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of
Maryland

2011 Regular Session

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Annapolis, Maryland
Legislative Day: March 21, 2011
Calendar Day: Wednesday, March 23, 2011

The House met at 10:02 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Melvin L. Stukes of Baltimore City.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 382)

The Journal of March 20, 2011 was read and approved.

EXCUSES:
Del. Branch – late – business conference
Del. Gutierrez – business – El Salvador
Del. Healey – personal – son's illness
Del. Morhaim – late – illness

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS REPORT #5

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

House Bill 4 – Delegate Hubbard

AN ACT concerning

Public Health – Containers Manufactured with Bisphenol–A – Prohibition

HB0004/506080/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 4
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Hubbard" and substitute "Delegates Hubbard, Cullison, A. Kelly, Kipke, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, and V. Turner"; in line 2, after "Containers" insert "of Infant Formula"; 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;"; strike beginning with "cans" in line 3 down through "other" in line 4; in line 4, after "containers" insert "of infant formula"; in the same line, after "bisphenol–A" insert "on or after a certain date"; strike beginning with "if" in line 4 down through "bisphenol–A" in line 7; in line 9, after "date;" insert "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 9, after "containers" insert "of infant formula"; and after line 14, 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,".

AMENDMENT NO. 2

On page 2, strike beginning with "**OF**" in line 2 down through "**A**" in line 3; strike beginning with the semicolon in line 3 down through "**BISPHENOL–A**" in line 8; after line 8, 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 9 and 18, strike "(c)" and "(d)", respectively, and substitute "**(D)**" and "**(E)**", respectively; in line 9, strike "subsection (b)" and substitute "**SUBSECTIONS (B) AND (C)**"; and in line 10, strike "the least toxic alternative" and substitute "**A SAFE AND LEGAL ALTERNATIVE**".

AMENDMENT NO. 3

On page 2, in line 20, strike "(e) **(1)**" and substitute "**(F)**"; in the same line, strike "2011" and substitute "**2012**"; in line 21, strike "**(1) OF**"; strike in their entirety lines 22 through 24, inclusive, and substitute:

"**(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.";

and in line 25, 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.

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

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

AN ACT concerning

Health – Cadmium in Children's Jewelry – Prohibition

HB0145/826480/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 145
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Zucker" and substitute "Zucker, Donoghue, Kipke, Morhaim, Pendergrass, and Reznik"; in line 5, strike "requiring" and substitute "authorizing"; strike line 6 in its entirety; in line 7, strike the comma; and strike in their entirety lines 11 through 15, inclusive, and substitute:

"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)".

AMENDMENT NO. 2

On page 1, strike in their entirety lines 18 and 19 and substitute:

"Article – Environment

SUBTITLE 14. CADMIUM IN CHILDREN'S JEWELRY.

6–1401.";

in line 20, strike "**(1)**"; and in the same line, strike "**SECTION**" and substitute "**SUBTITLE**".

AMENDMENT NO. 3

On page 2, in lines 1 and 3, strike "**(2)**" and "**(3)**", respectively, and substitute "**(B)**" and "**(C)**", respectively; in line 6, strike "**12**" and substitute "**13**"; after line 6, insert:

"**6–1402.**";

in line 7, strike "**(B)**"; after line 9, insert:

"**6–1403.**";

in line 10, strike "**(C)**"; strike beginning with "**DEPARTMENT**" in line 10 down through the first "**THE**" in line 11; in line 11, strike "**, SHALL**" and substitute "**MAY**"; in line 12, strike "**SECTION**" and substitute "**SUBTITLE**"; after line 12, insert:

"**6–1404.**";

in line 13, strike "**(D)**"; and in the same line, strike "**SECTION**" and substitute "**SUBTITLE**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0202/916685/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 202
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 4 and 7, in each instance, strike "teachers in the public schools" and substitute "public school employees".

AMENDMENT NO. 2

On page 1, in line 19, strike "teachers in the public schools" and substitute "**PUBLIC SCHOOL EMPLOYEES**"; and in line 22, strike "teacher in the employment of a public school" and substitute "**PUBLIC SCHOOL EMPLOYEE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

HB0211/406487/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 211

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "change;" insert "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;".

AMENDMENT NO. 2

On page 11, after line 21, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That letterhead, business cards, and other documents reflecting the renaming of the Maryland Commission on Human Relations to be the Maryland Commission on Civil Rights 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 have been used.";

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

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 346 – Delegates Donoghue, Costa, Glenn, Haynes, Kach, Nathan–Pulliam, Pena–Melnyk, Tarrant, and V. Turner

AN ACT concerning

Health – State Facilities and Residential Centers – Definition of Abuse and Required Guidelines for Employees

HB0346/706888/2

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 346

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and V. Turner" and substitute "V. Turner, Bromwell, Cullison, Elliott, Frank, Hammen, Kelly, Kipke, Krebs, McDonough, Morhaim, Murphy, Oaks, Pendergrass, Ready, and Reznik"; in lines 2 and 3, strike "and Required Guidelines for Employees"; strike beginning with "taken" in line 6 down through "date" in line 12 and substitute "that comply with certain State and federal laws and certain Department policies".

AMENDMENT NO. 2

On page 2, strike beginning with "**APPROPRIATE**" in line 15 down through "**PROTECTION**" in line 18 and substitute "**AN ACTION TAKEN BY AN EMPLOYEE THAT COMPLIES WITH APPLICABLE STATE AND FEDERAL LAWS AND APPLICABLE DEPARTMENT POLICIES ON THE USE OF PHYSICAL INTERVENTION**".

AMENDMENT NO. 3

On page 4, strike beginning with "**APPROPRIATE**" in line 7 down through "**PROTECTION**" in line 10 and substitute "**AN ACTION TAKEN BY AN EMPLOYEE THAT COMPLIES WITH APPLICABLE STATE AND FEDERAL LAWS AND APPLICABLE DEPARTMENT POLICIES ON THE USE OF PHYSICAL INTERVENTION**".

AMENDMENT NO. 4

On page 5, strike in their entirety lines 10 through 24, inclusive; and in line 25, strike "3." and substitute "2.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 444 – Delegate Nathan–Pulliam

AN ACT concerning

Health Insurance – Provider Panels – Notice of Receipt of Application

HB0444/966586/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 444
(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.

Read the second time and ordered prepared for Third Reading.

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

House Bill 560 – Delegate Hubbard

AN ACT concerning

Polysomnography – Technologists and Technicians – Licensing Requirements

HB0560/416681/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 560
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Hubbard" and substitute "Delegates Hubbard, Pendergrass, and V. Turner"; strike beginning with "and" in line 2 down through "Requirements" in line 3 and substitute "Licensure"; strike beginning with "establishing" in line 4 down through "changes" in line 19 and substitute "extending the date by which an individual is required to be licensed by the State Board of Physicians before the individual may practice polysomnography in the State; extending the date on or before which the Board is required to waive a certain education requirement for certain individuals; extending the date by which certain individuals may petition the Board for a certain extension"; in line 20, strike "and technicians"; and strike beginning with "14–5C–01" in line 23 down through "14–5C–18" in line 24 and substitute "14–5C–08 and 14–5C–10".

On pages 1 and 2, strike in their entirety the lines beginning with line 27 on page 1 through line 2 on page 2, inclusive.

AMENDMENT NO. 2

On pages 2 through 12, strike in their entirety the lines beginning with line 6 on page 2 through line 4 on page 12, inclusive, and substitute:

"14–5C–08.

(a) Except as otherwise provided in this subtitle, on or after October 1, **[**2011**] 2013**, an individual shall be licensed by the Board before the individual may practice polysomnography in this State.

(b) This section does not apply to a student enrolled in an education program under § 14–5C–09(c)(3) of this subtitle while practicing polysomnography in that program.

14–5C–10.

(a) The Board shall waive the education requirement under § 14–5C–09(c)(3) of this subtitle if on or before September 30, **[**2011**] 2013**, an individual:

(1) Has passed the national certifying examination by the Board of Registered Polysomnographic Technologists;

(2) Is certified by the Board of Registered Polysomnographic Technologists as a registered polysomnographic technologist;

(3) Has submitted an application for licensure to the Board; and

(4) Meets all of the requirements under § 14–5C–09(b) and (c)(1) and (2) of this subtitle.

(b) (1) If an individual has not satisfied the requirements under subsection (a) of this section on or before September 30, **[**2011**] 2013**, the individual may petition the Board for an extension.

(2) The Board shall determine whether to grant an extension under this subsection on a case–by–case basis.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

HB0714/746683/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 714
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, 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 25, strike the brackets; and strike beginning with the semicolon in line 27 down through "**DISEASE**" in line 28.

AMENDMENT NO. 3

On page 3, after line 20, 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 21, 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.

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

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

AN ACT concerning

Electronic Health Records – Incentives for Health Care Providers – Regulations

HB0736/736088/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 736
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and V. Turner" and substitute "V. Turner, Donoghue, Hammen, Hubbard, Kipke, McDonough, Oaks, and Pendergrass"; strike beginning with "exempting" in line 4 down through "payment" in line 13 and substitute "requiring certain incentives for the adoption and use of electronic health records to be paid in cash, unless a certain payor and health care provider agree on an incentive of equivalent value; prohibiting certain regulations from requiring a group

model health maintenance organization from providing a certain incentive to a certain health care provider; requiring the regulations to allow a State–regulated payor to request certain information and, under certain circumstances, reduce an incentive amount; authorizing the Maryland Heath 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"; in line 16, after "19–142(a)," insert "(b),"; and in line 21, strike "19–142(b) and".

AMENDMENT NO. 2

On page 2, strike beginning with the comma in line 8 down through "**TITLE**" in line 10.

On page 5, in line 2, strike "and"; in line 10, after "assigned" insert "**; AND**

(VI) SHALL BE PAID IN CASH, UNLESS THE STATE–REGULATED PAYOR AND THE HEALTH CARE PROVIDER AGREE ON AN INCENTIVE OF EQUIVALENT VALUE";

in line 11, in each instance, strike the bracket; in the same line, strike "**SHALL:**"; in line 12, strike "**(I)**"; and strike beginning with the semicolon in line 14 down through "**PAYMENT**" in line 20.

AMENDMENT NO. 3

On page 5, after line 24, insert:

"**(5) REGULATIONS ADOPTED UNDER THIS SUBSECTION:**

(I) MAY NOT REQUIRE A GROUP MODEL HEALTH MAINTENANCE ORGANIZATION, AS DEFINED IN § 19–713.6 OF THIS TITLE, TO PROVIDE AN INCENTIVE TO A HEALTH CARE PROVIDER WHO IS EMPLOYED BY THE MULTISPECIALTY GROUP OF PHYSICIANS UNDER CONTRACT WITH THE GROUP MODEL HEALTH MAINTENANCE ORGANIZATION; AND

(II) SHALL ALLOW A STATE–REGULATED PAYOR TO:

1. REQUEST INFORMATION FROM A HEALTH CARE PROVIDER TO VALIDATE THE HEALTH CARE PROVIDER'S INCENTIVE CLAIM; AND

2. IF THE STATE–REGULATED PAY DETERMINES THAT A DUPLICATE INCENTIVE PAYMENT OR AN OVERPAYMENT HAS BEEN MADE, REDUCE THE INCENTIVE AMOUNT.

(6) THE COMMISSION MAY:

(I) AUDIT THE STATE–REGULATED PAYOR OR THE HEALTH CARE PROVIDER FOR COMPLIANCE WITH THE REGULATIONS ADOPTED UNDER THIS SUBSECTION; AND

(II) IF IT FINDS NONCOMPLIANCE, REQUEST CORRECTIVE ACTION.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Health Care Commission, in consultation with the Department of Health and Mental Hygiene, payors, and health care providers, shall study whether the scope of health care providers that may receive incentives for the adoption and use of electronic health records from State–regulated payors should be expanded beyond primary care providers.

(b) On or before January 1, 2013, the Maryland Health Care Commission shall report on its findings under subsection (a) of this section to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article.";

and in line 25, 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.

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

House Bill 784 – Delegates Pendergrass, Costa, Elliott, Kach, A. Kelly, Kipke, Nathan–Pulliam, Pena–Melnyk, and Tarrant

AN ACT concerning

Medical Records – Health Information Exchanges

HB0784/146881/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 784
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Tarrant" and substitute "Tarrant, Bromwell, Cullison, Donoghue, Frank, Hammen, Hubbard, McDonough, Morhaim, Murphy, Oaks, Ready, Reznik, and V. Turner"; 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 PARAGRPAH (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.

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

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 Insurance Policies and Annuity Contracts – Discretionary Clauses – Prohibition

HB1085/916183/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1085
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Life or Health" and substitute "Disability"; in the same line, strike "and Annuity Contracts"; in line 4, strike "certain life or health" and substitute "disability"; in line 5, strike "or annuity contracts"; strike beginning with "providing" in line 5 down through "unenforceable;" in line 6; in line 7, after "term;" insert "providing for the application of this Act;"; in the same line, strike "life or health" and substitute "disability"; in lines 7 and 8, strike "and annuity contracts"; and strike in their entirety lines 9 through 13, inclusive.

AMENDMENT NO. 2

On page 1, strike in their entirety lines 21 through 24, inclusive.

AMENDMENT NO. 3

On page 2, in line 4, after the semicolon insert "**OR**"; strike beginning with the semicolon in line 5 down through "**ORGANIZATION**" in line 6; in line 7, strike "**LIFE INSURANCE OR HEALTH**" and substitute "**DISABILITY**"; in lines 7 and 8, strike "**OR ANNUITY CONTRACT**"; in line 9, after "**STATE**" insert "**BY A CARRIER**"; in the same line, strike "**OR CONTRACT**"; in line 10, after "**RESERVE**" insert "**SOLE**"; in line 11, strike "**OR CONTRACT**"; in line 12, after "**REVIEW**" insert "**THAT ARE INCONSISTENT WITH THE LAWS OF THE STATE**"; and strike in their entirety lines 13 through 17, inclusive.

AMENDMENT NO. 4

On page 2, after line 17, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to disability insurance policies sold, delivered, issued for delivery, or renewed in the State on or after October 1, 2011.";

and in line 18, strike "2." and substitute "3.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #12

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

House Bill 405 – Washington County Delegation

AN ACT concerning

Washington County – Alcoholic Beverages – Criminal History Records

HB0405/213792/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 405
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "obtain certain criminal records of an applicant" and substitute "apply to the Criminal Justice Information System Central Repository for a state and national criminal history records check for each applicant"; in line 5, after "license;" insert "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;"; in line 7, strike "criminal records obtained" and substitute "certain information obtained from the Central Repository"; and in the same line, strike "are" and substitute "is".

AMENDMENT NO. 2

On page 2, after line 7, insert:

"**(IV) "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**";

strike in their entirety lines 9 through 18, inclusive, and substitute:

"**(3) (I) THE BOARD SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH APPLICANT.**

(II) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE BOARD SHALL SUBMIT TO THE CENTRAL REPOSITORY:

1. TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

2. THE FEE AUTHORIZED UNDER § 10–221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

3. THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(III) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE BOARD THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.";

in line 23, strike "**CRIMINAL RECORDS OBTAINED**" and substitute "**INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**"; in line 24, strike "**ARE**" and substitute "**IS**"; and in lines 24 and 25, strike "**DISSEMINATED TO THE PUBLIC**" and substitute "**REDISSEMINATED**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1237 – Delegates McDermott and Conway

AN ACT concerning

Worcester County – Department of Liquor Control – Purchases from Wholesalers

HB1237/853292/2
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1237
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Purchases" in line 2 down through "Wholesalers" in line 3 and substitute "Wine and Liquor Purchasing Option"; in line 7,

strike "under the general supervision of the chief administrative officer"; in line 9, after "Department;" insert "specifying that the director shall be the chief administrative officer of the Department;"; in line 13, after "beverages;" insert "repealing the minimum price for certain merchandise that the Department must charge to licensees;"; in line 17, strike "providing for an annual fee;"; in line 19, strike the first "a" and substitute ", to the"; in the same line, after the first "licensee" insert a comma; and strike beginning with "providing" in line 23 down through "Department;" in line 24.

On page 2, in line 1, strike "and (g)(2)"; in line 6, strike "8–224(g)(3)" and substitute "8–224(g)"; in line 7, after "(b)(1)," insert "(e)(2),"; in line 12, strike "8–224(g)(4) and"; and in the same line, strike "(e)(2)(iv),".

AMENDMENT NO. 2

On page 2, in line 28, after "charged" insert "**NOT MORE THAN**"; strike beginning with "However," in line 30 down through "wholesalers." in line 32; in line 34, strike "**IN**" and substitute "**ON MAY 1,**"; and strike beginning with "**ALL**" in line 34 down through "**WHOLESALERS**" in line 35, and substitute "**A LICENSEE MAY ELECT TO PURCHASE WINE AND LIQUOR FROM A LICENSED WHOLESALER**".

