission; appointed to serve remainder of a term of six years from January 1, 2007

Plumbing, State Board of

20. Jon H. Garner District 1
1987 Mosser Road
McHenry, MD 21541

Member of the State Board of Plumbing; reappointed to serve a term of three years from May 1, 2011

21. Michael J. Kastner, Jr. District 13
13556 Argo Drive
Dayton, MD 21036

Member of the State Board of Plumbing; reappointed to serve a term of three years from May 1, 2011

22. Charles J. Morgan, Jr. District 46
1219 Hull Street
Baltimore, MD 21230

Member of the State Board of Plumbing; reappointed to serve a term of three years from May 1, 2011

Prevailing Wage Rates, Advisory Council on

23. Kenneth M. Grunley District 15
8816 Twin Creek Court
Potomac, MD 20854

Member of the Advisory Council on Prevailing Wage Rates; appointed to serve remainder of a term of three years from July 1, 2010

Professional Standards and Teacher Education Board

24. Colleen Eisenbeiser District 9
14035 Forsythe Road
Sykesville, MD 21784

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2011

25. Karen L. Roe District 8
9124 Snyder Lane
Perry Hall, MD 21128

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2010

26. Jolynn E. Tarwater District 17
504 Watts Branch Parkway
Potomac, MD 20854

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2011

Psychologists, State Board of

27. Neal R. Morris, Ed.D. District 16
4615 Chestnut Street
Bethesda, MD 20814

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

Veterans' Home Commission, Maryland

28. Warner Ivan Sumpter District 38
30466 Prince William Street
Princess Anne, MD 21853

Member of the Maryland Veterans' Home Commission; reappointed to serve a term of five years from July 1, 2011

Women, Maryland Commission for

29. Kristy Herring District 10
8126 Milford Garden Drive
Baltimore, MD 21244

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2009

Youth Camp Safety, Advisory Council on

30. Gabrielle Eklund District 40
2717 Atkinson Street
Baltimore, MD 21211

Member of the Advisory Council on Youth Camp Safety; appointed to serve remainder of a term of three years from July 1, 2009

31. Jacqueline D. Hurman District 36
334 Creekside Commons Court
Stevensville, MD 21666

Member of the Advisory Council on Youth Camp Safety; appointed to serve remainder of a term of three years from July 1, 2008 and a term of three years from July 1, 2011

Statewide Nominees

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

Infants and Toddlers, Interagency Coordinating Council for

S–1. William T. Cohee, Ed.D. District 99
130 Nantucket Drive
Middletown, DE 19709

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2011

S–2. Guy Guzzone District 13
206 House Office Building
Annapolis, MD 21401

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2011

S–3. Rosemary King Johnston District 8
8 White Spruce Court
Baltimore, MD 21234

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2010

S–4. Veronica Land–Davis District 10
1546 Langford Road
Baltimore, MD 21207

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2011

S–5. Kelli Piscano–Nelson District 9
761 Sussex Court
Eldersburg, MD 21784

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2011

Lottery Commission, Maryland State

S–6. J. Kirby Fowler, Jr., Esq. District 43
403 Gittings Avenue
Baltimore, MD 21212

Member of the Maryland State Lottery Commission; reappointed to serve a term of four years from January 9, 2011

S–7. W. Ray Presley District 1
15303 Brandywine Drive
Cumberland, MD 21502

Member of the Maryland State Lottery Commission; reappointed to serve a term of four years from January 2, 2011

Morticians and Funeral Directors, State Board of

S–8. Lauri A. Cebula–Seaboch District 45
5915 Benton Heights Avenue
Baltimore, MD 21206

Member of the State Board of Morticians and Funeral Directors; reappointed to serve a term of four years from July 1, 2011

S–9. Hari P. Close, II, D.D. District 45
5126 Belair Road
Baltimore, MD 21206

Member of the State Board of Morticians and Funeral Directors; reappointed to serve a term of four years from July 1, 2011

Occupational Therapy Practice, State Board of

S–10. Meenakshi D. Gupta District 11
8625 Valleyfield Road
Lutherville, MD 21093

Member of the State Board of Occupational Therapy Practice; reappointed to serve a term of four years from July 1, 2011

Physical Therapy Examiners, State Board of

S–11. Ved K. Gupta District 11
8625 Valleyfield Road
Lutherville, MD 21093

Member of the State Board of Physical Therapy Examiners; reappointed to serve a term of three years from May 1, 2011

Port Commission, Maryland

S–12. Peta N. Richkus District 42
107 A Versailles Circle
Towson, MD 21204

Member of the Maryland Port Commission; reappointed to serve a term of three years from July 1, 2011

Prevailing Wage Rates, Advisory Council on

S–13. Maryann S. Cohea, Esq. District 13
5372 Red Lake Court
Columbia, MD 21045

Member of the Advisory Council on Prevailing Wage Rates; reappointed to serve a term of three years from July 1, 2010

S–14. Michael Claude A. McPherson District 12
11090 Swansfield Road
Columbia, MD 21044

Member of the Advisory Council on Prevailing Wage Rates; reappointed to serve a term of three years from July 1, 2011

Real Estate Appraisers and Home Inspectors, State Commission of

S–15. George Fair District 7
6627 Cherry Hill Road
Baldwin, MD 21013

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve a term of three years from January 1, 2011

Local Nominees

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

Anne Arundel County Board of License Commissioners

L–1. Melvin Hyatt District 30
19 Williams Drive
Annapolis, MD 21401

Member of the Anne Arundel County Board of License Commissioners; reappointed to serve a term to expire May 6, 2013

L–2. James C. Thomas District 32
40 Glendale Avenue
Glen Burnie, MD 21061

Member of the Anne Arundel County Board of License Commissioners; reappointed to serve a term to expire May 6, 2013

L–3. John G. Warner District 31
2027 Poplar Ridge Road
Pasadena, MD 21122

Member of the Anne Arundel County Board of License Commissioners; appointed to serve a term to expire May 6, 2013

Baltimore County Community College, Board of Trustees

L–4. Gloria K. McJilton District 6
7260 Meadow Lane
Baltimore, MD 21222

Member of the Board of Trustees of Baltimore County Community College; appointed to serve remainder of a term of five years from July 1, 2007

Carroll County Board of Elections

L–5. Hope R. Jacobs District 9
670 Tanglewood Drive
Sykesville, MD 21784

Member of the Carroll County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–6. Griffith B. Manahan District 5
1694 Stone Chapel Road
New Windsor, MD 21776

Member of the Carroll County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–7. Phillip R. Miller District 5
2209 Deep Run Road
Manchester, MD 21102

Member of the Carroll County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–8. David R. Peloquin District 5
1038 Pinch Valley Road
Westminster, MD 21158

Member of the Carroll County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–9. Gail S. Riley District 5
2243 Bachmans Valley Road
Manchester, MD 21102

Member of the Carroll County Board of Elections; reappointed to serve a term of four years from June 6, 2011

Cecil Community College Board of Trustees

L–10. Sarah W. Colenda District 34
31 Warrington Lane
Perryville, MD 21903

Member of the Cecil Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2011

Garrett County Board of Elections

L–11. Randall R. Glotfelty District 1
187 Englewood Lane
Grantville, MD 21536

Member of the Garrett County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–12. Paul L. Kolb District 1
242 Sale Barn Road
Accident, MD 21502

Member of the Garrett County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–13. Lois Arlene Martin District 1
9605 Garrett Highway
Oakland, MD 21550

Member of the Garrett County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–14. Charles P. Nolan District 1
18 Hillcrest Drive
Deer Park, MD 21550

Member of the Garrett County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–15. Betty M. Pritt District 1
470 Cherry Creek Lane
Oakland, MD 21550

Member of the Garrett County Board of Elections; reappointed to serve a term of four years from June 6, 2011

Harford County Board of Elections

L–16. Michael G. Comeau, Esq. District 35
3509 Glen Oak Drive
Jarrettsville, MD 21084

Member of the Harford County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–17. Kevin K. Keene District 35
1111 Glastonbury Way
Bel Air, MD 21014

Member of the Harford County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–18. Maureen O. Neal District 35
2517 Putnam Road
Forest Hill, MD 21050

Member of the Harford County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–19. Maria A. Terry District 34
333 Oak Street
Aberdeen, MD 21001

Member of the Harford County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–20. Edward D. Yoder District 35
3520 Grier Nursery Road
Street, MD 21154

Member of the Harford County Board of Elections; reappointed to serve a term of four years from June 6, 2011

Howard County Board of Elections

L–21. Ann M. Balcerzak District 13
7303 Meadow Wood Way
Clarksville, MD 21029

Member of the Howard County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–22. Charles M. Coles, Jr. District 9
1596 Daisy Road
Woodbine, MD 21797

Member of the Howard County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–23. Raymond M. Rankin District 13
8333 Painted Rock Road
Columbia, MD 21045

Member of the Howard County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–24. Donna LaVerne Rice District 12
5070 Amesbury Drive
Columbia, MD 21044

Member of the Howard County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–25. Donna Kay Thewes District 13
9535 Cissell Avenue
Laurel, MD 20723

Member of the Howard County Board of Elections; reappointed to serve a term of four years from June 6, 2011

Kent County Board of Elections

L–26. Elizabeth E. Carroll District 36
401 Jarman Avenue
Galena, MD 21635

Member of the Kent County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–27. Walter F. Landon District 36
122 Jimstown Circle
Chestertown, MD 21620

Member of the Kent County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–28. George R. Parsons, Jr. District 36
20924 Bayside Avenue
Rock Hall, MD 21661

Member of the Kent County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–29. William R. Shiflett, Jr. District 36
8550 Camp Road
Chestertown, MD 21620

Member of the Kent County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–30. W. Roger Williams District 36
118 Cedar Street
Chestertown, MD 21620

Member of the Kent County Board of Elections; reappointed to serve a term of four years from June 6, 2011

Montgomery County Board of Elections

L–31. Nancy H. Dacek District 15
15113 Grey Pebble Drive
Germantown, MD 20874

Member of the Montgomery County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–32. Donice M. Jeter District 18
7202 Lynnhurst Place
Chevy Chase, MD 20815

Member of the Montgomery County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–33. Mary Ann Keeffe District 18
3503 Kensington Court
Kensington, MD 20895

Member of the Montgomery County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–34. Nahid Khozeimeh, Sc.D. District 16
7005 Millwood Road
Bethesda, MD 20817

Member of the Montgomery County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–35. Graciela Rivera–Oven District 15
21210 Blunt Road
Germantown, MD 20876

Member of the Montgomery County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–36. John J. Sullivan District 16
5404 Greystone Street
Chevy Chase, MD 20815

Member of the Montgomery County Board of Elections; appointed to serve a term of four years from June 6, 2011

Prince George's County Board of Elections

L–37. Jerome V. Anzulovic District 21
4900 Ruatan Street
College Park, MD 20740

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–38. Linda Houston District 26
8705 Grasmere Court
Fort Washington, MD 20744

Member of the Prince George's County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–39. Theresa A. Roebuck District 47
6601 Oak Street
Cheverly, MD 20785

Member of the Prince George's County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–40. John E. Rowe District 26
403 Careybrook Lane
Oxon Hill, MD 20745

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–41. Dennis C. Smith District 24
8621 Johnson Avenue
Glenarden, MD 20706

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–42. Beatrice P. Tignor District 25
14201 Water Fowl Way
Upper Marlboro, MD 20774

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–43. Olivia D. Vaughns District 24
1200 Fiji Avenue
Highland Park, MD 20785

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–44. Kurt E. Walter District 23
12300 Keel Turn
Bowie, MD 20715

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from June 6, 2011

Queen Anne's County Board of Elections

L–45. George J. Gould, Sr. District 36
5800 Main Street
Queenstown, MD 21658

Member of the Queen Anne's County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–46. William A. Seth District 36
99 Glendale Avenue
Centreville, MD 21617

Member of the Queen Anne's County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–47. Jane G. Sparks District 36
1731 Harbor Drive
Chester, MD 21619

Member of the Queen Anne's County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–48. William C. Stoops District 36
725 Church Hill Road
Centreville, MD 21617

Member of the Queen Anne's County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–49. Louis Roger Twigg, Jr. District 36
118 Pleasant Springs Drive
Centreville, MD 21617

Member of the Queen Anne's County Board of Elections; appointed to serve a term of four years from June 6, 2011

Somerset County Board of Elections

L–50. Robert F. McCready District 38
11647 Dennis Drive
Princess Anne, MD 21853

Member of the Somerset County Board of Elections; appointed to serve a term of four years from June 6, 2011

St. Mary's County Board of Elections

L–51. Kenneth F. Boothe District 29
46138 Boothe Farm Lane
Great Mills, MD 20634

Member of the St. Mary's County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–52. Rose V. Frederick District 29
40440 Frederick Lane, P.O. Box 22
Loveville, MD 20656

Member of the St. Mary's County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–53. Robert H. Goldsmith, Ph.D. District 29
43475 Stephenson Drive
Leonardtown, MD 20650

Member of the St. Mary's County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–54. Rebecca J. Wathen District 29
14681 Point Lookout Road, P.O. Box 67
St. Inigoes, MD 20684

Member of the St. Mary's County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–55. Noel Temple Wood District 29
44478 White Stone Place
Tall Timbers, MD 20690

Member of the St. Mary's 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 April 1, 2011.

The motion was adopted.

SPECIAL ORDERS

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

Senate Bill 430 – Senator Klausmeier

AN ACT concerning

Baltimore County – Public School Employees – Collective Bargaining and Representation Fees

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

FLOOR AMENDMENT

SB0430/557175/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 430
(Bill as Printed for Third Reading)

AMENDMENT NO. 1

On page 1, in line 5, strike "may" and substitute "is required to"; and in line 21, strike "and 6–509(a)".

AMENDMENT NO. 2

On page 2, in line 10, strike "**BOTH CERTIFICATED**" and substitute "**EMPLOYEES WHOSE POSITION REQUIRES AN ADMINISTRATIVE AND SUPERVISORY CERTIFICATE**"; in the same line, after "**AND**" insert "**SUPERVISORY**"; in line 11, strike "**DESCRIBED IN § 6–404(C)(2)**" and substitute "**DEFINED UNDER § 6–501(H)**"; in the same line, strike "**SUBTITLE**" and substitute "**TITLE**"; in the same line, strike "**MAY**" and substitute "**IS REQUIRED TO**"; strike in their entirety lines 13 through 21, inclusive; in line 24, strike "both certificated" and substitute "employees whose position requires an administrative and supervisory certificate"; in line 25, after "and" insert "supervisory"; and in the same line, strike "described in § 6–404(c)(2)" and substitute "defined under § 6–501(h)".

The preceding 2 amendments were withdrawn.

SUBSTITUTE FLOOR COMMITTEE AMENDMENT

SB0430/557175/3
BY: Finance Committee

AMENDMENTS TO SENATE BILL 430
(Bill as Printed for Third Reading)

AMENDMENT NO. 1

On page 1, in line 2, after "Bargaining" insert "Units"; strike beginning with "specifying" in line 4 down through "negotiations;" in line 6; in line 8, after "employees" insert "by a certain date"; in line 16, after "bargaining" insert "units"; and strike in their entirety lines 19 through 23, inclusive.

AMENDMENT NO. 2

On page 2, in line 2, strike "the Laws of Maryland read as follows:"; strike in their entirety lines 3 through 21, inclusive; in line 22, strike "SECTION 2. AND BE IT FURTHER ENACTED, That"; in line 24, strike "both certificated" and substitute "employees whose position requires an administrative and supervisory certificate"; in line 25, after "and" insert "supervisory"; in the same line, strike "described in § 6–404(c)(2)" and substitute "defined under § 6–501(h)"; and in the same line, after "Article," insert "by November 1, 2011,".

On page 5, in line 31, strike "3." and substitute "2.".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 642 – Senator Gladden

AN ACT concerning

Human Relations – Discrimination by a Place of Public Accommodation – Enforcement and Remedies

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

SB0642/848573/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 642
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first "of" insert "authorizing certain persons or the Commission on Human Relations to elect to have the claims asserted in a certain complaint alleging discrimination by a place of public accommodation determined in a civil action brought by the Commission under certain circumstances; requiring a civil action brought by the Commission to be filed within a certain time period after an election;"; in line 9, after the first "action" insert "under certain circumstances"; in the same line, after the second semicolon insert "repealing the authority of the Commission to seek an order assessing a civil penalty for discrimination by a place of public accommodation; defining a certain term; making certain conforming changes;"; and in line 14, strike "20–1009 and 20–1013" and substitute "20–1001, 20–1006(b), 20–1007(a) and (b), 20–1009, 20–1012(a) and (b), 20–1013, and 20–1016(a)".

AMENDMENT NO. 2

On page 1, after line 19, insert:

"20–1001.

(A) In this part**[**, "unlawful**]** **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(B) **"DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION" MEANS AN ACT THAT IS PROHIBITED UNDER § 20–304 OF THIS TITLE.**

(C) **"UNLAWFUL** employment practice" means an act that is prohibited under § 20–606 of this title.

20–1006.

(b) The Executive Director of the Commission shall cause a written notice to be issued and served in the name of the Commission, together with a copy of the complaint, requiring the respondent to answer the charges of the complaint at a public hearing:

(1) before an administrative law judge at a time and place certified in the notice; or

(2) if the complaint alleges an unlawful employment practice **OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION**, in a civil action elected under § 20–1007 of this subtitle.

20–1007.

(a) (1) When a complaint alleging an unlawful employment practice **OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION** is issued and served under § 20–1006 of this subtitle, a complainant or respondent may elect to have the claims asserted in the complaint determined in a civil action brought by the Commission on the complainant's behalf, if:

(i) the Commission has found probable cause to believe the respondent has engaged in or is engaging in an unlawful employment practice **OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION**; and

(ii) there is a failure to reach an agreement to remedy and eliminate the unlawful employment practice **OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION**.

(2) An election under paragraph (1) of this subsection shall be made within 30 days after the complainant or respondent receives service under § 20–1006(b) of this subtitle.

(3) If an election is not made under paragraph (1) of this subsection, the Commission shall provide an opportunity for a hearing as provided under § 20–1008(a) of this subtitle.

(b) When a complaint alleging an unlawful employment practice **OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION** is issued and served under § 20–1006 of this subtitle, the Commission may elect to have the claims asserted in the complaint determined in a civil action brought on the Commission's own behalf, if:

(1) the Commission has found probable cause to believe the respondent has engaged in or is engaging in an unlawful employment practice **OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION**; and

(2) there is a failure to reach an agreement to remedy and eliminate the unlawful employment practice **OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION**.".

On page 4, after line 17, insert:

"20–1012.

(a) Within 60 days after an election is made under § 20–1007 of this subtitle, the Commission shall file a civil action in the circuit court for the county where the alleged unlawful employment practice **OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION** occurred.

(b) If the court finds that an unlawful employment practice **OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION** occurred, the court may provide the remedies specified in § 20–1009(b) **OR (C)** of this subtitle**, AS APPROPRIATE**.".

On page 5, after line 30, insert:

"20–1016.

(a) Except as provided in subsection (b) of this section, in addition to any other relief authorized, if the Commission finds that a respondent has engaged in a discriminatory act under **[**Subtitle 3 or**]** Subtitle 4 of this title, the Commission may seek an order assessing a civil penalty against the respondent:

(1) if the respondent has not been adjudicated to have committed any prior discriminatory act, in an amount not exceeding $500;

(2) if the respondent has been adjudicated to have committed one other discriminatory act during the 5–year period ending on the date of the filing of the current charge, in an amount not exceeding $1,000; and

(3) if the respondent has been adjudicated to have committed two or more discriminatory acts during the 7–year period ending on the date of the filing of the current charge, in an amount not exceeding $2,500.".

AMENDMENT NO. 3

On page 3, strike beginning with "**, IN**" in line 25 down through "**COMPLAINANT**" in line 27.

On page 4, in line 19, strike "**(1)**"; in lines 21, 24, and 28, in each instance, after "practice" insert "**OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION**"; in lines 22, 25, and 27, in each instance, strike the brackets; in the same lines, strike "**(I)**", "**(II)**", and "**(III)**", respectively; and strike in their entirety lines 29 through 33, inclusive.

On page 5, in lines 1 and 2, in each instance, strike the brackets; in line 2, strike "**ANY**"; and in the same line, strike "**AN**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0642/263629/1
BY: Senator Peters

AMENDMENTS TO SENATE BILL 642, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike the Judicial Proceedings Committee Amendments (SB0642/848573/1) in their entirety.

AMENDMENT NO. 2

On page 1 of the bill, in line 2, after "Accommodation –" insert "Study of"; strike beginning with "expanding" in line 4 down through the second "action" in line 9 and substitute "requiring the Commission on Human Relations to conduct a certain study and report its findings to a certain committee of the General Assembly on or before a certain date"; in line 10, strike "enforcement" and substitute "a study of the enforcement authority of the Commission on Human Relations"; and strike in their entirety lines 12 through 16, inclusive.

AMENDMENT NO. 3

On page 1, in line 18, strike "the Laws of Maryland read as follows"; and after line 18, insert:

"(a) The Commission on Human Relations shall study the impact on the small business community of expanding the Commission's authority to impose higher penalties or award additional remedies with respect to acts of discrimination by places of public accommodation.

(b) The Commission shall work with representatives of the business community, local governments, institutions of higher education, and representatives of the blind and disabled communities to conduct the study and formulate recommendations.

(c) On or before December 1, 2011, the Commission shall submit to the Legislative Policy Committee, in accordance with § 2–1246 of the State Government Article, a report of the Commission's findings and recommendations, including a summary of:

(1) relevant laws from other states; and

(2) cases decided by the Commission on or after January 1, 2010.".

AMENDMENT NO. 4

On pages 1 through 5, strike in their entirety the lines beginning with line 19 on page 1 through line 30 on page 5, inclusive.

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

Affirmative – 18 Negative – 27 (See Roll Call No. 715)

Senator Middleton moved, duly seconded, to make the Bill a Special Order for April 1, 2011.

The motion was adopted.

Senate Bill 679 – Senators Brinkley, Madaleno, Middleton, Rosapepe, and Young

AN ACT concerning

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

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

SB0679/828171/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 679
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "vehicles" insert ", if authorized by a local law enacted by the governing body of the local jurisdiction".

On pages 1 and 2, strike beginning with "establishing" in line 29 on page 1 down through "purposes;" in line 1 on page 2.

AMENDMENT NO. 2

On page 5, in line 21, strike "**A**" and substitute "**(I) A SCHOOL BUS MONITORING CAMERA MAY NOT BE USED IN A LOCAL JURISDICTION UNDER THIS SECTION UNLESS ITS USE IS AUTHORIZED BY THE GOVERNING BODY OF THE LOCAL JURISDICTION BY LOCAL LAW ENACTED AFTER REASONABLE NOTICE AND A PUBLIC HEARING.**

(II) IF AUTHORIZED BY THE GOVERNING BODY OF THE LOCAL JURISDICTION, A".

AMENDMENT NO. 3

On page 6, in line 12, strike "**$500**" and substitute "**$250**".

AMENDMENT NO. 4

On pages 9 and 10, strike in their entirety the lines beginning with line 33 on page 9 through line 8 on page 10, inclusive.

On page 10, in line 9, strike "**(K)**" and substitute "**(J)**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0679/123925/1
BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 679, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike the Judicial Proceedings Committee Amendments (SB0679/828171/1) in their entirety.

AMENDMENT NO. 2

On page 1 of the bill, strike lines 2 and 3 in their entirety and substitute "Vehicle Laws – School Buses – Driver Responsibility Blitz Program".

On pages 1 and 2 of the bill, strike beginning with "authorizing" in line 4 on page 1 down through "vehicles" in line 9 on page 2 and substitute "requiring the Motor Vehicle Administration to establish a driver responsibility program to educate drivers about provisions of the Maryland Vehicle Law relating to the safe operation of a vehicle in the proximity of a school bus; requiring the Administration to adopt regulations to carry out this Act; and generally relating to a Driver Responsibility Blitz Program".

On page 2 of the bill, strike in their entirety lines 10 through 24, inclusive, and substitute:

"BY adding to
Article – Transportation
Section 21–1130
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 3

On pages 2 through 10 of the bill, strike in their entirety the lines beginning with line 27 on page 2 through line 12 on page 10 and substitute:

"Article – Transportation

21–1130.

(A) THE ADMINISTRATION SHALL ESTABLISH A DRIVER RESPONSIBILITY BLITZ PROGRAM TO EDUCATE DRIVERS ABOUT PROVISIONS OF THE MARYLAND VEHICLE LAW RELATING TO THE SAFE OPERATION OF A VEHICLE IN THE PROXIMITY OF A SCHOOL BUS.

(B) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.".

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

Affirmative – 6 Negative – 39 (See Roll Call No. 716)

FLOOR AMENDMENT

SB0679/133528/1
BY: Senator Pipkin

AMENDMENT TO SENATE BILL 679, AS AMENDED

In Amendment No. 3 of the Judicial Proceedings Committee Amendments (SB0679/828171/1), strike "**$250**" and substitute "**$40**".

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

Affirmative – 9 Negative – 37 (See Roll Call No. 717)

Read the second time and ordered prepared for Third Reading.

Senate Bill 708 – Senators Klausmeier, Ferguson, Forehand, Kelley, King, Madaleno, Manno, and Stone

AN ACT concerning

Mopeds and Motor Scooters – Titling, Registration, Insurance, and Required Use of Protective Headgear

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (3) OFFERED FROM THE FLOOR BY SENATOR ASTLE.

FLOOR AMENDMENT

SB0708/713423/1
BY: Senator Astle

AMENDMENTS TO SENATE BILL 708, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

In the Judicial Proceedings Committee Amendments (SB0708/208275/1), strike Amendment Nos. 1 and 3 in their entirety.

AMENDMENT NO. 2

On page 1 of the bill, in line 2, after "Registration," insert "and"; strike beginning with the third comma in line 2 down through "Headgear" in line 3; in line 4, after "of" insert "authorizing a certain insurer to exclude a moped and motor scooter from certain insurance benefits;"; strike beginning with "prohibiting" in line 14 down through "damages;" in line 18; and after line 21, insert:

"BY repealing and reenacting, with amendments,
Article – Insurance
Section 19–505(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)".

On page 2 of the bill, in line 2, strike "21–1306,".

AMENDMENT NO. 3

On pages 6 through 8 of the bill, strike in their entirety the lines beginning with line 29 on page 6 through line 4 on page 8, inclusive.

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

Affirmative – 12 Negative – 34 (See Roll Call No. 718)

Read the second time and ordered prepared for Third Reading.

Senate Bill 586 – Senators Ramirez and Zirkin

AN ACT concerning

Courts – Service of Process – Motor Vehicle Administration and Insurer as Agent for Driver

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

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

Affirmative – 34 Negative – 12 (See Roll Call No. 719)

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. 720)

ADJOURNMENT

At 12:09 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 11:00 A.M. on Legislative Day March 30, 2011, Calendar Day, Friday, April 1, 2011.

Annapolis, Maryland
Legislative Day: March 30, 2011
Calendar Day: Friday, April 1, 2011
11:00 A.M. Session

The Senate met at 11:09 A.M.

Prayer by Pastor M. Moses Andrade, Silver Spring Seventh Day Adventist, guest of Senator Rosapepe and Senator Raskin.

(See Exhibit A of Appendix III)

The Journal of March 29, 2011 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 722)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 502 – Senator Ronald N. Young:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Frederick High School Girls' Swim Team
in recognition of
winning the 3A, 2A, 1A State Championship for the second year in a row. 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 1st day of April 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 723)

Senate Resolution No. 503 – Senator Ronald N. Young:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Frederick High School Girls' Basketball Team
in recognition of
winning the 3A West Regional Championship and the first State championship in school history. 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 1st day of April 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 724)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 757 – Delegates Mitchell, Alston, Clippinger, Conaway, Cullison, Frick, Haynes, A. Kelly, Oaks, Rosenberg, Stukes, Summers, Washington, and Zucker

AN ACT concerning

~~Maryland Higher Education Commission~~ Governor's Workforce Investment Board – Development of ~~an~~ Educational ~~Program~~ Programs to Aid Unemployed State Residents

FOR the purpose of ~~requiring the Maryland Higher Education Commission to develop a certain educational and training program to meet the needs of unemployed State residents;~~ requiring the ~~Commission~~ Governor's Workforce Investment Board to establish a certain advisory committee; specifying the duties and staffing of the advisory committee; requiring that the advisory committee include representatives from certain organizations; requiring the ~~Commission~~ Governor's Workforce Investment Board, on or before a certain date each year, to submit a certain report to the Governor and certain committees of the General Assembly; ~~requiring a community college or private career school that participates in a certain program to leverage certain funds in applications for certain federal funds;~~ and generally relating to the development of ~~an~~ educational ~~program~~ programs to aid unemployed State residents by the ~~Maryland Higher Education Commission~~ Governor's Workforce Investment Board.