AMENDMENT NO. 3

On page 3, in line 6, after "receive" insert "**AT LEAST**"; strike beginning with "However," in line 7 down through the first "wholesalers." in line 10; strike beginning with "**ALL**" in line 11 down through "**WHOLESALERS**" in line 12 and substitute "**A LICENSEE MAY ELECT TO PURCHASE WINE AND LIQUOR FROM A LICENSED WHOLESALER**"; in lines 11 and 25, in each instance, strike "**IN**" and substitute "**ON MAY 1,**"; in line 19, after "charged" insert "**NOT MORE THAN**"; strike beginning with "However," in line 21 down through the first "wholesalers." in line 24; and strike beginning with "**ALL**" in line 25 down through "**WHOLESALERS**" in line 26, and substitute "**A LICENSEE MAY ELECT TO PURCHASE WINE AND LIQUOR FROM A LICENSED WHOLESALER**"; after line 29, insert:

"(g) (1) **(I)** **[**A**] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A** licensee shall purchase all alcoholic beverages, except light wine and beer, from the **[**Liquor Control Board**] WORCESTER COUNTY DEPARTMENT OF LIQUOR CONTROL.**

(II) BEGINNING ON MAY 1, 2016, A LICENSEE MAY ELECT TO PURCHASE WINE AND LIQUOR FROM A LICENSED WHOLESALER OR MAY CONTINUE TO PURCHASE ALL ALCOHOLIC BEVERAGES, EXCEPT LIGHT WINE AND BEER, FROM THE WORCESTER COUNTY DEPARTMENT OF LIQUOR CONTROL.";

and in line 30, strike "(g)".

AMENDMENT NO. 4

On page 4, in line 8, after "receive" insert "**AT LEAST**"; strike beginning with "However," in line 9 down through "wholesalers." in line 12; in line 14, strike "**IN**" and substitute "**ON MAY 1,**"; strike beginning with "**ALL**" in line 14 down through "**WHOLESALERS**" in line 15, and substitute "**A LICENSEE MAY ELECT TO PURCHASE WINE AND LIQUOR FROM A LICENSED WHOLESALER**"; and strike beginning with "**UNDER**" in line 33 down through "**COUNTY**" in line 34.

AMENDMENT NO. 5

On page 5, in line 4, strike "**APPLIES**" and substitute "**APPLY**"; and after line 29, insert:

"(i) Garrett County ..... 6 years

(ii) Harford County ..... 3 years

(iii) Somerset County ..... 4 years".

On page 7, in line 32, strike "**OF**" and substitute "**FOR**".

AMENDMENT NO. 6

On page 8, in line 4, after "**(3)**" insert "**(I)**"; in the same line, strike "**JANUARY**" and substitute "**MAY**"; in line 6, strike "**IN A CALENDAR YEAR**"; strike beginning with the colon in line 6 down through "**DETERMINES**" in line 11 and substitute "**PROVIDING WRITTEN NOTICE OF THE LICENSEE'S INTENT TO THE DEPARTMENT AT LEAST 60 DAYS BEFORE THE DATE THE PURCHASING ACTIVITY IS TO START**"; and in lines 12, 13, 14, 16, 18, and 21, strike "**(4)**", "**(I)**", "**(II)**", "**(III)**", "**(5)**", and "**(6)**", respectively, and substitute "**(II)**", "**1.**", "**2.**", "**3.**", "**(4)**", and "**(5)**", respectively.

AMENDMENT NO. 7

On page 9, in line 9, strike "**ALCOHOLIC BEVERAGES**" and substitute "**WINE AND LIQUOR**"; in line 14, strike "is" and substitute "are"; strike in their entirety lines 19 through 34, inclusive, and substitute:

"SECTION 3. AND BE IT FURTHER ENACTED, That any person registered, certified, issued a permit, or granted other authorization by the Liquor Control Board for Worcester County is considered for all purposes to be registered, certified, issued a permit, or granted other authorization by the Worcester County Department of Liquor Control for the duration of the term for which the registration, certification, or permit was issued or other authorization was granted.";

in lines 35 and 39, strike "5." and "6.", respectively, and substitute "4." and "5.", respectively; and in line 40, strike "October" and substitute "July".

The preceding 7 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

HB1274/443992/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1274
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "license;" insert "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;".

AMENDMENT NO. 2

On page 2, after line 11, insert:

"**(VI) A PATRON:**

1. MAY CONSUME AND CARRY BEER AND WINE ANYWHERE ON THE STADIUM PREMISES; BUT

2. MAY CONSUME LIQUOR ONLY IN THE ENCLOSED STADIUM DINING AREA OR BAR; AND

3. MAY NOT CARRY LIQUOR OUT OF THE ENCLOSED STADIUM DINING AREA OR BAR.".

In lines 12, 13, and 17, strike "(vi)", "(vii)", and "**(VIII)**", respectively, and substitute "**(VII)**", "**(VIII)**", and "**(IX)**", respectively.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1292 – Delegate Costa

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Licenses and Fees

HB1292/123899/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1292

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Costa" and substitute "Anne Arundel County Delegation"; strike beginning with "altering" in line 12 down through "Commissioners;" in line 14; in line 22, strike the second "and"; and in the same line, after "8–202.1(c)(1)" insert ", and 15–109(c)".

On page 2, in line 2, after "10–502(a)," insert "and"; and in the same line, strike ", and 15–109(c)".

AMENDMENT NO. 2

On page 10, in line 7, strike "**(1)**"; in lines 9 and 10, strike the brackets; and strike in their entirety lines 11 through 13, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1334 – Delegates McDermott and Conway

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #12

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

House Bill 437 – Delegate Niemann

AN ACT concerning

Real Property – Sales of New Homes – Minimum Visitability Features

HB0437/460213/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 437
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Niemann" and substitute "Delegates Niemann, Gilchrist, Beidle, Healey, and Glenn"; in line 3, strike "developer of new homes in a subdivision" and substitute "home builder"; strike beginning with "make" in line 4 down through "to" in line 5; in line 6, after "circumstances;" insert "requiring a certain offer of minimum visitability features to be accompanied by a certain document and a certain drawing or photograph;"; and in line 7, after "terms;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On pages 1 and 2, strike beginning with "**(I)**" in line 22 on page 1 down through "**SUBDIVISION**" in line 2 on page 2 and substitute "**"HOME BUILDER" MEANS A PERSON THAT UNDERTAKES TO ERECT OR OTHERWISE CONSTRUCT A NEW HOME**".

On page 2, strike in their entirety lines 15 through 18, inclusive; in line 19, strike "**(5)**" and substitute "**(4)**"; in line 25, strike "**TITLE**" and substitute "**ARTICLE**"; and in line 28, strike the colon and substitute a semicolon.

On page 3, strike in their entirety lines 1 through 3, inclusive; in line 16, after "**TO**" insert "**A HOME BUILDER THAT CONSTRUCTS 11 OR MORE NEW HOMES IN**"; strike beginning with the colon in line 16 down through "**(1)**" in line 17; and strike beginning with the semicolon in line 17 down through "**HOMES**" in line 18.

AMENDMENT NO. 3

On page 3, in line 19, strike "**AT**" and substitute "**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AT**"; in line 20, strike "**DEVELOPER**" and substitute "**HOME BUILDER**"; strike beginning with the colon in line 20 down through "**OFFER**" in line 23 and substitute "**OFFER**"; after line 24, insert:

"**(2) THE OFFER OF MINIMUM VISITABILITY FEATURES SHALL BE ACCOMPANIED BY:**

(I) A POINT OF SALE DOCUMENT THAT DESCRIBES THE MINIMUM VISITABILITY FEATURES; AND

(II) A GENERIC DRAWING OR PHOTOGRAPH THAT SHOWS THE MINIMUM VISITABILITY FEATURES AND THE LOTS AND NEW HOME TYPES THAT ARE CONDUCIVE TO THE MINIMUM VISITABILITY FEATURES THAT COULD BE CONSTRUCTED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to any subdivision that receives preliminary plan approval on or after October 1, 2012.";

and in line 25, 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.

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

House Bill 890 – Delegates Kach, Lafferty, and Olszewski

AN ACT concerning

Land Preservation – Land Draining to a Reservoir

HB0890/890018/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 890
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the second "the" in line 3 down through "State" in line 5 and substitute "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"; strike in their entirety lines 10 through 14, inclusive; and in line 17, strike "2–505(c)" and substitute "2–508".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 6 on page 2 through line 11 on page 3, inclusive, and substitute:

"2–508.

(a) (1) For purposes of this subtitle the following words have the meanings indicated.

(2) "Total amount to be allotted" means the amount, as certified by the Comptroller, which remains in the Maryland Agricultural Land Preservation Fund at the beginning of the fiscal year after payment of all expenses of the Foundation and the board of trustees during the previous fiscal year as specified in § 2–505(c)(1) and (2) of this subtitle, and after subtraction of funds committed for payment as consideration for easements purchased during previous fiscal years, and after subtraction of any money remaining in the Fund as a result of a transfer of local Program Open Space funds made pursuant to § 5–903 of the Natural Resources Article.

(3) "General purchases of easements" means purchases of agricultural land preservation easements under this subtitle in which the governing body of the county in which the land is located is not required to make a contribution to the Maryland Agricultural Land Preservation Fund.

(4) "Matching purchases of easements" means purchases of agricultural land preservation easements under this subtitle in which the governing body of the county in which the land is located is required to make a contribution to the Maryland Agricultural Land Preservation Fund of an amount equal to at least 40 percent of the value of the easement for each such purchase.

(5) "Allotted purchases" means general or matching purchases made pursuant to offers to buy tendered by the Foundation on or before January 31 of any fiscal year.

(6) "County" means any county containing productive agricultural land which is being actively farmed and which meets the criteria for land for which easements may be purchased.

(7) "Eligible county" means a county as defined in paragraph (6) of this subsection which has secured approval from the Foundation for a local agricultural land preservation program.

(b) Beginning with fiscal year 1979, and in each fiscal year thereafter, the Foundation shall determine the maximum amount which may be expended for allotted purchases of easements on land located within each county. The maximum amount which may be expended for allotted purchases of easements in any county in any fiscal year shall be:

(1) An amount, to be used for general allotted purchases, equal to one twenty–third of one half of the total amount to be allotted; and

(2) An amount, to be used for matching allotted purchases, which shall be computed for each eligible county by dividing one half of the total amount to be allotted equally among those counties having an approved program. The maximum amount available from the Foundation for the Foundation's share in matching allotted purchases may not exceed $2,000,000 in any county in any fiscal year.

(c) If the Foundation receives acceptances of offers to buy in insufficient numbers to expend the total amount to be allotted for allotted purchases, the Foundation, to the extent feasible, shall tender additional offers to buy in sufficient numbers to expend the total amount to be allotted. Any such additional offers to buy shall be tendered:

(1) To landowners who have applied to sell easements on land which was otherwise acceptable, but who had not received an offer to buy solely because of limitations on the amount of money to be spent for allotted purchases;

(2) To applicants on a statewide basis as provided by the priority ranking system established under § 2–510(e) of this subtitle; and

(3) Only after the expiration of the period allowed for acceptance of offers to buy under allotted general and matching purchases.

(D) IN PRIORITIZING AN APPLICATION TO SELL AN EASEMENT, A LOCAL GOVERNING BODY SHALL CONSIDER WHETHER THE LAND DRAINS INTO A RESERVOIR IN THE STATE.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 917 – Delegate McMillan

AN ACT concerning

Real Property – Residential Leases – Interest on Security Deposits

HB0917/440119/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 917
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate McMillan" and substitute "Delegates McMillan and Stocksdale"; in line 6, after "deposit;" insert "requiring the Department of Housing and Community Development to maintain a certain list on its Web site;"; in line 7, after "Act;" insert "providing for a delayed effective date;"; and after line 13, insert:

"BY adding to
Article – Real Property
Section 8–203(k)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 1, strike beginning with "**RATE**" in line 20 down through "**PARAGRAPH**" in line 21 and substitute "**DAILY U.S. TREASURY YIELD CURVE**

RATE FOR 1 YEAR, AS OF THE FIRST BUSINESS DAY OF EACH YEAR, OR 1.5%, WHICHEVER IS GREATER".

On page 2, strike beginning with "**RATE**" in line 25 down through "**SUBPARAGRAPH**" in line 26 and substitute "**DAILY U.S. TREASURY YIELD CURVE RATE FOR 1 YEAR, AS OF THE FIRST BUSINESS DAY OF EACH YEAR, OR 1.5%, WHICHEVER IS GREATER**".

AMENDMENT NO. 3

On pages 1 and 2, strike in their entirety the lines beginning with line 22 on page 1 through line 5 on page 2, inclusive, and substitute:

"**(II) FOR ANY YEAR IN WHICH THE LANDLORD HAS HELD THE SECURITY DEPOSIT FOR LESS THAN THE FULL YEAR, THE LANDLORD SHALL PAY AN AMOUNT OF INTEREST EQUAL TO THE AMOUNT OF THE DEPOSIT MULTIPLIED BY THE DAILY U.S. TREASURY YIELD CURVE RATE FOR 1 YEAR, THAT WAS IN EFFECT AS OF THE FIRST BUSINESS DAY OF THAT CALENDAR YEAR, OR 1.5%, WHICHEVER IS GREATER, DIVIDED BY THE NUMBER OF MONTHS THAT THE DEPOSIT WAS HELD.**".

On page 2, strike in their entirety lines 28 through 35, inclusive, and substitute:

"**2. FOR ANY YEAR IN WHICH THE LANDLORD HAS HELD THE SECURITY DEPOSIT FOR LESS THAN THE FULL YEAR, THE LANDLORD SHALL PAY AN AMOUNT OF INTEREST EQUAL TO THE AMOUNT OF THE DEPOSIT MULTIPLIED BY THE DAILY U.S. TREASURY YIELD CURVE RATE FOR 1 YEAR, THAT WAS IN EFFECT AS OF THE FIRST BUSINESS DAY OF THAT CALENDAR YEAR, OR 1.5%, WHICHEVER IS GREATER, DIVIDED BY THE NUMBER OF MONTHS THAT THE DEPOSIT WAS HELD.**".

AMENDMENT NO. 4

On page 3, after line 8, insert:

"**(K) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL MAINTAIN ON ITS WEB SITE A LIST OF DAILY U.S. TREASURY YIELD CURVE RATES FOR 1 YEAR, AS OF THE FIRST BUSINESS DAY OF EACH YEAR, TO BE USED IN CALCULATING THE INTEREST ON A SECURITY DEPOSIT.**".

AMENDMENT NO. 5

On page 3, in line 14, strike "October 1, 2011" and substitute "January 1, 2012".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1004 – Delegates Weir and Norman

AN ACT concerning

Real Property – Landlord and Tenant – Breach of Lease

HB1004/850816/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1004
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the second "of" insert "written"; and in line 5, strike "disturbs the public peace" and substitute "is an act prohibited under a certain law".

AMENDMENT NO. 2

On page 3, in line 8, after "**ARTICLE**" insert "**AS EVIDENCED BY A CHARGING DOCUMENT, CITATION, OR OFFICIAL REPORT ISSUED BY A UNIT OF LAW ENFORCEMENT OR CODE ENFORCEMENT**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1105 – Prince George's County Delegation

Prince George's County – School Facilities Surcharge for Replacement of Existing Single–Family Dwelling Unit

PG 408–11

HB1105/170711/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1105
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Surcharge for" and substitute "Surcharge –"; in line 5, strike "altering" and substitute "repealing"; in the same line, after the second "the" insert "applicability of the"; and strike beginning with "by" in line 7 down through "Act" in line 10 and substitute "; defining a certain term".

AMENDMENT NO. 2

On page 1, after line 23, insert:

"**(A) IN THIS SECTION, "NEW RESIDENTIAL CONSTRUCTION" DOES NOT INCLUDE THE IMPROVEMENT, RENOVATION, OR EXPANSION OF:**

(1) AN EXISTING DWELLING; OR

(2) AN EXISTING DWELLING UNIT.".

On page 2, in lines 1 and 13, strike "(a)" and "(b)", respectively, and substitute "**(B)**" and "**(C)**", respectively.

On pages 3 and 4, strike beginning with the colon in line 37 on page 3 down through "Owned" in line 3 on page 4 and substitute "**OWNED**".

On page 4, in lines 5, 8, 11, 17, 20, and 26, strike "(c)", "(d)", "(e)", "(f)", "(g)", and "(h)", respectively, and substitute "**(D)**", "**(E)**", "**(F)**", "**(G)**", "**(H)**", and "**(I)**",

respectively; strike in their entirety lines 28 through 31, inclusive; and in line 32, strike "3." and substitute "2.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters 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 JUDICIARY REPORT #8

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

House Bill 363 – Delegates Simmons, Dumais, Kramer, and Lee

AN ACT concerning

Criminal Law – Manslaughter by Vehicle or Vessel – Criminal Negligence

HB0363/402211/1

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 363
(First Reading File Bill)

On page 2, in line 7, after "**SUBSTANTIAL**" insert "**AND UNJUSTIFIABLE**"

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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, and Wilson

AN ACT concerning

Vehicle Laws – Expansion of Ignition Interlock System Program

HB1276/302216/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1276
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Wilson" and substitute "Wilson, Eckardt, Afzali, George, Haddaway–Riccio, McMillan, W. Miller, and Stocksdale".

AMENDMENT NO. 2

On page 1, in line 14, strike "or revoke"; in line 16, after "Program;" insert "providing for reconsideration of entry in the Program under certain circumstances;"; in line 21, after the semicolon insert "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;"; and in line 26, strike "defining certain terms;".

On page 2, in line 20, after "Section" insert "16–113(k) and"; in line 25, after "Section" insert "16–205.1(b)(3)(viii)3.,"; and in the same line, after "16–404.1," insert "27–101(h),".

AMENDMENT NO. 3

On page 3, after line 4, insert:

"**(K) A PARTICIPANT IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16–404.1 OF THIS TITLE MAY NOT DRIVE OR ATTEMPT TO DRIVE A VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM IN VIOLATION OF AN IGNITION INTERLOCK SYSTEM RESTRICTION ON A LICENSE ISSUED TO THE PARTICIPANT.**".

AMENDMENT NO. 4

On page 3, after line 10, insert:

"(b) (3) If the person refuses to take the test or takes a test which results in an alcohol concentration of 0.08 or more at the time of testing, the police officer shall:

(viii) Within 72 hours after the issuance of the order of suspension, send any confiscated driver's license, copy of the suspension order, and a sworn statement to the Administration, that states:

3. The person was fully advised of the administrative sanctions that shall be imposed, including the fact that a person who refuses to take the test or takes a test that indicates an alcohol concentration of 0.15 or more at the time of testing is ineligible for modification of a suspension or issuance of a restrictive license under subsection **[**(n)(1) or (2)**] (O)** of this section.".

AMENDMENT NO. 5

On page 6, in line 15, strike "**SUMMARILY**"; and after line 21, insert:

"**(4) IF A LICENSEE REQUESTS A HEARING UNDER THIS PARAGRAPH, THE SUSPENSION SHALL BE STAYED PENDING THE DECISION AT THE ADMINISTRATIVE HEARING.**".

AMENDMENT NO. 6

On page 7, strike in their entirety lines 20 through 23, inclusive.

On page 8, in line 22, strike "§ 16–113(b) or (g)" and substitute "**§ 16–113(G)(1)**".

AMENDMENT NO. 7

On page 9, strike beginning with "**BASED**" in line 23 down through "**TITLE**" in line 24; and strike in their entirety lines 28 through 32, inclusive, and substitute:

"**(E) IF AN INDIVIDUAL SUBJECT TO SUBSECTION (C) OR (D) OF THIS SECTION DOES NOT INITIALLY BECOME A PARTICIPANT:**

(1) THE INDIVIDUAL MAY APPLY LATER TO THE ADMINISTRATION TO BE A PARTICIPANT; AND

(2) THE ADMINISTRATION MAY RECONSIDER ANY SUSPENSION OR REVOCATION OF THE DRIVER'S LICENSE OF THE INDIVIDUAL ARISING OUT OF THE SAME CIRCUMSTANCES AND ALLOW THE INDIVIDUAL TO PARTICIPATE IN THE PROGRAM.".

AMENDMENT NO. 8

On page 10, in lines 1, 20, 26, 30, and 33, strike "**(E)**", "**(F)**", "**(G)**", "**(H)**", and "**(I)**", respectively, and substitute "**(F)**", "**(G)**", "**(H)**", "**(I)**", and "**(J)**", respectively.

On page 11, in lines 7, 12, 15, 17, and 22, strike "**(J)**", "**(E)(3)**", "**(K)**", "**(L)**", and "**(M)**", respectively, and substitute "**(K)**", "**(F)(3)**", "**(L)**", "**(M)**", and "**(N)**", respectively; in line 25, strike "**RETURN THE**" and substitute "**ISSUE A**"; and after line 26, insert:

"**(O) (1) IF THE ADMINISTRATION REMOVES AN INDIVIDUAL FROM THE PROGRAM BECAUSE THE INDIVIDUAL VIOLATED REQUIREMENTS OF THE PROGRAM, THE ADMINISTRATION MAY ALLOW THE INDIVIDUAL TO REENTER THE PROGRAM AFTER A PERIOD OF 30 DAYS FROM THE DATE OF REMOVAL.**

(2) IF AN INDIVIDUAL REENTERS THE PROGRAM UNDER THIS SUBSECTION, THE INDIVIDUAL SHALL PARTICIPATE IN THE PROGRAM FOR THE ENTIRE PERIOD OF TIME THAT WAS INITIALLY NECESSARY FOR SUCCESSFUL COMPLETION OF THE PROGRAM WITHOUT ANY CREDIT FOR THE PERIOD OF PARTICIPATION BEFORE THE INDIVIDUAL WAS REMOVED FROM THE PROGRAM.

(3) NOTHING CONTAINED IN PARAGRAPH (2) OF THIS SUBSECTION LIMITS A PERIOD OF PARTICIPATION IN THE PROGRAM REQUIRED UNDER ANY OTHER PROVISION OF THIS TITLE OR § 27–107 OF THIS ARTICLE.".

AMENDMENT NO. 9

On page 11, after line 33, insert:

"27–101.

(h) Any person who is convicted of a violation of any of the provisions of **§ 16–113(K) OF THIS ARTICLE ("IGNITION INTERLOCK SYSTEM PROGRAM PARTICIPANT DRIVING VEHICLE WITHOUT IGNITION INTERLOCK"),** § 16–303(a), (b), (c), (d), (e), (f), or (g) of this article ("Driving while license is canceled, suspended, refused, or revoked"), § 17–107 of this article ("Prohibitions"), or § 17–110 of this article ("Providing false evidence of required security") is subject to:

(1) For a first offense, a fine of not more than $1,000, or imprisonment for not more than 1 year, or both; and

(2) For any subsequent offense, a fine of not more than $1,000, or imprisonment for not more than 2 years, or both.".

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB1276/672419/1

BY: Chair, House Judiciary Committee

AMENDMENT TO HOUSE BILL 1276
(First Reading File Bill)

On page 1, in the sponsor line, after "Waldstreicher," insert "Barkley, Frank, Frick, Hixson, Hucker, Kach, Kaiser, A. Kelly, Krebs, Luedtke, A. Miller, Mizeur, Ready, Reznik, Sophocleus, Stein,".

The preceding amendment was read and adopted.

Delegate Kramer moved to make the Bill a Special Order for Thursday.

The motion was rejected.

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 632 – Delegates Mizeur, Barkley, Bobo, Carr, Dumais, Frick, Gilchrist, Hixson, Ivey, Lafferty, Luedtke, A. Miller, Murphy, Reznik, Rosenberg, Ross, and F. Turner

AN ACT concerning

Earned Income Credit Information Act

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

FLOOR AMENDMENT

HB0632/263128/1
BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 632
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 4 down through "notice;" in line 5; in line 6, strike "an employer" and substitute "the Comptroller"; strike beginning with "providing" in line 7 down through "notice;" in line 9; and strike in their entirety lines 11 through 15, inclusive.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 24 on page 1 through line 21 on page 2, inclusive.

AMENDMENT NO. 3

On page 2, in line 23, strike "**(1)**"; strike beginning with "**(2)**" in line 27 down through "**EMPLOYERS.**" in line 29; in line 30, strike "**(1)**"; strike beginning with "**AN**" in line 30 down through "**OR**" in line 31 and substitute "**THE COMPTROLLER SHALL PROVIDE**"; and in line 31, strike "**AN**".

AMENDMENT NO. 4

On page 3, in line 1, strike "**EMPLOYEE**" and substitute "**A PERSON IN THE STATE**"; in lines 3, 5, 7, and 10, strike "**(I)**", "**(II)**","**(III)**", and "**(IV)**", respectively, and substitute "**(1)**", "**(2)**", "**(3)**", and "**(4)**", respectively; in lines 3, 5, and 7, in each instance, strike "**EMPLOYEE**" and substitute "**PERSON**"; and strike beginning with "**(2)**" in line 12 down through "**SECTION.**" in line 20.

The preceding 4 amendments were read and rejected by a roll call vote as follows:

Affirmative – 50 Negative – 78 (See Roll Call No. 383)

FLOOR AMENDMENT

HB0632/993129/1
BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 632
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "make available" and substitute "mail"; and in the same line, strike "of" and substitute "in".

AMENDMENT NO. 2

On page 2, strike beginning with "**MAKE**" in line 28 down through "**EMPLOYERS**" in line 29 and substitute "**MAIL THE NOTICE TO ALL EMPLOYERS IN THE STATE**".

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

Affirmative – 49 Negative – 84 (See Roll Call No. 384)

Read the second time and ordered prepared for Third Reading.

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

STATUS OF BILL: BILL ON 3RD READING.

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

Affirmative – 101 Negative – 37 (See Roll Call No. 385)

The Bill was then sent to the Senate.

QUORUM CALL

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

(See Roll Call No. 386)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #30

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 – 111 Negative – 26 (See Roll Call No. 387)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 388)

The Bill was then sent to the Senate.

House Bill 510 – Delegates Waldstreicher, Anderson, Carter, Clippinger, Lee, McComas, Niemann, and Wilson

AN ACT concerning

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 389)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 390)

The Bill was then sent to the Senate.

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 – 97 Negative – 37 (See Roll Call No. 391)

The Bill was then sent to the Senate.

House Bill 817 – Delegate Mizeur

AN ACT concerning

Environment – Composting

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

Affirmative – 134 Negative – 2 (See Roll Call No. 392)

The Bill was then sent to the Senate.

House Bill 879 – Delegates Sophocleus, Barkley, DeBoy, Frank, McComas, Minnick, Niemann, and Stocksdale

AN ACT concerning

Criminal Law – Counterfeiting – Venue

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

Affirmative – 138 Negative – 0 (See Roll Call No. 393)

The Bill was then sent to the Senate.

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 – 137 Negative – 1 (See Roll Call No. 394)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #31

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

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

Affirmative – 97 Negative – 41 (See Roll Call No. 395)

The Bill was then sent to the Senate.

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 – 136 Negative – 2 (See Roll Call No. 396)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 397)

The Bill was then sent to the Senate.

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~~

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

Affirmative – 138 Negative – 0 (See Roll Call No. 398)

The Bill was then sent to the Senate.

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

AN ACT concerning

Aquaculture – Shellfish Leasing Areas – Expansion

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

Affirmative – 135 Negative – 3 (See Roll Call No. 399)

The Bill was then sent to the Senate.

House Bill 320 – Delegate Frush

AN ACT concerning

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

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

Affirmative – 133 Negative – 4 (See Roll Call No. 400)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 401)

The Bill was then sent to the Senate.

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

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

Affirmative – 132 Negative – 6 (See Roll Call No. 402)

The Bill was then sent to the Senate.

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

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

Affirmative – 134 Negative – 3 (See Roll Call No. 403)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #32

House Bill 221 – ~~Delegate Malone~~ Delegates Malone, Glenn, and Kipke

AN ACT concerning

Motor Vehicles – Use of Text Messaging Device While Driving

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

Affirmative – 122 Negative – 13 (See Roll Call No. 404)

The Bill was then sent to the Senate.

House Bill 362 – Chair, Economic Matters 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 – 101 Negative – 37 (See Roll Call No. 405)

The Bill was then sent to the Senate.

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 – 136 Negative – 0 (See Roll Call No. 406)

The Bill was then sent to the Senate.

House Bill 653 – Delegate Niemann

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 – 138 Negative – 0 (See Roll Call No. 407)

The Bill was then sent to the Senate.

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

PG 416–11

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

Affirmative – 138 Negative – 0 (See Roll Call No. 408)

The Bill was then sent to the Senate.

House Bill 1118 – Delegates Valderrama, Dumais, and Rosenberg

AN ACT concerning

Children in Need of Assistance – Hearings – Written Findings

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

Affirmative – 138 Negative – 0 (See Roll Call No. 409)

The Bill was then sent to the Senate.

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

AN ACT concerning

Consumer Protection – Household Goods Movers – Estimates and Charges

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

Affirmative – 113 Negative – 25 (See Roll Call No. 410)

The Bill was then sent to the Senate.

House Bill 1223 – Delegate Malone

EMERGENCY BILL

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety Task Force – Reconstitution

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

Affirmative – 134 Negative – 3 (See Roll Call No. 411)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #33

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 – 138 Negative – 0 (See Roll Call No. 412)

The Bill was then sent to the Senate.

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

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 98 Negative – 40 (See Roll Call No. 413)

The Bill was then sent to the Senate.

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

AN ACT concerning

Engine Coolant and Antifreeze Bittering Agent Act

Delegate Frush moved to make the Bill a Special Order for Thursday.

The motion was adopted.

House Bill 1020 – Delegates Valderrama, Stifler, and Vallario

AN ACT concerning

Criminal Procedure – Sex Offender Registry

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

Affirmative – 136 Negative – 0 (See Roll Call No. 414)

The Bill was then sent to the Senate.

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

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

Affirmative – 136 Negative – 0 (See Roll Call No. 415)

The Bill was then sent to the Senate.

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 – 124 Negative – 14 (See Roll Call No. 416)

The Bill was then sent to the Senate.

House Bill 1222 – Delegate Malone

AN ACT concerning

Vehicle Laws – Dealers – Licensing and Temporary Registration Plates

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

Affirmative – 136 Negative – 2 (See Roll Call No. 417)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #34

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 418)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 419)

The Bill was then sent to the Senate.

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

AN ACT concerning

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

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

Affirmative – 122 Negative – 14 (See Roll Call No. 420)

The Bill was then sent to the Senate.

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 421)

The Bill was then sent to the Senate.

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 422)

The Bill was then sent to the Senate.

House Bill 319 – Delegate Frush

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 – 137 Negative – 1 (See Roll Call No. 423)

The Bill was then sent to the Senate.

House Bill 499 – Delegates Szeliga and A. Miller

AN ACT concerning

Admissions and Amusement Tax – Exemption – Hot Air Balloons

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

Affirmative – 139 Negative – 0 (See Roll Call No. 424)

The Bill was then sent to the Senate.

House Joint Resolution 7 – Delegates Cardin, Busch, Hixson, and Rosenberg

A House Joint Resolution concerning

Election Law – Commission to Study Campaign Finance Law

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

Affirmative – 108 Negative – 31 (See Roll Call No. 425)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #35

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

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

Affirmative – 108 Negative – 31 (See Roll Call No. 426)

The Bill was then sent to the Senate.

House Bill 558 – Delegates Barve and Branch

AN ACT concerning

Property Tax Credit – Habitat for Humanity

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

Affirmative – 138 Negative – 0 (See Roll Call No. 427)

The Bill was then sent to the Senate.

House Bill 625 – Carroll County Delegation

AN ACT concerning

Carroll County – Deer Hunting on Private Property – Sundays

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

Affirmative – 123 Negative – 10 (See Roll Call No. 428)

The Bill was then sent to the Senate.

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 – 139 Negative – 0 (See Roll Call No. 429)

The Bill was then sent to the Senate.

House Bill 682 – Delegate K. Kelly

AN ACT concerning

Criminal Procedure – Pretrial Release and Bail Bonds

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

Affirmative – 135 Negative – 1 (See Roll Call No. 430)

The Bill was then sent to the Senate.

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

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

Affirmative – 126 Negative – 12 (See Roll Call No. 431)

The Bill was then sent to the Senate.

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

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

Affirmative – 95 Negative – 42 (See Roll Call No. 432)

The Bill was then sent to the Senate.

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

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

Affirmative – 133 Negative – 5 (See Roll Call No. 433)

The Bill was then sent to the Senate.

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 – 139 Negative – 0 (See Roll Call No. 434)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #36

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 – 136 Negative – 2 (See Roll Call No. 435)

The Bill was then sent to the Senate.

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 – 139 Negative – 0 (See Roll Call No. 436)

The Bill was then sent to the Senate.

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

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

Affirmative – 135 Negative – 4 (See Roll Call No. 437)

The Bill was then sent to the Senate.

House Bill 921 – Delegate Simmons

AN ACT concerning

Courts and Judicial Proceedings – Prelitigation Discovery – Insurance Coverage

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

Affirmative – 100 Negative – 38 (See Roll Call No. 438)

The Bill was then sent to the Senate.

House Bill 959 – Delegate Davis

AN ACT concerning

Insurance – Surplus Lines

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

Affirmative – 139 Negative – 0 (See Roll Call No. 439)

The Bill was then sent to the Senate.