~~BY repealing and reenacting, without amendments,~~
~~Article – Education~~
~~Section 10–101(e), (g), and (h)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2010 Supplement)~~

BY adding to
Article – ~~Education~~ Labor and Employment
Section ~~11–407~~ 11–505.1
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 758 – Delegates Mitchell, Alston, Barve, Branch, Clippinger, Cullison, Frick, Haynes, A. Kelly, A. Miller, Oaks, Rosenberg, Stukes, Summers, F. Turner, Valentino–Smith, Walker, and Washington

AN ACT concerning

Task Force on Funding a Green Technology, Life Science, and Health Information Technology Loan Assistance Repayment Program

FOR the purpose of establishing the Task Force on Funding a Green Technology, Life Science, and Health Information Technology Loan Assistance Repayment Program; ~~requiring the Office of Student Financial Assistance to assist in the repayment of any federal or State higher education loan owed by a resident of the State who meets certain requirements; specifying that certain loan assistance may only be used to repay certain higher education loans; specifying the amount of assistance that may be awarded; specifying that an individual awarded assistance may only receive assistance for a certain number of years; specifying that the assistance awarded to an individual, when combined with certain other assistance, may not exceed a certain amount; requiring the Office to adopt certain regulations; requiring that funds for the Program be provided on an annual basis in the State budget; requiring the Office to submit a certain report on or before a certain date each year to the Governor and certain committees of the General Assembly; defining certain terms;~~ providing for the members of the Task Force; providing for the designation of a chair of the Task Force; requiring the Governor's Workforce Investment Board 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 and make certain recommendations on funding a green technology, life science, and health information technology loan assistance repayment program; requiring the Task Force to report its findings and recommendations to certain committees of the General Assembly on or before a certain date; providing for the termination of

this Act; and generally relating to the Task Force on Funding a Green Technology, Life Science, and Health Information Technology Loan Assistance Repayment Program.

~~BY repealing and reenacting, without amendments,~~
~~Article – Education~~
~~Section 18–101(c)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2010 Supplement)~~

~~BY adding to~~
~~Article – Education~~
~~Section 18–2901 through 18–2906 to be under the new subtitle "Subtitle 29. Green Technology, Life Science, and Health Information Technology Loan Assistance Repayment Program"~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2010 Supplement)~~

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

MESSAGE FROM THE EXECUTIVE

SUPPLEMENTAL BUDGET NO. 1 – FISCAL YEAR 2012

(See Exhibit H of Appendix III)

Supplemental Budget No. 1 was read and referred to the Committee on Budget and Taxation.

LAID OVER BILLS

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

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

AN ACT concerning

Prescription Drug Monitoring Program

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (10) AND THE FAVORABLE REPORT.

SB0883/757076/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 883
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "Board;" insert "specifying the terms of the initial appointed members of the Board;"; in line 15, after "data;" insert "establishing a technical advisory committee to the Program; establishing the membership and duties of the technical advisory committee;"; in line 19, after "circumstances;" insert "requiring the technical advisory committee to review certain information and provide certain guidance before the Program discloses information to certain agencies and persons;"; in line 27, after "programs;" insert "prohibiting prescription monitoring data from being used as the basis for imposing clinical practice standards;"; and in line 30, after "Program;" insert "providing that the release of prescription monitoring data in a certain manner is not a violation of the requirements of the Program;".

On page 2, in line 3, after "date;" insert "requiring the Program to develop a mechanism to allow certain persons to correct erroneous data reported to the Program; requiring the Department and the Board to report to the Governor and certain committees of the General Assembly on or before a certain date on certain matters relating to the Program; declaring the intent of the General Assembly regarding technology used by the Program;"; in line 13, strike "21–2A–09" and substitute "21–2A–10"; in line 37, after "care" insert "and public health"; strike beginning with the second comma in line 37 down through "enforcement" in line 38; and in line 38, strike ", treatment,".

AMENDMENT NO. 2

On page 4, in line 3, strike "**AND**"; in line 4, after "**PROGRAM**" insert "**;**

(III) A VETERINARIAN LICENSED UNDER TITLE 2, SUBTITLE 3 OF THE AGRICULTURE ARTICLE WHEN PRESCRIBING CONTROLLED SUBSTANCES FOR ANIMALS IN THE USUAL COURSE OF PROVIDING PROFESSIONAL SERVICES;

(IV) A PHARMACY ISSUED A WAIVER PERMIT UNDER COMAR 10.34.17.03 THAT PROVIDES PHARMACEUTICAL SPECIALTY SERVICES EXCLUSIVELY TO PERSONS LIVING IN ASSISTED LIVING FACILITIES,

COMPREHENSIVE CARE FACILITIES, AND DEVELOPMENTAL DISABILITIES FACILITIES; AND

(V) A PHARMACY THAT:

1. DISPENSES MEDICATIONS TO AN INPATIENT HOSPICE; AND

2. HAS BEEN GRANTED A WAIVER UNDER § 21–2A–03(F) OF THIS SUBTITLE";

after line 11, insert:

"(G) "OPIOID MAINTENANCE PROGRAM" MEANS A PROGRAM THAT:

(1) IS LICENSED BY THE STATE UNDER § 8–404 OF THIS ARTICLE;

(2) IS AUTHORIZED TO TREAT PATIENTS WITH OPIOID DEPENDENCE WITH A MEDICATION APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR OPIOID DEPENDENCE;

(3) COMPLIES WITH:

(I) THE CODE OF FEDERAL REGULATIONS 42, PART 8;

(II) COMAR 10.47.02.11; AND

(III) REQUIREMENTS FOR THE SECURE STORAGE AND ACCOUNTING OF OPIOID MEDICATION IMPOSED BY THE FEDERAL DRUG ENFORCEMENT ADMINISTRATION AND THE STATE DIVISION OF DRUG CONTROL; AND

(4) HAS BEEN GRANTED A CERTIFICATION FOR OPERATION BY THE DEPARTMENT, THE FEDERAL SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION, AND THE FEDERAL CENTER FOR SUBSTANCE ABUSE TREATMENT.";

and in lines 12, 14, 16, and 18, strike "**(G)**", "**(H)**", "**(I)**", and "**(J)**", respectively, and substitute "**(H)**", "**(I)**", "**(J)**", and "**(K)**", respectively.

AMENDMENT NO. 3

On page 4, in line 26, strike "**, TREATMENT,**".

AMENDMENT NO. 4

On page 5, in line 24, after "**WITH**" insert "**THE MARYLAND HEALTH CARE COMMISSION AND**"; in line 25, strike "**ESTABLISH A WEB SITE FOR THE PROGRAM**" and substitute "**DETERMINE THE APPROPRIATE TECHNOLOGY TO SUPPORT THE OPERATION OF THE PROGRAM**"; after line 27, insert:

"**(F) (1) THE SECRETARY SHALL GRANT A WAIVER TO A PHARMACY THAT DISPENSES MEDICATIONS TO AN INPATIENT HOSPICE FROM REPORTING TO THE PROGRAM PRESCRIPTION MONITORING DATA FOR HOSPICE INPATIENTS IF:**

(I) THE PHARMACY DEMONSTRATES HOW IT WILL DISTINGUISH HOSPICE INPATIENTS FROM OTHER CONSUMERS RECEIVING MEDICATIONS FROM THE PHARMACY; AND

(II) THE PHARMACY AGREES THAT IT WILL BE SUBJECT TO ONSITE, UNANNOUNCED INSPECTIONS BY THE DEPARTMENT TO VERIFY ITS REPORTING OF THE PRESCRIPTION DATA OF CONSUMERS WHO ARE NOT HOSPICE INPATIENTS.

(2) A WAIVER GRANTED UNDER THIS SUBSECTION MAY REMAIN IN EFFECT FOR UP TO 2 YEARS.

(3) THE SECRETARY MAY ESTABLISH AN APPLICATION PROCESS FOR A PHARMACY TO APPLY FOR A WAIVER UNDER THIS SUBSECTION.".

AMENDMENT NO. 5

On page 6, in line 7, strike "**AND PRESCRIBERS**"; after line 9, insert:

"**(3) SPECIFY THAT THE PROGRAM:**

(I) SHALL PROVIDE THE INFORMATION TECHNOLOGY SOFTWARE TO DISPENSERS NECESSARY TO UPLOAD PRESCRIPTION DRUG MONITORING DATA TO THE PROGRAM; AND

(II) MAY NOT IMPOSE ANY FEES OR OTHER ASSESSMENTS ON PRESCRIBERS OR DISPENSERS TO SUPPORT THE OPERATION OF THE PROGRAM;";

in lines 10, 13, and 16, strike "**(3)**", "**(4)**", and "**(5)**", respectively, and substitute "**(4)**", "**(5)**", and "**(6)**", respectively; strike in their entirety lines 19 through 25; and in line 27, after "**DATA**" insert "**FOR 3 YEARS**".

AMENDMENT NO. 6

On page 7, in line 4, strike "**§ 21–2A–07**" and substitute "**§ 21–2A–06**"; and strike beginning with "**ADVISORY**" in line 7 down through "**MONITORING**" in line 8 and substitute "**ADVISORY BOARD ON PRESCRIPTION DRUG MONITORING**".

On pages 7 and 8, strike in their entirety the lines beginning with line 9 on page 7 through line 1 on page 8, inclusive, and substitute:

"**(B) THE BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS:**

(1) THE SECRETARY, OR THE SECRETARY'S DESIGNEE;

(2) THE PRESIDENT OF THE MARYLAND BOARD OF PHARMACY, OR THE PRESIDENT'S DESIGNEE;

(3) THE CHAIR OF THE MARYLAND BOARD OF PHYSICIANS, OR THE CHAIR'S DESIGNEE;

(4) THE PRESIDENT OF THE MARYLAND BOARD OF NURSING, OR THE PRESIDENT'S DESIGNEE;

(5) THE CHAIRMAN OF THE MARYLAND HEALTH CARE COMMISSION, OR THE CHAIRMAN'S DESIGNEE;

(6) FOUR PHYSICIANS AND ONE NURSE PRACTITIONER WITH EXPERTISE IN CLINICAL TREATMENT USING CONTROLLED DANGEROUS SUBSTANCES, INCLUDING PAIN MANAGEMENT, SUBSTANCE ABUSE, AND BEHAVIORAL DISORDERS, APPOINTED BY THE SECRETARY AFTER CONSULTATION WITH:

(I) FOR THE PHYSICIAN APPOINTMENTS, THE MEDICAL AND CHIRURGICAL FACULTY OF MARYLAND, THE MARYLAND PHYSICAL MEDICINE AND REHABILIATION SOCIETY, THE MARYLAND SOCIETY OF ANESTHESIOLOGISTS, THE MARYLAND–D.C. SOCIETY OF CLINICAL ONCOLOGY, THE HOSPICE AND PALLIATIVE CARE NETWORK OF MARYLAND, AND THE MARYLAND CHAPTER OF THE AMERICAN ACADEMY OF PEDIATRICS; AND

(II) FOR THE NURSE PRACTITIONER APPOINTMENT, THE MARYLAND NURSES ASSOCIATION;

(7) ONE PEDIATRICIAN, APPOINTED BY THE SECRETARY AFTER CONSULTATION WITH THE MARYLAND CHAPTER OF THE AMERICAN ACADEMY OF PEDIATRICS;

(8) THREE PHARMACISTS WHO REPRESENT THE PERSPECTIVE OF INDEPENDENT AND CHAIN PHARMACIES, APPOINTED BY THE SECRETARY AFTER CONSULTATION WITH THE MARYLAND PHARMACISTS ASSOCIATION, THE MARYLAND ASSOCIATION OF CHAIN DRUG STORES, AND ANY OTHER APPROPRIATE ORGANIZATION;

(9) A LOCAL LAW ENFORCEMENT OFFICIAL, APPOINTED BY THE SECRETARY AFTER CONSULTATION WITH THE MARYLAND CHIEFS OF POLICE ASSOCIATION AND THE MARYLAND SHERIFF'S ASSOCIATION;

(10) TWO MARYLAND RESIDENTS WHO REPRESENT THE PERSPECTIVE OF PATIENTS, APPOINTED BY THE SECRETARY.

(C) THE SECRETARY SHALL DESIGNATE THE CHAIR OF THE BOARD.

(D) (1) THE TERM OF A MEMBER APPOINTED BY THE SECRETARY IS 3 YEARS.

(2) THE TERMS OF MEMBERS APPOINTED BY THE SECRETARY ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2011.

(3) IF A VACANCY OCCURS DURING THE TERM OF AN APPOINTED MEMBER, THE SECRETARY SHALL APPOINT A SUCCESSOR WHO SHALL SERVE UNTIL THE TERM EXPIRES.".

On page 8, in lines 2 and 8, strike "**(D)**" and "**(E)**", respectively, and substitute "**(E)**" and "**(F)**", respectively.

AMENDMENT NO. 7

On page 9, after line 6, insert:

"**(G) THE SECRETARY AND THE BOARD SHALL CONSULT WITH STAKEHOLDERS AND PROFESSIONALS KNOWLEDGEABLE ABOUT PRESCRIPTION DRUG MONITORING PROGRAMS AS APPROPRIATE TO OBTAIN INPUT AND GUIDANCE ABOUT IMPLEMENTATION OF THE PROGRAM.**".

AMENDMENT NO. 8

On page 9, in line 17, after "**REGULATIONS**" insert "**ADOPTED BY THE SECRETARY**"; in lines 18 and 20, in each instance, strike "**ANY OTHER PERSON**" and substitute "**A LICENSED HEALTH CARE PRACTITIONER**"; in line 27, after "**ENTITY**" insert "**, ON ISSUANCE OF AN ADMINISTRATIVE SUBPOENA VOTED ON BY A QUORUM OF THE BOARD OF THE LICENSING ENTITY, FOR THE PURPOSES OF FURTHERING AN EXISTING BONA FIDE INDIVIDUAL INVESTIGATION**"; after line 27, insert:

"**(5) A REHABILITATION PROGRAM UNDER A HEALTH OCCUPATIONS BOARD, ON ISSUANCE OF AN ADMINISTRATIVE SUBPOENA;**";

and in line 28, strike "**(5)**" and substitute "**(6)**".

On page 10, in lines 1 and 3, strike "**(6)**" and "**(7)**", respectively, and substitute "**(7)**" and "**(8)**", respectively; in line 1, strike "**AN**" and substitute "**SUBJECT TO SUBSECTION (G) OF THIS SECTION, THE**"; in line 2, strike "**OR**"; in line 3, strike "**A UNIT**" and substitute "**THE FOLLOWING UNITS**"; in the same line, after "**DEPARTMENT**" insert "**, ON APPROVAL OF THE SECRETARY, FOR THE PURPOSE OF FURTHERING AN EXISTING BONA FIDE INDIVIDUAL INVESTIGATION:**

(I) THE OFFICE OF THE CHIEF MEDICAL EXAMINER;

(II) THE MARYLAND MEDICAL ASSISTANCE PROGRAM;

(III) THE OFFICE OF THE INSPECTOR GENERAL; AND

(IV) THE OFFICE OF HEALTH CARE QUALITY; OR

(9) THE TECHNICAL ADVISORY COMMITTEE ESTABLISHED UNDER § 21–2A–07 OF THIS SUBTITLE FOR THE PURPOSES SET FORTH IN SUBSECTION (C) OF THIS SECTION.

(C) BEFORE THE PROGRAM DISCLOSES INFORMATION UNDER SUBSECTION (B)(3), (4), (5), (7), OR (8) OF THIS SECTION, THE TECHNICAL ADVISORY COMMITTEE TO THE PROGRAM SHALL:

(1) REVIEW THE REQUESTS FOR INFORMATION;

(2) PROVIDE CLINICAL GUIDANCE AND INTERPRETATION OF THE INFORMATION REQUESTED TO THE SECRETARY TO ASSIST IN THE SECRETARY'S DECISION ON HOW TO RESPOND TO A JUDICIAL SUBPOENA, ADMINISTRATIVE SUBPOENA, OR OTHER REQUEST; AND

(3) PROVIDE CLINICAL GUIDANCE AND INTERPRETATION OF THE INFORMATION REQUESTED TO THE AUTHORIZED RECIPIENT OF THE INFORMATION";

in lines 4, 7, 20, and 23, strike "**(C)**", "**(D)**", "**(E)**", and "**(F)**", respectively, and substitute "**(D)**", "**(E)**", "**(F)**", and "**(G)**", respectively; in line 4, after "**REGULATIONS**"

insert "**ADOPTED BY THE SECRETARY**"; strike beginning with the colon in line 23 down through "**PROVIDE**" in line 24 and substitute "**PROVIDE**"; in line 25, strike "**, PROVIDED**" and substitute "**ONLY IF**"; in line 28, strike the semicolon and substitute a period; after line 28, insert:

"**(H) THE PROGRAM MAY:**";

and in line 29, strike "**(2)**" and substitute "**(1)**".

AMENDMENT NO. 9

On page 11, in line 1, strike "**(3)**" and substitute "**(2)**"; in line 5, strike "**(G)**" and substitute "**(I)**"; after line 8, insert:

"**(J) PRESCRIPTION MONITORING DATA MAY NOT BE USED AS THE BASIS FOR IMPOSING CLINICAL PRACTICE STANDARDS.**";

after line 9, insert:

"**(A) THERE IS A TECHNICAL ADVISORY COMMITTEE TO THE PROGRAM.**

(B) THE PURPOSE OF THE TECHNICAL ADVISORY COMMITTEE IS TO REVIEW REQUESTS FOR INFORMATION FROM THE PROGRAM UNDER § 21–2A–06(B)(3), (4), (5), (7), AND (8) OF THIS SUBTITLE.

(C) THE TECHNICAL ADVISORY COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS, APPOINTED BY THE SECRETARY:

(1) A BOARD CERTIFIED ANESTHESIOLOGIST LICENSED AND PRACTICING IN THE STATE, NOMINATED BY THE MARYLAND SOCIETY OF ANESTHESIOLOGISTS;

(2) A CERTIFIED ADDICTION MEDICINE SPECIALIST LICENSED AND PRACTICING IN THE STATE, NOMINATED BY THE MARYLAND SOCIETY FOR ADDICTION MEDICINE;

(3) A PHARMACIST LICENSED AND PRACTICING IN THE STATE;

(4) A MEDICAL PROFESSIONAL, LICENSED AND PRACTICING IN THE STATE, WHO IS TREATING CANCER PATIENTS; AND

(5) A BOARD CERTIFIED PHYSICIAN SPECIALIZING IN THE TREATMENT OF PATIENTS WITH PAIN, LICENSED AND PRACTICING IN THE STATE, NOMINATED BY THE MARYLAND SOCIETY OF PHYSICAL MEDICINE AND REHABILITATION.

21–2A–08.";

in line 10, strike "**THE**" and substitute "**WITH RESPECT TO THE ADMINISTRATION AND OPERATION OF THE PROGRAM, THE**"; in line 15, strike "**PROVIDED TO**" and substitute "**BY**"; in the same line, after "**PERSON**" insert "**TO WHOM THE PROGRAM WAS AUTHORIZED TO PROVIDE THE PRESCRIPTION MONITORING DATA UNDER THIS SUBTITLE**"; in line 22, strike "**21–2A–08.**" and substitute "**21–2A–09.**"; and strike in their entirety lines 27 through 30, inclusive.

On page 12, in line 1, strike "**(C)**" and substitute "**(B)**"; in the same line, strike "**DISCLOSES OR USES**" and substitute "**DISCLOSES, USES, OBTAINS, OR ATTEMPTS TO OBTAIN BY FRAUD OR DECEIT,**"; after line 10, insert:

"**(3) THE RELEASE OF PRESCRIPTION MONITORING DATA BY A PRESCRIBER OR DISPENSER TO A LICENSED HEALTH CARE PROFESSIONAL SOLELY FOR TREATMENT PURPOSES IN A MANNER OTHERWISE CONSISTENT WITH STATE AND FEDERAL LAW IS NOT A VIOLATION OF THIS SUBTITLE.**";

and in line 11, strike "**21–2A–09.**" and substitute "**21–2A–10.**".

AMENDMENT NO. 10

On page 12, after line 28, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial appointed members of the Advisory Board on Prescription Drug Monitoring established under Section 2 of this Act shall expire as follows:

(1) four members in 2013;

(2) four members in 2014; and

(3) three members in 2015.

SECTION 4. AND BE IT FURTHER ENACTED, That the Prescription Drug Monitoring Program established under Section 2 of this Act shall develop a mechanism to allow a patient or the patient's prescriber to correct erroneous data reported to the Program relating to the patient's prescription history.

SECTION 5. AND BE IT FURTHER ENACTED, That, on or before December 1, 2012, the Department and the Advisory Board on Prescription Drug Monitoring established under Section 2 of this Act shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Finance Committee and the House Health and Government Operations Committee on:

(1) the status and funding of the Prescription Drug Monitoring Program established under Section 2 of this Act;

(2) feedback from stakeholders on the operations of the Program;

(3) any recommendations from the Department and the Advisory Board to improve the operations of the Program; and

(4) whether a legislative safe harbor provision is recommended to address any access issues experienced by patients after implementation of the Program.

SECTION 6. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Secretary of Health and Mental Hygiene, in adopting regulations for the Prescription Drug Monitoring Program established under Section 2 of this Act, shall ensure that the technology used by the Program to report prescription monitoring data to authorized recipients is not subject to manipulation by the recipient.";

and in line 29, strike "3." and substitute "7.".

The preceding 10 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

Senate Resolution No. 475 – Senator Delores G. Kelley:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Randallstown High School
in recognition of
being named the 2011 State Champions of the national "We the People: the Citizen and the Constitution" competition under
the direction of AP teacher, Richard Weitkamp and
Principal Cheryl Pasteur.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 1st day of April 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 725)

SPECIAL ORDERS

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

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

AN ACT concerning

Prescription Drug Monitoring Program

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

FLOOR AMENDMENT

SB0883/123320/1
BY: Senator Forehand

AMENDMENT TO SENATE BILL 883

(First Reading File Bill)

On page 1, in the sponsor line, after "Administration)" insert "and Senator Forehand".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 974 – Senator Astle

AN ACT concerning

Health Insurance – Pharmacy Benefits Managers – Contracts, Disclosures, and Audits

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

SB0974/417377/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 974
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "Contracts, Disclosures, and"; strike beginning with "requiring" in line 4 down through "requiring" in line 20 and substitute "providing that"; in line 21, strike "to" and substitute "shall"; in line 22, strike "not on" and substitute "may not include"; in the same line, after "cost" insert ", except under certain circumstances"; in line 23, after "sponsor" insert ", under certain circumstances,"; and in line 27, strike "15–1628 and".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 4 on page 2 through line 15 on page 3, inclusive.

On page 4, strike in their entirety lines 5 through 8, inclusive; in lines 9, 12, 15, and 18, in each instance, strike the bracket; in lines 9, 12, 15, and 18, strike "**(7)**", "**(8)**", "**(9)**", and "**(10)**", respectively; and in line 19, strike "**AND A COPY OF THE FINAL AUDIT REPORT TO THE PLAN SPONSOR**".

AMENDMENT NO. 3

On page 5, in line 3, after "**DISPENSED**" insert "**, UNLESS THE PHARMACY OR PHARMACIST COMMITTED FRAUD IN CONNECTION WITH THE CLAIM OR FILLED AN INVALID PRESCRIPTION IN CONNECTION WITH THE CLAIM**"; in line 5, after "**SUBSECTION,**" insert "**IF THE PRESCRIPTION WAS OTHERWISE LEGALLY DISPENSED AND THE CLAIM WAS OTHERWISE MATERIALLY CORRECT,**"; in line 8, strike the first comma and substitute "**OR**"; strike beginning with "**, OR**" in line 8 down through "**NETWORK**" in line 9; in line 10, strike the first comma and substitute "**OR**"; strike beginning with the second comma in line 10 down through "**NETWORK**" in line 12; in line 14, strike the first comma and substitute "**OR**"; strike beginning with "**, OR**" in line 14 down through "**NETWORK**" in line 15; and in line 18, strike "**MATHEMATICAL CALCULATION ERROR,**".

The preceding 3 amendments were read only.

Senator Astle moved, duly seconded, to make the Bill and Amendments a Special Order for April 4, 2011.

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #36

CONSENT CALENDAR #56

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 279	FAV	Carroll County Delegation	Carroll County – Alcoholic Beverages – Liquor Tasting
HB 376	FAV	Allegany County Delegation	Allegany Co – Alc Bevs – Eligibility for Class B–BT (Buffet Theater) License
HB 404	FAV	Washington County Delegation	Washington County – Alcoholic Beverages – Micro–Breweries
HB 413	FAV	Washington County Delegation	Washington County – Alcoholic Beverages – Wine Festival License

HB 479	FAV	Frederick County Delegation	Frederick County – Winery Special Event Permits – Farmers' Markets
HB 689	FAV	Harford County Delegation	Harford County – Board of Elections – Membership
HB 703	FAV	Harford County Delegation	Harford Co Alc Bevs – Continuing Care Facility for Aged – Beer, Wine and Liquor License
HB 947	FAV	Caroline County Delegation	Caroline County – Alcoholic Beverages Act of 2011
HB 953 (Emergency Bill)	FAV	Allegany County Delegation	Allegany County – Alcoholic Beverages – 1–Day Special License
HB 973	FAV	Del Eckardt, et al	Dorchester County Liquor Act of 2011
HB 1030	FAV	Cecil County Delegation	Cecil County – Alcoholic Beverages – Licensed Establishments – Sunday Sales Hours

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #37

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

Senate Bill 639 – Senators Benson, Astle, Colburn, Madaleno, Montgomery, Raskin, Shank, and Stone

AN ACT concerning

Task Force on the Establishment of a Statewide Spay/Neuter Fund

SB0639/684632/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 639
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "develop" in line 7 down through "program" in line 8 and substitute "collect and review certain data concerning spay/neuter services in the State".

AMENDMENT NO. 2

On page 2, in line 12, strike "and"; after line 12, insert:

"(ix) one representative of the Pet Food Institute;

(x) one representative of the Pet Industry Joint Advisory Council;

(xi) one representative of the Maryland Dog Federation;

(xii) one representative of the Friends of Prince George's County Animals; and";

in line 13, strike "(ix)" and substitute "(xiii)"; and in line 17, strike "Legislative Services" and substitute "Agriculture".

AMENDMENT NO. 3

On page 3, in line 8, strike "Health and Government Operations" and substitute "Environmental Matters".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 111 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – Fishing – Regulatory Authority

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 208 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Aquaculture – Shellfish Leasing Areas – Expansion

Senator Colburn moved, duly seconded, to make the Bill and Report a Special Order for April 4, 2011.

The motion was adopted.

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

House Bill 210 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Mining – Acid Mine Drainage Abatement and Treatment Fund

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 214 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Critical Farms Fund and Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 849 – Chair, Environmental Matters Committee (By Request – Departmental – State Police)

AN ACT concerning

Public Safety – Smoke Detectors and Smoke Alarms

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #38

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

House Bill 48 – Delegates Morhaim, Kipke, Pena–Melnyk, and Tarrant

AN ACT concerning

State Government – Open Meetings Act – Notice and Complaints

HB0048/304933/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 48

(Third Reading File Bill)

On page 2, in line 10, strike "**1 YEAR**" and substitute "**5 YEARS**"; in the same line, after "**ACTION**" insert "**OCCURRED**"; and in line 11, strike "**OCCURRED**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 183 – Delegates Nathan–Pulliam, Pena–Melnyk, and V. Turner

AN ACT concerning

State Board of Nursing – Electrologists – Examination and License Term

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1049 – Delegates Vaughn, Braveboy, Haddaway–Riccio, W. Miller, Minnick, and Schulz

AN ACT concerning

Real Estate Brokers – Intracompany Agents

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1253 – Chair, Environmental Matters Committee (By Request – Departmental – Community Initiative)

AN ACT concerning

Commission on African American History and Culture – Members and Duties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #20

CONSENT CALENDAR #55

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 49	FAV	Dels Haddaway–Riccio and Eckardt	Juvenile Law – Truancy Reduction Pilot Program – Talbot County
HB 103	FAV	Del Haddaway–Riccio et al	Vehicle Laws – Exceptional Hauling Permits – Farm Products
HB 117	FAV	Del Beitzel	Real Property – Obliterating, Damaging, or Removing Property Markers – Penalty Increase
HB 227	FAV	Del Waldstreicher, et al	Criminal Law – Animal Abuse, Neglect, or Cruelty – Conditions of Probation
HB 247	FAV	Del Simmons, et al	Maryland General and Limited Power of Attorney Act – Modifications
HB 319	FAV	Del Frush	Motor Vehicle Dealers – Issuance of Temporary Registration Plate – Lapsed Scrty – Registration
HB 345	FAV	Del Simmons, et al	Wiretapping and Electronic Surveillance – Investigation of Human Trafficking
HB 366	FAV	Del Niemann	Real Prop – Resid Prop Foreclosure Procs – Accuracy of Notice of Intent to Foreclose
HB 408	FAV	Del McComas, et al	Criminal Law – Identity Fraud – Assumption of Identity of Fictitious Person
HB 421 (Emergency Bill)	FAV	Dels Otto and McDermott	Somerset County – Deputy State's Attorney – Private Practice
HB 653	FAV	Del Niemann	Lawyers – Bar Admission Requirement – Exception for Rent Escrow Proceedings
HB 859	FAV	Del Dumais, et al	Child Abuse – Out of Court Statements of Child Victims
HB 879	FAV	Del Sophocleus, et al	Criminal Law – Counterfeiting – Venue
HB 1017	FAV	Del O'Donnell, et al	Veh Laws – Registr and Driver's Lic Renewal Fees – No Charge for Recipients of Medal of Honor
HB 1118	FAV	Del	Children in Need of Assistance –

		Valderrama, et al	Hearings – Written Findings
HB 1128	FAV	Del	Criminal Law – Sexual Crimes –
		Valderrama, et al	Definitions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #21

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 379 – ~~Delegate Niemann~~ Delegates Niemann, Healey, Glenn, Gilchrist, and Wilson

AN ACT concerning

Real Property – Deposits on New Homes – Escrow Accounts

HB0379/598878/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 379
(Third Reading File Bill)

On page 3, in line 1, after "**PAY**" insert "**, IN ACCORDANCE WITH A DRAW SCHEDULE AGREED TO BY THE PURCHASER IN WRITING,**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 402 – Delegates Simmons and Kramer

AN ACT concerning

Family Law – Grounds for Absolute Divorce ~~– Time Requirements~~

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 407 – Delegates McComas, Aumann, Carter, DeBoy, Dumais, Frank, Frush, Haddaway–Riccio, K. Kelly, Lee, McDonough, B. Robinson, Simmons, and Waldstreicher

AN ACT concerning

Domestic Violence – ~~Cruelty Toward a Pet or Service Animal~~ Additional Relief – Award of Temporary Possession of Pet

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 412 – Delegate Niemann

AN ACT concerning

Real Property – Residential Property Foreclosure Procedures – Lost Note Affidavit

HB0412/818374/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 412
(Third Reading File Bill)

On page 5, strike beginning with "**IDENTIFIES**" in line 9 down through "**INSTRUMENT**" in line 10 and substitute "**IDENTIFIES THE OWNER OF THE DEBT INSTRUMENT AND STATES FROM WHOM AND THE DATE ON WHICH THE OWNER ACQUIRED OWNERSHIP**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 624 – Delegates Rosenberg, Carter, Oaks, and Vaughn

AN ACT concerning

Baltimore City – Used Car Dealers – Sunday Operations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Senator Ramirez moved, duly seconded, to make the Bill and Report a Special Order for April 5, 2011.

The motion was adopted.

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

House Bill 666 – Delegates Lee, Barkley, Cane, Conway, Cullison, Dumais, Frick, Frush, Gutierrez, Healey, Hucker, A. Kelly, A. Miller, B. Robinson, ~~and Wilson~~ Wilson, and Waldstreicher

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:

House Bill 670 – Delegates Frush, Beidle, Bobo, Glenn, and Niemann

AN ACT concerning

Real Property – Retaliatory Actions – Landlords and Mobile Home Park Owners

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 842 – Delegates Healey, Gilchrist, Glenn, and Lafferty

AN ACT concerning

Foreclosed Residential Property – Tenants – Collection of Rent Payments – Prior Notice

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 900 – Carroll County Delegation

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:

House Bill 921 – Delegate Simmons

AN ACT concerning

Courts and Judicial Proceedings – Prelitigation Discovery – Insurance Coverage

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #14

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

Senate Bill 947 – Senator Jones–Rodwell

AN ACT concerning

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

SB0947/169236/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 947
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after "benefits;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 2, in line 27, strike "starting" and substitute "**THAT MAY BEGIN**".

On page 4, in line 6, after "(b)" insert "**(1)**"; in lines 8 and 12, strike "(1)" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; in lines 14 and 16, strike "**(I)**" and "**(II)**", respectively, and substitute "**1.**" and "**2.**", respectively; and after line 16, insert:

"**(2) A MEMBER OR FORMER MEMBER WHO RECEIVES A VESTED ALLOWANCE UNDER THIS SECTION MAY NOT RECEIVE BENEFITS FOR THE PERIOD BEFORE THE MEMBER OR FORMER MEMBER SUBMITTED A COMPLETED APPLICATION TO THE BOARD OF TRUSTEES.**".

AMENDMENT NO. 3

On page, 7, after line 16, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any member or former member of one of the several systems of the State Retirement and Pension System that, as of June 30, 2011:

(a) has at least 5 years of eligibility service before the effective date of this Act;

(b) separated from employment with a participating employer other than by death or retirement; and

(c) has reached normal retirement age under Division II of the State Personnel and Pensions Article.";

and in line 17, 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 Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

House Bill 51 – Delegates Olszewski and Kach

AN ACT concerning

Video Lottery Operation Licenses – Information on Payouts

HB0051/749631/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 51
(Third Reading File Bill)

On page 1, in lines 4 and 5, strike "above certain amounts" and substitute "equal to or above a certain amount to".

On page 2, strike beginning with "**CHECK**" in line 22 down through "**COMMISSION**" in line 23 and substitute "**A CHECK IN AN AMOUNT OF $2,500 OR MORE**".

The preceding amendment was read only.

Senator McFadden moved, duly seconded, to make the Bill and Amendment a Special Order for April 4, 2011.

The motion was adopted.

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

House Bill 176 – Delegate Eckardt

AN ACT concerning

State Retirement and Pension System – Reemployment of Retirees – Exemptions

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:

House Bill 262 – Frederick County Delegation

AN ACT concerning

Frederick County – ~~Public~~ Nonprofit School Lease – Property Tax Credit

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:

House Bill 499 – Delegates Szeliga and A. Miller

AN ACT concerning

Admissions and Amusement Tax – Exemption – Hot Air Balloons

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:

House Bill 558 – Delegates Barve and Branch

AN ACT concerning

Property Tax Credit – Habitat for Humanity

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:

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

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:

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #15

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

House Bill 11 – Delegate Cardin

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:

House Bill 253 – Chair, Ways and Means Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Motor Fuel Tax – Personal Liability – ~~Corporations,~~ Limited Liability Companies~~,~~ and Limited Liability Partnerships

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:

House Bill 258 – Delegate Beitzel

AN ACT concerning

Garrett County – Tax Sales – Auctioneer's Fees

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:

House Bill 280 – Carroll County Delegation

AN ACT concerning

Carroll County – Public Facilities Bonds

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:

House Bill 333 – Delegate Griffith (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:

House Bill 335 – Delegate Griffith (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:

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

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:

House Bill 461 – Allegany County Delegation

AN ACT concerning

Income Tax Credit – Teachers at State and Local Correctional Facilities for Adults and Juveniles

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:

House Bill 502 – Delegates Barve, Cardin, Carr, Gilchrist, Ivey, A. Miller, Rosenberg, ~~and F. Turner~~ F. Turner, and Howard

AN ACT concerning

Sales and Use Tax – Sale of Electricity Generated by Solar Energy and Residential Wind Energy Equipment – Exemption

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:

House Bill 587 – Delegate Feldman

AN ACT concerning

Biotechnology Investment Tax Credit – ~~Application and Approval Procedures~~ Qualified Maryland Biotechnology Company

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #22

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 124 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

Maryland Insurance Administration – Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 204 – Chair, Economic Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Commercial Motor Vehicles Engaged in Intrastate Commerce – Minimum Security Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0358/737776/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 358
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 23, strike "the Maryland Judiciary, in consultation with"; in line 24, strike the comma; in lines 24 and 25, strike "study a certain issue" and substitute "monitor whether the Maryland Judiciary has made a certain determination"; and in line 25, strike "its" and substitute "any".

AMENDMENT NO. 2

On page 10, in lines 8 and 9, strike "the Maryland Judiciary, in consultation with"; in line 10, strike the comma; in line 11, strike "examine" and substitute "monitor"; in the same line, after "whether" insert "the Maryland Judiciary has determined if"; in line 16, strike "its" and substitute "any"; and in the same line, after "recommendations" insert "made by the Maryland Judiciary".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 590 – Delegate Davis

EMERGENCY BILL

AN ACT concerning

Public Service Commission – Certificate of Public Convenience and Necessity – Renewable Source Generator Lead Line

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 944 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Mortgage Lenders and Mortgage Loan Originators

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #23

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

House Bill 58 – Delegate Costa

AN ACT concerning

Community Services Reimbursement Rate Commission – Termination Date – Extension

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 89 – Delegate Kipke

AN ACT concerning

Mental Hygiene – Admission Provisions – Definition of "Psychologist"

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 108 – Delegate Feldman

AN ACT concerning

Business Regulation – State Amusement Ride Safety Advisory Board – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 226 – Delegates Cullison, Hammen, and Pendergrass

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 281 – Delegates Beitzel and Conway

AN ACT concerning

Maryland Strategic Energy Investment Fund – Small Rural Electric Cooperative – Prohibition

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 306 – Delegate Frush

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:

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 453 – Delegates Jameson and Minnick

AN ACT concerning

Workers' Compensation – Jurisdiction Pending Appeal – Proposed Settlement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 496 – Delegates A. Kelly, Hammen, and Pendergrass

AN ACT concerning

Life Insurance – Definition and Permitted Riders and Provisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Senator Madaleno moved, duly seconded, to make the Bill and Report a Special Order for April 5, 2011.

The motion was adopted.

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

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

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 EXECUTIVE NOMINATIONS COMMITTEE REPORT #8

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

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #8
March 31, 2011

District Court, Frederick County (District 11)

1. William Milnor Roberts District 3

Judge of the District Court of Maryland, District 11, Frederick County; reappointed to serve a term of ten years from September 23, 2011

Archaeology, Advisory Committee on

2. Richard J. Dent, Ph.D. District 99
P.O. Box 415
Great Cacapon, WV 25422

Member of the Advisory Committee on Archaeology; reappointed to serve a term of three years from July 1, 2011

Ethics Commission, State

3. Andrea Leahy–Fucheck, Esq. District 21
14001 Barkham Court
Laurel, MD 20707

Member of the State Ethics Commission; appointed to serve remainder of a term of five years from July 1, 2008

Health and Mental Hygiene, Board of Review of the Department of

4. Kelly Cao District 46
108 S. High Street
Baltimore, MD 21202

Member of the Board of Review of the Department of Health and Mental Hygiene; reappointed to serve a term of three years from July 1, 2011

5. Betty Makell Coleman District 30
8 Kirby Lane
Annapolis, MD 21401

Member of the Board of Review of the Department of Health and Mental Hygiene; reappointed to serve a term of three years from July 1, 2010

6. Anne Ruth Cullen District 23
3024 Traymore Lane
Bowie, MD 20715

Member of the Board of Review of the Department of Health and Mental Hygiene; reappointed to serve a term of three years from July 1, 2010

Infants and Toddlers, Interagency Coordinating Council for

7. Deborah G. Badawi, M.D. District 5
14 Edelweiss Way
Parkton, MD 21120

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve a term of three years from July 1, 2011

8. Margaret C. Berman District 42
7031 Kenleigh Road
Baltimore, MD 21212

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2011

Labor Relations Board, Public School

9. Robert Chanin, Esq. District 20
600 Quaint Acres Drive
Silver Spring, MD 20904

Member of the Public School Labor Relations Board; appointed to serve a term to expire June 30, 2013

10. Charles I. Ecker District 12
5002 Durham Road E.
Columbia, MD 21044

Member of the Public School Labor Relations Board; appointed to serve a term to expire June 30, 2012

11. Donald P. Kopp District 11
614 Wood Glenn Court
Timonium, MD 21093

Member of the Public School Labor Relations Board; appointed to serve a term to expire June 30, 2013

12. Stuart O. Simms, Esq. District 41
3511 Cedardale Road
Baltimore, MD 21215

Member of the Public School Labor Relations Board; appointed to serve a term to expire June 30, 2014

13. Seymour Strongin, Esq. District 37
8010 Church Neck Road
St. Michaels, MD 21663

Member of the Public School Labor Relations Board; appointed to serve a term to expire June 30, 2014

Morticians and Funeral Directors, State Board of

14. Renee Derketsch District 11
4712 Belle Forte Road
Baltimore, MD 21208

Member of the State Board of Morticians and Funeral Directors; reappointed to serve a term of four years from July 1, 2011

15. Donald L. Newman District 1
1034 North Park Road, P.O. Box 275
Grantsville, MD 21536

Member of the State Board of Morticians and Funeral Directors; appointed to serve a term of four years from July 1, 2011

Parole Commission, Maryland

16. Jasper R. Clay District 12
4964 Moonfall Way
Columbia, MD 21044

Member of the Maryland Parole Commission; reappointed to serve a term of six years from January 1, 2011

17. Donna M. Hill District 25
5512 Gunston Lane
Suitland, MD 20746

Member of the Maryland Parole Commission; appointed to serve remainder of a term of six years from January 1, 2008

18. Christopher John Reynolds District 27
3411 Abelia Road
Port Republic, MD 20676

Member of the Maryland Parole Commission; appointed to serve remainder of a term of six years from January 1, 2006

19. H. Erle Schafer District 31
237 Carroll Road
Glen Burnie, MD 21060

Member of the Maryland Parole Commission; appointed to serve remainder of a term of six years from January 1, 2007

Plumbing, State Board of

20. Jon H. Garner District 1
1987 Mosser Road
McHenry, MD 21541

Member of the State Board of Plumbing; reappointed to serve a term of three years from May 1, 2011

21. Michael J. Kastner, Jr. District 13
13556 Argo Drive
Dayton, MD 21036

Member of the State Board of Plumbing; reappointed to serve a term of three years from May 1, 2011

22. Charles J. Morgan, Jr. District 46
1219 Hull Street
Baltimore, MD 21230

Member of the State Board of Plumbing; reappointed to serve a term of three years from May 1, 2011

Prevailing Wage Rates, Advisory Council on

23. Kenneth M. Grunley District 15
8816 Twin Creek Court
Potomac, MD 20854

Member of the Advisory Council on Prevailing Wage Rates; appointed to serve remainder of a term of three years from July 1, 2010

Professional Standards and Teacher Education Board

24. Colleen Eisenbeiser District 9
14035 Forsythe Road
Sykesville, MD 21784

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2011

25. Karen L. Roe District 8
9124 Snyder Lane
Perry Hall, MD 21128

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2010

26. Jolynn E. Tarwater District 17
504 Watts Branch Parkway
Potomac, MD 20854

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2011

Psychologists, State Board of

27. Neal R. Morris, Ed.D. District 16
4615 Chestnut Street
Bethesda, MD 20814

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

Veterans' Home Commission, Maryland

28. Warner Ivan Sumpter District 38
30466 Prince William Street
Princess Anne, MD 21853

Member of the Maryland Veterans' Home Commission; reappointed to serve a term of five years from July 1, 2011

Women, Maryland Commission for

29. Kristy Herring District 10
8126 Milford Garden Drive
Baltimore, MD 21244

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2009

Youth Camp Safety, Advisory Council on

30. Gabrielle Eklund District 40
2717 Atkinson Street
Baltimore, MD 21211

Member of the Advisory Council on Youth Camp Safety; appointed to serve remainder of a term of three years from July 1, 2009

31. Jacqueline D. Hurman District 36
334 Creekside Commons Court
Stevensville, MD 21666

Member of the Advisory Council on Youth Camp Safety; appointed to serve remainder of a term of three years from July 1, 2008 and a term of three years from July 1, 2011

Statewide Nominees

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

Infants and Toddlers, Interagency Coordinating Council for

S–1. William T. Cohee, Ed.D. District 99
130 Nantucket Drive
Middletown, DE 19709

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2011

S–2. Guy Guzzone District 13
206 House Office Building
Annapolis, MD 21401

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2011

S–3. Rosemary King Johnston District 8
8 White Spruce Court
Baltimore, MD 21234

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2010

S–4. Veronica Land–Davis District 10
1546 Langford Road
Baltimore, MD 21207

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2011

S–5. Kelli Piscano–Nelson District 9
761 Sussex Court
Eldersburg, MD 21784

Member of the Interagency Coordinating Council for Infants and Toddlers; reappointed to serve a term of three years from July 1, 2011

Lottery Commission, Maryland State

S–6. J. Kirby Fowler, Jr., Esq. District 43
403 Gittings Avenue
Baltimore, MD 21212

Member of the Maryland State Lottery Commission; reappointed to serve a term of four years from January 9, 2011

S–7. W. Ray Presley District 1
15303 Brandywine Drive
Cumberland, MD 21502

Member of the Maryland State Lottery Commission; reappointed to serve a term of four years from January 2, 2011

Morticians and Funeral Directors, State Board of

S–8. Lauri A. Cebula–Seaboch District 45
5915 Benton Heights Avenue
Baltimore, MD 21206

Member of the State Board of Morticians and Funeral Directors; reappointed to serve a term of four years from July 1, 2011

S–9. Hari P. Close, II, D.D. District 45
5126 Belair Road
Baltimore, MD 21206

Member of the State Board of Morticians and Funeral Directors; reappointed to serve a term of four years from July 1, 2011

Occupational Therapy Practice, State Board of

S–10. Meenakshi D. Gupta District 11
8625 Valleyfield Road
Lutherville, MD 21093

Member of the State Board of Occupational Therapy Practice; reappointed to serve a term of four years from July 1, 2011

Physical Therapy Examiners, State Board of

S–11. Ved K. Gupta District 11
8625 Valleyfield Road
Lutherville, MD 21093

Member of the State Board of Physical Therapy Examiners; reappointed to serve a term of three years from May 1, 2011

Port Commission, Maryland

S–12. Peta N. Richkus District 42
107 A Versailles Circle
Towson, MD 21204

Member of the Maryland Port Commission; reappointed to serve a term of three years from July 1, 2011

Prevailing Wage Rates, Advisory Council on

S–13. Maryann S. Cohea, Esq. District 13
5372 Red Lake Court
Columbia, MD 21045

Member of the Advisory Council on Prevailing Wage Rates; reappointed to serve a term of three years from July 1, 2010

S–14. Michael Claude A. McPherson District 12
11090 Swansfield Road
Columbia, MD 21044

Member of the Advisory Council on Prevailing Wage Rates; reappointed to serve a term of three years from July 1, 2011

Real Estate Appraisers and Home Inspectors, State Commission of

S–15. George Fair District 7
6627 Cherry Hill Road
Baldwin, MD 21013

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve a term of three years from January 1, 2011

Local Nominees

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

Anne Arundel County Board of License Commissioners

L–1. Melvin Hyatt District 30
19 Williams Drive
Annapolis, MD 21401

Member of the Anne Arundel County Board of License Commissioners; reappointed to serve a term to expire May 6, 2013

L–2. James C. Thomas District 32
40 Glendale Avenue
Glen Burnie, MD 21061

Member of the Anne Arundel County Board of License Commissioners; reappointed to serve a term to expire May 6, 2013

L–3. John G. Warner District 31
2027 Poplar Ridge Road
Pasadena, MD 21122

Member of the Anne Arundel County Board of License Commissioners; appointed to serve a term to expire May 6, 2013

Baltimore County Community College, Board of Trustees

L–4. Gloria K. McJilton District 6
7260 Meadow Lane
Baltimore, MD 21222

Member of the Board of Trustees of Baltimore County Community College; appointed to serve remainder of a term of five years from July 1, 2007

Carroll County Board of Elections

L–5. Hope R. Jacobs District 9
670 Tanglewood Drive
Sykesville, MD 21784

Member of the Carroll County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–6. Griffith B. Manahan District 5
1694 Stone Chapel Road
New Windsor, MD 21776

Member of the Carroll County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–7. Phillip R. Miller District 5
2209 Deep Run Road
Manchester, MD 21102

Member of the Carroll County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–8. David R. Peloquin District 5
1038 Pinch Valley Road
Westminster, MD 21158

Member of the Carroll County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–9. Gail S. Riley District 5
2243 Bachmans Valley Road
Manchester, MD 21102

Member of the Carroll County Board of Elections; reappointed to serve a term of four years from June 6, 2011

Cecil Community College Board of Trustees

L–10. Sarah W. Colenda District 34
31 Warrington Lane
Perryville, MD 21903

Member of the Cecil Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2011

Garrett County Board of Elections

L–11. Randall R. Glotfelty District 1
187 Englewood Lane
Grantville, MD 21536

Member of the Garrett County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–12. Paul L. Kolb District 1
242 Sale Barn Road
Accident, MD 21502

Member of the Garrett County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–13. Lois Arlene Martin District 1
9605 Garrett Highway
Oakland, MD 21550

Member of the Garrett County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–14. Charles P. Nolan District 1
18 Hillcrest Drive
Deer Park, MD 21550

Member of the Garrett County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–15. Betty M. Pritt District 1
470 Cherry Creek Lane
Oakland, MD 21550

Member of the Garrett County Board of Elections; reappointed to serve a term of four years from June 6, 2011

Harford County Board of Elections

L–16. Michael G. Comeau, Esq. District 35
3509 Glen Oak Drive
Jarrettsville, MD 21084

Member of the Harford County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–17. Kevin K. Keene District 35
1111 Glastonbury Way
Bel Air, MD 21014

Member of the Harford County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–18. Maureen O. Neal District 35
2517 Putnam Road
Forest Hill, MD 21050

Member of the Harford County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–19. Maria A. Terry District 34
333 Oak Street
Aberdeen, MD 21001

Member of the Harford County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–20. Edward D. Yoder District 35
3520 Grier Nursery Road
Street, MD 21154

Member of the Harford County Board of Elections; reappointed to serve a term of four years from June 6, 2011

Howard County Board of Elections

L–21. Ann M. Balcerzak District 13
7303 Meadow Wood Way
Clarksville, MD 21029

Member of the Howard County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–22. Charles M. Coles, Jr. District 9
1596 Daisy Road
Woodbine, MD 21797

Member of the Howard County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–23. Raymond M. Rankin District 13
8333 Painted Rock Road
Columbia, MD 21045

Member of the Howard County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–24. Donna LaVerne Rice District 12
5070 Amesbury Drive
Columbia, MD 21044

Member of the Howard County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–25. Donna Kay Thewes District 13
9535 Cissell Avenue
Laurel, MD 20723

Member of the Howard County Board of Elections; reappointed to serve a term of four years from June 6, 2011

Kent County Board of Elections

L–26. Elizabeth E. Carroll District 36
401 Jarman Avenue
Galena, MD 21635

Member of the Kent County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–27. Walter F. Landon District 36
122 Jimstown Circle
Chestertown, MD 21620

Member of the Kent County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–28. George R. Parsons, Jr. District 36
20924 Bayside Avenue
Rock Hall, MD 21661

Member of the Kent County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–29. William R. Shiflett, Jr. District 36
8550 Camp Road
Chestertown, MD 21620

Member of the Kent County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–30. W. Roger Williams District 36
118 Cedar Street
Chestertown, MD 21620

Member of the Kent County Board of Elections; reappointed to serve a term of four years from June 6, 2011

Montgomery County Board of Elections

L–31. Nancy H. Dacek District 15
15113 Grey Pebble Drive
Germantown, MD 20874

Member of the Montgomery County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–32. Donice M. Jeter District 18
7202 Lynnhurst Place
Chevy Chase, MD 20815

Member of the Montgomery County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–33. Mary Ann Keeffe District 18
3503 Kensington Court
Kensington, MD 20895

Member of the Montgomery County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–34. Nahid Khozeimeh, Sc.D. District 16
7005 Millwood Road
Bethesda, MD 20817

Member of the Montgomery County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–35. Graciela Rivera–Oven District 15
21210 Blunt Road
Germantown, MD 20876

Member of the Montgomery County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–36. John J. Sullivan District 16
5404 Greystone Street
Chevy Chase, MD 20815

Member of the Montgomery County Board of Elections; appointed to serve a term of four years from June 6, 2011

Prince George's County Board of Elections

L–37. Jerome V. Anzulovic District 21
4900 Ruatan Street
College Park, MD 20740

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–38. Linda Houston District 26
8705 Grasmere Court
Fort Washington, MD 20744

Member of the Prince George's County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–39. Theresa A. Roebuck District 47
6601 Oak Street
Cheverly, MD 20785

Member of the Prince George's County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–40. John E. Rowe District 26
403 Careybrook Lane
Oxon Hill, MD 20745

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–41. Dennis C. Smith District 24
8621 Johnson Avenue
Glenarden, MD 20706

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–42. Beatrice P. Tignor District 25
14201 Water Fowl Way
Upper Marlboro, MD 20774

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–43. Olivia D. Vaughns District 24
1200 Fiji Avenue
Highland Park, MD 20785

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–44. Kurt E. Walter District 23
12300 Keel Turn
Bowie, MD 20715

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from June 6, 2011

Queen Anne's County Board of Elections

L–45. George J. Gould, Sr. District 36
5800 Main Street
Queenstown, MD 21658

Member of the Queen Anne's County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–46. William A. Seth District 36
99 Glendale Avenue
Centreville, MD 21617

Member of the Queen Anne's County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–47. Jane G. Sparks District 36
1731 Harbor Drive
Chester, MD 21619

Member of the Queen Anne's County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–48. William C. Stoops District 36
725 Church Hill Road
Centreville, MD 21617

Member of the Queen Anne's County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–49. Louis Roger Twigg, Jr. District 36
118 Pleasant Springs Drive
Centreville, MD 21617

Member of the Queen Anne's County Board of Elections; appointed to serve a term of four years from June 6, 2011

Somerset County Board of Elections

L–50. Robert F. McCready District 38
11647 Dennis Drive
Princess Anne, MD 21853

Member of the Somerset County Board of Elections; appointed to serve a term of four years from June 6, 2011

St. Mary's County Board of Elections

L–51. Kenneth F. Boothe District 29
46138 Boothe Farm Lane
Great Mills, MD 20634

Member of the St. Mary's County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–52. Rose V. Frederick District 29
40440 Frederick Lane, P.O. Box 22
Loveville, MD 20656

Member of the St. Mary's County Board of Elections; appointed to serve a term of four years from June 6, 2011

L–53. Robert H. Goldsmith, Ph.D. District 29
43475 Stephenson Drive
Leonardtown, MD 20650

Member of the St. Mary's County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–54. Rebecca J. Wathen District 29
14681 Point Lookout Road, P.O. Box 67
St. Inigoes, MD 20684

Member of the St. Mary's County Board of Elections; reappointed to serve a term of four years from June 6, 2011

L–55. Noel Temple Wood District 29
44478 White Stone Place
Tall Timbers, MD 20690

Member of the St. Mary's 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 (with the exception of Nominee No. L–41, Dennis C. Smith, to the Prince George's County Board of Elections) were all confirmed by roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 726)

Senator Muse moved, duly seconded, to make Nominee No. L–41 a Special Order for April 11, 2011.

The motion was adopted.

Senate Bill 642 – Senator Gladden

AN ACT concerning

Human Relations – Discrimination by a Place of Public Accommodation – Enforcement and Remedies

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

FLOOR AMENDMENT

SB0642/133128/3
BY: Senator Middleton

AMENDMENTS TO SENATE BILL 642
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "practice;" insert "requiring that a certain determination of compensatory damages for discrimination by a place of public accommodation shall take into consideration a certain hardship;".

AMENDMENT NO. 2

On page 3, in line 16, after "**(C)**" insert "**(1)**"; in lines 19, 21, 23, and 28, strike "**(1)**", "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively; and after line 29, insert:

"**(2) THE DETERMINATION OF THE SUM OF THE AMOUNT OF COMPENSATORY DAMAGES AWARDED UNDER THIS SUBSECTION SHALL TAKE INTO CONSIDERATION WHETHER THE RESPONDENT HAS THE ABILITY TO PAY WITHOUT CAUSING AN UNDUE HARDSHIP TO THE RESPONDENT.**".

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

Affirmative – 19 Negative – 26 (See Roll Call No. 727)

FLOOR AMENDMENT

SB0642/773124/1
BY: Senator Astle

AMENDMENTS TO SENATE BILL 642
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "accommodation" insert "**, subject to a certain exception**".

AMENDMENT NO. 2

On page 3, in line 16, after "**(C)**" insert "**(1) THIS SUBSECTION DOES NOT APPLY TO A RESPONDENT FOUND TO HAVE ENGAGED IN OR BE ENGAGING IN DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION THAT OCCURS IN A PLACE OF PUBLIC ACCOMMODATION LOCATED IN A HISTORIC DISTRICT.**

(2)";

and in lines 19, 21, 23, and 28, strike "**(1)**", "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively.

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

Affirmative – 15 Negative – 30 (See Roll Call No. 728)

FLOOR AMENDMENT

SB0642/863525/1
BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 642
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after the second "action" insert "**; providing for a delayed effective date**".

AMENDMENT NO. 2

On page 5, in line 32, strike "2011." and substitute "2012.".

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.

QUORUM CALL

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

(See Roll Call No. 729)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #60

Senate Bill 430 – Senator Klausmeier

SECOND PRINTING

AN ACT concerning

Baltimore County – Public School Employees – Collective Bargaining Units ~~and Representation Fees~~

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

Affirmative – 41 Negative – 4 (See Roll Call No. 730)

The Bill was then sent to the House of Delegates.

Senate Bill 679 – Senators Brinkley, Madaleno, Middleton, Rosapepe, and Young

AN ACT concerning

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

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

Affirmative – 38 Negative – 7 (See Roll Call No. 731)

The Bill was then sent to the House of Delegates.

Senate Bill 708 – Senators Klausmeier, Ferguson, Forehand, Kelley, King, Madaleno, Manno, ~~and Stone~~ Stone, and McFadden

AN ACT concerning

Mopeds and Motor Scooters – Titling, Registration, Insurance, and Required Use of Protective Headgear

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

Affirmative – 34 Negative – 11 (See Roll Call No. 732)

The Bill was then sent to the House of Delegates.

Senate Bill 841 – Senator Pugh

AN ACT concerning

Arts and Entertainment Districts – Artistic Work – Design

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

Affirmative – 45 Negative – 0 (See Roll Call No. 733)

The Bill was then sent to the House of Delegates.

Senate Bill 996 – Senator DeGrange

AN ACT concerning

Sales and Use Tax – Machinery and Equipment – Energy Star Windows and Doors

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

Affirmative – 44 Negative – 0 (See Roll Call No. 734)

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. 735)

ADJOURNMENT

At 1:29 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 8:00 P.M. on Legislative Day March 31, 2011, Calendar Day, Monday, April 4, 2011.

Annapolis, Maryland
Legislative Day: March 31, 2011
Calendar Day: Monday, April 4, 2011
8:00 P.M. Session

The Senate met at 8:15 P.M.

Prayer by Senator Dyson.