House Bill 1174 – Delegates Mitchell, Vallario, and Conaway

AN ACT concerning

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

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

Affirmative – 83 Negative – 56 (See Roll Call No. 440)

The Bill was then sent to the Senate.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 154 – Senators Colburn ~~and Glassman~~, Glassman, Edwards, Astle, Garagiola, Kelley, Kittleman, Klausmeier, Middleton, and Pugh

AN ACT concerning

Health Insurance – Ambulance Service Providers – Assignment of Benefits

FOR the purpose of requiring health insurers, nonprofit health service plans, and health maintenance organizations to reimburse an ambulance service provider directly for certain covered services under certain circumstances; providing that an insured, a subscriber, or an enrollee of certain health insurance carriers may not be liable to certain ambulance service providers for certain services under certain circumstances; prohibiting certain ambulance service providers from taking certain actions against an insured, a subscriber, or an enrollee under certain circumstances; authorizing the ambulance service providers to collect certain payments from an insured, a subscriber, or an enrollee under certain

circumstances; requiring a health maintenance organization to reimburse certain ambulance service providers in accordance with certain provisions of law; prohibiting a certain allowed amount for a health care service provided by a certain ambulance service provider from being less than a certain amount; requiring the Maryland Insurance Commissioner to adopt regulations to implement this Act; providing for the application of this Act; defining certain terms; and generally relating to reimbursement by insurers, nonprofit health service plans, and health maintenance organizations for transportation by ambulance.

BY adding to
Article – Health – General
Section 19–706(kkkk)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Insurance
Section 15–138
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 380 – Senator Pinsky and the President (By Request – Administration) and Senators Benson, Ferguson, Frosh, Garagiola, Madaleno, Manno, Montgomery, Ramirez, Raskin, ~~and Rosapepe~~ Rosapepe, Glassman, Kittleman, Klausmeier, Mathias, Middleton, and Muse

AN ACT concerning

Electricity – Net Energy Metering

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~~ net excess generation until a certain consumption eliminates the net excess generation or 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; 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; 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; altering the date by which the Commission is required to report each year on the status of the net metering program; repealing a certain definition; defining a certain term; 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 Economic Matters.

Senate Bill 400 – Senators King, Ferguson, Forehand, Montgomery, Peters, Pugh, Ramirez, Raskin, and Robey

AN ACT concerning

Department of Health and Mental Hygiene – Certificates of Foreign Birth – IH–3 Visa

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 Health and Government Operations.

Senate Bill 458 – ~~Senator Pipkin~~ Senators Pipkin, Astle, Garagiola, Glassman, Kittleman, Klausmeier, Mathias, Middleton, Muse, and Pugh

AN ACT concerning

Maryland Department of Transportation and Maryland Transportation Authority – Enhanced Inspection of Bridges – Adoption of Regulations

FOR the purpose of requiring the Maryland Department of Transportation, in consultation with the Maryland Transportation Authority, to adopt, by a certain date, regulations concerning enhanced inspection of bridges in the State; requiring the regulations to include certain policies and practices; authorizing the Maryland Department of Transportation and the Maryland Transportation Authority to supplement or revise certain policies or practices for a certain purpose; and generally relating to regulations governing enhanced inspection of bridges in the State.

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 557 – Senators Pugh, Garagiola, Montgomery, Rosapepe, ~~and Stone~~ Stone, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, and Muse

AN ACT concerning

Commission on Maryland Cybersecurity Innovation and Excellence

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 Economic Matters.

Senate Bill 699 – Senator Klausmeier

AN ACT concerning

State Law Enforcement Officers – Collective Bargaining – Certain Police Employees

FOR the purpose of establishing collective bargaining rights for certain State law enforcement officers who are represented by a certain organization; specifying which police employees are eligible to participate in the collective bargaining process; establishing that this Act applies only to the negotiation of a certain memorandum of understanding; requiring certain individuals or entities to designate one or more representatives to participate as a party in collective bargaining; requiring the exclusive representative to make a certain notification of the intent to commence negotiations on or before a certain date; requiring the parties to begin negotiations on or before a certain date; requiring the parties to meet at reasonable times and engage in collective bargaining in good faith; requiring the parties to request a certain list of arbitrators within a certain period of time; authorizing a certain party under certain circumstances to request a hearing before the State Labor Relations Board; requiring a certain party under certain circumstances to provide written notice that an impasse has been reached; requiring each party to provide a certain final proposal to the State Board and the other party; requiring the State Board to conduct a hearing within a certain period of time and to issue a decision on or before a certain date; establishing certain powers and duties of the State Board; authorizing the State Board to receive and consider certain evidence; requiring the written decision of the State Board to be delivered to certain parties; requiring a party that rejects the decision of the State Board to submit a certain written notice to certain parties; authorizing a certain party under certain circumstances to request arbitration by a certain board; authorizing a certain party under certain circumstances to provide written notice that an impasse has been reached; providing for the composition of the board of arbitration; requiring each party to provide a certain final proposal to the board on or before a certain date; requiring the board to begin arbitration proceedings within a certain period of time and to issue a decision on or before a certain date; authorizing the parties to modify certain terms by mutual agreement; establishing the powers and duties of the board; authorizing the board to receive and consider certain evidence; requiring the written decision of the board to be delivered to certain parties; requiring a party that rejects the decision of the board to submit a certain written notice to certain parties; authorizing the board to stop or delay arbitration under certain circumstances; providing that arbitration may not be stopped or delayed because of certain acts; authorizing the parties to reach a certain voluntary settlement; prohibiting a party from altering certain conditions of employment during a certain period of time except under certain circumstances; requiring certain expenses to be divided equally between the parties; requiring a memorandum of understanding to be executed in a certain manner; establishing that, under certain circumstances, a certain written decision of the board is binding on the parties; requiring certain matters to be recommended to the General Assembly for approval; requiring the Governor to include certain amounts in the budget bill; providing that certain matters not included in a certain budget bill be paid retroactively to certain employees on a certain date; providing that negotiations for a memorandum of understanding are considered closed sessions; defining certain terms; and generally relating to

collective bargaining rights for certain State law enforcement officers who are represented by a certain exclusive representative.

BY adding to
Article – Public Safety
Section 2–419
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

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

Senate Bill 722 – ~~Senator Rosapepe~~ Senators Rosapepe, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Middleton, and Pugh

AN ACT concerning

Electronic Health Records – Incentives for Health Care Providers – Regulations

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 Maryland Health Care Commission to conduct a certain study and report on its findings to certain committees of the General Assembly on or before a certain date; 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 Health and Government Operations.

INTRODUCTION OF BILLS

Delegate O'Donnell moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 133 Negative – 0 (See Roll Call No. 441)

In compliance with the rules, the Bill was introduced.

House Bill 1353 – Delegates O'Donnell, Barve, Branch, Haddaway–Riccio, and Hammen

AN ACT concerning

Crimes – Food Service Facility – Rodenticide Placed on Food Prepared for Human Consumption

FOR the purpose of expanding the crime of contaminating food with poison to include the knowing placement of a rodenticide or other substance used to kill rodents on or in contact with food that will be prepared for human consumption in a food service facility; defining certain terms; and generally relating to the crime of placing a rodenticide on food prepared for human consumption in a food service facility.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–214
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 21–301(a) and (h)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Delegate O'Donnell moved to suspend the rules and assign the bill to the committee of jurisdiction.

The motion was adopted by roll call vote as follows:

Affirmative – 129 Negative – 0 (See Roll Call No. 442)

Referred to the Committee on Health and Government Operations.

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 443)

RECESS

At 12:25 P.M. on motion of Delegate Barve the House recessed until 4:00 P.M. on Legislative Day March 21, 2011, Calendar Day Wednesday, March 23, 2011.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 21, 2011
Calendar Day: Wednesday, March 23, 2011

At 4:18 P.M. the House resumed its session and pledged Allegiance to the Flag.

Prayer by Delegate James E. Proctor, Jr. of Calvert and Prince George's counties.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 444)

EXCUSES:
Del. Beitzel – late – business – meeting with Governor
Del. Gutierrez – business – El Salvador
Del. Healey – personal – son's illness
Del. Wilson – illness

SPECIAL ORDERS

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

House Bill 70 – The Speaker and the President (By Request – Administration)

Budget Bill

Fiscal Year 2012

REPORT OF THE HOUSE APPROPRIATIONS COMMITTEE
TO THE MARYLAND HOUSE OF DELEGATES – 2011 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO HOUSE BILL 70 – THE BUDGET BILL

(See Exhibit H of Appendix II)

HOUSE APPROPRIATIONS COMMITTEE
REPRINT TO HOUSE BILL 70 – THE BUDGET BILL

(See Exhibit I of Appendix II)

HOUSE APPROPRIATIONS COMMITTEE REPORT ON
HOUSE BILL 70 – THE BUDGET BILL AND
HOUSE BILL 72 – THE BUDGET RECONCILIATION AND FINANCING ACT

(See Exhibit J of Appendix II)

STATUS OF BILL: BILL ON 2ND READING. COMMITTEE AMENDMENTS NOT ADOPTED. FAVORABLE REPORT NOT ADOPTED.

Committee amendments 1 through 11 were read and adopted.
Committee amendment 12 was read and adopted.
Committee amendment 13 was read and adopted.
Committee amendments 14 through 26 were read and adopted.
Committee amendments 27 through 35 were read and adopted.
Committee amendments 36 through 49 were read and adopted.
Committee amendments 50 through 71 were read and adopted.
Committee amendments 72 through 88 were read and adopted.
Committee amendments 89 through 111 were read and adopted.
Committee amendments 112 through 127 were read and adopted.
Committee amendments 128 through 162 were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0070/563526/3
BY: Delegate Krebs

AMENDMENT TO HOUSE BILL 70
(First Reading File Bill – Committee Reprint)

On page 52, under:

Heading: MARYLAND TRANSIT ADMINISTRATION

After line 9, insert:

"Provided that the Maryland Transit Administration's appropriation for wage increases for union employees provided as part of the binding arbitration decision is reduced by $9,151,000.".

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

Affirmative – 39 Negative – 95 (See Roll Call No. 445)

FLOOR AMENDMENT

HB0070/593628/1
BY: Delegate Ready

AMENDMENT TO HOUSE BILL 70, AS AMENDED
(First Reading File Bill – Committee Reprint)

On page 252, after line 35, insert:

"SECTION 52. AND BE IT FURTHER ENACTED, That no State employee employed by an Executive Branch entity may receive a salary equal to or greater than the salary paid to the Governor. The Governor shall reduce the salary and fringe benefits for all positions affected by this Section, effective July 1, 2011.".

In Committee Amendment No. 162:

On page 252, in line 36, strike "52." and substitute "53.".

On page 253, in line 5, strike "53." and substitute "54.".

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

Affirmative – 39 Negative – 96 (See Roll Call No. 446)

FLOOR AMENDMENT

HB0070/353024/1
BY: Delegate McMillan

AMENDMENT TO HOUSE BILL 70, AS AMENDED
(First Reading File Bill – Committee Reprint)

On pages 34 and 35, under:

Heading: OFFICE OF PERSONNEL SERVICES AND BENEFITS

Program: F10A02.08

Entitled: Statewide Expenses

In Committee Amendment No. 22, strike in their entirety the lines beginning with line 32 on page 34 through line 2 on page 35, inclusive.

On page 35, in line 5, strike "employee bonuses,"; in lines 12 and 13 and 18 and 19, in each instance, strike "employee bonuses and"; in line 10, strike "44,988,275" and substitute "5,814,035"; in line 16, strike "11,226,066" and substitute "495,347"; in line 21, strike "7,361,405" and substitute "1,849,940"; and in the same line, strike "63,575,746" and substitute "8,159,322".

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

Affirmative – 42 Negative – 94 (See Roll Call No. 447)

FLOOR AMENDMENT

HB0070/263626/1
BY: Delegate Vitale

AMENDMENT TO HOUSE BILL 70
(First Reading File Bill – Committee Reprint)

On page 88, under:

Heading: MEDICAL CARE PROGRAMS ADMINISTRATION

Program: M00Q01.03

Entitled: Medical Care Provider Reimbursements

strike beginning with "or" in line 33 down through "health" in line 44.

On pages 90 and 91, under:

Heading: MEDICAL CARE PROGRAMS ADMINISTRATION

Program: M00Q01.07

Entitled: Maryland Children's Health Program

strike beginning with "or" in line 39 on page 90 down through "health" in line 5 on page 91.

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

Affirmative – 52 Negative – 82 (See Roll Call No. 448)

FLOOR AMENDMENT

HB0070/943020/1
BY: Delegate George

AMENDMENT TO HOUSE BILL 70
(First Reading File Bill – Committee Reprint)

On page 156, under:

Heading: MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION

Program: T50T01.03

Entitled: Maryland Stem Cell Research Fund

In line 18, in the General Fund Appropriation, strike "12,400,000" and substitute "0".

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

Affirmative – 44 Negative – 90 (See Roll Call No. 449)

FLOOR AMENDMENT

HB0070/753026/2
BY: Delegate Parrott

AMENDMENT TO HOUSE BILL 70, AS AMENDED
(First Reading File Bill – Committee Reprint)

On page 136, in Committee Amendment No. 101, under:

Heading: MARYLAND HIGHER EDUCATION COMMISSION

Program: R62I00.05

Entitled: The Senator John A. Cade Funding Formula for the Distribution of Funds to Community Colleges

in line 31, after "2012" insert ".

Further provided that a college that knowingly provides in–State tuition benefits to an undocumented alien is not eligible for a share of the Keeping Maryland Community Colleges Affordable Grant".

The preceding amendment was read only.

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 53 Negative – 80 (See Roll Call No. 450)

FLOOR AMENDMENT

HB0070/633824/1
BY: Delegate McMillan

AMENDMENT TO HOUSE BILL 70
(First Reading File Bill – Committee Reprint)

On page 102, under:

Heading: DIVISION OF RACING

Program: P00E01.02

Entitled: Maryland Racing Commission

In line 6, in the Special Fund Appropriation, strike "28,601,780" and substitute "0"; and in the same line, strike "28,987,852" and substitute "386,072".

On page 102, under:

Heading: DIVISION OF RACING

Program: P00E01.05

Entitled: Maryland Facility Redevelopment Program

In line 18, in the Special Fund Appropriation, strike "9,911,350" and substitute "0".

The preceding amendment was read only.

Delegate Cane moved the previous question.

The motion was adopted.

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

Affirmative – 11 Negative – 121 (See Roll Call No. 451)

FLOOR AMENDMENT

HB0070/683129/1
BY: Delegate McDonough

AMENDMENT TO HOUSE BILL 70
(First Reading File Bill – Committee Reprint)

On page 252, after line 35, insert:

"SECTION 52. AND BE IT FURTHER ENACTED, That:

(1) No funds may be expended by a State agency to pay a salary or wage to a State employee until the agency has 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, that the employee is legally and lawfully present in the United States; and

(2) No funds may be expended for a State procurement until the contractor and all subcontractors, if any, have provided a sworn affidavit to the contracting agency stating that all employees are legally and 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.";

and in line 36, strike "52." and substitute "53.".

On page 253, in line 5, strike "53." and substitute "54.".

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

Affirmative – 55 Negative – 80 (See Roll Call No. 452)

FLOOR AMENDMENT

HB0070/683129/2
BY: Delegate McDonough

AMENDMENT TO HOUSE BILL 70
(First Reading File Bill – Committee Reprint)

On page 252, after line 35, insert:

"SECTION 52. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that Maryland enforce federal immigration law.";

and in line 36, strike "52." and substitute "53.".

On page 253, in line 5, strike "53." and substitute "54.".

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

Affirmative – 49 Negative – 81 (See Roll Call No. 453)

Speaker Busch moved to make the Bill a Special Order for the end of today's business.

The motion was adopted.

House Bill 72 – The Speaker (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2011

HOUSE APPROPRIATIONS COMMITTEE REPORT ON
HOUSE BILL 70 – THE BUDGET BILL AND
HOUSE BILL 72 – BUDGET RECONCILIATION AND FINANCING ACT

(See Exhibit J of Appendix II)

STATUS OF BILL: BILL ON 2ND READING. COMMITTEE AMENDMENTS NOT ADOPTED. FAVORABLE REPORT NOT ADOPTED.

HB0072/174766/1
BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 72
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike "repealing" and substitute "altering"; in line 15, after "surcharges;" insert "altering the amount of a certain surcharge imposed for recording certain instruments for certain fiscal years;"; in the same line, strike "a certain fee" and substitute "certain fees"; in line 20, after "fees;" insert "altering the calculation of certain State aid to community colleges; altering the calculation of certain State aid to certain nonpublic institutions of higher education;"; strike beginning with "altering" in line 22 down through "purposes" in line 27 and substitute "establishing a Need–Based Student Financial Assistance Fund as a special, nonlapsing 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"; and in line 29, after "facilities;" insert "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;".