The Journal of March 30, 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. 738)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 487 – Senator Rob Garagiola:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Winston Churchill High School Ice Hockey Team
in recognition of
winning the Maryland State Championship for Ice Hockey. Your hard work and dedication are to be commended!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 4th day of April 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 739)

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 44	Sen. Middleton	Qualified State Long–Term Care Insurance Partnership Program – Reporting
SB 61	Ch., Jud. Proceed.	Public Information Act – Documents Relating to Arrest Warrants
SB 66	Ch., Jud. Proceed.	Criminal Procedure – Criminal Justice Information System Central Repository – Reportable Events
SB 84	The President	Electrology Practice Committee – Sunset Extension and Program Evaluation
SB 89	The President	State Board of Examiners of Psychologists – Sunset Extension and Program Evaluation
SB 93	The President	St Bd of Exmrs of Nursing Home Administrators – Sunset Ext and Program Evaluation
SB 144	Ch., Finance Com.	Mental Hygiene Administration Facilities – Repeal of Provisions that Relate to Closed Facilities
SB 202	Sen. Middleton	Community Services Reimbursement Rate Commission – Termination Date – Extension
SB 203	Sen. Montgomery	Health Care Decisions Act – "Medical Orders for Life–Sustaining Treatment" Form
SB 255	Sen. Middleton	Life Insurance – Definition and Permitted Riders and Provisions
SB 299	Sen. Jennings	Wiretapping and Electronic Surveillance – Investigation of Human Trafficking
SB 428	Sen. Klausmeier	Mental Hygiene – Admission Provisions – Definition of "Psychologist"
SB 511	Sen. Stone	Criminal Law – Counterfeiting – Venue

SB 673	Sen. Frosh	Estates and Trusts – Payment of Attorney's Fees – Contingency Fee
SB 682	Sen. Peters	Behavioral Health – Veterans – Coordination and Provision of Services

Endorsed as having been read the third time and passed by yeas and nays in the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 1279 – Delegates Carter, Alston, Anderson, and Rosenberg

AN ACT concerning

Criminal Procedure – ~~Retention of Right to Expungement –~~ Charges Not Resulting in Conviction – Shielding

FOR the purpose of ~~establishing that whether a person is entitled to expungement of one charge arising from an incident, transaction, or set of facts does not affect the person's right to expungement of another charge or conviction arising from the same incident, transaction, or set of facts; making certain conforming changes;~~ authorizing a person who was convicted of one or more charges in a certain unit to file a petition to shield certain information; specifying that a certain petition shall be filed with the Administrative Office of the Courts; specifying that a petition to shield information relating to a certain charge may not be filed until the expiration of a certain amount of time; requiring the Administrative Office of the Courts to shield certain information within a certain time period under certain circumstances; authorizing the Administrative Office of the Courts to assess a certain fee for a certain petition for a certain purpose; defining a certain term; making ~~a~~ certain technical ~~correction~~ corrections; and generally relating to the expungement and shielding of criminal charges.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–107
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #61

Senate Bill 639 – Senators Benson, Astle, Colburn, Madaleno, Montgomery, Raskin, Shank, and Stone

AN ACT concerning

Task Force on the Establishment of a Statewide Spay/Neuter Fund

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

Affirmative – 46 Negative – 0 (See Roll Call No. 740)

The Bill was then sent to the House of Delegates.

Senate Bill 883 – The President (By Request – Administration) and Senator Forehand

AN ACT concerning

Prescription Drug Monitoring Program

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

Affirmative – 46 Negative – 0 (See Roll Call No. 741)

The Bill was then sent to the House of Delegates.

Senate Bill 947 – Senator Jones–Rodwell

AN ACT concerning

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 742)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #1

CONSENT CALENDAR #8

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 279	Carroll County Del.	Carroll County – Alcoholic Beverages – Liquor Tasting	EHE
HB 376	Allegany County Del.	Allegany Co – Alc Bevs – Eligibility for Class B–BT (Buffet Theater) License	EHE
HB 404	Washington County Del.	Washington County – Alcoholic Beverages – Micro–Breweries	EHE
HB 413	Washington County Del.	Washington County – Alcoholic Beverages – Wine Festival License	EHE
HB 479	Frederick County Del.	Frederick County – Winery Special Event Permits – Farmers' Markets	EHE
HB 689	Harford County Del.	Harford County – Board of Elections – Membership	EHE
HB 703	Harford County Del.	Harford Co – Alc Bevs – Continuing Care Facility for Aged – Beer, Wine and Liquor License	EHE
HB 947	Caroline County Del.	Caroline County – Alcoholic Beverages Act of 2011	EHE
HB 953 (Emergency Bill)	Allegany County Del.	Allegany County – Alcoholic Beverages – 1–Day Special License	EHE
HB 973	Del. Eckardt	Dorchester County Liquor Act of 2011	EHE
HB 1030	Cecil County Del.	Cecil County – Alcoholic Beverages – Licensed Establishments – Sunday Sales Hours	EHE

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

Affirmative – 46 Negative – 0 (See Roll Call No. 743)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #2

CONSENT CALENDAR #9

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 49	Del. Haddaway–Riccio	Juvenile Law – Truancy Reduction Pilot Program – Talbot County	JPR
HB 103	Del. Haddaway–Riccio	Vehicle Laws – Exceptional Hauling Permits – Farm Products	JPR
HB 117	Del. Beitzel	Real Property – Obliterating, Damaging, or Removing Property Markers – Penalty Increase	JPR
HB 227	Del. Waldstreicher	Criminal Law – Animal Abuse, Neglect, or Cruelty – Conditions of Probation	JPR
HB 247	Del. Simmons	Maryland General and Limited Power of Attorney Act – Modifications	JPR
HB 319	Del. Frush	Motor Vehicle Dealers – Issuance of Temporary Registration Plate – Lapsed Scrty – Registration	JPR
HB 345	Del. Simmons	Wiretapping and Electronic Surveillance – Investigation of Human Trafficking	JPR
HB 366	Del. Niemann	Real Prop – Resid Prop Foreclosure Procs – Accuracy of Notice of Intent to	JPR

		Foreclose	
HB 408	Del. McComas	Criminal Law – Identity Fraud – Assumption of Identity of Fictitious Person	JPR
HB 421 (Emergency Bill)	Del. Otto	Somerset County – Deputy State's Attorney – Private Practice	JPR
HB 653	Del. Niemann	Lawyers – Bar Admission Requirement – Exception for Rent Escrow Proceedings	JPR
HB 859	Del. Dumais	Child Abuse – Out of Court Statements of Child Victims	JPR
HB 879	Del. Sophocleus	Criminal Law – Counterfeiting – Venue	JPR
HB 1017	Del. O'Donnell	Veh Laws – Registr and Driver's Lic Renewal Fees – No Charge for Recipients of Medal of Honor	JPR
HB 1118	Del. Valderrama	Children in Need of Assistance – Hearings – Written Findings	JPR
HB 1128	Del. Valderrama	Criminal Law – Sexual Crimes – Definitions	JPR

All of the above listed bills on the Third Reading Consent Calendar No. 9 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 744)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #3

House Bill 48 – Delegates Morhaim, Kipke, Pena–Melnyk, and Tarrant

AN ACT concerning

State Government – Open Meetings Act – Notice and Complaints

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

Affirmative – 46 Negative – 0 (See Roll Call No. 745)

The Bill was then sent to the House of Delegates.

House Bill 111 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – Fishing – Regulatory Authority

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

Affirmative – 46 Negative – 0 (See Roll Call No. 746)

The Bill was then sent to the House of Delegates.

House Bill 183 – Delegates Nathan–Pulliam, Pena–Melnyk, and V. Turner

AN ACT concerning

State Board of Nursing – Electrologists – Examination and License Term

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

Affirmative – 46 Negative – 0 (See Roll Call No. 747)

The Bill was then sent to the House of Delegates.

House Bill 210 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Mining – Acid Mine Drainage Abatement and Treatment Fund

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

Affirmative – 46 Negative – 0 (See Roll Call No. 748)

The Bill was then sent to the House of Delegates.

House Bill 214 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Critical Farms Fund and Program

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

Affirmative – 46 Negative – 0 (See Roll Call No. 749)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 750)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 751)

The Bill was then sent to the House of Delegates.

House Bill 849 – Chair, Environmental Matters Committee (By Request – Departmental – State Police)

AN ACT concerning

Public Safety – Smoke Detectors and Smoke Alarms

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

Affirmative – 46 Negative – 0 (See Roll Call No. 752)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 753)

The Bill was then sent to the House of Delegates.

House Bill 1049 – Delegates Vaughn, Braveboy, Haddaway–Riccio, W. Miller, Minnick, and Schulz

AN ACT concerning

Real Estate Brokers – Intracompany Agents

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

Affirmative – 46 Negative – 0 (See Roll Call No. 754)

The Bill was then sent to the House of Delegates.

House Bill 1253 – Chair, Environmental Matters Committee (By Request – Departmental – Community Initiative)

AN ACT concerning

Commission on African American History and Culture – Members and Duties

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

Affirmative – 46 Negative – 0 (See Roll Call No. 755)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #4

House Bill 58 – Delegate Costa

AN ACT concerning

Community Services Reimbursement Rate Commission – Termination Date – Extension

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

Affirmative – 46 Negative – 0 (See Roll Call No. 756)

The Bill was then sent to the House of Delegates.

House Bill 89 – Delegate Kipke

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 – 5 (See Roll Call No. 757)

The Bill was then sent to the House of Delegates.

House Bill 108 – Delegate Feldman

AN ACT concerning

Business Regulation – State Amusement Ride Safety Advisory Board – Membership

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

Affirmative – 46 Negative – 0 (See Roll Call No. 758)

The Bill was then sent to the House of Delegates.

House Bill 226 – Delegates Cullison, Hammen, and Pendergrass

AN ACT concerning

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 759)

The Bill was then sent to the House of Delegates.

House Bill 281 – Delegates Beitzel and Conway

AN ACT concerning

Maryland Strategic Energy Investment Fund – Small Rural Electric Cooperative – Prohibition

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

Affirmative – 46 Negative – 0 (See Roll Call No. 760)

The Bill was then sent to the House of Delegates.

House Bill 306 – Delegate Frush

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. 761)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 762)

The Bill was then sent to the House of Delegates.

House Bill 453 – Delegates Jameson and Minnick

AN ACT concerning

Workers' Compensation – Jurisdiction Pending Appeal – Proposed Settlement

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

Affirmative – 46 Negative – 0 (See Roll Call No. 763)

The Bill was then sent to the House of Delegates.

House Bill 496 – Delegates A. Kelly, Hammen, and Pendergrass

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. 764)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 765)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #5

CONSENT CALENDAR #10

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 176	Del. Eckardt	State Retirement and Pension System – Reemployment of Retirees – Exemptions	B&T
HB 262	Frederick County Del.	Frederick County – Nonprofit School Lease – Property Tax Credit	B&T
HB 499	Del. Szeliga	Admissions and Amusement Tax – Exemption – Hot Air Balloons	B&T
HB 558	Del. Barve	Property Tax Credit – Habitat for Humanity	B&T
HB 634	Del. Griffith	State Retirement and Pension System – Reemployment Earnings Offset – Retiree Health Care Premiums	B&T

All of the above listed bills on the Third Reading Consent Calendar No. 10 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 766)

The Bills were then sent to the House of Delegates.

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

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

Affirmative – 39 Negative – 7 (See Roll Call No. 767)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #6

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

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

Affirmative – 36 Negative – 10 (See Roll Call No. 768)

The Bill was then sent to the House of Delegates.

House Bill 379 – ~~Delegate Niemann~~ Delegates Niemann, Healey, Glenn, Gilchrist, and Wilson

AN ACT concerning

Real Property – Deposits on New Homes – Escrow Accounts

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

Affirmative – 46 Negative – 0 (See Roll Call No. 769)

The Bill was then sent to the House of Delegates.

House Bill 402 – Delegates Simmons and Kramer

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 – 6 (See Roll Call No. 770)

The Bill was then sent to the House of Delegates.

House Bill 407 – Delegates McComas, Aumann, Carter, DeBoy, Dumais, Frank, Frush, Haddaway–Riccio, K. Kelly, Lee, McDonough, B. Robinson, Simmons, and Waldstreicher

AN ACT concerning

Domestic Violence – ~~Cruelty Toward a Pet or Service Animal~~ Additional Relief – Award of Temporary Possession of Pet

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

Affirmative – 46 Negative – 0 (See Roll Call No. 771)

The Bill was then sent to the House of Delegates.

House Bill 412 – Delegate Niemann

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 – 46 Negative – 0 (See Roll Call No. 772)

The Bill was then sent to the House of Delegates.

House Bill 624 – Delegates Rosenberg, Carter, Oaks, and Vaughn

AN ACT concerning

Baltimore City – Used Car Dealers – Sunday Operations

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

Affirmative – 46 Negative – 0 (See Roll Call No. 773)

The Bill was then sent to the House of Delegates.

House Bill 666 – Delegates Lee, Barkley, Cane, Conway, Cullison, Dumais, Frick, Frush, Gutierrez, Healey, Hucker, A. Kelly, A. Miller, B. Robinson, ~~and Wilson~~ Wilson, and Waldstreicher

AN ACT concerning

Courts – Peace Orders – Penalties

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

Affirmative – 35 Negative – 11 (See Roll Call No. 774)

The Bill was then sent to the House of Delegates.

House Bill 670 – Delegates Frush, Beidle, Bobo, Glenn, and Niemann

AN ACT concerning

Real Property – Retaliatory Actions – Landlords and Mobile Home Park Owners

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

Affirmative – 38 Negative – 8 (See Roll Call No. 775)

The Bill was then sent to the House of Delegates.

House Bill 842 – Delegates Healey, Gilchrist, Glenn, and Lafferty

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 – 46 Negative – 0 (See Roll Call No. 776)

The Bill was then sent to the House of Delegates.

House Bill 900 – Carroll County Delegation

AN ACT concerning

Carroll County – Fortune Telling Ban – Repeal

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

Affirmative – 43 Negative – 1 (See Roll Call No. 777)

The Bill was then sent to the House of Delegates.

House Bill 921 – Delegate Simmons

AN ACT concerning

Courts and Judicial Proceedings – Prelitigation Discovery – Insurance Coverage

FLOOR AMENDMENT

HB0921/953526/1
BY: Senator Zirkin

AMENDMENTS TO HOUSE BILL 921
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 28, strike "**WITH**" and substitute "**TO**"; and in line 29, strike "**LIABILITY**".

AMENDMENT NO. 2

On page 3, in line 23, strike "**INCURRED**".

The preceding 2 amendments were read and adopted.

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

Affirmative – 36 Negative – 10 (See Roll Call No. 778)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #7

CONSENT CALENDAR #11

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 64	The Speaker	St Bd of Exmrs of Nursing Home Administrators – Sunset Ext and Program Evaluation	FIN
HB 124	The Speaker	Maryland Insurance Administration – Program Evaluation	FIN

HB 156	Ch. Hlth & Govt Ops	Health Insurance – Small Group Market – Self–Employed Individuals – Sunset Extension	FIN
HB 198	Ch., Econ Matters Co.	Financial Institutions – Authority of Commissioner of Financial Regulation – Information Sharing	FIN
HB 204	Ch., Econ Matters Co.	Vehicle Laws – Commercial Motor Vehicles Engaged in Intrastate Commerce – Min Security Requirements	FIN
HB 215	Ch. Hlth & Govt Ops	State Emergency Medical Services Board – Emergency Medical Services Providers	FIN
HB 217	Ch. Hlth & Govt Ops	DHMH – Mental Hygiene Admin – Transfers Between Facilities	FIN
HB 358 (AMENDED)	Ch., Econ Matters Co.	Ofc of the Commr of Fincl Reg, the Banking Bd, and the St Coll Agnc Lic Bd – Sunset Ext and Pgm Eval	FIN
HB 377	Ch. Hlth & Govt Ops	Mental Hygiene Administration Facilities – Repeal of Provisions that Relate to Closed Facilities	FIN
HB 590 (Emergency Bill)	Del. Davis	PSC – Certificate of Public Convenience and Necessity – Renewable Source Generator Lead Line	FIN
HB 944	Ch., Econ Matters Co.	Financial Institutions – Mortgage Lenders and Mortgage Loan Originators	FIN

All of the above listed bills on the Third Reading Consent Calendar No. 11 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 779)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #8

CONSENT CALENDAR #12

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 11	Del. Cardin	Income Tax – Subtraction Modification – Maryland Defense Force	B&T
HB 253	Ch., Ways and Means	Motor Fuel Tax – Personal Liability – LLCs and Limited Liability Partnerships	B&T
HB 258	Del. Beitzel	Garrett County – Tax Sales – Auctioneer's Fees	B&T
HB 280	Carroll County Del.	Carroll County – Public Facilities Bonds	B&T
HB 333	Del. Griffith	State Retirement and Pension System – Administration – Simplification	B&T
HB 335	Del. Griffith	State Retirement and Pension System – Military Service Credit – Eligibility	B&T
HB 338	Del. Griffith	State Ret and Pension System – Unclaimed Money – Former Members, Retirees, and Beneficiaries	B&T
HB 461	Allegany County Del.	Income Tax Credit – Teachers at State and Local Correctional Facilities for Adults and Juveniles	B&T
HB 587	Del. Feldman	Biotechnology Investment Tax Credit – Qualified Maryland Biotechnology Company	B&T

All of the above listed bills on the Third Reading Consent Calendar No. 12 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 780)

The Bills were then sent to the House of Delegates.

House Bill 502 – Delegates Barve, Cardin, Carr, Gilchrist, Ivey, A. Miller, Rosenberg, ~~and F. Turner~~ F. Turner, and Howard

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 – 45 Negative – 0 (See Roll Call No. 781)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

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

Senate Bill 974 – Senator Astle

AN ACT concerning

Health Insurance – Pharmacy Benefits Managers – Contracts, Disclosures, and Audits

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

SB0974/417377/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 974
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "Contracts, Disclosures, and"; strike beginning with "requiring" in line 4 down through "requiring" in line 20 and substitute "providing that"; in line 21, strike "to" and substitute "shall"; in line 22, strike "not on" and substitute "may not include"; in the same line, after "cost" insert ", except under

certain circumstances"; in line 23, after "sponsor" insert ", under certain circumstances."; and in line 27, strike "15–1628 and".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 4 on page 2 through line 15 on page 3, inclusive.

On page 4, strike in their entirety lines 5 through 8, inclusive; in lines 9, 12, 15, and 18, in each instance, strike the bracket; in lines 9, 12, 15, and 18, strike "**(7)**", "**(8)**", "**(9)**", and "**(10)**", respectively; and in line 19, strike "**AND A COPY OF THE FINAL AUDIT REPORT TO THE PLAN SPONSOR**".

AMENDMENT NO. 3

On page 5, in line 3, after "**DISPENSED**" insert "**, UNLESS THE PHARMACY OR PHARMACIST COMMITTED FRAUD IN CONNECTION WITH THE CLAIM OR FILLED AN INVALID PRESCRIPTION IN CONNECTION WITH THE CLAIM**"; in line 5, after "**SUBSECTION,**" insert "**IF THE PRESCRIPTION WAS OTHERWISE LEGALLY DISPENSED AND THE CLAIM WAS OTHERWISE MATERIALLY CORRECT,**"; in line 8, strike the first comma and substitute "**OR**"; strike beginning with "**, OR**" in line 8 down through "**NETWORK**" in line 9; in line 10, strike the first comma and substitute "**OR**"; strike beginning with the second comma in line 10 down through "**NETWORK**" in line 12; in line 14, strike the first comma and substitute "**OR**"; strike beginning with "**, OR**" in line 14 down through "**NETWORK**" in line 15; and in line 18, strike "**MATHEMATICAL CALCULATION ERROR,**".

The preceding 3 amendments were withdrawn.

SB0974/907274/1

BY: Finance Committee

SUBSTITUTE AMENDMENTS TO SENATE BILL 974

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "Contracts, Disclosures, and Audits" and substitute "Claims"; strike beginning with "requiring" in line 4 down through "changes" in line 24 and substitute "providing that certain errors may not constitute fraud or grounds for recoupment of specified claims payments under specified

circumstances; specifying that certain claims remain subject to recoupment of overpayment or payment of any discovered underpayment by a pharmacy benefits manager; defining a certain term"; and in line 27, strike "15–1628 and".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 4 on page 2 through line 15 on page 3, inclusive.

On page 4, strike in their entirety lines 5 through 8, inclusive; in lines 9, 12, and 18, in each instance, strike the bracket; in lines 9, 12, 15, and 18, strike "**(7)**", "**(8)**", "**(9)**", and "**(10)**", respectively; in line 15, strike the first set of brackets; in lines 15, 22, and 24, in each instance, strike "**(I)**" and substitute "**(H)**"; and in line 19, strike "**AND A COPY OF THE FINAL AUDIT REPORT TO THE PLAN SPONSOR**".

AMENDMENT NO. 3

On pages 4 and 5, strike in their entirety the lines beginning with line 32 on page 4 through line 20 on page 5, inclusive, and substitute:

"**(G) (1) IN THIS SUBSECTION, "OVERPAYMENT" MEANS A PAYMENT BY THE PHARMACY BENEFITS MANAGER TO A PHARMACY OR PHARMACIST THAT IS GREATER THAN THE RATE OR TERMS SPECIFIED IN THE CONTRACT BETWEEN THE PHARMACY OR PHARMACIST AND THE PHARMACY BENEFITS MANAGER AT THE TIME THAT THE PAYMENT IS MADE.**

(2) A CLERICAL ERROR, RECORD–KEEPING ERROR, TYPOGRAPHICAL ERROR, OR SCRIVENER'S ERROR IN A REQUIRED DOCUMENT OR RECORD MAY NOT CONSTITUTE FRAUD OR GROUNDS FOR RECOUPMENT OF A CLAIMS PAYMENT FROM A PHARMACY OR PHARMACIST BY A PHARMACY BENEFITS MANAGER IF THE PRESCRIPTION WAS OTHERWISE LEGALLY DISPENSED AND THE CLAIM WAS OTHERWISE MATERIALLY CORRECT.

(3) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, CLAIMS REMAIN SUBJECT TO RECOUPMENT OF OVERPAYMENT OR PAYMENT OF ANY DISCOVERED UNDERPAYMENT BY THE PHARMACY BENEFITS MANAGER.".

On page 5, in line 21, strike "**(I)**" and substitute "**(H)**".

On page 6, in lines 4 and 15, strike "**(J)**" and "**(K)**", respectively, and substitute "**(I)**" and "**(J)**", respectively.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 208 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Aquaculture – Shellfish Leasing Areas – Expansion

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 51 – Delegates Olszewski and Kach

AN ACT concerning

Video Lottery Operation Licenses – Information on Payouts

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

HB0051/749631/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 51
(Third Reading File Bill)

On page 1, in lines 4 and 5, strike "above certain amounts" and substitute "equal to or above a certain amount to".

On page 2, strike beginning with "**CHECK**" in line 22 down through "**COMMISSION**" in line 23 and substitute "**A CHECK IN AN AMOUNT OF $2,500 OR MORE**".

The preceding amendment was withdrawn.

Favorable report adopted.

FLOOR AMENDMENT

HB0051/533521/1
BY: Senator Klausmeier

AMENDMENT TO HOUSE BILL 51, AS AMENDED

In line 4 of the Budget and Taxation Committee Amendment (HB0051/749631/1), strike "**$2,500**" and substitute "**$5,000**".

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

Affirmative – 24 Negative – 22 (See Roll Call No. 782)

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer moved, duly seconded, to make the Bill a Special Order for April 5, 2011.

The motion was adopted.

Senate Bill 642 – Senator Gladden

AN ACT concerning

Human Relations – Discrimination by a Place of Public Accommodation – Enforcement and Remedies

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

FLOOR AMENDMENT

SB0642/863525/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 642
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after the second "action" insert "; providing for a delayed effective date".

AMENDMENT NO. 2

On page 5, in line 32, strike "2011." and substitute "2012.".

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

Affirmative – 16 Negative – 30 (See Roll Call No. 783)

FLOOR AMENDMENT

SB0642/293127/1
BY: Senator Muse

AMENDMENTS TO SENATE BILL 642
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "accommodation" insert ", subject to a certain exception".

AMENDMENT NO. 2

On page 3, in line 16, after "**(C)**" insert "**(1) THIS SUBSECTION DOES NOT APPLY TO A RESPONDENT FOUND TO HAVE ENGAGED IN OR TO BE ENGAGING IN DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION THAT OCCURS IN A PLACE OF PUBLIC ACCOMMODATION LOCATED ON PROPERTY OWNED BY A RELIGIOUS ORGANIZATION.**

(2)";

and in lines 19, 21, 23, and 28, strike "**(1)**", "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively.

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

Affirmative – 16 Negative – 30 (See Roll Call No. 784)

FLOOR AMENDMENT

SB0642/123727/2
BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 642, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, after "Accommodation" insert "and Unlawful Employment Practices"; and in line 9, after the second "action" insert "; prohibiting a person from charging or collecting a fee for certain legal services unless the fee is approved by the court; establishing that certain fees may not exceed a certain percentage of certain compensatory damages; providing that a certain fee is a lien on certain compensatory damages under certain circumstances; providing that a certain fee shall be paid only in a certain manner; authorizing the court to hear and decide certain questions and issue certain orders under certain circumstances; providing that a certain order of the court may be enforced or appealed in a certain manner; prohibiting the court from awarding attorney's fees in excess of a certain amount under certain circumstances".

On page 1 of the Judicial Proceedings Committee Amendments (SB0642/848573/1), in line 11 of Amendment No. 1, after "20–1013," insert "20–1015,".

AMENDMENT NO. 2

On page 5 of the bill, in line 30, after the period insert:

"20–1015.

(A) (1) (I) 1. UNLESS APPROVED BY THE COURT, A PERSON MAY NOT CHARGE OR COLLECT A FEE FOR LEGAL SERVICES FROM A COMPLAINANT IN CONNECTION WITH A CIVIL ACTION BROUGHT UNDER THIS PART.

2. THE FEES FOR LEGAL SERVICES MAY NOT EXCEED 25% OF THE SUM OF THE AMOUNT OF COMPENSATORY DAMAGES AWARDED TO THE COMPLAINANT.

(II) WHEN THE COURT APPROVES A FEE DESCRIBED UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH, THE FEE IS A LIEN ON THE COMPENSATORY DAMAGES AWARDED TO THE COMPLAINANT.

(III) NOTWITHSTANDING SUBPARAGRAPH (II) OF THIS PARAGRAPH, A FEE PAID FROM AN AWARD OF COMPENSATORY DAMAGES SHALL BE PAID ONLY IN THE MANNER SET BY THE COURT.

(2) ON APPLICATION OF A PARTY, THE COURT MAY:

(I) HEAR AND DECIDE ANY QUESTION CONCERNING LEGAL SERVICES PERFORMED IN CONNECTION WITH A CIVIL ACTION BROUGHT UNDER THIS PART; AND

(II) ORDER A PERSON WHO RECEIVED A FEE FOR LEGAL SERVICES TO REFUND TO THE COMPLAINANT ANY PART OF THE FEE THAT THE COURT FINDS TO BE EXCESSIVE.

(3) AN ORDER OF A COURT SETTING THE PAYMENT OR ORDERING THE REFUND OF PAYMENT FOR LEGAL SERVICES MAY BE ENFORCED OR APPEALED IN THE SAME MANNER AS AN AWARD OF COMPENSATORY DAMAGES UNDER THIS PART.

(B) (1) [In**] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN** an action brought under this part, the court may award the prevailing party reasonable attorney's fees, expert witness fees, and costs.

(2) THE COURT MAY NOT AWARD ATTORNEY'S FEES TO A COMPLAINANT IN EXCESS OF 25% OF THE SUM OF THE AMOUNT OF COMPENSATORY DAMAGES AWARDED TO THE COMPLAINANT.".

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

Affirmative – 24 Negative – 22 (See Roll Call No. 785)

Read the second time and ordered prepared for Third Reading.

Senator Frosh moved, duly seconded, to make the Bill a Special Order for April 5, 2011.

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #22

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

Senate Bill 196 – Senators Garagiola, Astle, Colburn, Currie, DeGrange, Forehand, Glassman, Jacobs, Kelley, Middleton, Montgomery, Peters, Pugh, Ramirez, Stone, and Young

AN ACT concerning

Sexual Offense in the Fourth Degree – Statute of Limitations – Increase

SB0196/838775/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 196
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "any" and substitute "a certain"; and in line 5, after "committed" insert ", if the victim was a minor at the time of the offense".

AMENDMENT NO. 2

On page 2, in line 5, strike the brackets; and in the same line, strike "**§ 3–308**" and substitute "**OR, IF THE VICTIM WAS A MINOR AT THE TIME OF THE OFFENSE, § 3–308(B)(1)**".

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 #25

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

Senate Bill 685 – Senators Astle, Klausmeier, Mathias, Muse, and Pipkin

AN ACT concerning

Unemployment Insurance – Messenger Service Drivers – Delivery

SB0685/367776/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 685
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "delivery;" insert "expanding the requirements that the Secretary of Labor, Licensing, and Regulation must find to be satisfied for certain work performed by a certain messenger service driver to not be covered employment; providing that a messenger service driver whose work is not covered employment may deliver emergency medical supplies and certain other items for a messenger service business if the messenger service business provides certain evidence that the driver is excluded from certain coverage; defining a certain term;".

AMENDMENT NO. 2

On page 1, in line 17, after "**(1)**" insert "**IN THIS SUBSECTION, "MESSENGER SERVICE BUSINESS" MEANS A BUSINESS THAT:**

(I) PRINCIPALLY AND PRIMARILY OFFERS AND PROVIDES TO THE PUBLIC OR COMMERCIAL ESTABLISHMENTS EXPEDITED, TIME CRITICAL, AND SAME DAY AS REQUESTED DELIVERY SERVICE;

(II) DOES NOT MAKE, PRODUCE, SELL, OR DISTRIBUTE WHAT IT DELIVERS; AND

(III) DOES NOT HAVE AN EXCLUSIVE CONTRACTUAL DELIVERY ARRANGEMENT WITH AN INDIVIDUAL OR A COMMERCIAL ESTABLISHMENT.

(2)";

after line 22, insert:

"**(II) THE WRITTEN AGREEMENT UNDER ITEM (I) OF THIS PARAGRAPH DOES NOT PROHIBIT THE DRIVER FROM PERFORMING FOR MORE THAN ONE PERSON WHO IS ENGAGED IN THE MESSENGER SERVICE BUSINESS;**

(III) THE DRIVER IS FREE TO ACCEPT OR REJECT DELIVERY JOBS FROM THE PERSON WHO IS ENGAGED IN THE MESSENGER SERVICE BUSINESS;";

and in line 23, strike "**(II)**" and substitute "**(IV)**".

On page 2, in lines 1, 2, and 3, strike "**(III)**", "**(IV)**", "**(V)**", respectively and substitute "**(V)**", "**(VI)**", and "**(VII)**", respectively.

AMENDMENT NO. 3

On page 2, in line 10, strike "**(2)**" and substitute "**(3)**"; in the same line after "**DRIVER**" insert "**FOR A MESSENGER SERVICE BUSINESS**"; in line 11, strike "**(1)**" and substitute "**(2)**"; strike beginning with "**INDIVIDUALLY**" in line 12 down through "**OBJECTS**" in line 13; in line 15, after "**VEHICLE**" insert "**:**

(I) INDIVIDUALLY ADDRESSED MAIL, MESSAGES, AND DOCUMENTS IN PAPER OR MAGNETIC FORMAT; AND

(II) EMERGENCY MEDICAL SUPPLIES, RECORDS, PARCELS, OR SIMILAR ITEMS IF THE MESSENGER SERVICE BUSINESS PROVIDES TO THE SECRETARY EVIDENCE OF A WORKER STATUS DETERMINATION FROM THE INTERNAL REVENUE SERVICE OR OTHER EVIDENCE THAT THE MESSENGER SERVICE DRIVER IS EXCLUDED FROM COVERAGE UNDER THE FEDERAL UNEMPLOYMENT TAX ACT".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #39

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0621/364035/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 621
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "certain" insert "annual"; in the same line, strike "individuals who are mobility impaired" and substitute "all residents of the residential high–rise building"; in line 5, after "right" insert "of mobility impaired individuals"; and in line 6, strike "certain terms" and substitute "a certain term".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 21 through 25, inclusive, and substitute:

"**FOR FIRE SAFETY PURPOSES, THE OWNER OF A RESIDENTIAL HIGH–RISE BUILDING WITH RENTAL UNITS SHALL PROVIDE REASONABLE WRITTEN NOTICE ANNUALLY TO ALL RESIDENTS OF THE RESIDENTIAL HIGH–RISE BUILDING TO INFORM RESIDENTS WHO ARE MOBILITY IMPAIRED OF THEIR RIGHT TO REQUEST A RENTAL UNIT ON THE FIRST FIVE FLOORS OF THE HIGH–RISE BUILDING IF ONE SHOULD BECOME AVAILABLE.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 630 – Delegates Beidle and Vitale

AN ACT concerning

Building Standards – High–Performance Homes

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 890 – Delegates Kach, Lafferty, and Olszewski

AN ACT concerning

Land Preservation – Land Draining to a Reservoir

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 966 – Delegates O'Donnell, Bohanan, and Wood

AN ACT concerning

Natural Resources – Restricted Waters for Shellfish Harvesting – ~~Method of~~ Testing

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 972 – Delegates Stein, Carr, Gilchrist, Glenn, Healey, Holmes, and Lafferty

AN ACT concerning

Building Codes – International Green Construction Code

HB0972/294033/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 972
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike "under certain circumstances"; and in line 8, after "term;" insert "providing for a delayed effective date;".

AMENDMENT NO. 2

On page 4, in line 9, strike "**IF**" and substitute "**REGARDLESS OF WHETHER**"; and in line 10, strike "**NOT**".

AMENDMENT NO. 3

On page 5, in line 8, strike "October 1, 2011" and substitute "March 1, 2012".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #40

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

House Bill 497 – Delegates Conway and Otto

AN ACT concerning

Natural Resources – Somers Cove Marina Commission – Procurement ~~of Capital Projects~~

HB0497/334537/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 497
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "procedures" insert "and make certain procurements in accordance with certain provisions of the procurement law"; strike beginning with "providing" in line 7 down through "law;" in line 9 and substitute "requiring the Executive Director to submit certain procurements to the Board of Public Works for approval;".

AMENDMENT NO. 2

On page 2, after line 29, insert:

"**(4) THE EXECUTIVE DIRECTOR SHALL PROCURE GOODS, SERVICES, AND CAPITAL IMPROVEMENT, DESIGN, AND MAINTENANCE PROJECTS WITH AN EXPECTED VALUE EXCEEDING $200,000 IN ACCORDANCE WITH DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

(5) FOR GOODS, SERVICES, AND CAPITAL IMPROVEMENT, DESIGN, AND MAINTENANCE PROJECTS FUNDED BY THE PROCEEDS FROM STATE BONDS, THE EXECUTIVE DIRECTOR SHALL SUBMIT THE PROPOSED AWARD TO THE BOARD OF PUBLIC WORKS FOR APPROVAL.".

On page 3, in lines 1, 9, and 11, strike "(4)", "(5)", and "(6)", respectively, and substitute "**(6)**", "**(7)**", and "**(8)**", respectively; in line 11, strike "**(I)**"; and strike in their entirety lines 14 through 17, 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:

House Bill 505 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Metropolitan Commission – Public Ethics Law

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 751 – Delegates Luedtke, Barkley, Carr, Frick, Kaiser, S. Robinson, Rosenberg, and Waldstreicher

AN ACT concerning

Agriculture – Jane Lawton Farm–to–School Program – 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:

House Bill 831 – Delegates S. Robinson, Arora, Barkley, Braveboy, Carr, Clippinger, Cullison, Frick, Gilchrist, Holmes, Hucker, A. Kelly, Luedtke, A. Miller, Niemann, Reznik, B. Robinson, Wilson, and Zucker

AN ACT concerning

Agriculture – Invasive Plants – Prevention and Control

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1212 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County Metropolitan Commission

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #41

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0195/594938/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 195
(Third Reading File Bill)

On page 2, in line 20, strike "**$300**" and substitute "**$265**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 466 – Delegates Tarrant and Kipke

AN ACT concerning

Procurement – Service Contracts for Janitorial Services

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 643 – Delegate Carr

AN ACT concerning

Procurement – State Buildings – Energy Efficient Outdoor Lighting Fixtures

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #42

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

House Bill 104 – Chair, Ways and Means Committee (By Request – Departmental – Disabilities)

AN ACT concerning

Higher Education – Community Colleges – Tuition Waiver for Disabled Individuals

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 486 – Delegates Conway, Cane, and McDermott

AN ACT concerning

Education – School Buses – Inspections and Length of Operation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 671 – The Speaker (By Request – Administration) and Delegates Barve and O'Donnell

AN ACT concerning

Federal Military and Overseas Voter Empowerment (MOVE) Act Compliance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1193 – Chair, Health and Government Operations Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

Volunteer Company Assistance Fund – Reporting Requirements – Military Department

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1208 – ~~Delegate Wilson~~ Delegates Wilson, Aumann, Bates, Beitzel, Bohanan, Clagett, Conway, DeBoy, Eckardt, Gaines, Griffith, Guzzone, Haynes, James, Jones, McConkey, Mizeur, Proctor, B. Robinson, Sophocleus, Stocksdale, Szeliga, Washington, Wood, and Zucker

AN ACT concerning

Higher Education – Exemption from Tuition for Foster Care Recipients – Eligibility Age

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #22

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

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

AN ACT concerning

Vehicle Laws – Races and Speed Contests – Enforcement and 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:

House Bill 110 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Weight and Axle Load Limits

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Vehicle Equipment – Public Transit Vehicles – Flashing Lights

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 136 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Family Law – ~~Temporary~~ Protective Orders – ~~Electronic~~ Notification of Service

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 241 – Delegate Anderson (By Request – Baltimore City Administration), the Speaker (By Request – Administration), and Delegates Conaway, Oaks, B. Robinson, Tarrant, Washington, ~~and Wilson~~ Wilson, Arora, Barkley, Clippinger, Davis, Dumais, Mitchell, Niemann, Reznik, and Waldstreicher

AN ACT concerning

Criminal Law – Restrictions Against Use and Possession of Firearms

HB0241/328176/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 241
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Restrictions Against Use and Possession of Firearms" and substitute "Use of Firearm in the Commission of a Crime of Violence or a Felony"; strike beginning with "expanding" in line 3 down through "antique" in line 4 and substitute "prohibiting the use of certain"; strike beginning with "to" in line 4 down through "crime" in line 19; and in line 20, strike "and possession of firearms" and substitute "of certain firearms in the commission of certain crimes of violence or felonies".

On page 2, strike in their entirety lines 6 through 20, inclusive.

AMENDMENT NO. 2

On pages 3 through 5, strike in their entirety the lines beginning with line 12 on page 3 through line 12 on page 5, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 263 – Frederick County Delegation

AN ACT concerning

Frederick County – Roadside Solicitation of Money or Donations – Permit Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 289 – Delegates Pena–Melnyk, Barnes, and Frush

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 302 – Delegates Anderson, Glenn, Ivey, and Oaks

AN ACT concerning

Inmates – Life Imprisonment – Parole Approval

HB0302/208270/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 302
(Third Reading File Bill)

On page 2, in line 23, strike "**90**" and substitute "**180**".

On page 3, in line 15, strike "**90**" and substitute "**180**"; and in line 18, strike "90" and substitute "180".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 349 – Delegate Simmons

AN ACT concerning

Peace Orders and Protective Orders – Shielding of Records – Orders Issued Against Respondent

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0507/438674/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 507
(Third Reading File Bill)

On page 2, in line 20, after "**(2)**" insert "**(I)**"; after line 20, insert:

"**(II) "DISCHARGE" DOES NOT INCLUDE FIRING AN ECD DURING A TRAINING EXERCISE.**";

and in line 21, strike "**(ECD)**" and substitute "**ECD**".

On page 3, strike in their entirety lines 23 and 24; and in lines 25 and 28, strike "**(9)**" and "**(10)**", respectively, and substitute "**(8)**" and "**(9)**", respectively.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 581 – Chair, Appropriations Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Displaced Homemakers Program – Evaluation and Report

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 749 – Delegates Waldstreicher, Anderson, Dumais, Rosenberg, and Valderrama

AN ACT concerning

Correctional Services – Division of Parole and Probation – Supervision Fee

HB0749/618374/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 749
(Third 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 25 down through "(i)" in line 26 and substitute a comma; and strike beginning with the semicolon in line 27 down through "supervision" in line 29.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 876 – Chair, Judiciary Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Single Parent Services – 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 with amendments:

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

HB1018/408775/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1018
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "from" insert "the residence, place of employment, school, or temporary residence of".

AMENDMENT NO. 2

On page 2, in line 24, after "**FROM**" insert "**THE RESIDENCE, PLACE OF EMPLOYMENT, SCHOOL, OR TEMPORARY RESIDENCE OF**".

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 45 Members present.

(See Roll Call No. 786)

ADJOURNMENT

At 10:16 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day April 1, 2011, Calendar Day, Tuesday, April 5, 2011.

Annapolis, Maryland
Legislative Day: April 1, 2011
Calendar Day: Tuesday, April 5, 2011
10:00 A.M. Session

The Senate met at 10:11 A.M.

Prayer by Father Donald A. Sterling, New All Saints Catholic Church, guest of Senator Gladden.

(See Exhibit A of Appendix III)

The Journal of March 31, 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. 788)

MESSAGE FROM THE EXECUTIVE

EXECUTIVE ORDER
01.01.2011.04

Proclaiming an Extended Session of the Maryland General Assembly

WHEREAS, I, Martin O'Malley, Governor of the State of Maryland, being advised that the Budget Bill has not been finally acted upon by the General Assembly seven days before the expiration of the 2011 regular Session of the General Assembly;

WHEREAS, Article III, Section 52 (10) of the Maryland Constitution provides that under these circumstances the Governor shall issue a proclamation extending the Session for a period as may, in the Governor's judgment, be necessary to allow for the passage of the Budget Bill; and

WHEREAS, Other matters may not be considered during such extended Session except a provision for the cost thereof.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY PROCLAIM THAT THE 2011 REGULAR SESSION OF THE MARYLAND GENERAL ASSEMBLY IS HEREBY EXTENDED, COMMENCING AT MIDNIGHT ON MONDAY, APRIL 11, 2011 IN THE STATE CAPITAL IN THE CITY OF ANNAPOLIS FOR THE PURPOSE OF PASSING THE STATE BUDGET BILL. THIS EXTENSION MAY NOT EXCEED TEN DAYS, OR SUCH OTHER PERIOD AS SPECIFIED BY AMENDMENT TO THIS EXECUTIVE ORDER.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 4th day of April, 2011.

_____
Martin O'Malley
Governor

ATTEST:

_____
John P. McDonough
Secretary of State

Read and ordered journalized.

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 474 – Senator James N. Mathias, Jr.:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Calvert Hall High School Football Team
in recognition of
your winning the 2010 Maryland Interscholastic Athletic Association's Division "A"
Championship. We applaud your outstanding season and wish you many more.
Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 5th day of April 2011.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 789)

THE COMMITTEE ON FINANCE REPORT #24

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

House Bill 4 – ~~Delegate Hubbard~~ Delegates Hubbard, Cullison, A. Kelly, Kipke, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, and V. Turner

AN ACT concerning

Public Health – Containers of Infant Formula Manufactured with Bisphenol–A – Prohibition

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 102 – Delegates Stifler and Conaway

AN ACT concerning

Financial Institutions – Mortgage Loan Originators – Prohibited Acts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 197 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Unemployment Insurance Benefits Claims – Appeals – Finality of Order

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 298 – Delegates Pena–Melnyk and Braveboy

AN ACT concerning

Labor and Employment – Wage Payment and Collection – Void Agreements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 468 – Delegate Kach

AN ACT concerning

Health Insurance – Dental Provider Contracts – Prohibited Provision

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 840 – Chair, Ways and Means Committee (By Request – Departmental – Children, Office for)

AN ACT concerning

Children, Youth, and Families – Services to Children with Special Needs

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1082 – Delegates Braveboy and Hucker

AN ACT concerning

Homeowner's Insurance – Model Information – People's Insurance Counsel

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1085 – Delegates Pena–Melnyk, Braveboy, Frank, Frick, Frush, Hubbard, A. Kelly, Kipke, Mizeur, Nathan–Pulliam, Oaks, and V. Turner

AN ACT concerning

~~Life or Health~~ Disability Insurance Policies ~~and Annuity Contracts~~ – Discretionary Clauses – Prohibition

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #25

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

House Bill 82 – Delegates Morhaim and Kipke

AN ACT concerning

Health Care Decisions Act – "Medical Orders for Life–Sustaining Treatment" Form

HB0082/427771/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 82
(Third Reading File Bill)

On page 9, in line 3, strike "**AND**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 233 – Delegates Barve, Gilchrist, and Simmons

AN ACT concerning

Counties and Municipal Corporations – Direct Deposit of Wages

HB0233/227876/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 233
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, 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"; strike beginning with "unless" in line 5 down through "deposit" in line 7 and substitute "who

was hired before a certain date under certain circumstances, 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"; and in line 17, strike "number".

AMENDMENT NO. 2

On page 2, in line 19, after "**MAY**" insert "**:**

1.";

in line 21, after "**SUBSECTION**" insert "**; AND**

2. REQUIRE AN EMPLOYEE TO RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT AS A CONDITION OF EMPLOYMENT";

in line 24, strike "**UNLESS THE EMPLOYEE**"; and strike in their entirety lines 25 through 30, inclusive, and substitute:

"**1. WHO WAS HIRED BEFORE OCTOBER 1, 2011, UNLESS THE COUNTY OR MUNICIPAL CORPORATION, BEFORE OCTOBER 1, 2011, REQUIRED BY LOCAL LAW, REGULATION, OR COLLECTIVE BARGAINING AGREEMENT, THE PAYMENT OF WAGES BY DIRECT DEPOSIT;**

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.".

On page 3, in line 16, strike "**A**" and substitute "**THE**"; and in line 22, strike "**OF**" and substitute "**SELECTED BY**".

On page 4, in line 5, strike "**AUTOMATIC CLEARINGHOUSE**" and substitute "**AUTOMATED CLEARING HOUSE**"; and in line 7, strike "**NUMBER**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 275 – Allegany County Delegation

AN ACT concerning

Public Utilities – Net Energy Metering – Hydroelectric

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 392 – Delegates Feldman, Barkley, and W. Miller

AN ACT concerning

Labor and Employment – Workers' Compensation – Venue for Appeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 417 – Delegates Jameson, Beitzel, Clagett, Davis, K. Kelly, and Love

AN ACT concerning

Workers' Compensation – Death Benefits – Dependency

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 450 – Delegates Hubbard and Hammen

AN ACT concerning

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

HB0450/547873/1
BY: Finance Committee

AMENDMENTS TO HOUSE BILL 450
(Third 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 5 through 7, inclusive; in line 24, strike "**SAFETY NET PROVIDERS**" and substitute "**COMMUNITY HEALTH RESOURCES**"; and in line 27, strike "safety net provider" and substitute "community health resource".

AMENDMENT NO. 3

On page 4, in lines 1, 5, 8, 10, 15, 17, and 20, in each instance, strike "safety net providers" and substitute "community health resources"; in line 13, strike "safety net providers" and substitute "community health resources"; in line 20, strike "providers" and substitute "community health resources"; and strike beginning with "safety" in line 24 down through "providers" in line 25 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:

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~~

HB0529/577673/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 529
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike "customers" and substitute "a customer"; in line 8, after the first "a" insert "print"; in the same line, strike "each" and substitute "the"; in the same line, after "customer" insert "at an address in the State"; and in line 10, after "circumstances;" insert "requiring the Public Service Commission to review certain complaints, make certain determinations, and report certain findings and recommendations to certain committees of the General Assembly on or before a certain date;".

AMENDMENT NO. 2

On page 2, in line 9, after the second "**A**", insert "**PRINT**"; in line 10, strike "**EACH**" and substitute "**A**"; in the same line, after "**CUSTOMER**" insert "**AT AN ADDRESS IN THE STATE**"; in line 11, strike the first "**A**" and substitute "**THE**"; in line 19, strike "**AND**"; in line 20, after "**THE**" insert "**TELEPHONE**"; in the same line, after "**SITE**" insert "**; AND**

3. IN BOLD RED PRINT, ON THE FRONT COVER AND THE TABLE OF CONTENTS PAGE OF ANY PRINT ADVERTISEMENT–BASED

BUSINESS DIRECTORY DISTRIBUTED ON BEHALF OF THE TELEPHONE COMPANY THROUGH SEPTEMBER 30, 2016";

in line 22, after the second "**THE**" insert "**PRINT TELEPHONE**"; after line 23, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2013, the Public Service Commission shall:

(1) (i) review complaints received from residential customers who have indicated that they have not received a print telephone directory; and

(ii) based on the complaints, determine whether the notification requirement under § 8–206 of the Public Utilities Article as enacted by Section 1 of this Act is an adequate way to notify various customer groups, including the elderly and low–income individuals, as to how to request a print telephone directory; and

(2) report its findings and recommendations to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2–1246 of the State Government Article.";

and in line 24, 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:

House Bill 597 – Delegate Davis

AN ACT concerning

Public Service Commission – Customer Education on Customer Choice

HB0597/777976/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 597

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 19, after "recommendations" insert "as soon as practicable".

AMENDMENT NO. 2

On page 3, in line 30, strike "**AND**".

On page 4, in line 3, 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".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 598 – Delegate Davis

AN ACT concerning

Injured Workers' Insurance Fund – Employee Compensation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 647 – Delegate Braveboy

AN ACT concerning

~~Property and Casualty~~ Homeowner's Insurance – Victims of Crimes of Violence – Discrimination Prohibited

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 860 – Delegate McHale and the Speaker (By Request – Administration) and Delegates Clippinger, Hammen, Holmes, and Washington

AN ACT concerning

Electricity – Net Energy Metering

HB0860/487275/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 860
(Third Reading File Bill)

On page 1, 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;".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 933 – Delegate Jameson and the Speaker (By Request – Administration) and Delegates Barve, Anderson, Barkley, Bobo, Bohanan, Branch, Braveboy, Cane, Cardin, Carr, Conaway, Conway, Donoghue, Dumais, Feldman, Frush, Gaines, Glenn, Hammen, Hubbard, Hucker, Ivey, James, Lafferty, Love, McHale, Minnick, Mizeur, Morhaim, Murphy, Proctor, Rosenberg, Ross, Schuh, Schulz, Valderrama, Vallario, Vaughn, and Wood

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1041 – Delegates Vaughn, Arora, Barkley, Barnes, Braveboy, Dumais, Frick, Frush, Gaines, Gilchrist, Gutierrez, Hucker, Jameson, Kach, Kaiser, Kramer, Lee, Love, Minnick, Mitchell, Mizeur, Niemann, Reznik, Stukes, Tarrant, Waldstreicher, and Washington

AN ACT concerning

Business Regulation – Definition of Home Builder

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1242 – Chair, Baltimore County Delegation (By Request – Baltimore County Administration)

AN ACT concerning

Baltimore County – Miscellaneous Business Licenses – Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1311 – Delegates Jameson, Barkley, Kramer, Love, W. Miller, Schulz, and Vaughn

AN ACT concerning

Motor Vehicle Insurers – Standards for Cancellation or Refusal of Insurance – Driving While Impaired by Alcohol

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 67	Sen. Edwards	Maryland Strategic Energy Investment Fund – Small Rural Electric Cooperative – Prohibition
SB 81	Ch., Finance Com.	Higher Education – Assistance Efforts for Family Investment

		Program Recipients – Repeal
SB 91	The President	State Board of Architects – Sunset Extension and Program Evaluation
SB 92	The President	St Bd of Heating, Ventilation, A–C, and Refrig Contractors – Sunset Ext and Program Evaluation
SB 94	The President	State Board for Professional Engineers – Sunset Extension and Program Evaluation
SB 159	Sen. Frosh	Natural Resources – Oyster Poaching – Hearing
SB 199	Sen. Glassman	State Retirement and Pension System – Direct Mailings by Retiree Organizations
SB 207	Calvert Co. Senators	Calvert County – Public Facilities Bonds
SB 253	Sen. Edwards	Garrett County – Vacancy in Office of County Commissioner – Appointment Process
SB 288	Chair, EHE Com.	Higher Education – Cultural Diversity Programs – Reporting Requirements
SB 292	Chair, EHE Com.	Institutions of Postsecondary Ed – Falsified Transcripts, Diplomas, and Grade Rpts – Penalties
SB 356	Sen. Jones–Rodwell	State Retirement and Pension System – Military Service Credit – Eligibility
SB 357	Sen. Jones–Rodwell	State Retirement and Pension System – Administration – Simplification
SB 358	Sen. Jones–Rodwell	Audit Responsibilities – State Department of Ed, Md Higher Ed Commission, and State Ret Agency
SB 359	Sen. Jones–Rodwell	State Ret and Pension System – Unclaimed Money – Former Members, Retirees, and Beneficiaries
SB 383 (Emergency Bill)	Sen. Mathias	Somerset County – Deputy State's Attorney – Private Practice
SB 414	Sen. Frosh	Natural Resources – Administrative Procedures –

		Electronic Citations, Inspections, and Hearings
SB 424	Sen. Brochin	Motor Vehicles – Use of Text Messaging Device While Driving – Prohibited Acts
SB 463	Carroll Co. Senators	Carroll County – Public Facilities Bonds
SB 468	Carroll Co. Senators	Carroll County – Deer Hunting on Private Property – Sundays
SB 469	Carroll Co. Senators	Carroll County – Fortune Telling Ban – Repeal
SB 571	Sen. Pugh	Insurance – Delivery of Notices by Electronic Means – Authorized
SB 655	Sen. Pinsky	Natural Resources – Commercial Fishing Violations – Enhanced Penalties
SB 695	Sen. Pinsky	Higher Ed – Reg of Public, Private Nonprofit, and For–Profit Institutions of Higher Ed
SB 736	Cecil Co. Senators	Cecil County – Alcoholic Beverages – Licensed Establishments – Sunday Sales Hours
SB 799	Sen. Jones–Rodwell	St Ret and Pnsn Sys – Retirees and Beneficiaries of Retirees – Annual Ret Allowance Adjustments
SB 975	Sen. Edwards	Economic Development – Tri–County Council for Western Maryland – Membership and Leadership

Endorsed as having been read the third time and passed by yeas and nays in the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 220 – ~~Delegates McConkey and Schuh~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County Board of Education – Member Reappointment and Terms

FOR the purpose of providing that a member of the Anne Arundel County Board of Education is eligible for nomination and reappointment under certain circumstances; ~~prohibiting an individual from serving as a board member for more than a certain number of consecutive terms~~ clarifying that a certain provision of law provides for the term of a member; making a certain stylistic change; making certain conforming changes; and generally relating to the reappointment and terms of the members of the Anne Arundel County Board of Education.

BY repealing and reenacting, without amendments,
Article – Education
Section 3–108(c)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 3–110
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 869 – Delegates Hixson, Arora, Barkley, Barve, Feldman, Frick, Gilchrist, Kaiser, Luedtke, A. Miller, Reznik, and F. Turner

AN ACT concerning

Education – Maintenance of Effort – Penalty

FOR the purpose of making the imposition of a penalty for a county's noncompliance with certain maintenance of effort provisions for funding public education applicable in a certain fiscal year; ~~waiving the maintenance of effort penalty for a certain fiscal year;~~ providing for the application of this Act; and generally relating to the maintenance of effort penalty.

BY repealing and reenacting, with amendments,
Article – Education
Section 5–213
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1073 – Delegates Boteler, Afzali, Cluster, DeBoy, Dwyer, Fisher, Frank, George, Glass, Hershey, Howard, Impallaria, Kach, Krebs, McComas, McConkey, McDonough, A. Miller, Mitchell, Myers, Norman, Olszewski, Reznik, Schulz, Serafini, Smigiel, Stocksdale, Stukes, V. Turner, Weir, Wilson, and Wood

AN ACT concerning

State Lottery Agency – Veterans Lottery – Established

FOR the purpose of requiring the State Lottery Agency to conduct a certain ~~number of lotteries~~ annual lottery for the benefit of the Maryland Veterans Trust Fund; requiring the Agency to deposit into the Fund a percentage of the proceeds, after certain expenses of the veterans ~~lotteries;~~ lottery; requiring the Agency to meet certain advertising criteria in conducting the veterans ~~lotteries;~~ lottery; and generally relating to lotteries conducted by the State Lottery Agency.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–120 and 9–913
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – State Government
Section 9–120.2
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1167 – Delegates Conway, Cane, McDermott, and Rudolph

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – ~~Motor Scooters – Definition~~ Motorized Passenger Scooter – Use in Ocean City

FOR the purpose of ~~altering the definition of "motor scooter" under the Maryland Vehicle Law~~ authorizing the use of a "motorized passenger scooter" on certain highways under certain conditions; authorizing the State Highway Administration to prohibit the operation of a motorized passenger scooter on certain highways under certain circumstances; defining certain terms; making this Act an emergency measure; and generally relating to ~~the definition of~~

~~"motor scooter" under the Maryland Vehicle Law.~~ the use of a motorized passenger scooter in Ocean City.

~~BY repealing and reenacting, with amendments,~~
~~Article – Transportation~~
~~Section 11–134.5~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2010 Supplement)~~

BY repealing and reenacting, without amendments,
Article – Transportation
Section ~~21–1201(e)~~ 21–101(a), (c), (d), and (e)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Transportation
Section 25–102.2
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1202 – Delegates Malone and DeBoy

AN ACT concerning

Alcoholic Beverages – Brewery License – Samples and Sales

FOR the purpose of altering the number of beer samples that a holder of a brewery license may provide to a person of legal drinking age who participates in a tour, promotional event, or other organized activity at the licensed premises; altering the limit on certain purchases of beer per person; establishing a certain limitation on selling beer under certain circumstances; altering the sample size that a holder may provide at a promotional event; altering the limit on the number of special brewery promotional event permits that a holder may be issued in a calendar year; and generally relating to brewery licenses.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–206
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. 790)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #62

Senate Bill 196 – Senators Garagiola, Astle, Colburn, Currie, DeGrange, Forehand, Glassman, Jacobs, Kelley, Middleton, Montgomery, Peters, Pugh, Ramirez, Stone, and Young

AN ACT concerning

Sexual Offense in the Fourth Degree – Statute of Limitations – Increase

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

Affirmative – 46 Negative – 0 (See Roll Call No. 791)

The Bill was then sent to the House of Delegates.

Senate Bill 685 – Senators Astle, Klausmeier, Mathias, Muse, and Pipkin

AN ACT concerning

Unemployment Insurance – Messenger Service Drivers – Delivery

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

Affirmative – 46 Negative – 0 (See Roll Call No. 792)

The Bill was then sent to the House of Delegates.

Senate Bill 974 – Senator Astle

AN ACT concerning

Health Insurance – Pharmacy Benefits Managers – ~~Contracts, Disclosures, and Audits~~ Claims

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

Affirmative – 46 Negative – 0 (See Roll Call No. 793)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #9

House Bill 208 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Aquaculture – Shellfish Leasing Areas – Expansion

FLOOR AMENDMENT

HB0208/613122/1
BY: Senator Colburn

AMENDMENTS TO HOUSE BILL 208
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 16 and 17, strike "altering certain definitions;"; after line 18, insert:

"BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4–1001(o), 4–1101(i), and 4–11A–01(j)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)";

in line 21, strike "4–1001(o),"; in the same line strike "4–1101(i),"; and in the same line, strike "and (j)".

AMENDMENT NO. 2

On page 2 in lines 12, 13, and 21, on page 3 in lines 16, 17, and 25, and on page 4 in lines 5, 6, and 7, in each instance, strike the bracket.

AMENDMENT NO. 3

On page 4 in line 24, on page 6 in line 26, and on page 7 in line 32, in each instance, strike "**LOCATED IN AN OYSTER SANCTUARY**".