On page 2, in line 2, after "circumstances;" insert "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;"; in line 4, after "employees;" insert "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;"; in line 5, strike "authorizing" and substitute "requiring"; in line 8, after "Program;" insert "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;"; in the same line, after "new" insert "and certain returning"; strike beginning with "Employees'" in line 10 down through the second "System" in line 11 and substitute "State Retirement and Pension System"; strike beginning with "requiring" in line 15 down through "change;" in line 20; in line 21, strike "and the method for calculating certain benefits"; in line 23, after "System;" insert "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;"; in line 25, after "System;" insert "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;"; strike beginning with "and" in line 27 down through "System;" in line 28 and substitute "; 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;"; strike beginning with "Employees'" in line 30 down through "System" in line 31 and substitute "State Retirement and Pension System"; strike beginning with "Employees'" in line 32 down through "System" in line 33 and substitute "State Retirement and Pension System"; in line 36, after "credit;" insert "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;"; in line 40, after "Pensions;" insert "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;"; in line 43, after "circumstances;" insert "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;"; in line 44, after "highway;" insert "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;"; strike beginning with "for" in line 45 down through "of" in line 46 and substitute "; 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"; strike beginning with "; requiring"

in line 47 down through "of" in line 48 and substitute "under certain circumstances; prohibiting the Administration from renewing"; and in line 48, after "license" insert "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".

On pages 2 and 3, strike beginning with "requiring" in line 48 on page 2 down through "coal;" in line 7 on page 3 and substitute "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;"; strike beginning with "providing" in line 8 down through "circumstances;" in line 10 and substitute "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;"; and in line 13, after "obligations" insert "; 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; 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".

AMENDMENT NO. 2

On page 3, in line 18, strike "and" and substitute a comma; in the same line, after "17–311" insert ", and 17–317(a)"; after line 20, insert:

"BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 7–702(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)";

in line 23, after "7–301(f)" insert "and 13–604(a)"; in line 38, after "11–105(o)," insert "16–305(c)(1)(i),"; in the same line, after "16–310(d)(1)," insert "17–104(a)(1), 18–107,"; and strike in their entirety lines 31 through 35, inclusive.

On page 4, in line 2, strike "and" and substitute a comma; in the same line, after "18–1107" insert ", and 22–306.1"; strike in their entirety lines 10 through 15, inclusive; strike line 18 in its entirety and substitute:

"Section 4–217(c)(1) and (3), 19–214(d)(2)(i) and (e), 19–310.1(b), and 21–308(b)";

and strike line 23 in its entirety and substitute:

"Section 15–702".

On page 5, strike line 3 in its entirety and substitute:

"Section 3–103(h), 5–212(g), 5–212.1(g), and 5–903(a)(2)(v)";

in line 8, after "Section" insert "3A–308(g),"; in the same line, strike "and" and substitute a comma; in the same line, after "6–226(a)" insert ", and 10–306(c)"; in line 13, strike "2–508(b)(3)" and substitute "2–508(c) and (d)"; in the same line, strike "23–212(d) and (e), 23–221(d)" and substitute "21–316, 23–212(d)"; in line 15, strike "and (g), 29–303(h)" and substitute "29–302(b–1), 29–303(b–1)"; in line 17, strike "and 31–116.2" and substitute "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)"; in line 22, after "Section" insert "2–508(b) and (c), 2–509"; in the same line, strike "20–205(a), 21–304(e) and (f)," and substitute "20–204, 20–205(a), 21–302(b), 21–303(d), 21–304(a)(2), (b), (e), and (f), 21–308(a),"; strike in their entirety lines 23 and 24 and substitute "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)"; after line 26, insert:

"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)";

in line 29, after "2–202(b)," insert "2–614,"; in the same line, after "2–1302.1," insert "2–1303,"; after line 31, insert:

"BY repealing
Article – Tax – General
Section 2–1302.2
Annotated Code of Maryland
(2010 Replacement Volume)";

in line 34, after "2–106" insert "and 9–103(d)(1) and (4)"; and after line 36, insert:

"BY adding to
Article – Tax – Property
Section 9–255
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)".

On page 6, in line 3, after "Section" insert "3–215(b),"; in the same line, strike "and 8–402(c)(2)" and substitute ", 7–208(b), 8–402(c), and 8–403"; after line 5, insert:

"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)";

strike in their entirety lines 6 through 10, inclusive, and substitute:

"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)";

strike in their entirety lines 13 and 14 and substitute:

"Section 13–406.2 and 16–115(j)";

after line 16, insert:

"BY repealing and reenacting, with amendments,
Chapter 288 of the Acts of the General Assembly of 2002
Section 7";

and strike in their entirety lines 26 through 36, inclusive.

AMENDMENT NO. 3

On page 7, strike in their entirety lines 15 through 35, inclusive.

On page 9, after line 7, insert:

"**[**(a)**] (D)** (1) Within 365 days from the filing of the report required by § 17–310 of this subtitle, the Administrator shall cause notice to be published in a newspaper of general circulation in **[**the county**] THE COUNTIES** in the State **IDENTIFIED AS FEDERALLY DESIGNATED RURAL COUNTIES BY THE RURAL MARYLAND COUNCIL** within which is located the last known address of any person to be named in the notice.

(2) If an address is not listed or if the address is outside the State, the notice shall be published in the county within which the person who held the abandoned property has the principal place of business in this State**, IF THE COUNTY IS IDENTIFIED AS A FEDERALLY DESIGNATED RURAL COUNTY BY THE RURAL MARYLAND COUNCIL**.

[(b)**] (E)** The published notice **REQUIRED UNDER SUBSECTION (D) OF THIS SECTION** shall be entitled "Notice of Names of Persons Appearing to Be Owners of Abandoned Property" and shall contain:

(1) The names in alphabetical order and last known addresses, if any, of persons listed in the report and entitled to notice in the county specified in **SUBSECTION (D) OF** this section;

(2) A statement that information concerning the amount or description of the property and the name and address of the person who held the property may be obtained by any person who possesses an interest in the property, by addressing an inquiry to the Administrator; and

(3) A statement that a proof of claim may be presented by the owner to the Administrator.

[(c)**] (F)** The Administrator is not required to publish in the notice **REQUIRED UNDER SUBSECTION (D) OF THIS SECTION** any item valued at less than $100 unless the Administrator considers the publication to be in the public interest.";

and in lines 8 and 12, strike "(d)" and "(e)", respectively, and substitute "**(G)**" and "**(H)**", respectively.

AMENDMENT NO. 4

On page 10, strike beginning with the colon in line 13 down through "**SUBJECT**" in line 14 and substitute "**, SUBJECT**"; in line 15, strike "**50%**" and substitute "**100% OF THE REMAINDER**"; strike beginning with "**; AND**" in line 17 down through "**FUND**" in line 19; and in line 21, strike "**(III)1**" and substitute "**(III)**".

AMENDMENT NO. 5

On page 9, after line 19, insert:

"17–317.

(a) (1) All funds received under this title, including the proceeds of the sale of abandoned property under § 17–316 of this subtitle, shall be credited by the Administrator to a special fund. The Administrator shall retain in the special fund at the end of each fiscal year, from the proceeds received, an amount not to exceed $50,000, from which sum the Administrator shall pay any claim allowed under this title.

[(2) After deducting all costs incurred in administering this title from the remaining net funds the Administrator shall distribute $500,000 to the Maryland Legal Services Corporation to support the activities of the corporation.**]**

[(3)**] (2)** (i) Subject to subparagraph (ii) of this paragraph, the Administrator shall distribute all unclaimed money from judgments of restitution under Title 11, Subtitle 6 of the Criminal Procedure Article to the State Victims of Crime Fund established under § 11–916 of the Criminal Procedure Article to assist victims of crimes and delinquent acts to protect the victims' rights as provided by law.

(ii) If a victim entitled to restitution that has been treated as abandoned property under § 11–614 of the Criminal Procedure Article is located after the money has been distributed under this paragraph, the Administrator shall reduce the next distribution to the State Victims of Crime Fund by the amount recovered by the victim.

[(4)**] (3)** After making the distributions required under **[**paragraphs (2) and (3)**] PARAGRAPH (2)** of this subsection, the Administrator shall distribute the remaining net funds not retained under paragraph (1) of this subsection to the General Fund of the State.".

AMENDMENT NO. 6

On page 9, before line 20, insert:

"Article – Correctional Services

7–702.

(b) Unless a supervisee is exempted by the Commission under subsection (d) of this section, the Commission shall assess a monthly fee of **[**$40**] $50** as a condition of supervision for each supervisee.".

On page 10, line 28, strike "except as provided in paragraph (2) of this subsection,".

AMENDMENT NO. 7

On page 10, after line 24, insert:

"13–604.

(a) **(1)** **[**The**] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** Administrator shall establish a surcharge of $20 for each type of recordable instrument to be recorded among the land records and the financing statement records.

(2) FOR EACH OF FISCAL YEARS 2012 THROUGH 2016, THE SURCHARGE ESTABLISHED UNDER THIS SUBSECTION SHALL BE $40 FOR EACH

TYPE OF RECORDABLE INSTRUMENT TO BE RECORDED AMONG THE LAND RECORDS AND THE FINANCING STATEMENT RECORDS.".

AMENDMENT NO. 8

On pages 10 and 11, strike in their entirety the lines beginning with line 32 on page 10 through line 12 on page 11, inclusive.

AMENDMENT NO. 9

On page 12, in line 3, strike "**$6,599**" and substitute "**$6,694**".

AMENDMENT NO. 10

On page 13, after line 24, insert:

"16–305.

(c) (1) (i) The total State operating fund per full–time equivalent student to the community colleges for each fiscal year as requested by the Governor shall be:

1. In fiscal year 2009, not less than an amount equal to 26.25% 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;

2. In fiscal year 2010, not less than an amount equal to 23.6% 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;

3. In fiscal year 2011, not less than an amount equal to 21.8% 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;

4. In fiscal year 2012, not less than an amount equal to 20% 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;

5. In fiscal year 2013, not less than an amount equal to **[**21%**]** **18.5%** 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;

6. In fiscal year 2014, not less than an amount equal to **[**22%**]** **18.5%** 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;

7. In fiscal year 2015, not less than an amount equal to **[**23%**]** **19.5%** 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;

8. In fiscal year 2016, not less than an amount equal to **[**24%**]** **20.5%** 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;

9. In fiscal year 2017, not less than an amount equal to **[**25%**]** **21.5%** 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;

10. In fiscal year 2018, not less than an amount equal to **[**26%**]** **22.5%** 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;

11. In fiscal year 2019, not less than an amount equal to **[**27%**] 23.5%** 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;

12. In fiscal year 2020, not less than an amount equal to **[**28%**] 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 same fiscal year; **[**and**]**

13. IN FISCAL YEAR 2021, NOT LESS THAN AN AMOUNT EQUAL TO 26.5% 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;

14. IN FISCAL YEAR 2022, NOT LESS THAN AN AMOUNT EQUAL TO 28% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL–TIME EQUIVALENT STUDENT TO THE 4–YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR; AND

[13.**] 15.** In fiscal year **[**2021**] 2023** and each fiscal year thereafter, not less than an amount equal to 29% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year.".

AMENDMENT NO. 11

On page 14, after line 8, insert:

"**22–306.1.**

(A) IN THIS SECTION, "BASIC COST" MEANS THE AVERAGE AMOUNT SPENT BY A COUNTY FROM COUNTY AND STATE FUNDS FOR THE PUBLIC EDUCATION OF A NONDISABLED CHILD.

(B) A COUNTY SHALL REIMBURSE THE DEPARTMENT OF JUVENILE SERVICES THE AMOUNT OF THE BASIC COST CALCULATED UNDER SUBSECTION (A) OF THIS SECTION FOR EACH CHILD WHO WAS DOMICILED IN THE COUNTY PRIOR TO THE PLACEMENT IF THE CHILD:

(1) IS COMMITTED TO THE DEPARTMENT OF JUVENILE SERVICES AND IS IN A PROGRAM AT A FACILITY OR A RESIDENTIAL FACILITY;

(2) IS NOT IN DETENTION OR AWAITING PLACEMENT AFTER DISPOSITION; AND

(3) DOES NOT MEET THE CRITERIA FOR SHARED STATE AND LOCAL PAYMENT OF EDUCATIONAL COSTS AS PROVIDED IN §§ 8–406 AND 8–415 OF THIS ARTICLE.".

AMENDMENT NO. 12

On page 14, before line 5, insert:

"18–107.

(a) (1) Each year, money for each student financial assistance program administered by the Office shall be included in the State budget.

(2) Each year, the Governor shall include in the State budget at least 80 percent of the funds appropriated in the prior fiscal year for need–based programs as provided in §§ 18–301, 18–706(f), 18–1401, 18–1501, and 18–2601 of this title.

(b) **[**(1)**]** Except as otherwise provided in this title, money appropriated under this title that is not used by the end of the fiscal year **[**may not revert to the State Treasury**]** **SHALL BE DEPOSITED IN THE NEED–BASED STUDENT FINANCIAL ASSISTANCE FUND**.

[(2) All money retained under paragraph (1) of this subsection shall be used to make awards to students during subsequent fiscal years as provided in §§ 18–301, 18–601, 18–604, 18–706(f), 18–1401, 18–14A–01, 18–1501, and 18–2601 of this title and may not be used for administrative expenses.]

(C) (1) IN THIS SUBSECTION, "FUND" MEANS THE NEED–BASED STUDENT FINANCIAL ASSISTANCE FUND.

(2) THERE IS A NEED–BASED STUDENT FINANCIAL ASSISTANCE FUND.

(3) THE PURPOSE OF THE FUND IS TO ALLOW MONEY APPROPRIATED FOR STUDENT FINANCIAL ASSISTANCE PROGRAMS THAT IS NOT USED IN A FISCAL YEAR TO BE RETAINED FOR NEED–BASED AWARDS IN FUTURE FISCAL YEARS.

(4) THE COMMISSION SHALL ADMINISTER THE FUND.

(5) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(II) THE STATE TREASURER SHALL HOLD THE FUND AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(6) THE FUND CONSISTS OF:

(I) MONEY DISTRIBUTED TO THE FUND UNDER SUBSECTION (B) OF THIS SECTION; AND

(II) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(7) (I) THE FUND MAY BE USED ONLY FOR MAKING NEED–BASED FINANCIAL ASSISTANCE AWARDS TO STUDENTS AS PROVIDED IN §§

18–301, 18–601, 18–604, 18–706(F), 18–1401, 18–14A–01, 18–1501, AND 18–2601 OF THIS TITLE.

(II) THE FUND MAY NOT BE USED FOR ADMINISTRATIVE EXPENSES.

(8) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(II) ANY INVESTMENT EARNINGS ON THE FUNDS IN THE ACCOUNT SHALL BE PAID INTO THE GENERAL FUND OF THE STATE.

(9) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.".

AMENDMENT NO. 13

On page 14, after line 4, insert:

"17–104.

(a) (1) Except as provided in paragraph (2) of this subsection, the Maryland Higher Education Commission shall compute the amount of the annual apportionment for each institution that qualifies under this subtitle by multiplying the number of full–time equivalent students enrolled at the institution during the fall semester of the fiscal year preceding the fiscal year for which the aid apportionment is made, as determined by the Maryland Higher Education Commission by:

(i) In fiscal year 2009, an amount not less than 16% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the preceding fiscal year;

(ii) In fiscal year 2010, an amount not less than 12.85% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in the State for the same fiscal year;

(iii) In fiscal year 2011, an amount not less than 9.8% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(iv) In fiscal year 2012, an amount not less than 9.2% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(v) In fiscal year 2013, an amount not less than **[**10%**] 9.5%** of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(vi) In fiscal year 2014, an amount not less than **[**10.5%**] 10%** of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(vii) In fiscal year 2015, an amount not less than **[**11%**] 10.5%** of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(viii) In fiscal year 2016, an amount not less than **[**11.5%**] 11%** of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(ix) In fiscal year 2017, an amount not less than 12% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(x) In fiscal year 2018, an amount not less than 13% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(xi) In fiscal year 2019, an amount not less than 14% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(xii) In fiscal year 2020, an amount not less than 15% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year; and

(xiii) In fiscal year 2021 and each fiscal year thereafter, an amount not less than 15.5% of the State's General Fund per full–time equivalent

student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year.".

AMENDMENT NO. 14

On page 13, in line 10, strike "**APPROVAL**" and substitute "**EXCEPT FOR ACTIONS RELATING TO PROGRAMS OFFERED AT A REGIONAL HIGHER EDUCATION CENTER, APPROVAL**".

AMENDMENT NO. 15

On page 15, in line 27, strike "**$500,000**" and substitute "**$140,000**".

AMENDMENT NO. 16

On page 16, strike in their entirety lines 1 through 5, inclusive.

On pages 16 through 19, strike in their entirety the lines beginning with line 26 on page 16 through line 18 on page 19, inclusive.

AMENDMENT NO. 17

On page 16, after line 6, insert:

"4–217.