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

Affirmative – 10 Negative – 36 (See Roll Call No. 794)

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

Affirmative – 45 Negative – 0 (See Roll Call No. 795)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 44 Negative – 1 (See Roll Call No. 796)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 797)

The Bill was then sent to the House of Delegates.

House Bill 630 – Delegates Beidle and Vitale

AN ACT concerning

Building Standards – High–Performance Homes

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

Affirmative – 46 Negative – 0 (See Roll Call No. 798)

The Bill was then sent to the House of Delegates.

House Bill 890 – Delegates Kach, Lafferty, and Olszewski

AN ACT concerning

Land Preservation – Land Draining to a Reservoir

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

Affirmative – 46 Negative – 0 (See Roll Call No. 799)

The Bill was then sent to the House of Delegates.

House Bill 966 – Delegates O'Donnell, Bohanan, and Wood

AN ACT concerning

Natural Resources – Restricted Waters for Shellfish Harvesting – ~~Method of~~ Testing

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

Affirmative – 45 Negative – 0 (See Roll Call No. 800)

The Bill was then sent to the House of Delegates.

House Bill 972 – Delegates Stein, Carr, Gilchrist, Glenn, Healey, Holmes, and Lafferty

AN ACT concerning

Building Codes – International Green Construction Code

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

Affirmative – 46 Negative – 0 (See Roll Call No. 801)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #10

House Bill 497 – Delegates Conway and Otto

AN ACT concerning

Natural Resources – Somers Cove Marina Commission – Procurement ~~of Capital Projects~~

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

Affirmative – 46 Negative – 0 (See Roll Call No. 802)

The Bill was then sent to the House of Delegates.

House Bill 505 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Metropolitan Commission – Public Ethics Law

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

Affirmative – 46 Negative – 0 (See Roll Call No. 803)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 804)

The Bill was then sent to the House of Delegates.

House Bill 751 – Delegates Luedtke, Barkley, Carr, Frick, Kaiser, S. Robinson, Rosenberg, and Waldstreicher

AN ACT concerning

Agriculture – Jane Lawton Farm–to–School Program – Reporting

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

Affirmative – 46 Negative – 0 (See Roll Call No. 805)

The Bill was then sent to the House of Delegates.

House Bill 831 – Delegates S. Robinson, Arora, Barkley, Braveboy, Carr, Clippinger, Cullison, Frick, Gilchrist, Holmes, Hucker, A. Kelly, Luedtke, A. Miller, Niemann, Reznik, B. Robinson, Wilson, and Zucker

AN ACT concerning

Agriculture – Invasive Plants – Prevention and Control

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

Affirmative – 46 Negative – 0 (See Roll Call No. 806)

The Bill was then sent to the House of Delegates.

House Bill 1212 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County Metropolitan Commission

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

Affirmative – 45 Negative – 0 (See Roll Call No. 807)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #11

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 808)

The Bill was then sent to the House of Delegates.

House Bill 104 – Chair, Ways and Means Committee (By Request – Departmental – Disabilities)

AN ACT concerning

Higher Education – Community Colleges – Tuition Waiver for Disabled Individuals

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

Affirmative – 46 Negative – 0 (See Roll Call No. 809)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 41 Negative – 5 (See Roll Call No. 810)

The Bill was then sent to the House of Delegates.

House Bill 466 – Delegates Tarrant and Kipke

AN ACT concerning

Procurement – Service Contracts for Janitorial Services

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

Affirmative – 46 Negative – 0 (See Roll Call No. 811)

The Bill was then sent to the House of Delegates.

House Bill 486 – Delegates Conway, Cane, and McDermott

AN ACT concerning

Education – School Buses – Inspections and Length of Operation

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

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

The Bill was then sent to the House of Delegates.

House Bill 643 – Delegate Carr

AN ACT concerning

Procurement – State Buildings – Energy Efficient Outdoor Lighting Fixtures

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

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

The Bill was then sent to the House of Delegates.

House Bill 671 – The Speaker (By Request – Administration) and Delegates Barve and O'Donnell

AN ACT concerning

Federal Military and Overseas Voter Empowerment (MOVE) Act Compliance

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

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

The Bill was then sent to the House of Delegates.

House Bill 1193 – Chair, Health and Government Operations Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

Volunteer Company Assistance Fund – Reporting Requirements – Military Department

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

Affirmative – 46 Negative – 0 (See Roll Call No. 815)

The Bill was then sent to the House of Delegates.

House Bill 1208 – ~~Delegate Wilson~~ Delegates Wilson, Aumann, Bates, Beitzel, Bohanan, Clagett, Conway, DeBoy, Eckardt, Gaines, Griffith, Guzzone, Haynes, James, Jones, McConkey, Mizeur, Proctor, B. Robinson, Sophocleus, Stocksdale, Szeliga, Washington, Wood, and Zucker

AN ACT concerning

Higher Education – Exemption from Tuition for Foster Care Recipients – Eligibility Age

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

Affirmative – 45 Negative – 1 (See Roll Call No. 816)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #12

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

AN ACT concerning

Vehicle Laws – Races and Speed Contests – Enforcement and Penalties

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

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

The Bill was then sent to the House of Delegates.

House Bill 110 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Weight and Axle Load Limits

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

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

The Bill was then sent to the House of Delegates.

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

AN ACT concerning

Vehicle Equipment – Public Transit Vehicles – Flashing Lights

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

Affirmative – 45 Negative – 0 (See Roll Call No. 819)

The Bill was then sent to the House of Delegates.

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

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

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

The Bill was then sent to the House of Delegates.

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

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

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

The Bill was then sent to the House of Delegates.

House Bill 241 – Delegate Anderson (By Request – Baltimore City Administration), the Speaker (By Request – Administration), and Delegates Conaway, Oaks, B. Robinson, Tarrant, Washington, ~~and Wilson~~ Wilson, Arora, Barkley, Clippinger, Davis, Dumais, Mitchell, Niemann, Reznik, and Waldstreicher

AN ACT concerning

Criminal Law – Restrictions Against Use and Possession of Firearms

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

Affirmative – 45 Negative – 0 (See Roll Call No. 822)

The Bill was then sent to the House of Delegates.

House Bill 263 – Frederick County Delegation

AN ACT concerning

Frederick County – Roadside Solicitation of Money or Donations – Permit Program

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

Affirmative – 46 Negative – 0 (See Roll Call No. 823)

The Bill was then sent to the House of Delegates.

House Bill 289 – Delegates Pena–Melnyk, Barnes, and Frush

AN ACT concerning

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

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

Affirmative – 35 Negative – 10 (See Roll Call No. 824)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #13

House Bill 302 – Delegates Anderson, Glenn, Ivey, and Oaks

AN ACT concerning

Inmates – Life Imprisonment – Parole Approval

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

Affirmative – 31 Negative – 15 (See Roll Call No. 825)

The Bill was then sent to the House of Delegates.

House Bill 349 – Delegate Simmons

AN ACT concerning

Peace Orders and Protective Orders – Shielding of Records – Orders Issued Against Respondent

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

Affirmative – 46 Negative – 0 (See Roll Call No. 826)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 39 Negative – 7 (See Roll Call No. 827)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 828)

The Bill was then sent to the House of Delegates.

House Bill 581 – Chair, Appropriations Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Displaced Homemakers Program – Evaluation and Report

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

Affirmative – 46 Negative – 0 (See Roll Call No. 829)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 45 Negative – 0 (See Roll Call No. 830)

The Bill was then sent to the House of Delegates.

House Bill 749 – Delegates Waldstreicher, Anderson, Dumais, Rosenberg, and Valderrama

AN ACT concerning

Correctional Services – Division of Parole and Probation – Supervision Fee

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

Affirmative – 40 Negative – 6 (See Roll Call No. 831)

The Bill was then sent to the House of Delegates.

House Bill 876 – Chair, Judiciary Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Single Parent Services – Repeal

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

Affirmative – 46 Negative – 0 (See Roll Call No. 832)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 833)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #16

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

House Bill 86 – The Speaker (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:

House Bill 249 – Delegate Proctor

AN ACT concerning

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

HB0249/919633/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 249
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "providing" in line 4 down through "organizations;" in line 7 and substitute "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;"; strike beginning with "defining" in line 9 down through "term;" in line 10; in line 10, after "date" insert "of certain provisions"; and after line 17, insert:

"BY repealing and reenacting, with amendments,
Article – State Personnel 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 1, insert:

"21–128.

(a) In this section, "retiree organization" means the Maryland Retired School Personnel Association.

(b) (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) 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) (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) The Board of Trustees is not liable for the content of any direct mailing sent under this section.

(f) 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 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Personnel and Pensions".

AMENDMENT NO. 3

On page 2, after line 25, 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. 4

On page 3, after line 12, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the laws of Maryland read as follows:".

AMENDMENT NO. 5

On page 3, after line 24, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2012.";

in line 25, strike "2." and substitute "5."; in the same line, after "That" insert ", except as provided in Section 4 of this Act,"; and in line 26, strike "July 1, 2012" and substitute "June 1, 2011".

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:

House Bill 406 – Washington County Delegation

AN ACT concerning

Washington County – Water and Sewer Debt Reduction Fund – ~~Repeal~~ Conococheague Industrial Pretreatment Facility

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:

House Bill 601 – Delegates Olszewski, Minnick, and Weir

AN ACT concerning

Sustainable Communities Tax Credit Program – 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:

House Bill 700 – Howard County Delegation

AN ACT concerning

Howard County – Hotel Rental Tax Rate
Ho. Co. 6–11

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:

House Bill 868 – Delegates Hixson, Barve, Boteler, Frick, Ivey, Kaiser, Luedtke, Ross, Stukes, ~~and F. Turner~~ F. Turner, and Howard

EMERGENCY BILL

AN ACT concerning

Video Lottery Operation Licensees – Noninterference

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:

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

HB1088/359632/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 1088
(Third Reading File Bill)

On page 8, in line 34, strike "of Education".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1233 – Delegate Frick

AN ACT concerning

Income Tax – Withholding Statements – Electronic Submission

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:

House Bill 1245 – Delegate Kach

AN ACT concerning

Recordation Tax and State Transfer Tax – Exemptions

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:

House Bill 1310 – Delegate Conway

AN ACT concerning

Tax Supported Debt – Energy Performance Contracts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #26

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

House Bill 40 – Delegate Feldman

AN ACT concerning

Joint Committee on Workers' Compensation Benefit and Insurance Oversight – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 87 – Delegates Reznik, Barkley, Bobo, Boteler, Braveboy, Bromwell, Carr, Cullison, Feldman, Gilchrist, Gutierrez, Hixson, Howard, Hucker, Kaiser, A. Kelly, Lee, Love, Luedtke, A. Miller, Murphy, B. Robinson, S. Robinson, Valderrama, Vaughn, Weir, ~~and Zucker~~ Zucker, Carter, and Glenn

AN ACT concerning

Job Applicant Fairness Act

Favorable report adopted.

FLOOR AMENDMENT

HB0087/197776/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 87
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after "an" insert "applicant or".

AMENDMENT NO. 2

On page 4, in lines 19, 26, and 28, in each instance, strike "**OR (C)**".

On page 5, in lines 7 and 9, in each instance, strike "**ITEM**" and substitute "**SUBPARAGRAPH**".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0164/627477/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 164
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "date;" insert "providing that this Act does not limit the authority of the Commission to receive, consider, and approve certain pilot programs in advance of a certain date; requiring the Commission to consider and act upon certain proposals in a certain manner;".

AMENDMENT NO. 2

On page 2, after line 24, insert:

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

(1) Section 7–2111 of the Public Utilities Article, as enacted by Section 1 of this Act, does not limit the authority of the Public Service Commission to receive, consider, and approve proposals for a pilot program for electric customers to recharge electric vehicles during off–peak hours in advance of the date by which the Public

Service Commission is required to act in accordance with § 7–211 of the Public Utilities Article, as enacted by Section 1 of this Act; and

(2) the Public Service Commission shall promptly consider and act upon each proposal for a pilot program for electric customers to recharge electric vehicles during off–peak hours that is submitted under § 7–211 of the Public Utilities Article as enacted by Section 1 of this Act.";

and 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 Middleton, Chair, for the Committee on Finance reported favorably:

House Bill 170 – The Speaker (By Request – Administration) and Delegates Hammen, Hubbard, Anderson, Arora, Barnes, Cullison, Dumais, Gutierrez, Guzzone, Hucker, A. Kelly, Lee, Morhaim, Nathan–Pulliam, Pena–Melnyk, Pendergrass, Reznik, Rosenberg, V. Turner, and Zucker

AN ACT concerning

Health Insurance – Conformity with Federal Law

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 346 – Delegates Donoghue, Costa, Glenn, Haynes, Kach, Nathan–Pulliam, Pena–Melnyk, Tarrant, ~~and V. Turner~~ V. Turner, Bromwell, Cullison, Elliott, Frank, Hammen, A. Kelly, Kipke, Krebs, McDonough, Morhaim, Murphy, Oaks, Pendergrass, Ready, and Reznik

AN ACT concerning

Health – State Facilities and Residential Centers – Definition of Abuse ~~and Required Guidelines for Employees~~

HB0346/437173/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 346
(Third Reading File Bill)

On page 1, in line 13, after "Department" insert "of Health and Mental Hygiene".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 444 – Delegate Nathan–Pulliam

AN ACT concerning

Health Insurance – Provider Panels – Notice of Receipt of Application

HB0444/587978/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 444
(Third Reading File Bill)

On page 1, in line 16, strike ", (4), (9), and (10)" and substitute "and (4)"; in line 21, strike "15–112(d)" and substitute "15–112(a)(9) and (10) and (d)"; and after line 23, insert:

"BY adding to
Article – Insurance
Section 15–112(a)(9)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 665 – Delegates Lee, Arora, Barkley, Barve, DeBoy, Feldman, Frick, George, Glenn, Gutierrez, Kipke, Luedtke, McComas, McDermott, A. Miller, Mitchell, B. Robinson, F. Turner, Valderrama, Vitale, and Wilson

AN ACT concerning

Commission on Maryland Cybersecurity Innovation and Excellence

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 736 – Delegates Tarrant, Bromwell, Costa, Cullison, Elliott, Frank, Kach, A. Kelly, Krebs, Morhaim, Murphy, Nathan–Pulliam, Pena–Melnyk, Ready, Reznik, ~~and V. Turner~~ V. Turner, Donoghue, Hammen, Hubbard, Kipke, McDonough, Oaks, and Pendergrass

AN ACT concerning

Electronic Health Records – Incentives for Health Care Providers – Regulations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 778 – Delegates Mizeur, Smigiel, Ross, Alston, Barkley, Bobo, Carr, Frick, Gaines, Hixson, Hubbard, Jameson, Jones, Kaiser, A. Kelly, Lee, Luedtke, McIntosh, A. Miller, Murphy, Nathan–Pulliam, Pena–Melnyk, ~~and Reznik~~ Reznik, Oaks, Kipke, Costa, Morhaim, Pendergrass, Hammen, V. Turner, Tarrant, Bromwell, and Cullison

AN ACT concerning

Family Planning Works Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 784 – Delegates Pendergrass, Costa, Elliott, Kach, A. Kelly, Kipke, Nathan–Pulliam, Pena–Melnyk, ~~and Tarrant~~ Tarrant, Bromwell, Cullison, Donoghue, Frank, Hammen, Hubbard, McDonough, Morhaim, Murphy, Oaks, Ready, Reznik, and V. Turner

AN ACT concerning

Medical Records – Health Information Exchanges

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 983 – Delegates Rudolph, Bromwell, Donoghue, Elliott, Frank, Kach, Krebs, Oaks, Ready, Tarrant, ~~and V. Turner~~ V. Turner, Hammen, Pendergrass, Costa, Cullison, Hubbard, A. Kelly, Kipke, McDonough, Morhaim, Murphy, Nathan–Pulliam, Pena–Melnyk, and Reznik

AN ACT concerning

Public Health – Cord Blood Transplant Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1150 – Delegates Hubbard, Costa, Cullison, Kach, Lee, Pena–Melnyk, Reznik, and Tarrant

AN ACT concerning

Mental Hygiene Administration – Facilities – Trauma–Informed Care

HB1150/307575/2

BY: Finance Committee

AMENDMENT TO HOUSE BILL 1150
(Third Reading File Bill)

On page 1, in line 23, after "pilot" insert "program".

On page 10, in lines 25 and 33, in each instance, after "pilot" insert "program"; and in line 25, strike "of" and substitute "for".

On page 11, in lines 3 and 14, in each instance, after "pilot" insert "program"; in line 3, strike the second "of" and substitute "for"; and in line 12, strike "Health" and substitute "Hygiene".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1178 – Delegates Tarrant, Kach, Bromwell, Krebs, Murphy, Reznik, ~~and Walker~~ Walker, Donoghue, Frank, Nathan–Pulliam, Oaks, Pena–Melnyk, and Pendergrass

AN ACT concerning

~~Health Insurance – Public Health Plans – Education and Disclosure Requirements~~
Licensed Insurance Producers – Information on State Health Programs

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1180 – Delegate Barkley

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.

SPECIAL ORDERS

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

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 51 – Delegates Olszewski and Kach

AN ACT concerning

Video Lottery Operation Licenses – Information on Payouts

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

Senator Klausmeier moved, duly seconded, to reconsider the vote by which the floor amendments were adopted.

The motion was adopted.

FLOOR AMENDMENT

HB0051/533521/1
BY: Senator Klausmeier

AMENDMENT TO HOUSE BILL 51, AS AMENDED

In line 4 of the Budget and Taxation Committee Amendment (HB0051/749631/1), strike "**$2,500**" and substitute "**$5,000**".

The preceding amendment was withdrawn.

Senator Klausmeier moved, duly seconded, to make the Bill a Special Order for April 7, 2011.

The motion was adopted.

Senate Bill 642 – Senator Gladden

AN ACT concerning

Human Relations – Discrimination by a Place of Public Accommodation – Enforcement and Remedies

STATUS OF BILL: QUESTION IS: "SHALL THE SENATE RECONSIDER THE VOTE BY WHICH THE BILL PASSED TO THIRD READING?"

Senator Raskin moved, duly seconded, to place **Senate Bill 642** back on second reading for the purpose of adding amendments.

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

Affirmative – 23 Negative – 21 (See Roll Call No. 834)

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

Senator King moved, duly seconded, to reconsider the vote by which the floor amendments were adopted.

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

Affirmative – 24 Negative – 22 (See Roll Call No. 835)

FLOOR AMENDMENT

SB0642/123727/2
BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 642, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, after "Accommodation" insert "and Unlawful Employment Practices"; and in line 9, after the second "action" insert "; prohibiting a person from charging or collecting a fee for certain legal services unless the fee is approved by the court; establishing that certain fees may not exceed a certain percentage of certain compensatory damages; providing that a certain fee is a lien on certain compensatory damages under certain circumstances; providing that a certain fee shall be paid only in a certain manner; authorizing the court to hear and decide certain questions and issue certain orders under certain circumstances; providing that a certain order of the court may be enforced or appealed in a certain manner; prohibiting the court from awarding attorney's fees in excess of a certain amount under certain circumstances".

On page 1 of the Judicial Proceedings Committee Amendments (SB0642/848573/1), in line 11 of Amendment No. 1, after "20–1013," insert "20–1015,".

AMENDMENT NO. 2

On page 5 of the bill, in line 30, after the period insert:

"20–1015.

(A) (1) (I) 1. UNLESS APPROVED BY THE COURT, A PERSON MAY NOT CHARGE OR COLLECT A FEE FOR LEGAL SERVICES FROM A

COMPLAINANT IN CONNECTION WITH A CIVIL ACTION BROUGHT UNDER THIS PART.

2. THE FEES FOR LEGAL SERVICES MAY NOT EXCEED 25% OF THE SUM OF THE AMOUNT OF COMPENSATORY DAMAGES AWARDED TO THE COMPLAINANT.

(II) WHEN THE COURT APPROVES A FEE DESCRIBED UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH, THE FEE IS A LIEN ON THE COMPENSATORY DAMAGES AWARDED TO THE COMPLAINANT.

(III) NOTWITHSTANDING SUBPARAGRAPH (II) OF THIS PARAGRAPH, A FEE PAID FROM AN AWARD OF COMPENSATORY DAMAGES SHALL BE PAID ONLY IN THE MANNER SET BY THE COURT.

(2) ON APPLICATION OF A PARTY, THE COURT MAY:

(I) HEAR AND DECIDE ANY QUESTION CONCERNING LEGAL SERVICES PERFORMED IN CONNECTION WITH A CIVIL ACTION BROUGHT UNDER THIS PART; AND

(II) ORDER A PERSON WHO RECEIVED A FEE FOR LEGAL SERVICES TO REFUND TO THE COMPLAINANT ANY PART OF THE FEE THAT THE COURT FINDS TO BE EXCESSIVE.

(3) AN ORDER OF A COURT SETTING THE PAYMENT OR ORDERING THE REFUND OF PAYMENT FOR LEGAL SERVICES MAY BE ENFORCED OR APPEALED IN THE SAME MANNER AS AN AWARD OF COMPENSATORY DAMAGES UNDER THIS PART.

(B) (1) [In**]SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN** an action brought under this part, the court may award the prevailing party reasonable attorney's fees, expert witness fees, and costs.

(2) THE COURT MAY NOT AWARD ATTORNEY'S FEES TO A COMPLAINANT IN EXCESS OF 25% OF THE SUM OF THE AMOUNT OF COMPENSATORY DAMAGES AWARDED TO THE COMPLAINANT.".

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

Affirmative – 20 Negative – 26 (See Roll Call No. 836)

FLOOR AMENDMENT

SB0642/943229/1
BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 642
(First Reading File Bill)

AMENDMENT NO. 1

Strike the Judicial Proceedings Committee Amendments (SB0642/848573/1) in their entirety.

AMENDMENT NO. 2

On page 1 of the bill, in line 2, after "Accommodation –" insert "Study of"; strike beginning with "expanding" in line 4 down through the second "action" in line 9 and substitute "requiring the Commission on Human Relations to conduct a certain study and report its findings to certain committees of the General Assembly on or before a certain date"; in line 10, strike "enforcement" and substitute "a study of the enforcement authority of the Commission on Human Relations"; and strike in their entirety lines 12 through 16, inclusive.

AMENDMENT NO. 3

On page 1 of the bill, in line 18, strike "the Laws of Maryland read as follows"; and after line 18, insert:

"(a) The Commission on Human Relations shall study the impact of expanding the Commission's authority to impose higher penalties or award additional remedies with respect to acts of discrimination by places of public accommodation, on the following:

(1) the small business community;

(2) religious organizations; and

(3) historic buildings.

(b) The Commission shall study the potential impact of imposing a cap on the fees that an attorney may charge for legal services related to acts of discrimination by places of public accommodation.

(c) The Commission shall work with representatives of the business community, local governments, institutions of higher education, the blind and disabled communities, religious organizations, and historic districts to conduct the study required under subsection (a) of this section and formulate recommendations.

(d) On or before December 1, 2011, the Commission shall submit to the Senate Judicial Proceedings Committee and the House Judiciary Committee, in accordance with § 2–1246 of the State Government Article, a report of the Commission's findings and recommendations, including a summary of:

(1) relevant laws from other states; and

(2) cases decided by the Commission on or after January 1, 2010.".

AMENDMENT NO. 4

On pages 1 through 5 of the bill, strike in their entirety the lines beginning with line 19 on page 1 through line 30 on page 5, inclusive.

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

Affirmative – 25 Negative – 21 (See Roll Call No. 837)

Read the second time and ordered prepared for Third Reading.

Senator Pugh moved, duly seconded, to make the Bill a Special Order for April 6, 2011.

The motion was adopted.

CONCURRENCE CALENDAR #1

AMENDED IN THE HOUSE

Senate Bill 306 – Senator Mathias

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – ~~Motor Scooters – Definition~~ Motorized Minibike – Use in Ocean City

Senator Frosh moved that the Senate concur in the House amendments.

SB0306/230416/1
BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 306
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Minibike" and substitute "Passenger Scooter"; and in lines 5, 7, and 10, in each instance, strike "minibike" and substitute "passenger scooter".

AMENDMENT NO. 2

On page 3, in line 26, strike "**MINIBIKE**" and substitute "**PASSENGER SCOOTER**".

On page 4, in lines 11, 17, 23, 26, and 28, in each instance, strike "**MINIBIKE**" and substitute "**PASSENGER SCOOTER**".

The preceding 2 amendments were read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 838)

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.

Senate Bill 998 – Senator Pipkin

AN ACT concerning

State Government – Executive Order – Definition

FOR the purpose of altering the definition of "executive order" to remove from the definition an order or an amendment or a rescission of an order that adopts certain guidelines, rules of conduct, or rules of procedure for certain persons; and generally relating to the definition of "executive order".

BY repealing and reenacting, with amendments,
Article – State Government
Section 3–401
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 46 Members present.

(See Roll Call No. 839)

ADJOURNMENT

At 12:41 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day April 2, 2011, Calendar Day, Wednesday, April 6, 2011.

Annapolis, Maryland
Legislative Day: April 2, 2011
Calendar Day: Wednesday, April 6, 2011
10:00 A.M. Session

The Senate met at 10:12 A.M.

Prayer by Chaplain Cynthia Terry, Goucher College, guest of Senator Brochin.

(See Exhibit A of Appendix III)

The Journal of April 1, 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. 841)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #14

House Bill 4 – ~~Delegate Hubbard~~ Delegates Hubbard, Cullison, A. Kelly, Kipke, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, and V. Turner

AN ACT concerning

Public Health – Containers of Infant Formula Manufactured with Bisphenol–A – Prohibition

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

Affirmative – 46 Negative – 0 (See Roll Call No. 842)

The Bill was then sent to the House of Delegates.

House Bill 102 – Delegates Stifler and Conaway

AN ACT concerning

Financial Institutions – Mortgage Loan Originators – Prohibited Acts

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

Affirmative – 46 Negative – 0 (See Roll Call No. 843)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 844)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 845)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 45 Negative – 0 (See Roll Call No. 846)

The Bill was then sent to the House of Delegates.

House Bill 298 – Delegates Pena–Melnyk and Braveboy

AN ACT concerning

Labor and Employment – Wage Payment and Collection – Void Agreements

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

Affirmative – 43 Negative – 3 (See Roll Call No. 847)

The Bill was then sent to the House of Delegates.

House Bill 468 – Delegate Kach

AN ACT concerning

Health Insurance – Dental Provider Contracts – Prohibited Provision

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

Affirmative – 46 Negative – 0 (See Roll Call No. 848)

The Bill was then sent to the House of Delegates.

House Bill 840 – Chair, Ways and Means Committee (By Request – Departmental – Children, Office for)

AN ACT concerning

Children, Youth, and Families – Services to Children with Special Needs

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

Affirmative – 46 Negative – 0 (See Roll Call No. 849)

The Bill was then sent to the House of Delegates.

House Bill 1082 – Delegates Braveboy and Hucker

AN ACT concerning

Homeowner's Insurance – Model Information – People's Insurance Counsel

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

Affirmative – 46 Negative – 0 (See Roll Call No. 850)

The Bill was then sent to the House of Delegates.

House Bill 1085 – Delegates Pena–Melnyk, Braveboy, Frank, Frick, Frush, Hubbard, A. Kelly, Kipke, Mizeur, Nathan–Pulliam, Oaks, and V. Turner

AN ACT concerning

~~Life or Health~~ Disability Insurance Policies ~~and Annuity Contracts~~ – Discretionary Clauses – Prohibition

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

Affirmative – 46 Negative – 0 (See Roll Call No. 851)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #15

House Bill 82 – Delegates Morhaim and Kipke

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 – 46 Negative – 0 (See Roll Call No. 852)

The Bill was then sent to the House of Delegates.

House Bill 233 – Delegates Barve, Gilchrist, and Simmons

AN ACT concerning

Counties and Municipal Corporations – Direct Deposit of Wages

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

Affirmative – 46 Negative – 0 (See Roll Call No. 853)

The Bill was then sent to the House of Delegates.

House Bill 275 – Allegany County Delegation

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. 854)

The Bill was then sent to the House of Delegates.

House Bill 392 – Delegates Feldman, Barkley, and W. Miller

AN ACT concerning

Labor and Employment – Workers' Compensation – Venue for Appeal

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

Affirmative – 46 Negative – 0 (See Roll Call No. 855)

The Bill was then sent to the House of Delegates.

House Bill 417 – Delegates Jameson, Beitzel, Clagett, Davis, K. Kelly, and Love

AN ACT concerning

Workers' Compensation – Death Benefits – Dependency

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

Affirmative – 46 Negative – 0 (See Roll Call No. 856)

The Bill was then sent to the House of Delegates.

House Bill 450 – Delegates Hubbard and Hammen

AN ACT concerning

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 857)

The Bill was then sent to the House of Delegates.

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~~

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

Affirmative – 43 Negative – 3 (See Roll Call No. 858)

The Bill was then sent to the House of Delegates.

House Bill 1311 – Delegates Jameson, Barkley, Kramer, Love, W. Miller, Schulz, and Vaughn

AN ACT concerning

Motor Vehicle Insurers – Standards for Cancellation or Refusal of Insurance – Driving While Impaired by Alcohol

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

Affirmative – 46 Negative – 0 (See Roll Call No. 859)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #16

House Bill 597 – Delegate Davis

AN ACT concerning

Public Service Commission – Customer Education on Customer Choice

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

Affirmative – 30 Negative – 15 (See Roll Call No. 861)

The Bill was then sent to the House of Delegates.

House Bill 598 – Delegate Davis

AN ACT concerning

Injured Workers' Insurance Fund – Employee Compensation

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

Affirmative – 45 Negative – 0 (See Roll Call No. 862)

The Bill was then sent to the House of Delegates.

House Bill 647 – Delegate Braveboy

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. 863)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 45 Negative – 0 (See Roll Call No. 864)

The Bill was then sent to the House of Delegates.