(c) (1) Except as otherwise provided by law**[**, the**]:**

(I) **THE** Department shall collect a $12 fee:

[(i)**]** **1.** For each certified or abridged copy of a **[**birth,**]** death, fetal death, marriage, or divorce verification certificate;

[(ii)**]** **2.** For a report that a search of the **DEATH, FETAL DEATH, MARRIAGE, OR DIVORCE VERIFICATION CERTIFICATE** files was made and the requested record is not on file;

[(iii)**]** **3.** For each change to a **DEATH, FETAL DEATH, MARRIAGE, OR DIVORCE VERIFICATION** certificate made later than one year after the certificate has been registered with the Department; or

[(iv)**]** **4.** To process an adoption, foreign adoption, or legitimation**; AND**

(II) THE DEPARTMENT SHALL COLLECT A $24 FEE:

1. FOR EACH CERTIFIED OR ABRIDGED COPY OF A BIRTH CERTIFICATE;

2. FOR A REPORT THAT A SEARCH OF THE BIRTH CERTIFICATE FILES WAS MADE AND THE REQUESTED RECORD IS NOT ON FILE; OR

3. FOR EACH CHANGE TO A BIRTH CERTIFICATE MADE LATER THAN 1 YEAR AFTER THE CERTIFICATE HAS BEEN REGISTERED WITH THE DEPARTMENT.

(3) (i) Any local health department may set and collect a fee for processing and issuing a birth certificate, or for a report that a search of the files was made and the requested record is not on file, that covers:

1. The administrative costs of providing this service; and

2. The requirements of subparagraph (iii) of this paragraph.

(ii) The fee set by the local health department for processing and issuing a birth certificate or for a report under subparagraph (i) of this paragraph may not exceed the actual costs to the local health department for processing and issuing a birth certificate or a report.

(iii) From the fee the local health department collects under subparagraph (i) of this paragraph, **[**$10**]** **$20** shall be transferred to the General Fund.

(iv) Prior to setting and collecting a fee for processing and issuing a birth certificate or for a report under subparagraph (i) of this paragraph, the local health department shall enter into a memorandum of understanding with the

Department of Health and Mental Hygiene that outlines the local health department's fee structure.".

AMENDMENT NO. 18

On page 16, strike in their entirety lines 7 through 25, inclusive.

AMENDMENT NO. 19

On pages 19 and 20, strike in their entirety the lines beginning with line 20 on page 19 through line 4 on page 20.

AMENDMENT NO. 20

On page 19, after line 18, insert:

"**15–702.**

(A) THE DEPARTMENT SHALL ENSURE THAT PUBLICLY OWNED SPECIALTY HOSPITALS PAY AN ASSESSMENT THAT IS COMPARABLE TO ANY UNIFORM ASSESSMENTS IMPOSED BY THE HEALTH SERVICES COST REVIEW COMMISSION ON SPECIALTY HOSPITALS UNDER § 19–214(D) OF THIS ARTICLE OR UNDER SECTION 16 OF CHAPTER ____ (H.B. 72) OF THE ACTS OF THE GENERAL ASSEMBLY OF 2011.

(B) REVENUES GENERATED FROM ANY ASSESSMENTS AUTHORIZED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE USED FOR THE GENERAL OPERATIONS OF THE MEDICAID PROGRAM.".

On pages 20 through 22, strike in their entirety the lines beginning with line 5 on page 20 through line 14 on page 22, inclusive, and substitute:

"(d) (2) (i) For the portion of the assessment under paragraph (1)(i) of this subsection:

1. The Commission shall ensure that the assessment amount **[**does not exceed the savings realized in averted hospital uncompensated care from the health care coverage expansion**]** **EQUALS 1.25% OF PROJECTED REGULATED NET PATIENT REVENUE**; and

2. Each hospital shall remit its assessment amount to the Health Care Coverage Fund established under § 15–701 of this article.".

On page 61, in line 13, strike "SECTION" and substitute:

"SECTION 16. AND BE IT FURTHER ENACTED, That, in addition to any other revenue generated under § 19–214 of the Health – General Article, as amended by this Act:

(a) For fiscal year 2012, the Health Services Cost Review Commission shall approve a combination of hospital assessments and remittances in the amount of $389,825,000 to support the general operations of the Medicaid program. The Commission may reduce assessments or remittances by the amount of any reduction in State Medicaid expenditures that will result from any Commission–approved changes in hospital rates or policies, other than changes authorized through the pooling of graduate medical education under § 19–214(b) of the Health – General Article.

(b) For fiscal year 2013 and every fiscal year thereafter, the Commission and the Department of Health and Mental Hygiene shall adopt policies that will provide at least $389,825,000 from a combination of special fund revenues and General Fund savings from reduced hospital or other payments made by the Medicaid program. The policies adopted under this subsection shall be in lieu of the hospital assessment and remittance revenue generated in fiscal year 2012, but may include hospital assessments and remittances. To the maximum extent possible, the Commission and the Department shall adopt policies that do not erode the State's Medicare waiver.

SECTION".

AMENDMENT NO. 21

On page 22, after line 33, insert:

"21–308.

(b) (1) For any license issued for which the authority to conduct a program under this subtitle has been delegated to a county health department:

(i) A county governing body or the Mayor and City Council of Baltimore City may and the Anne Arundel County Council shall provide for a license

fee schedule based on the anticipated cost of licensing, inspecting, and regulating food establishments and may provide for exemptions from the license fee schedule; and

(ii) All license fees shall be paid to the local health department or chief financial officer of the county governing body or Baltimore City.

(2) Except in Anne Arundel County, Baltimore City, Montgomery County, and Prince George's County, a license fee under this subsection may not exceed**[**:

(i) $300; or

(ii)**]** $70 for a seasonal food processing operation that:

[1.**] (I)** Uses only food that is grown on the property of the licensee; and

[2.**] (II)** Is in operation for not more than a 3–month continuous period in the calendar year.

(3) A seasonal food processing operation may obtain a food establishment license for a fee of $70 under paragraph **[**(2)(ii)**] (2)** of this subsection only twice in a calendar year.".

AMENDMENT NO. 22

On page 23, strike beginning with "**DEPARTMENT**" in line 22 down through "**THE**" in line 23.

On page 24, in line 14, strike beginning with "**FOR**" through "**THE**" and substitute "**THE**"; strike beginning with "**THE**" in line 15 down through "**FOR**" in line 16; in line 17, after "**THAN**" insert "**:**

1.";

in the same line, after "**$3,000,000**" insert "**FOR EACH OF FISCAL YEARS 2012 AND 2013; AND**

2. $8,000,000 FOR FISCAL YEAR 2014 AND EACH FISCAL YEAR THEREAFTER";

strike beginning with "**THE**" in line 20 down through "**FOR**" in line 21; and in line 28, after the bracket insert "**THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR**".

AMENDMENT NO. 23

On page 25, strike in their entirety lines 7 through 22, inclusive, and substitute:

"(g) **(1)** The Fund may be used only for:

[(1)**]** (i) **1.** Purchasing and managing in the name of the State lands suitable for forest culture, reserves, watershed protection, State parks, scenic preserves, historic monuments, parkways, and State recreational reserves; and

[(ii)**]** **2.** Helping to offset the costs to the Forest and Park Service for developing and implementing a forest health emergency contingency program under § 5–307 of this title;

[(2)**]** **(II)** **[**Annual**]** **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,** payments to counties in the amount of:

[(i)**]** **1.** If the State forest or park reserve comprises less than 10% of the total land area of the county, a sum equal to 15% of the revenue derived from the State forest or park reserve located in that county; and

[(ii)**]** **2.** If the State forest or park reserve comprises 10% or more of the total land area of the county, a sum equal to 25% of the revenue derived from the State forest or park reserve located in that county; and

[(3)**]** **(III)** Administrative costs calculated in accordance with § 1–103(b)(2) of this article.

(2) FOR FISCAL YEARS 2012 AND 2013 ONLY, THE PAYMENTS UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE BASED ONLY ON THE REVENUE DERIVED FROM SALES OF TIMBER.";

and strike in their entirety lines 24 through 31, inclusive, and substitute:

"(g)".

On page 26, in lines 1 and 8, in each instance, strike the bracket; in line 1, after "(2)" insert "**(I)**"; in the same line, strike "Each" and substitute "**SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, EACH**"; in lines 3 and 6, strike "(i)" and "(ii)", respectively, and substitute "**1.**" and "**2.**", respectively; and after line 8, insert:

"**(II) FOR FISCAL YEARS 2012 AND 2013 ONLY, THE PAYMENTS UNDER SUBPARAGRAPH (I) OF THIS SUBSECTION MAY NOT BE MADE.**".

On pages 26 and 27, strike in their entirety the lines beginning with line 9 on page 26 through line 6 on page 27, inclusive.

AMENDMENT NO. 24

On page 27, after line 7, insert:

"3A–308.

(g) (1) The Secretary shall approve funding for major information technology development projects only when those projects are supported by an approved systems development life cycle plan.

(2) AN APPROVED SYSTEMS DEVELOPMENT LIFE CYCLE PLAN SHALL INCLUDE SUBMISSION OF:

(I) A PROJECT PLANNING REQUEST THAT DETAILS INITIAL PLANNING FOR THE PROJECT, INCLUDING:

1. THE PROJECT TITLE, APPROPRIATION CODE, AND SUMMARY;

2. A DESCRIPTION OF:

A. THE NEEDS ADDRESSED BY THE PROJECT;

B. THE POTENTIAL RISKS ASSOCIATED WITH THE PROJECT;

C. POSSIBLE ALTERNATIVES; AND

D. THE SCOPE AND COMPLEXITY OF THE PROJECT; AND

3. AN ESTIMATE OF:

A. THE TOTAL COSTS REQUIRED TO COMPLETE THROUGH PLANNING; AND

B. THE FUND SOURCES AVAILABLE TO SUPPORT PLANNING COSTS; AND

(II) A PROJECT IMPLEMENTATION REQUEST TO BEGIN FULL DESIGN, DEVELOPMENT, AND IMPLEMENTATION OF THE PROJECT AFTER THE COMPLETION OF PLANNING, INCLUDING:

1. THE PROJECT TITLE, APPROPRIATION CODE, AND SUMMARY;

2. A DESCRIPTION OF:

A. THE NEEDS ADDRESSED BY THE PROJECT;

B. THE POTENTIAL RISKS ASSOCIATED WITH THE PROJECT;

C. POSSIBLE ALTERNATIVES;

D. THE SCOPE AND COMPLEXITY OF THE PROJECT; AND

E. HOW THE PROJECT MEETS THE GOALS OF THE STATEWIDE MASTER PLAN; AND

3. AN ESTIMATE OF:

A. THE TOTAL PROJECT COST; AND

B. THE FUND SOURCES AVAILABLE.

[(2)**] (3)** The Secretary may approve funding incrementally, consistent with the systems development life cycle plan.".

AMENDMENT NO. 25

On page 27, before line 7, insert:

"5–903.

(a) (2) (v) For each of fiscal years 2010 **[**and 2011**] THROUGH 2013**, $1,217,000 of the State's share of funds available under subparagraph (i)1A of this paragraph may be appropriated in the budgets of the Department, the Department of General Services, and the Department of Planning for expenses necessary to administer this Program.".

AMENDMENT NO. 26

On page 31, in line 22, strike "**AND**"; and in line 23, after "**FUND**" insert "**; AND**

63. TRANSPORTATION TRUST FUND".

AMENDMENT NO. 27

On page 31, after line 23, insert:

"10–306.

(c) (1) Except as provided in paragraph (2) of this subsection, if cash is received as consideration for the disposition of a capital asset of the State or any unit of the State government, the cash shall be applied to the State Annuity Bond Fund Account for the payment of the principal of and interest on the bonded indebtedness of the State.

(2) **(I)** If cash is received as consideration for the disposition of a capital asset, and if the capital asset was originally purchased with special funds, the cash shall be applied to the special fund.

(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, CASH RECEIVED AS CONSIDERATION FOR THE DISPOSITION OF HELICOPTERS, AUXILIARY HELICOPTER EQUIPMENT, GROUND SUPPORT EQUIPMENT, OR OTHER CAPITAL EQUIPMENT RELATED TO HELICOPTERS SHALL BE APPLIED TO THE STATE ANNUITY BOND FUND ACCOUNT FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDED INDEBTEDNESS OF THE STATE.

(3) If cash is received as consideration for the disposition of any real or personal property of the State or any unit of the State government, other than a capital asset, the cash shall be accounted for and paid into the State Treasury.".

AMENDMENT NO. 28

On page 31, after line 25, insert:

"(b) **(1) THIS SUBSECTION APPLIES TO A RETIREE WHO BEGAN STATE SERVICE ON OR BEFORE JUNE 30, 2011.**

[(1)**] (2)** A retiree may enroll and participate in the health insurance benefit options established under the Program if the retiree:

(i) ended State service with at least 10 years of creditable service and within 5 years before the age at which a vested retirement allowance normally would begin;

(ii) ended State service with at least 16 years of creditable service;

(iii) ended State service on or before June 30, 1984;

(iv) retired directly from State service with a State retirement allowance on or after July 1, 1984, and had at least 5 years of creditable service; or

(v) retired directly from State service with a State disability retirement allowance on or after July 1, 1984.

[(2)] **(3)** (i) The surviving spouse or dependent child of a deceased retiree who was eligible to enroll may enroll and participate in the health insurance benefit options established under the Program as long as the spouse or child is receiving a periodic allowance under Division II of this article or the Maryland Transit Administration Retirement Plan under § 7–206 of the Transportation Article.

(ii) Subparagraph (i) of this paragraph does not apply to a deceased retiree's spouse or dependent child who receives an Option 1, Option 4, or Option 7 benefit under Division II of this article or a lump–sum payment of benefits under the Maryland Transit Administration Retirement Plan under § 7–206 of the Transportation Article.

[(c)] **(4)** [(1)] **(I)** If a retiree receives a State disability retirement allowance or has 16 or more years of creditable service, the retiree or the retiree's surviving spouse or dependent child is entitled to the same State subsidy allowed a State employee.

[(2)] **(II)** In all other cases, if a retiree has at least 5 years of creditable service, the retiree or the retiree's surviving spouse or dependent child is entitled to 1/16 of the State subsidy allowed a State employee for each year of the retiree's creditable service up to 16 years.

[(3)] **(III)** Notwithstanding [paragraph (2)] **SUBPARAGRAPH (II)** of this [subsection] **PARAGRAPH** and subsection (a)(4)(i) of this section, if a retiree is an additional employee or agent of the State Racing Commission, for the purposes of determining a retiree's State subsidy, creditable service shall be determined with respect to service as an additional employee or agent beginning from the initial date of employment or January 1, 1986, whichever is later.

(C) (1) THIS SUBSECTION APPLIES TO A RETIREE WHO BEGINS STATE SERVICE ON OR AFTER JULY 1, 2011.

(2) A RETIREE MAY ENROLL AND PARTICIPATE IN THE HEALTH INSURANCE BENEFIT OPTIONS ESTABLISHED UNDER THE PROGRAM IF THE

RETIREE ENDED STATE SERVICE WITH AT LEAST 25 YEARS OF CREDITABLE SERVICE.

(3) (I) THE SURVIVING SPOUSE OR DEPENDENT CHILD OF A DECEASED RETIREE WHO WAS ELIGIBLE TO ENROLL MAY ENROLL AND PARTICIPATE IN THE HEALTH INSURANCE BENEFIT OPTIONS ESTABLISHED UNDER THE PROGRAM AS LONG AS THE SPOUSE OR CHILD IS RECEIVING A PERIODIC ALLOWANCE UNDER DIVISION II OF THIS ARTICLE OR THE MARYLAND TRANSIT ADMINISTRATION RETIREMENT PLAN UNDER § 7–206 OF THE TRANSPORTATION ARTICLE.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY TO A DECEASED RETIREE'S SPOUSE OR DEPENDENT CHILD WHO RECEIVES AN OPTION 1, OPTION 4, OR OPTION 7 BENEFIT UNDER DIVISION II OF THIS ARTICLE OR A LUMP–SUM PAYMENT OF BENEFITS UNDER THE MARYLAND TRANSIT ADMINISTRATION RETIREMENT PLAN UNDER § 7–206 OF THE TRANSPORTATION ARTICLE.

(4) (I) IF A RETIREE RECEIVES A STATE DISABILITY RETIREMENT ALLOWANCE OR HAS 25 OR MORE YEARS OF CREDITABLE SERVICE, THE RETIREE OR THE RETIREE'S SURVIVING SPOUSE OR DEPENDENT CHILD IS ENTITLED TO THE SAME STATE SUBSIDY ALLOWED A STATE EMPLOYEE.

(II) IN ALL OTHER CASES, IF A RETIREE HAS AT LEAST 10 YEARS OF CREDITABLE SERVICE, THE RETIREE OR THE RETIREE'S SURVIVING SPOUSE OR DEPENDENT CHILD IS ENTITLED TO 1/25 OF THE STATE SUBSIDY ALLOWED A STATE EMPLOYEE FOR EACH YEAR OF THE RETIREE'S CREDITABLE SERVICE UP TO 25 YEARS.

(III) NOTWITHSTANDING SUBPARAGRAPH (II) OF THIS PARAGRAPH AND SUBSECTION (A)(4)(I) OF THIS SECTION, IF A RETIREE IS AN ADDITIONAL EMPLOYEE OR AGENT OF THE STATE RACING COMMISSION, FOR THE PURPOSES OF DETERMINING A RETIREE'S STATE SUBSIDY, CREDITABLE SERVICE SHALL BE DETERMINED WITH RESPECT TO SERVICE AS AN ADDITIONAL EMPLOYEE OR AGENT BEGINNING FROM THE INITIAL DATE OF EMPLOYMENT.".

On page 32, in line 1, strike "(b)" and substitute "**(D)**"; in the same line, strike "**(3)**" and substitute "**(1)**"; in the same line, strike "**PARAGRAPH (1) OF THIS SUBSECTION**" and substitute "**SUBSECTIONS (B) AND (C) OF THIS SECTION**"; after line 4, insert:

"**(2) THE HEALTH INSURANCE BENEFIT OPTION FOR RETIREES SHALL INCLUDE A PRESCRIPTION DRUG BENEFIT THAT:**

(I) HAS THE SAME CO–PAYMENTS, COINSURANCE, DEDUCTIBLE, AND OUT–OF–POCKET LIMITS THAT APPLY TO THE PRESCRIPTION DRUG BENEFIT FOR ACTIVE STATE EMPLOYEES; AND

(II) REQUIRES RETIREES TO PAY 25% OF THE PREMIUM FOR THE PRESCRIPTION DRUG BENEFIT.

2–509.

(a) **(1) THIS SUBSECTION APPLIES TO A RETIREE WHO BEGAN SERVICE WITH A STATE INSTITUTION OF HIGHER EDUCATION ON OR BEFORE JUNE 30, 2011.**

[(1)**] (2) (I)** Subject to **[**paragraph (2)**] SUBPARAGRAPH (II)** of this **[**subsection**] PARAGRAPH**, an individual may enroll and participate in the health insurance benefit options established under the Program if the individual retired under an optional program under Title 30 of this article and:

[(i)**] 1.** ended service with a State institution of higher education with at least 10 years of service and was at least age 57;

[(ii)**] 2.** ended service with a State institution of higher education with at least 16 years of service; or

[(iii)**] 3.** retired directly from and had at least 5 years of service with a State institution of higher education with a periodic distribution of benefits on or after July 1, 1984.

[(2) (i)] **(II) 1.** For purposes of this subsection only, years of service shall be calculated as follows:

[1.] **A.** except as provided in [subparagraph (ii) of this paragraph] **SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH**, a year of service means a period of 12 months during which an employee was a participant in an optional retirement program under Title 30 of this article and the participant's employer made contributions to the participant's account in the Program; or

[2.] **B.** if an employee's work year is an academic year of at least 9 but less than 12 months, a year of service means a period equal to the academic year during which an employee was a participant in an optional retirement program under Title 30 of this article and the participant's employer made contributions to the participant's account in the Program.

[(ii)] **2.** To determine eligibility for health insurance benefits under this section, each year of service shall be multiplied by the participant's percentage of full–time employment for that year of service.

[(3)] **(III)** The surviving spouse or dependent child of a deceased individual who was eligible to enroll may enroll and participate in the health insurance benefit options established under the Program as long as the spouse or child is receiving a periodic distribution of benefits under an optional retirement program under Title 30 of this article.

[(b) (1)] **(3) (I)** An enrollee under this section who was in service with a State institution of higher education at the time of the retirement is entitled to the same State subsidy allowed a retiree under § 2–508 of this subtitle. However, except as provided in [paragraph (2) of this subsection] **SUBPARAGRAPH (II) OF THIS PARAGRAPH**, the subsidy shall apply only to the costs of coverage for the enrollee and may not apply to any additional costs of coverage for the enrollee's spouse or children.

[(2)] **(II)** If the enrollee has 25 or more years of service as an employee of the State in the Executive, Legislative, or Judicial Branch of government, the enrollee or the enrollee's surviving spouse or dependent child is entitled to the same State subsidy allowed a retiree with 16 or more years of creditable service under § 2–508(c)(1) of this subtitle.

(B) (1) THIS SUBSECTION APPLIES TO A RETIREE WHO BEGINS SERVICE WITH A STATE INSTITUTION OF HIGHER EDUCATION ON OR AFTER JULY 1, 2011.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN INDIVIDUAL MAY ENROLL AND PARTICIPATE IN THE HEALTH INSURANCE BENEFIT OPTIONS ESTABLISHED UNDER THE PROGRAM IF THE INDIVIDUAL RETIRED UNDER AN OPTIONAL PROGRAM UNDER TITLE 30 OF THIS ARTICLE AND:

1. ENDED SERVICE WITH A STATE INSTITUTION OF HIGHER EDUCATION WITH AT LEAST 10 YEARS OF SERVICE AND WAS AT LEAST AGE 57;

2. ENDED SERVICE WITH A STATE INSTITUTION OF HIGHER EDUCATION WITH AT LEAST 25 YEARS OF SERVICE; OR

3. RETIRED DIRECTLY FROM AND HAD AT LEAST 10 YEARS OF SERVICE WITH A STATE INSTITUTION OF HIGHER EDUCATION WITH A PERIODIC DISTRIBUTION OF BENEFITS ON OR AFTER JULY 1, 2011.

(II) 1. FOR PURPOSES OF THIS PARAGRAPH ONLY, YEARS OF SERVICE SHALL BE CALCULATED AS FOLLOWS:

A. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, A YEAR OF SERVICE MEANS A PERIOD OF 12 MONTHS DURING WHICH AN EMPLOYEE WAS A PARTICIPANT IN AN OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE AND THE PARTICIPANT'S EMPLOYER MADE CONTRIBUTIONS TO THE PARTICIPANT'S ACCOUNT IN THE PROGRAM; OR

B. IF AN EMPLOYEE'S WORK YEAR IS AN ACADEMIC YEAR OF AT LEAST 9 BUT LESS THAN 12 MONTHS, A YEAR OF SERVICE MEANS A PERIOD EQUAL TO THE ACADEMIC YEAR DURING WHICH AN EMPLOYEE WAS A PARTICIPANT IN AN OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF

THIS ARTICLE AND THE PARTICIPANT'S EMPLOYER MADE CONTRIBUTIONS TO THE PARTICIPANT'S ACCOUNT IN THE PROGRAM.

2. TO DETERMINE ELIGIBILITY FOR HEALTH INSURANCE BENEFITS UNDER THIS SECTION, EACH YEAR OF SERVICE SHALL BE MULTIPLIED BY THE PARTICIPANT'S PERCENTAGE OF FULL–TIME EMPLOYMENT FOR THAT YEAR OF SERVICE.

(III) THE SURVIVING SPOUSE OR DEPENDENT CHILD OF A DECEASED INDIVIDUAL WHO WAS ELIGIBLE TO ENROLL MAY ENROLL AND PARTICIPATE IN THE HEALTH INSURANCE BENEFIT OPTIONS ESTABLISHED UNDER THE PROGRAM AS LONG AS THE SPOUSE OR CHILD IS RECEIVING A PERIODIC DISTRIBUTION OF BENEFITS UNDER AN OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE.

(3) (I) AN ENROLLEE UNDER THIS SUBSECTION WHO WAS IN SERVICE WITH A STATE INSTITUTION OF HIGHER EDUCATION AT THE TIME OF THE RETIREMENT IS ENTITLED TO THE SAME STATE SUBSIDY ALLOWED A RETIREE UNDER § 2–508(C) OF THIS SUBTITLE. HOWEVER, EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE SUBSIDY SHALL APPLY ONLY TO THE COSTS OF COVERAGE FOR THE ENROLLEE AND MAY NOT APPLY TO ANY ADDITIONAL COSTS OF COVERAGE FOR THE ENROLLEE'S SPOUSE OR CHILDREN.

(II) IF THE ENROLLEE HAS 25 OR MORE YEARS OF SERVICE AS AN EMPLOYEE OF THE STATE IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF GOVERNMENT, THE ENROLLEE OR THE ENROLLEE'S SURVIVING SPOUSE OR DEPENDENT CHILD IS ENTITLED TO THE SAME STATE SUBSIDY ALLOWED A RETIREE WITH 25 OR MORE YEARS OF CREDITABLE SERVICE UNDER § 2–508(B)(4)(I) OF THIS SUBTITLE.";

and in line 13, strike "MAY" and substitute "SHALL".

AMENDMENT NO. 29

On page 34, after line 13, insert:

"20–204.

(a) **(1)** This [section]**SUBSECTION** applies only to **AN INDIVIDUAL WHO IS A MEMBER OF**:

[(1) the Correctional Officers' Retirement System;

(2)] **(I)** the Employees' Retirement System; **OR**

[(3) the State Police Retirement System; or

(4)] **(II)** the Teachers' Retirement System.

[(b)] **(2)** Except as provided in [subsection (c) of this section]**PARAGRAPH (3) OF THIS SUBSECTION**, the average final compensation of a member equals the average annual earnable compensation of the member for:

[(1)] **(I)** the 3 years of employment as a member during which the member's earnable compensation was highest, if the member was employed at least 3 years as a member; or

[(2)] **(II)** the member's total period of employment, if the member was employed less than 3 years as a member.

[(c) (1)] **(3)** Except for a salary increase because of a member's promotion, the member's average final compensation does not include a salary increase in the last 3 years of employment if it is an extraordinary salary increase according to regulations that the Board of Trustees adopts.

[(2) (i) This paragraph applies only to a member of the State Police Retirement System.

(ii) If a member of the State Police Retirement System who transferred from another actuarial retirement system in the State retires after less than 3 years of employment as a member of the State Police Retirement System, the earnable compensation as a member in the other system shall be used in the determination of average final compensation.]

(B) (1) THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL WHO ON OR BEFORE JUNE 30, 2011, IS A MEMBER OF:

(I) THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM; OR

(II) THE STATE POLICE RETIREMENT SYSTEM.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE AVERAGE FINAL COMPENSATION OF A MEMBER EQUALS THE AVERAGE ANNUAL EARNABLE COMPENSATION OF THE MEMBER FOR:

(I) THE 3 YEARS OF EMPLOYMENT AS A MEMBER DURING WHICH THE MEMBER'S EARNABLE COMPENSATION WAS HIGHEST, IF THE MEMBER WAS EMPLOYED AT LEAST 3 YEARS AS A MEMBER; OR

(II) THE MEMBER'S TOTAL PERIOD OF EMPLOYMENT, IF THE MEMBER WAS EMPLOYED LESS THAN 3 YEARS AS A MEMBER.

(3) (I) EXCEPT FOR A SALARY INCREASE BECAUSE OF A MEMBER'S PROMOTION, THE MEMBER'S AVERAGE FINAL COMPENSATION DOES NOT INCLUDE A SALARY INCREASE IN THE LAST 3 YEARS OF EMPLOYMENT IF IT IS AN EXTRAORDINARY SALARY INCREASE ACCORDING TO REGULATIONS THAT THE BOARD OF TRUSTEES ADOPTS.

(II) 1. THIS SUBPARAGRAPH APPLIES ONLY TO A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM.

2. IF A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM WHO TRANSFERRED FROM ANOTHER ACTUARIAL RETIREMENT SYSTEM IN THE STATE RETIRES AFTER LESS THAN 3 YEARS OF EMPLOYMENT AS A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM, THE EARNABLE COMPENSATION AS A MEMBER IN THE OTHER SYSTEM SHALL BE USED IN THE DETERMINATION OF AVERAGE FINAL COMPENSATION.

(C) (1) THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL WHO ON OR AFTER JULY 1, 2011, BECOMES A MEMBER OF:

(I) THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM; OR

(II) THE STATE POLICE RETIREMENT SYSTEM.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE AVERAGE FINAL COMPENSATION OF A MEMBER EQUALS THE AVERAGE ANNUAL EARNABLE COMPENSATION OF THE MEMBER FOR:

(I) THE 5 YEARS OF EMPLOYMENT AS A MEMBER DURING WHICH THE MEMBER'S EARNABLE COMPENSATION WAS HIGHEST, IF THE MEMBER WAS EMPLOYED AT LEAST 3 YEARS AS A MEMBER; OR

(II) THE MEMBER'S TOTAL PERIOD OF EMPLOYMENT, IF THE MEMBER WAS EMPLOYED LESS THAN 5 YEARS AS A MEMBER.

(3) (I) EXCEPT FOR A SALARY INCREASE BECAUSE OF A MEMBER'S PROMOTION, THE MEMBER'S AVERAGE FINAL COMPENSATION DOES NOT INCLUDE A SALARY INCREASE IN THE LAST 5 YEARS OF EMPLOYMENT IF IT IS AN EXTRAORDINARY SALARY INCREASE ACCORDING TO REGULATIONS THAT THE BOARD OF TRUSTEES ADOPTS.

(II) 1. THIS SUBPARAGRAPH APPLIES ONLY TO A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM.

2. IF A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM WHO TRANSFERRED FROM ANOTHER ACTUARIAL RETIREMENT SYSTEM IN THE STATE RETIRES AFTER LESS THAN 5 YEARS OF EMPLOYMENT AS A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM, THE EARNABLE COMPENSATION AS A MEMBER IN THE OTHER SYSTEM SHALL BE USED IN THE DETERMINATION OF AVERAGE FINAL COMPENSATION.";

strike beginning with "**(1)**" in line 15 down through "**THIS**" in line 16 and substitute "**THIS**"; in line 16, after "to" insert "**AN INDIVIDUAL WHO ON OR BEFORE JUNE 30, 2011, IS A MEMBER OF**"; in lines 17, 18, 19, and 20, in each instance, strike the brackets; in lines 17, 18, 19, and 20, strike "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively; in line 19, strike "and" and substitute "**OR**"; strike in their entirety lines 21 through 29, inclusive; in line 31, strike "**TO**" and substitute "**ONLY TO AN INDIVIDUAL WHO ON OR AFTER JULY 1, 2011, BECOMES A MEMBER OF**";

and after line 31, insert:

"**(1) THE EMPLOYEES' PENSION SYSTEM;**

(2) THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM; OR

(3) THE TEACHERS' PENSION SYSTEM.".

On page 35, strike in their entirety lines 1 through 8, inclusive.

On page 37, in line 22, strike the brackets; strike beginning with "**EXCEPT**" in line 22 down through "**THE**" in line 23; in line 28, strike "and"; in line 29, strike "on or after" and substitute "**FROM**"; in line 30, strike the period and substitute "**TO JUNE 30, 2011, BOTH INCLUSIVE; AND**

(4) 7% OF THE MEMBER'S EARNABLE COMPENSATION RECEIVED ON OR AFTER JULY 1, 2011.".

On pages 37 and 38, strike in their entirety the lines beginning with line 31 on page 37 through line 8 on page 38, inclusive.

On page 38, in line 9, strike "**(E)**" and substitute "**(D)**".

On pages 38 through 40, strike in their entirety the lines beginning with line 12 on page 38 through line 8 on page 40, inclusive.

On page 40, in line 18, before "**A**" insert "**(A)**".

On page 41, in line 4, strike "**(E)**" and substitute "**(D)**"; after line 4, insert:

"**(B)** **A MEMBER DESCRIBED IN § 23–225(A)(2) OF THIS SUBTITLE IS NOT SUBJECT TO THIS PART IV OF THIS SUBTITLE WITH RESPECT TO THE SERVICE CREDIT EARNED IN THE MEMBER'S PREVIOUS MEMBERSHIP.**".

in line 6, strike "**(G)**" and substitute "**(F)**"; in line 23, after "(e)**,**" insert "**AND**"; and in the same line, strike "**, AND (G)**".

On pages 41 through 43, strike in their entirety the lines beginning with line 31 on page 41 through line 3 on page 43, inclusive.

On page 43, in line 4, strike "**(G)**" and substitute "**(F)**".

On page 44, after line 21, insert:

"24–401.

(a) **(1)** **(I)** **THIS PARAGRAPH APPLIES TO AN INDIVIDUAL WHO IS A MEMBER ON OR BEFORE JUNE 30, 2011.**

(II) A member may retire with a normal service retirement allowance if:

[(1)**]** **1.** on or before the date of retirement, the member:

[(i)**]** **A.** has at least 22 years of eligibility service; or

[(ii)**]** **B.** is at least 50 years old; and

[(2)**]** **2.** the member completes and submits a written application to the Board of Trustees, on the form that the Board of Trustees provides, stating the date when the member desires to retire.