House Bill 860 – Delegate McHale and the Speaker (By Request – Administration) and Delegates Clippinger, Hammen, Holmes, and Washington

AN ACT concerning

Electricity – Net Energy Metering

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

Affirmative – 46 Negative – 0 (See Roll Call No. 865)

The Bill was then sent to the House of Delegates.

House Bill 933 – Delegate Jameson and the Speaker (By Request – Administration) and Delegates Barve, Anderson, Barkley, Bobo, Bohanan, Branch, Braveboy, Cane, Cardin, Carr, Conaway, Conway, Donoghue, Dumais, Feldman, Frush, Gaines, Glenn, Hammen, Hubbard, Hucker, Ivey, James, Lafferty, Love, McHale, Minnick, Mizeur, Morhaim, Murphy, Proctor, Rosenberg, Ross, Schuh, Schulz, Valderrama, Vallario, Vaughn, and Wood

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 – 46 Negative – 0 (See Roll Call No. 866)

The Bill was then sent to the House of Delegates.

House Bill 1041 – Delegates Vaughn, Arora, Barkley, Barnes, Braveboy, Dumais, Frick, Frush, Gaines, Gilchrist, Gutierrez, Hucker, Jameson, Kach, Kaiser, Kramer, Lee, Love, Minnick, Mitchell, Mizeur, Niemann, Reznik, Stukes, Tarrant, Waldstreicher, and Washington

AN ACT concerning

Business Regulation – Definition of Home Builder

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

Affirmative – 45 Negative – 0 (See Roll Call No. 867)

The Bill was then sent to the House of Delegates.

House Bill 1242 – Chair, Baltimore County Delegation (By Request – Baltimore County Administration)

AN ACT concerning

Baltimore County – Miscellaneous Business Licenses – Fees

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

Affirmative – 44 Negative – 2 (See Roll Call No. 868)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #17

House Bill 86 – The Speaker (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 – 43 Negative – 2 (See Roll Call No. 869)

The Bill was then sent to the House of Delegates.

House Bill 249 – Delegate Proctor

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 – 46 Negative – 0 (See Roll Call No. 870)

The Bill was then sent to the House of Delegates.

House Bill 406 – Washington County Delegation

AN ACT concerning

Washington County – Water and Sewer Debt Reduction Fund – ~~Repeal~~ Conococheague Industrial Pretreatment Facility

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

Affirmative – 46 Negative – 0 (See Roll Call No. 871)

The Bill was then sent to the House of Delegates.

House Bill 601 – Delegates Olszewski, Minnick, and Weir

AN ACT concerning

Sustainable Communities Tax Credit Program – Eligibility

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

Affirmative – 46 Negative – 0 (See Roll Call No. 872)

The Bill was then sent to the House of Delegates.

House Bill 700 – Howard County Delegation

AN ACT concerning

Howard County – Hotel Rental Tax Rate
Ho. Co. 6–11

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

Affirmative – 41 Negative – 2 (See Roll Call No. 873)

The Bill was then sent to the House of Delegates.

House Bill 868 – Delegates Hixson, Barve, Boteler, Frick, Ivey, Kaiser, Luedtke, Ross, Stukes, ~~and F. Turner~~ F. Turner, and Howard

EMERGENCY BILL

AN ACT concerning

Video Lottery Operation Licensees – Noninterference

Senator Pipkin moved, duly seconded, to make the Bill a Special Order for April 7, 2011.

The motion was adopted.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 874)

The Bill was then sent to the House of Delegates.

House Bill 1233 – Delegate Frick

AN ACT concerning

Income Tax – Withholding Statements – Electronic Submission

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

Affirmative – 44 Negative – 1 (See Roll Call No. 875)

The Bill was then sent to the House of Delegates.

House Bill 1245 – Delegate Kach

AN ACT concerning

Recordation Tax and State Transfer Tax – Exemptions

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

Affirmative – 46 Negative – 0 (See Roll Call No. 876)

The Bill was then sent to the House of Delegates.

House Bill 1310 – Delegate Conway

AN ACT concerning

Tax Supported Debt – Energy Performance Contracts

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

Affirmative – 45 Negative – 0 (See Roll Call No. 877)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #18

House Bill 40 – Delegate Feldman

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 – 1 (See Roll Call No. 878)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 34 Negative – 12 (See Roll Call No. 879)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 880)

The Bill was then sent to the House of Delegates.

House Bill 170 – The Speaker (By Request – Administration) and Delegates Hammen, Hubbard, Anderson, Arora, Barnes, Cullison, Dumais, Gutierrez, Guzzone, Hucker, A. Kelly, Lee, Morhaim, Nathan–Pulliam, Pena–Melnyk, Pendergrass, Reznik, Rosenberg, V. Turner, and Zucker

AN ACT concerning

Health Insurance – Conformity with Federal Law

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

Affirmative – 46 Negative – 0 (See Roll Call No. 881)

The Bill was then sent to the House of Delegates.

House Bill 346 – Delegates Donoghue, Costa, Glenn, Haynes, Kach, Nathan–Pulliam, Pena–Melnyk, Tarrant, ~~and V. Turner~~ V. Turner, Bromwell, Cullison, Elliott, Frank, Hammen, A. Kelly, Kipke, Krebs, McDonough, Morhaim, Murphy, Oaks, Pendergrass, Ready, and Reznik

AN ACT concerning

Health – State Facilities and Residential Centers – Definition of Abuse ~~and Required Guidelines for Employees~~

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

Affirmative – 36 Negative – 10 (See Roll Call No. 882)

The Bill was then sent to the House of Delegates.

House Bill 444 – Delegate Nathan–Pulliam

AN ACT concerning

Health Insurance – Provider Panels – Notice of Receipt of Application

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

Affirmative – 46 Negative – 0 (See Roll Call No. 883)

The Bill was then sent to the House of Delegates.

House Bill 665 – Delegates Lee, Arora, Barkley, Barve, DeBoy, Feldman, Frick, George, Glenn, Gutierrez, Kipke, Luedtke, McComas, McDermott, A. Miller, Mitchell, B. Robinson, F. Turner, Valderrama, Vitale, and Wilson

AN ACT concerning

Commission on Maryland Cybersecurity Innovation and Excellence

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

Affirmative – 46 Negative – 0 (See Roll Call No. 884)

The Bill was then sent to the House of Delegates.

House Bill 736 – Delegates Tarrant, Bromwell, Costa, Cullison, Elliott, Frank, Kach, A. Kelly, Krebs, Morhaim, Murphy, Nathan–Pulliam, Pena–Melnyk, Ready, Reznik, ~~and V. Turner~~ V. Turner, Donoghue, Hammen, Hubbard, Kipke, McDonough, Oaks, and Pendergrass

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 – 46 Negative – 0 (See Roll Call No. 885)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #19

House Bill 87 – Delegates Reznik, Barkley, Bobo, Boteler, Braveboy, Bromwell, Carr, Cullison, Feldman, Gilchrist, Gutierrez, Hixson, Howard, Hucker, Kaiser, A. Kelly, Lee, Love, Luedtke, A. Miller, Murphy, B. Robinson, S. Robinson, Valderrama, Vaughn, Weir, ~~and Zucker~~ Zucker, Carter, and Glenn

AN ACT concerning

Job Applicant Fairness Act

Senator Pugh moved, duly seconded, to reconsider the adoption of the Committee floor amendments.

The motion was adopted.

HB0087/197776/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 87
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after "an" insert "applicant or".

AMENDMENT NO. 2

On page 4, in lines 19, 26, and 28, in each instance, strike "**OR (C)**".

On page 5, in lines 7 and 9, in each instance, strike "**ITEM**" and substitute "**SUBPARAGRAPH**".

The proceeding 3 amendments were withdrawn.

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

Affirmative – 34 Negative – 12 (See Roll Call No. 886)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 19 Negative – 27 (See Roll Call No. 887)

House Bill 778 – Delegates Mizeur, Smigiel, Ross, Alston, Barkley, Bobo, Carr, Frick, Gaines, Hixson, Hubbard, Jameson, Jones, Kaiser, A. Kelly, Lee, Luedtke, McIntosh, A. Miller, Murphy, Nathan–Pulliam, Pena–Melnyk, ~~and Reznik~~ Reznik, Oaks, Kipke, Costa, Morhaim, Pendergrass, Hammen, V. Turner, Tarrant, Bromwell, and Cullison

AN ACT concerning

Family Planning Works Act

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

Affirmative – 39 Negative – 7 (See Roll Call No. 888)

The Bill was then sent to the House of Delegates.

House Bill 784 – Delegates Pendergrass, Costa, Elliott, Kach, A. Kelly, Kipke, Nathan–Pulliam, Pena–Melnyk, ~~and Tarrant~~ Tarrant, Bromwell, Cullison, Donoghue, Frank, Hammen, Hubbard, McDonough, Morhaim, Murphy, Oaks, Ready, Reznik, and V. Turner

AN ACT concerning

Medical Records – Health Information Exchanges

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

Affirmative – 46 Negative – 0 (See Roll Call No. 889)

The Bill was then sent to the House of Delegates.

House Bill 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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 890)

The Bill was then sent to the House of Delegates.

House Bill 983 – Delegates Rudolph, Bromwell, Donoghue, Elliott, Frank, Kach, Krebs, Oaks, Ready, Tarrant, ~~and V. Turner~~ V. Turner, Hammen, Pendergrass, Costa, Cullison, Hubbard, A. Kelly, Kipke, McDonough, Morhaim, Murphy, Nathan–Pulliam, Pena–Melnyk, and Reznik

AN ACT concerning

Public Health – Cord Blood Transplant Program

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

Affirmative – 46 Negative – 0 (See Roll Call No. 891)

The Bill was then sent to the House of Delegates.

House Bill 1150 – Delegates Hubbard, Costa, Cullison, Kach, Lee, Pena–Melnyk, Reznik, and Tarrant

AN ACT concerning

Mental Hygiene Administration – Facilities – Trauma–Informed Care

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

Affirmative – 46 Negative – 0 (See Roll Call No. 892)

The Bill was then sent to the House of Delegates.

House Bill 1178 – Delegates Tarrant, Kach, Bromwell, Krebs, Murphy, Reznik, ~~and Walker~~ Walker, Donoghue, Frank, Nathan–Pulliam, Oaks, Pena–Melnyk, and Pendergrass

AN ACT concerning

~~Health Insurance – Public Health Plans – Education and Disclosure Requirements~~
Licensed Insurance Producers – Information on State Health Programs

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

Affirmative – 46 Negative – 0 (See Roll Call No. 893)

The Bill was then sent to the House of Delegates.

House Bill 1180 – Delegate Barkley

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 – 46 Negative – 0 (See Roll Call No. 894)

The Bill was then sent to the House of Delegates.

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 78	Sen. Simonaire	Anne Arundel County Board of Education – Member Reappointment and Terms
SB 98	Sen. McFadden	Baltimore City Board of School Commissioners – Annual Report Requirement – Repeal
SB 191	Sen. Edwards	Real Property – Obliterating, Damaging, or Removing Property Markers – Penalty Increase
SB 205	Sen. Frosh	Real Prop – Resid Prop Foreclosure Procs – Accuracy of Notice of Intent to Foreclose
SB 368	Sen. Stone	Hart–Miller–Pleasure Island Citizens Oversight Committee – Duties
SB 493	Sen. Peters	Prince George's County Public Schools – Funding Accountability and Transparency Act
SB 542	Sen. Colburn	Housing Authorities – Consolidation or Merger – Talbot County and St. Michaels
SB 754	Sen. King	State Department of Ed – Permanent Hearing Aid Loan Bank Program – Establishment and Operation

Endorsed as having been read the third time and passed by yeas and nays in the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 71 – The Speaker (By Request – Administration)

AN ACT concerning

Creation of State Debt – Maryland Consolidated Capital Bond Loan of 2011, and the Maryland Consolidated Capital Bond Loans of 1996, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010

FOR the purpose of authorizing the creation of a State Debt in the amount of ~~Nine Hundred Thirty–Five Million, Six Hundred Eighteen Thousand ($935,618,000)~~ Nine Hundred Forty–Seven Million, Five Hundred Thirty–Three Thousand, Seven Hundred and Nineteen Dollars ($947,533,719), the proceeds to be used for certain necessary building, construction, demolition, planning, renovation, conversion, replacement, and capital equipment purchases of this State, for acquiring certain real estate in connection therewith, and for grants to certain subdivisions and other organizations for certain development and improvement purposes, subject to the requirement that certain grantees provide and expend certain matching funds by certain dates; providing that certain funds allocated to certain eligible school construction projects in a county that are not spent for the project may be applied to another eligible project or reserved in a certain contingency fund for certain purposes; stating the intent of the General Assembly that certain funding be included in future Maryland Consolidated Capital Bond Loans; providing generally for the issuance and sale of bonds evidencing the loan; authorizing the creation of State Debt to be issued in 2012, the proceeds to be used for certain purposes; authorizing the creation of State Debt to be issued in 2013, the proceeds to be used for certain purposes; authorizing the creation of State Debt to be issued in 2014, the proceeds to be used for certain purposes; imposing a certain tax on all assessable property in the State; requiring that certain grantees convey certain easements under certain circumstances to the Maryland Historical Trust; providing that the proceeds of certain loans must be expended or encumbered by a certain date; requiring certain grantees to submit certain reports; providing that certain authorizations do not terminate before a certain date; authorizing certain unexpended appropriations in certain prior capital budgets and bond loans to be expended for other public projects; altering certain requirements for certain projects and programs in certain prior capital budgets and bond loans; providing that the authorizations of State Debt in certain prior capital budgets and bond loans be reduced by certain amounts; providing for certain additional information to be detailed about each project in the capital program under certain circumstances; requiring that certain projects be constructed at certain locations; repealing certain requirements for certain appropriations; requiring the Comptroller to make certain transfers, adjustments, and reconciliations; repealing certain Maryland Consolidated Capital Bond Loan Preauthorization

Acts; providing for delayed effective dates for certain provisions of this Act; and generally relating to the financing of certain capital projects.

BY repealing and reenacting, with amendments,
Chapter 125 of the Acts of the General Assembly of 1996
Section 1(3) Item 38.01.00(D)

BY repealing and reenacting, with amendments,
Chapter 125 of the Acts of the General Assembly of 1996, as amended by Chapter 138 of the Acts of the General Assembly of 1998, Chapter 212 of the Acts of the General Assembly of 1999, Chapter 508 of the Acts of the General Assembly of 2000, Chapter 290 of the Acts of the General Assembly of 2002, and Chapter 204 of the Acts of the General Assembly of 2003
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003
Section 1(3) Item QB08(A)~~, Item RP00.05(B),~~ and Item TF00(A)

BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003, as amended by Chapter 432 of the Acts of the General Assembly of 2004, Chapter 445 of the Acts of the General Assembly of 2005, Chapter 46 of the Acts of the General Assembly of 2006, Chapter 336 of the Acts of the General Assembly of 2008, Chapter 485 of the Acts of the General Assembly of 2009, and Chapter 483 of the Acts of the General Assembly of 2010
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003, as amended by Chapter 483 of the Acts of the General Assembly of 2010
Section 1(3) Item MA01(B) and Item UB00(A)

BY repealing and reenacting, with amendments,
Chapter 432 of the Acts of the General Assembly of 2004
Section 1(3) Item DE02.01(K), Item KA05(C)(3), Item QB08.02(A), Item RP00.05(A), and Item ZA00(G), (I), and (L)

BY repealing and reenacting, with amendments,
Chapter 432 of the Acts of the General Assembly of 2004, as amended by Chapter 445 of the Acts of the General Assembly of 2005, Chapter 46 of the Acts of the General Assembly of 2006, Chapter 488 of the Acts of the General Assembly of 2007, Chapter 336 of the Acts of the General Assembly of 2008, Chapter 485 of the Acts of the General Assembly of 2009, and Chapter 483 of the Acts of the General Assembly of 2010
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005, as amended by Chapter 46 of the Acts of the General Assembly of 2006, Chapter 488 of the Acts of the General Assembly of 2007, Chapter 485 of the Acts of the General Assembly of 2009, and Chapter 483 of the Acts of the General Assembly of 2010
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005, as amended by Chapter 485 of the Acts of the General Assembly of 2009
Section 1(3) Item RM00(D)

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006
Section 1(3) Item RM00(B) and Item UB00(A)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007
Section 1(3) Item DB01(B), Item RD00(A), Item RE01(A), and Item RM00(C)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007, as amended by Chapter 485 of the Acts of the General Assembly of 2009
Section 1(3) Item RM00(B)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007, as amended by Chapter 336 of the Acts of the General Assembly of 2008, Chapter 485 of the Acts of the General Assembly of 2009, and Chapter 483 of the Acts of the General Assembly of 2010
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008
Section 1(3) Item DE02.01(C), Item MF05(A), and Item RD00(B)

BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008, as amended by Chapter 485 of the Acts of the General Assembly of 2009
Section 12(1) and (3) Item DE02.01(I)

BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008, as amended by Chapter 485 of the Acts of the General Assembly of 2009 and Chapter 483 of the Acts of the General Assembly of 2010

Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 485 of the Acts of the General Assembly of 2009
Section 1(3) Item ~~RM00(C)~~ Item QB08.01(A) and (B), Item RM00(A) and (C), and Item ZA00(N) and (P)

BY repealing and reenacting, with amendments,
Chapter 485 of the Acts of the General Assembly of 2009, as amended by Chapter 483 of the Acts of the General Assembly of 2010
Section 1(1) and 12(1) and (3) Item WA01(A)

BY repealing and reenacting, with amendments,
Chapter 483 of the Acts of the General Assembly of 2010
Section 1(3) Item DE02.02(A), Item QP00(A), Item RB31(A), Item ZA02(W) and (BM), and Item ZA03(H), (M), (Y), (Z), (AB), and (AC)

BY repealing
Chapter 483 of the Acts of the General Assembly of 2010
Section 12 and 13

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

House Bill 798 – ~~Delegates McConkey and George~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Property Tax Payment Deferral – Eligibility

FOR the purpose of authorizing the governing body of Anne Arundel County to provide, by law, a certain payment deferral of the county property tax for certain residential real property; requiring the governing body of Anne Arundel County under certain circumstances to specify the duration and certain amounts, restrictions, and income eligibility requirements for the payment deferral; requiring the payment of certain deferred property taxes under certain circumstances; requiring the governing body of Anne Arundel County under certain circumstances to provide certain information in a taxpayer's annual property tax bill; requiring that a payment deferral be authorized by a certain written agreement to be recorded in certain land records; providing for a certain lien attachment under certain circumstances; providing for the application of this Act; and generally relating to property tax deferrals in Anne Arundel County for certain residential real property.

BY adding to
Article – Tax – Property
Section 10–204.6

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

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

House Bill 1214 – ~~Delegates Schuh and Love~~ Anne Arundel County Delegation

AN ACT concerning

Maryland Income Tax Refund – Anne Arundel County – Warrants

FOR the purpose of authorizing certain warrant officials to certify to the Comptroller the existence of an outstanding warrant; requiring the Comptroller to withhold the Maryland income tax refund of ~~an individual~~ certain individuals with an outstanding warrant under certain circumstances; providing that certain provisions of law apply only to residents of Anne Arundel County or individuals with warrants from Anne Arundel County; requiring a certain certification to contain certain information; requiring the Comptroller, under certain circumstances, to withhold an individual's income tax refund and notify the individual of a certain certification; providing that the Comptroller may not pay a Maryland income tax refund until the warrant official notifies the Comptroller that the warrant is no longer outstanding; requiring the Comptroller to withhold and pay certain required amounts before withholding any part of certain income tax refunds; requiring the Office of the Comptroller to submit a certain report to certain committees of the General Assembly on or before a certain date; defining certain terms; providing for the termination of certain provisions of this Act; and generally relating to withholding income tax refunds for outstanding warrants.

BY adding to
Article – Tax – General
Section 13–935 through ~~13–938~~ 13–939 to be under the new part "Part VII. Income Tax Refund Withholding – Warrants"
Annotated Code of Maryland
(2010 Replacement Volume)

Read the first time and referred to the Committee on Rules.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #43

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 262 – Senators Klausmeier, Benson, Colburn, DeGrange, Forehand, Garagiola, Jones–Rodwell, Kasemeyer, Kelley, Madaleno, Montgomery, Muse, Raskin, Shank, and Stone

AN ACT concerning

State Board of Education – Financial Literacy Curriculum – Graduation Requirement

SB0262/134234/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 262
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Curriculum" in line 2 down through "Requirement" in line 3 and substitute "Examination"; strike beginning with "develop" in line 4 down through "State" in line 10 and substitute "report to certain committees of the General Assembly on or before a certain date regarding a certain plan for creating a statewide financial literacy examination which certain students must take as a condition of graduation; prohibiting a certain plan from requiring a student to pass a certain examination as a condition of graduation; and generally relating to a financial literacy examination"; and strike in their entirety lines 11 through 15, inclusive.

AMENDMENT NO. 2

On page 1, in line 17, after "That" insert ", on or before December 31, 2011, the State Board of Education shall report, in accordance with § 2–1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means, regarding a plan for creating a statewide financial literacy examination which each student would be required to take as a condition of graduation. The plan may not require a student to pass the examination as a condition of graduation.".

On pages 1 and 2, strike beginning with "the" in line 17 on page 1 down through "**LITERACY.**" in line 5 on page 2.

The preceding 2 amendments were read and adopted.

Senator Muse moved, duly seconded, to make the Bill and Report a Special Order for April 7, 2011.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 649 – Senators Ramirez, Ferguson, Montgomery, and Rosapepe

AN ACT concerning

Real Property – Dwellings in Communities for Individuals Age 55 or Older – Air–Conditioning Systems

SB0649/654536/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 649
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "in Communities for" and substitute "Leased to"; in line 5, after "improved" insert "in a certain manner"; and in line 10, strike "in certain communities" and substitute "leased to individuals age 55 or older".

AMENDMENT NO. 2

On page 2, in line 6, strike "**AND**"; in line 8, after "**2011**" insert "**; AND**

(III) THE CONSTRUCTION OR IMPROVEMENT INVOLVES THE ADDITION OR ALTERATION OF ANY HEATING, VENTILATION, OR AIR–CONDITIONING SYSTEM";

and in line 12, strike "**75**" and substitute "**78**".

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 806 – Senator Young

AN ACT concerning

Election Law – Online Voter Registration

SB0806/464039/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 806
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Young" and substitute "Senators Young, Peters, Currie, Madaleno, Rosapepe, King, Manno, and Ferguson"; in line 4, strike "requiring" and substitute "authorizing"; and in line 21, after "changes;" insert "requiring that not more than a certain amount of the funds in the Fair Campaign Financing Fund be transferred to the State Board of Elections for certain fiscal years for the purpose of implementing an online voter registration system; requiring that funds transferred from the Fair Campaign Financing Fund be used to pay certain costs that would otherwise be paid by local governments; requiring that any funds transferred from the Fair Campaign Financing Fund that are not used to implement an online voter registration system revert to the Fair Campaign Financing Fund;".

On page 2, after line 2, insert:

"BY repealing and reenacting, without amendments,
Chapter 487 of the Acts of the General Assembly of 2009, as amended by Chapter 484 of the Acts of the General Assembly of 2010
Section 38(a) and (c)

BY adding to
Chapter 487 of the Acts of the General Assembly of 2009, as amended by Chapter 484 of the Acts of the General Assembly of 2010
Section 38(l)".

AMENDMENT NO. 2

On page 2, in line 22, strike "**SHALL**" and substitute "**MAY**".

AMENDMENT NO. 3

On page 5, after line 29, insert:

"Chapter 487 of the Acts of 2009, as amended by Chapter 484 of the Acts of 2010

SECTION 38. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) The General Assembly finds that the Fair Campaign Financing Fund established under § 15–103 of the Election Law Article cannot operate as originally contemplated.

(c) A transfer under this section may not reduce the balance in the Fund below $1,000,000.

(L) (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, FOR FISCAL YEAR 2012 AND FISCAL YEAR 2013, A CUMULATIVE SUM IN THE AMOUNT OF NOT MORE THAN $250,000 OF THE BALANCE IN THE FUND SHALL BE TRANSFERRED TO THE STATE BOARD OF ELECTIONS FOR THE PURPOSE OF IMPLEMENTING AN ONLINE VOTER REGISTRATION SYSTEM.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FUNDS TRANSFERRED UNDER THIS SUBSECTION SHALL BE USED TO PAY COSTS ASSOCIATED WITH IMPLEMENTATION OF AN ONLINE VOTER REGISTRATION SYSTEM THAT WOULD OTHERWISE BE PAID BY LOCAL GOVERNMENTS.

(3) ANY FUNDS TRANSFERRED FROM THE FAIR CAMPAIGN FINANCING FUND TO THE STATE BOARD OF ELECTIONS UNDER THIS SUBSECTION THAT ARE NOT USED TO PAY THE COST OF IMPLEMENTING AN ONLINE VOTER REGISTRATION SYSTEM MAY NOT BE RETAINED BY THE STATE BOARD OF ELECTIONS AND SHALL REVERT TO THE FAIR CAMPAIGN FINANCING FUND.".

The preceding 3 amendments were read only.

Senator Pipkin moved, duly seconded, to make the Bill and Amendments a Special Order for April 7, 2011.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 997 – Senator Klausmeier

EMERGENCY BILL

AN ACT concerning

Baltimore County – Alcoholic Beverages – Expiration of Licenses – Extension for Casualty Loss

SB0997/864236/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 997
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 7 down through "circumstances;" in line 10.

AMENDMENT NO. 2

On page 3, in line 5, strike "**(I)**"; and strike in their entirety lines 9 through 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 JUDICIAL PROCEEDINGS REPORT #23

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 162 – The Speaker (By Request – Administration) and Delegates Clagett, Arora, Cullison, Dumais, Lee, Mitchell, Niemann, Reznik, Stein, and Valderrama

AN ACT concerning

Criminal Law – Child Neglect ~~– Penalties~~

HB0162/278678/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 162
(Third Reading File Bill)

On page 8, in lines 20 and 25, in each instance, strike "**OR NEGLECT**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 211 – Chair, Health and Government Operations Committee (By Request – Departmental – Human Relations Commission)

AN ACT concerning

Maryland Commission on Human Relations – Name Change

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 255 – Chair, Judiciary Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Adoption Search, Contact, and Reunion Services – ~~Contact with Adopted~~ Siblings of Minors in Out–of–Home Placement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 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

HB0356/898974/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 356
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after "vehicle;" insert "authorizing a court to enter a judgment of restitution for a certain victim under certain circumstances;".

On page 2, after line 42, insert:

"BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–603
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 10, in line 11, strike "**$1,200**" and substitute "**$1,000**".

On page 17, in line 28, strike "**DIFFERENT**" and substitute "**LOWER**".

On page 18, in line 13, after the second "**A**" insert "**LOWER**"; in line 15, strike "**$300**" and substitute "**$175**"; in line 16, strike "**$30**" and substitute "**$10**"; and in line 20, strike "**$1,200**" and substitute "**$1,000**".

AMENDMENT NO. 3

On page 10, after line 25, insert:

"Article – Criminal Procedure

11–603.

(a) A court may enter a judgment of restitution that orders a defendant or child respondent to make restitution in addition to any other penalty for the commission of a crime or delinquent act, if:

(1) as a direct result of the crime or delinquent act, property of the victim was stolen, damaged, destroyed, converted, or unlawfully obtained, or its value substantially decreased;

(2) as a direct result of the crime or delinquent act, the victim suffered:

(i) actual medical, dental, hospital, counseling, funeral, or burial expenses or losses;

(ii) direct out–of–pocket loss;

(iii) loss of earnings; or

(iv) expenses incurred with rehabilitation;

(3) the victim incurred medical expenses that were paid by the Department of Health and Mental Hygiene or any other governmental unit;

(4) a governmental unit incurred expenses in removing, towing, transporting, preserving, storing, selling, or destroying an abandoned vehicle as defined in § 25–201 of the Transportation Article;

(5) the Criminal Injuries Compensation Board paid benefits to a victim; **[**or**]**

(6) the Department of Health and Mental Hygiene or other governmental unit paid expenses incurred under Subtitle 1, Part II of this title**; OR**

(7) THE VICTIM INCURRED EXPENSES RELATED TO THE REMOVAL, TOWING, TRANSPORTING, PRESERVING, STORING, SELLING, OR DESTRUCTION OF A VEHICLE AS A RESULT OF A CRIME OR DELINQUENT ACT.

(b) A victim is presumed to have a right to restitution under subsection (a) of this section if:

(1) the victim or the State requests restitution; and

(2) the court is presented with competent evidence of any item listed in subsection (a) of this section.

(c) (1) A judgment of restitution does not preclude the property owner or the victim who suffered personal physical or mental injury, out–of–pocket loss of earnings, or support from bringing a civil action to recover damages from the restitution obligor.

(2) A civil verdict shall be reduced by the amount paid under the criminal judgment of restitution.

(d) In making a disposition on a finding that a child at least 13 years old has committed an act of graffiti under § 6–301(d) of the Criminal Law Article, the court shall order the child to perform community service or pay restitution or both.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 510 – Delegates Waldstreicher, Anderson, Carter, Clippinger, Lee, McComas, Niemann, and Wilson

AN ACT concerning

Criminal Law – ~~Peace Orders, Stalking, and~~ Harassment – Penalties

HB0510/268471/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 510
(Third Reading File Bill)

On page 3, in line 26, strike "**180 DAYS**" and substitute "**1 YEAR**".

The preceding amendment was read only.

Senator Simonaire moved, duly seconded, to make the Bill and Amendments a Special Order for April 7, 2011.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 679 – Delegate Stein

AN ACT concerning

Real Property – Condominiums – Amendment to Bylaws to Require Unit Insurance Coverage

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 682 – Delegate K. Kelly

AN ACT concerning

Criminal Procedure – Pretrial Release and Bail Bonds

HB0682/468370/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 682
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Pretrial Release and" and substitute "Forfeiture of"; strike beginning with "prohibiting" in line 3 down through "individuals;" in line 15; in line 16, strike "giving back" and substitute "refunding"; in line 19, strike "give back" and substitute "refund"; and in line 24, strike "pretrial release and" and substitute "forfeiture of".

On page 2, strike in their entirety lines 1 through 5, inclusive; and in line 8, strike "5–203, 5–205, and".

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 14 on page 2 through line 16 on page 5, inclusive.

On page 7, in lines 13 and 18, in each instance, strike "**GIVE BACK**" and substitute "**REFUND**".

The preceding 2 amendments were read and adopted.

Senator Benson moved, duly seconded, to make the Bill and Report a Special Order for April 7, 2011.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 724 – Delegates A. Miller, Dumais, Glenn, Kaiser, Lee, Luedtke, McDermott, Summers, Valderrama, Valentino–Smith, and Wilson

AN ACT concerning

Sexual Offense in the Fourth Degree – Statute of Limitations – Increase

HB0724/988576/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 724
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "any" and substitute "a certain".

AMENDMENT NO. 2

On page 2, in line 10, strike "**§ 3–308(B)**" and substitute "**§ 3–308(B)(1)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 789 – Delegate Stein

AN ACT concerning

Driver's License Applications – Cosigner for Minors – Department of Social Services

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 848 – Chair, Environmental Matters Committee (By Request – Departmental – State Police)

AN ACT concerning

Department of State Police – Tow Companies

HB0848/708478/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 848
(Third Reading File Bill)

On page 1, in line 6, after "list;" insert "requiring the Department to include qualifying tow companies on the list;".

On page 2, in line 1, strike "**FOR TOW COMPANIES TO BE INCLUDED ON THE LIST, THE**" and substitute "**THE**"; and in line 4, after "**REQUIREMENTS**" insert "**, AND MUST INCLUDE ON THE LIST ALL QUALIFYING TOW COMPANIES**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 1047 – Delegate Glenn

AN ACT concerning

Rental Housing – Tenant Victim of Domestic Violence or Sexual Assault – Lease Payment Obligation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 1109 – Delegate Vaughn

AN ACT concerning

Real Property – Rescission of Sales Contracts – Return of Deposits

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 1151 – Delegate Feldman

AN ACT concerning

Corporations and Associations – Limited Liability Companies – Election to Be a Benefit ~~Corporation~~ Limited Liability Company

HB1151/298771/1
BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1151
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Limited" insert "Name Requirements for Benefit Corporations and"; and in line 12, after "organization;" insert "establishing certain requirements for the name of certain benefit limited liability companies;".

On page 2, in line 2, after "law;" insert "establishing certain requirements for the name of certain benefit corporations;"; in line 4, strike the second "and" and substitute a comma; in line 5, after "companies" insert ", and benefit corporations"; and after line 30, insert:

"BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 1–502(a) and (b) and 5–6C–03
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 9, in line 23, before "**A**" insert "**(A)**"; and after line 26, insert:

"**(B) THE NAME OF A DOMESTIC BENEFIT LIMITED LIABILITY COMPANY OR A FOREIGN BENEFIT LIMITED LIABILITY COMPANY AUTHORIZED TO TRANSACT BUSINESS IN THE STATE MUST COMPLY WITH TITLE 1, SUBTITLE 5 OF THIS ARTICLE.**".

On page 12, after line 23, insert:

"1–502.

(a) **(1)** The name of a corporation must include one of the following words or an abbreviation of one of the following words:

[(1)**]** **(I)** "Company", if it is not preceded by the word "and" or a symbol for the word "and";

[(2)**]** **(II)** "Corporation";

[(3)**]** **(III)** "Incorporated"; or

[(4)**]** **(IV)** "Limited".

(2) IF A CORPORATION IS A BENEFIT CORPORATION, THE NAME OF THE BENEFIT CORPORATION MUST INCLUDE:

(I) THE WORDS "BENEFIT CORPORATION";

(II) "BENEFIT CORP.";

(III) THE WORDS "BENEFIT COMPANY", IF NOT PROCEEDED BY THE WORD "AND" OR A SYMBOL FOR THE WORD "AND"; OR

(IV) "BENEFIT CO.", IF NOT PROCEEDED BY THE WORD "AND" OR A SYMBOL FOR THE WORD "AND".

(b) **(1)** The name of a limited liability company must include:

[(1)] **(I)** The words "limited liability company";

[(2)] **(II)** "L.L.C.";

[(3)] **(III)** "LLC";

[(4)] **(IV)** "L.C."; or

[(5)] **(V)** "LC".

(2) IF A LIMITED LIABILITY COMPANY IS A BENEFIT LIMITED LIABILITY COMPANY, THE NAME OF THE BENEFIT LIMITED LIABILITY COMPANY MUST INCLUDE:

(I) THE WORDS "BENEFIT LIMITED LIABILITY COMPANY";

(II) "BENEFIT L.L.C.";

(III) "BENEFIT LLC";

(IV) "BENEFIT L.C."; OR

(V) "BENEFIT LC".

5–6C–03.

(a) A corporation may elect to be a benefit corporation under this subtitle by amending or including in the charter of the corporation a statement that the corporation is a benefit corporation.

(b) An amendment described in subsection (a) of this section shall be approved in accordance with Title 2, Subtitle 6 of this article.

(C) THE NAME OF A DOMESTIC BENEFIT CORPORATION OR A FOREIGN BENEFIT CORPORATION AUTHORIZED TO TRANSACT BUSINESS IN THE STATE MUST COMPLY WITH TITLE 1, SUBTITLE 5 OF THIS ARTICLE.".

AMENDMENT NO. 3

On page 12, in line 25, strike "October" and substitute "June".

The preceding 3 amendments were read only.

Senator Ferguson moved, duly seconded, to make the Bill and Amendments a Special Order for April 7, 2011.

The motion was adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #17

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

House Bill 62 – ~~**Delegate Beidle**~~ **Anne Arundel County Delegation**

AN ACT concerning

Anne Arundel County – Property Tax Credit – Property Leased to ~~Nonprofit~~ Public Charter Schools

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:

House Bill 160 – ~~**Delegates Lafferty, Aumann, Boteler, Cardin, Cluster, DeBoy, Frank, Kach, Morhaim, Stein, and Weir**~~ **Baltimore County Delegation**

AN ACT concerning

Baltimore County Public Schools – Funding Accountability and Transparency Act

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:

House Bill 163 – The Speaker (By Request – Administration) and Delegates Barve, Hixson, Cardin, Kaiser, Rosenberg, Stein, ~~and F. Turner~~ F. Turner, Howard, Luedtke, Glass, George, Ivey, and Stukes

AN ACT concerning

Income Tax – Tax Credit for Electric Vehicle Recharging Equipment

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:

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

HB0463/299233/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 463
(Third Reading File Bill)

On page 1, strike beginning with "repealing" in line 3 down through "eligible" in line 4 and substitute "altering a certain definition to increase the maximum total amount of property taxes for certain property for purposes of determining elegibility".

On page 2, in line 8, strike the third bracket; in lines 9, 10, and 12, in each instance, strike the bracket; and in line 12, strike "$50,000" and substitute "**$100,000**".

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:

House Bill 823 – ~~**Delegate Krebs**~~ **Delegates Krebs, Howard, and F. Turner**

AN ACT concerning

Sales and Use Tax – Nonprofit Food Vendors – Youth Sporting Events

Favorable report adopted.

FLOOR AMENDMENT

HB0823/633724/1
BY: Senator Glassman

AMENDMENTS TO HOUSE BILL 823
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Events" insert "and 4–H Youth Events"; in lines 5 and 7, in each instance, after "event" insert "or 4–H youth event".

AMENDMENT NO. 2

On page 3, in line 14, after "**EVENT**" insert "**OR 4–H YOUTH EVENT**".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #27

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 181 – The President (By Request – Administration)

AN ACT concerning

Collective Bargaining – Independent Home Care Providers

SB0181/217978/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 181
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, strike "under certain circumstances" and substitute "subject to certain conditions"; and in line 17, after "nonmembers;" insert "requiring an exclusive representative, if a memorandum of understanding contains a certain service fee provision, to provide notice of the service fee provision to independent home care providers before a certain vote is held;".

AMENDMENT NO. 2

On page 2, in line 19, after "**ARE**" insert "**DIRECTLY**"; in the same line, after "**REIMBURSED**" insert "**BY THE STATE OR A FISCAL INTERMEDIARY FUNCTIONING ON BEHALF OF THE STATE, AND NOT BY AN AGENCY OR BUSINESS THAT EMPLOYS EMPLOYEES OR REFERS INDEPENDENT CONTRACTORS AS HOME CARE PROVIDERS,**"; in lines 23 and 27, in each instance, after "**TITLE**" insert "**, OR ANY SUCCESSOR PROGRAM**"; in line 28, after "**PROGRAM**" insert "**, OR ANY SUCCESSOR PROGRAM**"; in line 29, after "**RESOURCES**" insert "**, OR ANY SUCCESSOR PROGRAM**"; in the same line, strike "**AND**"; in line 30, after "**EMPLOYED**" insert "**OR REFERRED**"; in the same line, strike "**A PRIVATE**" and substitute "**AN**"; in the same line, after "**AGENCY**" insert "**OR BUSINESS**"; in the same line, after "**EMPLOYS**" insert "**EMPLOYEES OR REFERS INDEPENDENT CONTRACTORS AS**"; and in line 31, after "**PROVIDERS**" insert "**;**

(3) CONTRACTS DIRECTLY WITH A PROGRAM PARTICIPANT FOR HOME CARE SERVICES; AND

(4) PROVIDES HOME CARE SERVICES TO A PROGRAM PARTICIPANT PERSONALLY AND DOES NOT SUBCONTRACT WITH ANY OTHER PARTY TO PROVIDE THE SERVICES TO A PROGRAM PARTICIPANT".

On page 3, in line 1, after "**(C)**" insert "**(1)**"; in lines 2 and 3, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; and after line 4, insert:

"**(2) "PROVIDER ORGANIZATION" DOES NOT INCLUDE AN AGENCY OR BUSINESS THAT EMPLOYS EMPLOYEES OR REFERS INDEPENDENT CONTRACTORS AS HOME CARE PROVIDERS.**".

AMENDMENT NO. 3

On page 4, in line 29, strike "**SUBPARAGRAPH (II)**" and substitute "**SUBPARAGRAPHS (II) AND (III)**".

On page 5, after line 6, insert:

"**(III) THE REPRESENTATIVES OF THE STATE MAY ONLY AGREE TO A SERVICE FEE PROVISION IF THE SERVICE FEE PROVISION WOULD REQUIRE NONMEMBERS TO PAY SERVICE FEES ON A SLIDING SCALE IN APPROXIMATE PROPORTION TO THE AMOUNT EACH NONMEMBER RECEIVES IN REIMBURSEMENT THROUGH:**

1. THE MEDICAID WAIVER FOR OLDER ADULTS THAT IS JOINTLY ADMINISTERED BY THE DEPARTMENT AND THE DEPARTMENT OF AGING AS ESTABLISHED UNDER § 15–132 OF THIS TITLE, OR ANY SUCCESSOR PROGRAM;

2. THE MEDICAID PERSONAL CARE PROGRAM UNDER THE STATE MEDICAL ASSISTANCE PROGRAM, OR ANY SUCCESSOR PROGRAM;

3. THE LIVING AT HOME WAIVER PROGRAM UNDER SUBTITLE 8 OF THIS TITLE, OR ANY SUCCESSOR PROGRAM; AND

4. THE IN–HOME AIDE SERVICE PROGRAM ADMINISTERED BY THE DEPARTMENT OF HUMAN RESOURCES, OR ANY SUCCESSOR PROGRAM.";

in line 27, after "**(G)**" insert "**(1)**"; and after line 29, insert:

"**(2) IF THE MEMORANDUM OF UNDERSTANDING CONTAINS A SERVICE FEE PROVISION, BEFORE THE VOTE TO RATIFY THE MEMORANDUM OF UNDERSTANDING IS HELD, THE EXCLUSIVE REPRESENTATIVE SHALL PROVIDE NOTICE THAT THE MEMORANDUM OF UNDERSTANDING CONTAINS A PROVISION FOR A SERVICE FEE THAT WILL BE CHARGED ON A SLIDING SCALE TO INDEPENDENT HOME CARE PROVIDERS.**".

AMENDMENT NO. 4

On page 6, in line 34, strike "Economic Matters" and substitute "Appropriations".

The preceding 4 amendments were read only.

Senator Brinkley moved, duly seconded, to make the Bill and Amendments a Special Order for April 7, 2011.

The motion was adopted.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 882 – The President (By Request – Administration)

AN ACT concerning

Unemployment Insurance – Federal Extended Benefits for the Long–Term Unemployed

SB0882/367571/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 882

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after "circumstances;" insert "establishing the Extended Benefits Fund; stating the purpose of the Fund; stating the intent of the General Assembly; requiring the Secretary to adopt certain regulations; defining a certain term; stating the intent that the Governor shall appropriate a certain amount of money for the Fund for a certain fiscal year; providing for the reimbursement of counties, municipalities, and certain associations for certain total net costs relating to unemployment benefits; providing that unused funds remaining in the Fund are to revert to the General Fund;"; and in line 27, strike "and 8–1110" and substitute ", 8–1110, and 8–1111".

AMENDMENT NO. 2

On page 7, after line 9, insert:

"**8–1111.**

(A) IN THIS SECTION, "NET COSTS" MEANS BENEFITS PAYABLE UNDER THIS SUBTITLE AND THAT ARE REIMBURSED DOLLAR FOR DOLLAR TO THE UNEMPLOYMENT INSURANCE FUND ESTABLISHED UNDER § 8–401 OF THIS TITLE LESS ESTIMATED TAX REVENUE PAYABLE IN CONNECTION WITH THE BENEFITS PAYABLE UNDER THIS SUBTITLE.

(B) (1) THERE IS AN EXTENDED BENEFITS FUND IN THE STATE TREASURY.

(2) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(3) THE FUND MAY BE USED ONLY TO REIMBURSE NET COSTS FOR CLAIMS FILED UNDER § 8–1103 (F) OF THIS TITLE.

(4) (I) THE PURPOSE OF THE FUND IS TO REIMBURSE COUNTIES AND MUNICIPAL CORPORATIONS FOR NET COSTS, AS DETERMINED BY THE SECRETARY.

(II) THE FUND MAY BE USED TO REIMBURSE AN ASSOCIATION THAT IS VOLUNTARY, NONPROFIT, AND CONTROLLED AND

MAINTAINED BY MUNICIPAL CORPORATIONS FOR NET COSTS, AS DETERMINED BY THE SECRETARY.

(5) THE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE SECRETARY SHALL ADMINISTER THE FUND.

(6) THE TREASURER SHALL INVEST AND REINVEST THE FUND IN THE SAME MANNER AS OTHER STATE FUNDS.

(C) THE FUND SHALL CONSIST OF:

(I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(II) INVESTMENT EARNINGS OF THE FUND; AND

(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(D) THE SECRETARY SHALL ENSURE THAT THE MONEY IN THE FUND IS DISTRIBUTED IN THE MANNER THAT BEST ACCOMPLISHES THE PURPOSE OF THE FUND.".

AMENDMENT NO. 3

On page 7, after line 14, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that:

(1) the Governor shall appropriate $1,635,000 in the fiscal 2013 budget for the Extended Benefits Fund created under § 8–1111 of the Labor and Employment Article, as enacted by Section 1 of this Act;

(2) as determined by the Secretary of Labor, Licensing, and Regulation, on or before 30 days after the last day a claimant may file for extended benefits for which 100% federal sharing is available for any claim under the federal Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, the counties and municipal corporations that have net costs are eligible for

reimbursement for net costs from the Extended Benefits Fund, as enacted by Section 1 of this Act;

(3) based on the total net costs determined by the Secretary under paragraph (2) of this section:

(i) eligible counties shall be reimbursed by the Extended Benefits Fund, as enacted by Section 1 of this Act, at a minimum of 60% of their net costs; and

(ii) eligible municipal corporations and municipal government associations shall be reimbursed by the Extended Benefits Fund, as enacted by Section 1 of this Act, at a minimum of 80% of their net costs;

(4) (i) if the total net costs determined by the Secretary under paragraph (2) of this section exceed $1,635,000, the Secretary shall reimburse eligible counties, municipal corporations, and municipal government associations from the Extended Benefits Fund, as enacted by Section 1 of this Act, an amount that is proportional to the percentage reimbursements specified under paragraph (3) of this section; and

(ii) if the total net costs determined by the Secretary under paragraph (2) of this section is less than $1,635,000, the Secretary shall increase the reimbursement to eligible counties, municipal corporations, and municipal government associations from the Extended Benefits Fund, as enacted by Section 1 of this Act, in an amount that is proportional to the percentage reimbursements specified under paragraph (3) of this section, up to a maximum of 100% of net costs claims, until the Fund is depleted; and

(5) after eligible counties, municipal corporations, and municipal government associations have been reimbursed up to the maximum allowable under this section, any unused funds remaining in the Extended Benefits Fund shall revert to the General Fund.

SECTION 4. AND BE IT FURTHER ENACTED, That the Secretary of Labor, Licensing, and Regulation shall adopt regulations that establish procedures for the reimbursement of net costs from the Extended Benefits Fund, as enacted by Section 1 of this Act.";

in lines 15 and 19, strike "3." and "4.", respectively, and substitute "5." and "6.", respectively.

The preceding 3 amendments were read only.

Senator Jacobs moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

THE COMMITTEE ON FINANCE REPORT #28

Senator Middleton, Chair, for the Committee on Finance reported favorably:

House Bill 171 – The Speaker (By Request – Administration) and Delegates Barkley, Barnes, Clagett, Gaines, Gutierrez, Haynes, Hubbard, Nathan–Pulliam, Stukes, V. Turner, Valderrama, and Zucker

AN ACT concerning

Collective Bargaining – Independent Home Care Providers

Senator Brinkley moved, duly seconded, to make the Bill and Report a Special Order for April 7, 2011.

The motion was adopted.

THE COMMITTEE ON RULES REPORT #12

Senator Klausmeier moved, duly seconded, to make the Report a Special Order for April 7, 2011.

The motion was adopted.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 642 – Senator Gladden

AN ACT concerning

Human Relations – Discrimination by a Place of Public Accommodation – Enforcement and Remedies

STATUS OF BILL: QUESTION IS: "SHALL THE SENATE RECONSIDER THE VOTE BY WHICH THE BILL PASSED SECOND READING?"

Senator Frosh moved, duly seconded, to recommit the Bill.

The motion was adopted.

CONCURRENCE CALENDAR #5

AMENDED IN THE HOUSE

Senate Bill 221 – Senator Conway

EMERGENCY BILL

AN ACT concerning

Environment – Decabrominated Diphenyl Ether – Trace Amounts

Senator Conway moved that the Senate not concur in the House amendments.

SB0221/890910/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 221
(Third Reading File Bill)

On page 2, in lines 20 and 21, strike "**OF THE PRODUCT AS A WHOLE**"; and in line 28, strike "**OF THE PRODUCT AS A WHOLE**".

On page 3, in lines 5 and 6, strike "**OF THE PRODUCT AS A WHOLE**".

The preceding amendment was read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0221**
SPONSOR: Sen Conway

SUBJECT: Environment – Decabrominated Diphenyl Ether – Trace Amounts

The Senate refuses to concur in the House amendments and respectfully requests the House recede from its position.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #2

AMENDED IN THE HOUSE

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

Senator Middleton moved that the Senate concur in the House amendment.

SB0416/656781/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 416
(Third Reading File Bill)

On page 2, in line 27, after "**TO**" insert "**THE CONSENT OF THE GOVERNING BODY OF THE COUNTY AND**"; and in line 28, after "**OFFICER**" insert "**FOR A COUNTY**".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 895)

CONCURRENCE CALENDAR #3

AMENDED IN THE HOUSE

Senate Bill 122 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Qualified Zone Academy Bond

Senator Kasemeyer moved that the Senate concur in the House amendment.

SB0122/334665/1

BY: Appropriations Committee

AMENDMENT TO SENATE BILL 122
(Third Reading File Bill)

On page 2, in line 23, after "academies" insert ", including public charter schools"; and in line 25, after "academies" insert ", including public charter schools,".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 2 (See Roll Call No. 896)

AMENDED IN THE HOUSE

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

Senator Kasemeyer moved that the Senate concur in the House amendment.

SB0403/674960/1
BY: Appropriations Committee

AMENDMENT TO SENATE BILL 403
(Third Reading File Bill)

On page 4 in line 8 and on page 6 in lines 5 and 35, in each instance, after "**FOR**" insert "**:**

A. IF THE RETIREE RETIRED FROM ANY UNIT OF STATE GOVERNMENT,".

On page 4 in line 9 and on page 6 in lines 6 and 36, in each instance, after "**PREMIUMS**" insert "**; OR**

B. IF THE RETIREE RETIRED FROM A PARTICIPATING EMPLOYER OTHER THAN THE STATE, THE APPROVED MONTHLY MEDICAL INSURANCE PREMIUMS REQUIRED BY THE PARTICIPATING EMPLOYER THAT EMPLOYED THE RETIREE AT THE TIME OF THE RETIREE'S RETIREMENT".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 897)

CONCURRENCE CALENDAR #4

AMENDED IN THE HOUSE

Senate Bill 320 – Senators Montgomery, Frosh, Kelley, Madaleno, Manno, Raskin, and Rosapepe

AN ACT concerning

Environment – Phosphorus – Commercial Dishwashing Detergent

Senator Conway moved that the Senate concur in the House amendment.

SB0320/100319/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 320
(Third Reading File Bill)

On page 2, in line 19, strike "**JANUARY**" and substitute "**JULY**".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 898)

AMENDED IN THE HOUSE

Senate Bill 372 – Senator Conway

AN ACT concerning

Environment – Nitrogen Removal Technology – Evaluation and Ranking

Senator Conway moved that the Senate concur in the House amendments.

SB0372/780619/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 372
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "purposes;" insert "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;".

AMENDMENT NO. 2

On page 2, in line 8, after "**(B)**" insert "**(1)**"; in line 11, strike "**CITIZENS**" and substitute "**RESIDENTS**"; after line 13, insert:

"**(2) THE DEPARTMENT SHALL:**

(I) MAKE AVAILABLE THE EVALUATION AND RANKING OF ALL BEST AVAILABLE NITROGEN REMOVAL TECHNOLOGIES REQUIRED UNDER THIS SECTION ON THE DEPARTMENT'S WEB SITE; AND

(II) PROVIDE THE EVALUATION AND RANKING OF ALL BEST AVAILABLE NITROGEN REMOVAL TECHNOLOGIES TO A COUNTY, MUNICIPALITY, OR RESIDENT OF THE STATE IN ANY CORRESPONDENCE RELATING TO APPROVED TECHNOLOGIES THAT QUALIFY FOR FUNDING UNDER § 9–1605.2(H)(2) OF THIS TITLE.";

and in line 25, strike "**BIANNUALLY**" and substitute "**EVERY 2 YEARS**".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 899)

AMENDED IN THE HOUSE

Senate Bill 635 – ~~Senator Frosh~~ Senators Frosh and Simonaire

AN ACT concerning

Natural Resources – Authorization to Catch Striped Bass and Crabs – Revocation

Senator Conway moved that the Senate concur in the House amendment.

Senator Jacobs moved, duly seconded, to make the Bill a Special Order for the end of today's business.

The motion was adopted.

CONCURRENCE CALENDAR #6

AMENDED IN THE HOUSE

Senate Bill 367 – Chair, Anne Arundel County Senators

AN ACT concerning

Alcoholic Beverages – Anne Arundel County – Entertainment Facility

Senator Conway moved that the Senate concur in the House amendment.

SB0367/133997/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 367
(Third Reading File Bill)

On page 3, strike beginning with "**ENTERTAINMENT**" in line 30 down through "**OFF–SALES**" in line 32 and substitute "**OFF–SALE PRIVILEGE IS NOT CONFERRED BY AN ENTERTAINMENT FACILITY LICENSE OR AN ENTERTAINMENT CONCESSIONAIRE LICENSE**"; and in line 34, strike "**A**" and substitute "**AN ENTERTAINMENT**".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 900)

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 882 – The President (By Request – Administration)

AN ACT concerning

Unemployment Insurance – Federal Extended Benefits for the Long–Term Unemployed

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0882/367571/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 882
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after "circumstances;" insert "establishing the Extended Benefits Fund; stating the purpose of the Fund; stating the intent of the General Assembly; requiring the Secretary to adopt certain regulations; defining a certain term; stating the intent that the Governor shall appropriate a certain amount of money for the Fund for a certain fiscal year; providing for the reimbursement of counties, municipalities, and certain associations for certain total net costs relating to unemployment benefits; providing that unused funds remaining in the Fund are to revert to the General Fund;"; and in line 27, strike "and 8–1110" and substitute ", 8–1110, and 8–1111".

AMENDMENT NO. 2

On page 7, after line 9, insert:

"**8–1111.**

(A) IN THIS SECTION, "NET COSTS" MEANS BENEFITS PAYABLE UNDER THIS SUBTITLE AND THAT ARE REIMBURSED DOLLAR FOR DOLLAR TO THE UNEMPLOYMENT INSURANCE FUND ESTABLISHED UNDER § 8–401 OF THIS TITLE LESS ESTIMATED TAX REVENUE PAYABLE IN CONNECTION WITH THE BENEFITS PAYABLE UNDER THIS SUBTITLE.

(B) (1) THERE IS AN EXTENDED BENEFITS FUND IN THE STATE TREASURY.

(2) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(3) THE FUND MAY BE USED ONLY TO REIMBURSE NET COSTS FOR CLAIMS FILED UNDER § 8–1103 (F) OF THIS TITLE.

(4) (I) THE PURPOSE OF THE FUND IS TO REIMBURSE COUNTIES AND MUNICIPAL CORPORATIONS FOR NET COSTS, AS DETERMINED BY THE SECRETARY.

(II) THE FUND MAY BE USED TO REIMBURSE AN ASSOCIATION THAT IS VOLUNTARY, NONPROFIT, AND CONTROLLED AND MAINTAINED BY MUNICIPAL CORPORATIONS FOR NET COSTS, AS DETERMINED BY THE SECRETARY.

(5) THE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE SECRETARY SHALL ADMINISTER THE FUND.

(6) THE TREASURER SHALL INVEST AND REINVEST THE FUND IN THE SAME MANNER AS OTHER STATE FUNDS.

(C) THE FUND SHALL CONSIST OF:

(I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(II) INVESTMENT EARNINGS OF THE FUND; AND

(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(D) THE SECRETARY SHALL ENSURE THAT THE MONEY IN THE FUND IS DISTRIBUTED IN THE MANNER THAT BEST ACCOMPLISHES THE PURPOSE OF THE FUND.".

AMENDMENT NO. 3

On page 7, after line 14, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that:

(1) the Governor shall appropriate $1,635,000 in the fiscal 2013 budget for the Extended Benefits Fund created under § 8–1111 of the Labor and Employment Article, as enacted by Section 1 of this Act;

(2) as determined by the Secretary of Labor, Licensing, and Regulation, on or before 30 days after the last day a claimant may file for extended benefits for which 100% federal sharing is available for any claim under the federal Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, the counties and municipal corporations that have net costs are eligible for reimbursement for net costs from the Extended Benefits Fund, as enacted by Section 1 of this Act;

(3) based on the total net costs determined by the Secretary under paragraph (2) of this section:

(i) eligible counties shall be reimbursed by the Extended Benefits Fund, as enacted by Section 1 of this Act, at a minimum of 60% of their net costs; and

(ii) eligible municipal corporations and municipal government associations shall be reimbursed by the Extended Benefits Fund, as enacted by Section 1 of this Act, at a minimum of 80% of their net costs;

(4) (i) if the total net costs determined by the Secretary under paragraph (2) of this section exceed $1,635,000, the Secretary shall reimburse eligible counties, municipal corporations, and municipal government associations from the Extended Benefits Fund, as enacted by Section 1 of this Act, an amount that is proportional to the percentage reimbursements specified under paragraph (3) of this section; and

(ii) if the total net costs determined by the Secretary under paragraph (2) of this section is less than $1,635,000, the Secretary shall increase the reimbursement to eligible counties, municipal corporations, and municipal government associations from the Extended Benefits Fund, as enacted by Section 1 of this Act, in an amount that is proportional to the percentage reimbursements specified under paragraph (3) of this section, up to a maximum of 100% of net costs claims, until the Fund is depleted; and

(5) after eligible counties, municipal corporations, and municipal government associations have been reimbursed up to the maximum allowable under this section, any unused funds remaining in the Extended Benefits Fund shall revert to the General Fund.

SECTION 4. AND BE IT FURTHER ENACTED, That the Secretary of Labor, Licensing, and Regulation shall adopt regulations that establish procedures for the reimbursement of net costs from the Extended Benefits Fund, as enacted by Section 1 of this Act.";

in lines 15 and 19, strike "3." and "4.", respectively, and substitute "5." and "6.", respectively.

The preceding 3 amendments were read only.

Senator Jones–Rodwell moved, duly seconded, to make the Bill and Amendments a Special Order for April 7, 2011.

The motion was adopted.

Senate Bill 635 – ~~Senator Frosh~~ Senators Frosh and Simonaire

AN ACT concerning

Natural Resources – Authorization to Catch Striped Bass and Crabs – Revocation

STATUS OF BILL: WILL THE SENATE CONCUR IN THE HOUSE AMENDMENTS?

Senator Jacobs moved, duly seconded, to make the Bill a Special Order for April 7, 2011.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 901)

ADJOURNMENT

At 12:36 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day April 3, 2011, Calendar Day, Thursday, April 7, 2011.