(2) **(I)** **THIS PARAGRAPH APPLIES TO AN INDIVIDUAL WHO BECOMES A MEMBER ON OR AFTER JULY 1, 2011.**

(II) **A MEMBER MAY RETIRE WITH A NORMAL SERVICE RETIREMENT ALLOWANCE IF:**

1. ON OR BEFORE THE DATE OF RETIREMENT, THE MEMBER:

A. HAS AT LEAST 25 YEARS OF ELIGIBILITY SERVICE; OR

B. IS AT LEAST 50 YEARS OLD; AND

2. THE MEMBER COMPLETES AND SUBMITS A WRITTEN APPLICATION TO THE BOARD OF TRUSTEES, ON THE FORM THAT THE BOARD OF TRUSTEES PROVIDES, STATING THE DATE WHEN THE MEMBER DESIRES TO RETIRE.";

in line 23, after "(1)" insert "**(I) THIS PARAGRAPH APPLIES TO AN INDIVIDUAL WHO IS A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM ON OR BEFORE JUNE 30, 2011.**

(II)";

in lines 25 and 27, strike "(i)" and "(ii)", respectively, and substitute "**1.**" and "**2.**", respectively; in line 26, strike the brackets; strike beginning with "**; AND**" in line 27 down through "**2011**" in line 29; in line 30, strike "(2)" and substitute "**(III)**"; strike beginning with "**AND**" in line 31 down through "**2011**" in line 32; and after line 32, insert:

"**(2) (I) THIS PARAGRAPH APPLIES TO AN INDIVIDUAL WHO BECOMES A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM ON OR AFTER JULY 1, 2011.**

(II) EXCEPT FOR THE SECRETARY OF STATE POLICE, A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM IS ELIGIBLE TO PARTICIPATE IN THE DROP IF THE MEMBER:

1. HAS AT LEAST 25 YEARS AND NOT LESS THAN 29 YEARS OF ELIGIBILITY SERVICE; AND

2. IS LESS THAN 60 YEARS OLD.

(III) THE SECRETARY OF STATE POLICE IS ELIGIBLE TO PARTICIPATE IN THE DROP IF THE SECRETARY HAS AT LEAST 25 YEARS OF ELIGIBILITY SERVICE.

(d) An eligible member may elect to participate in the DROP for a period not to exceed the lesser of:

(1) 4 years;

(2) **(I)** the difference between 28 years and the member's eligibility service as of the date of the member's election to participate in the DROP and retire from the State Police Retirement System**, IF THE MEMBER IS A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM ON OR BEFORE JUNE 30, 2011; OR**

(II) THE DIFFERENCE BETWEEN 29 YEARS AND THE MEMBER'S ELIGIBILITY SERVICE AS OF THE DATE OF THE MEMBER'S ELECTION TO PARTICIPATE IN THE DROP AND RETIRE FROM THE STATE POLICE RETIREMENT SYSTEM, IF THE MEMBER BECOMES A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM ON OR AFTER JULY 1, 2011;

(3) the difference between age 60 and the member's age as of the date of the member's election to participate in the DROP and retire from the State Police Retirement System; or

(4) a term selected by the member.

(h) (2) During the period that a DROP member participates in the DROP, the Board of Trustees shall:

(i) deposit the DROP member's normal service retirement allowance in the DROP for the DROP member's benefit;

(ii) adjust the DROP member's normal service retirement allowance each fiscal year as provided in Title 29, Subtitle 4, Part III of this article; and

(iii) accrue interest on the amounts calculated under items (i) and (ii) of this paragraph for the DROP member into the DROP at the rate of**:**

1. 6% a year, compounded monthly **IF THE INDIVIDUAL IS A DROP MEMBER ON OR BEFORE JUNE 30, 2011; OR**

2. 4% A YEAR, COMPOUNDED ANNUALLY, IF THE INDIVIDUAL BECOMES A DROP MEMBER ON OR AFTER JULY 1, 2011.".

On page 45, before line 1, insert:

"26–204.

(a) Except as provided in subsection (b) of this section, a member's contribution rate is**:**

(1) 4% of the member's earnable compensation **RECEIVED BEFORE JULY 1, 2011;**

(2) 6% OF THE MEMBER'S EARNABLE COMPENSATION RECEIVED FROM JULY 1, 2011 TO JUNE 30, 2012, BOTH INCLUSIVE; AND

(3) 7% OF THE MEMBER'S EARNABLE COMPENSATION RECEIVED ON OR AFTER JULY 1, 2012.";

strike in their entirety lines 2 through 7, inclusive; and after line 7, insert:

"(h) (2) During the period that a DROP member participates in the DROP, the Board of Trustees shall:

(i) deposit the DROP member's normal service retirement allowance in the DROP for the DROP member's benefit;

(ii) adjust the DROP member's normal service retirement allowance each fiscal year as provided in Title 29, Subtitle 4, Part VI of this article; and

(iii) accrue interest on the amounts calculated under subparagraphs (i) and (ii) of this paragraph for the DROP member into the DROP at the rate of**:**

1. 6% a year, compounded monthly **IF THE INDIVIDUAL IS A DROP MEMBER ON OR BEFORE JUNE 30, 2011; OR**

2. 4% A YEAR, COMPOUNDED ANNUALLY, IF THE INDIVIDUAL BECOMES A DROP MEMBER ON OR AFTER JULY 1, 2011.";

in line 9, strike the brackets; in the same line, strike "**SUBSECTIONS**"; in the same line, strike "**AND (C)**"; in line 10, after "is" insert "**:**

(1)";

in the same line, after "compensation" insert "**RECEIVED BEFORE JULY 1, 2011; AND**

(2) 8% OF THE MEMBER'S EARNABLE COMPENSATION RECEIVED ON OR AFTER JULY 1, 2011";

strike beginning with "**THE**" in line 11 down through "**(C)**" in line 14; after line 15, insert:

"29–302.

(a) This section applies only to members of:

(1) the Correctional Officers' Retirement System;

(2) the Employees' Retirement System;

(3) the State Police Retirement System; and

(4) the Teachers' Retirement System.

(b) (1) **THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO IS A MEMBER ON OR BEFORE JUNE 30, 2011.**

(2) A member may elect to receive a vested allowance if:

(i) the member is separated from employment other than by death or retirement; and

(ii) subject to paragraph **[**(2)**] (3)** of this subsection, the member has at least 5 years of eligibility service.

[(2)**] (3)** A former member of the State Police Retirement System who separated from employment on or before June 30, 1989, must have at least 15 years of eligibility service to elect a vested allowance.

[(3)**] (4)** A member is deemed to have elected a vested allowance, unless the member requests the return of the accumulated contributions before membership ends.

(B–1) (1) THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO BECOMES A MEMBER ON OR AFTER JULY 1, 2011.

(2) A MEMBER IS ELIGIBLE TO RECEIVE A VESTED ALLOWANCE IF:

(I) THE MEMBER SEPARATED FROM EMPLOYMENT OTHER THAN BY DEATH OR RETIREMENT; AND

(II) THE MEMBER HAS AT LEAST 10 YEARS OF ELIGIBILITY SERVICE.";

after line 16, insert:

"(a) This section applies only to members of:

(1) the Employees' Pension System;

(2) the Local Fire and Police System;

(3) the Law Enforcement Officers' Pension System; or

(4) the Teachers' Pension System.";

in line 17, after "(b)" insert "**(1)**"; in the same line, strike beginning with "**EXCEPT**" through "**A**" and substitute:

"**THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO IS A MEMBER ON OR BEFORE JUNE 30, 2011.**

(2) **A**";

in lines 19 and 21, strike "(1)" and "(2)", respectively, and substitute "**(I)**" and "**(II)**", respectively; and after line 21, insert:

"**(B–1)** **(1)** **THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO BECOMES A MEMBER ON OR AFTER JULY 1, 2011.**

(2) **A MEMBER IS ELIGIBLE TO RECEIVE A VESTED ALLOWANCE IF:**

(I) **THE MEMBER SEPARATED FROM EMPLOYMENT OTHER THAN BY DEATH OR RETIREMENT; AND**

(II) **THE MEMBER HAS AT LEAST 10 YEARS OF ELIGIBILITY SERVICE.**".

On pages 45 and 46, strike in their entirety the lines beginning with line 22 on page 45 through line 27 on page 46, inclusive, and substitute:

"29–410.

(a) **(1)** **[**This**]** **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS** Part III applies only to an allowance received by:

[(1)**]** **(I)** a former member, retiree, or surviving spouse of a member:

[(i)**]** **1.** of the Correctional Officers' Retirement System;

[(ii)] **2.** of the Employees' Retirement System or the Teachers' Retirement System who elected Selection A (Additional member contributions);

[(iii)] **3.** of the State Police Retirement System;

[(iv)] **4.** who transferred to the Local Fire and Police System from the Employees' Retirement System; or

[(v)] **5.** who transferred to the Law Enforcement Officers' Pension System from the Employees' Retirement System and had elected Selection A (Additional member contributions); or

[(2)] **(II)** a surviving beneficiary of a deceased former member or retiree described in item [(1)]**(I)** of this [subsection] **PARAGRAPH**.

(2) THIS PART III APPLIES ONLY TO AN ALLOWANCE BASED ON CREDITABLE SERVICE EARNED BEFORE JULY 1, 2011, FOR A FORMER MEMBER, RETIREE, SURVIVING SPOUSE OF A MEMBER, OR A SURVIVING BENEFICIARY OF A DECEASED FORMER MEMBER OR RETIREE:

(I) OF THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM; OR

(II) OF THE STATE POLICE RETIREMENT SYSTEM.

(b) This Part III does not apply to:

(1) benefits paid in a single payment;

(2) the return of accumulated contributions; or

(3) benefits attributable to additional contributions.

29–425.

(a) This Part VI of this subtitle applies:

(1) on or after July 1, 1998 only to an allowance **BASED ON CREDITABLE SERVICE EARNED BEFORE JULY 1, 2011, AND** received by a former member, retiree, or surviving beneficiary of a deceased member, former member, or retiree of the Employees' Pension System or the Teachers' Pension System; and

(2) on or after December 31, 2000, to an allowance **BASED ON CREDITABLE SERVICE EARNED BEFORE JULY 1, 2011, AND** received by a former member, retiree, or surviving beneficiary of a deceased member, former member, or retiree of the Law Enforcement Officers' Pension System.

(b) This Part VI of this subtitle does not apply if:

(1) the member, former member, or retiree was an employee of:

(i) a participating governmental unit that has not elected the contributory pension benefit or the Alternate Contributory Pension Selection of its employees under § 31–116 of this article; or

(ii) a former participating governmental unit, other than Frederick County, that has withdrawn before July 1, 1998, while a member; or

(2) the member, former member, or retiree:

(i) transferred to the Law Enforcement Officers' Pension System from the Employees' Retirement System; and

(ii) did not elect to participate in the Law Enforcement Officers' Modified Pension Benefit on or before December 31, 2000 as provided in § 26–211 of this article.".

On page 48, in line 1, after "**(C)**" insert "**(1)**"; in the same line, strike "**THE**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE**"; in lines 3, 5, and 7, strike "**(1)**", "**(2)**", and "**(3)**", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively; and after line 7, insert:

"**(2) (I) IN THIS PARAGRAPH, "ZERO–ADJUSTMENT FISCAL YEAR" MEANS ANY FISCAL YEAR WHEN THE ALLOWANCE ADJUSTED AS**

PROVIDED IN SUBSECTION (A) OF THIS SECTION IS LESS THAN THE ALLOWANCE PAID FOR THE PRECEDING FISCAL YEAR.

(II) FOR ANY FISCAL YEAR, THE ALLOWANCE PAYABLE MAY NOT BE LESS THAN THE ALLOWANCE PAID FOR THE PRECEDING FISCAL YEAR.

(III) 1. THIS SUBPARAGRAPH APPLIES ONLY TO A FISCAL YEAR THAT IS NOT A ZERO–ADJUSTMENT FISCAL YEAR.

2. SUBJECT TO SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH:

A. FOR A FISCAL YEAR THAT FOLLOWS IMMEDIATELY AFTER A ZERO–ADJUSTMENT FISCAL YEAR, THE ALLOWANCE PAYABLE AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE ALLOWANCE PAID IN THE PRECEDING FISCAL YEAR AND THE ALLOWANCE THAT WOULD HAVE BEEN PAYABLE FOR THE PRECEDING FISCAL YEAR IF THE ALLOWANCE FOR THAT FISCAL YEAR HAD BEEN CALCULATED WITHOUT REGARD TO SUBPARAGRAPH (II) OF THIS PARAGRAPH; AND

B. FOR A FISCAL YEAR THAT FOLLOWS IMMEDIATELY AFTER 2 OR MORE CONSECUTIVE ZERO–ADJUSTMENT FISCAL YEARS, THE ALLOWANCE PAYABLE AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE TOTAL OF THE ALLOWANCES PAID IN EACH CONSECUTIVE ZERO–ADJUSTMENT FISCAL YEAR PRECEDING THE FISCAL YEAR AND THE TOTAL ALLOWANCES THAT WOULD HAVE BEEN PAYABLE FOR EACH OF THOSE FISCAL YEARS IF THE ALLOWANCE FOR EACH OF THOSE FISCAL YEARS HAD BEEN CALCULATED WITHOUT REGARD TO SUBPARAGRAPH (II) OF THIS PARAGRAPH.

3. IF THE AMOUNT OF THE REDUCTION REQUIRED FOR ANY FISCAL YEAR UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH EXCEEDS THE DIFFERENCE BETWEEN THE ALLOWANCE AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION FOR THE FISCAL YEAR AND THE ALLOWANCE PAID IN THE PRECEDING FISCAL YEAR, THE EXCESS SHALL BE

DEDUCTED IN FUTURE YEARS, SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, UNTIL THE DIFFERENCE IS FULLY RECOVERED.

29–433. RESERVED.

29–434. RESERVED.

PART VIII. THREE/ONE PERCENT COMPOUND COMBINATION ADJUSTMENT

29–435.

(A) THIS PART VIII APPLIES ONLY TO AN ALLOWANCE BASED ON CREDITABLE SERVICE EARNED ON OR AFTER JULY 1, 2011, FOR:

(1) A FORMER MEMBER, RETIREE, OR SURVIVING SPOUSE OF A MEMBER OF:

(I) THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM;

(II) THE EMPLOYEES' PENSION SYSTEM;

(III) THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM;

(IV) THE STATE POLICE RETIREMENT SYSTEM; OR

(V) THE TEACHERS' PENSION SYSTEM; OR

(2) A BENEFICIARY OF THE RETIREE OR FORMER MEMBER DESCRIBED IN ITEM (1) OF THIS SUBSECTION.

(B) THIS PART VIII OF THIS SUBTITLE DOES NOT APPLY IF:

(1) THE MEMBER, FORMER MEMBER, OR RETIREE WAS:

(I) SUBJECT TO THE REFORMED CONTRIBUTORY PENSION BENEFIT;

(II) AN EMPLOYEE OF A PARTICIPATING GOVERNMENTAL UNIT THAT HAS NOT ELECTED THE CONTRIBUTORY PENSION BENEFIT OR THE ALTERNATE CONTRIBUTORY PENSION SELECTION OF ITS EMPLOYEES UNDER § 31–116 OF THIS ARTICLE; OR

(III) AN EMPLOYEE OF A FORMER PARTICIPATING GOVERNMENTAL UNIT, OTHER THAN FREDERICK COUNTY, THAT HAS WITHDRAWN BEFORE JULY 1, 1998, WHILE A MEMBER; OR

(2) THE MEMBER, FORMER MEMBER, OR RETIREE:

(I) TRANSFERRED TO THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM FROM THE EMPLOYEES' RETIREMENT SYSTEM; AND

(II) DID NOT ELECT TO PARTICIPATE IN THE LAW ENFORCEMENT OFFICERS' MODIFIED PENSION BENEFIT ON OR BEFORE DECEMBER 31, 2000, AS PROVIDED IN § 26–211 OF THIS ARTICLE.

29–436.

EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, THE BOARD OF TRUSTEES SHALL ADJUST AN ALLOWANCE DESCRIBED IN § 29–435 OF THIS SUBTITLE:

(1) FOR CREDITABLE SERVICE EARNED BEFORE JULY 1, 2011, AS PROVIDED BY PART VI OF THIS SUBTITLE; AND

(2) FOR CREDITABLE SERVICE ON OR AFTER JULY 1, 2011, AS PROVIDED BY PART VII OF THIS SUBTITLE.";

in line 9, after "**(A)**" insert "**(1)**"; in the same line, strike "**THIS**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS**"; after line 11, insert:

"**(2) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHO BECOMES AN EMPLOYEE OF:**

(I) A PARTICIPATING GOVERNMENTAL UNIT THAT ON JULY 1, 2011, IS PARTICIPATING IN THE EMPLOYEES' PENSION SYSTEM AND HAS NOT ELECTED TO PARTICIPATE IN THE ALTERNATE CONTRIBUTORY PENSION SELECTION UNDER § 31–116.1 OF THIS ARTICLE; OR

(II) A FORMER PARTICIPATING GOVERNMENTAL UNIT, OTHER THAN FREDERICK COUNTY, THAT HAS WITHDRAWN FROM THE EMPLOYEES' PENSION SYSTEM ON OR BEFORE JUNE 30, 2011.";

and after line 24, insert:

"37–101.

(j) (1) "Noncontributory system" means a State or local retirement or pension system under which member contributions are not deducted from all compensation.

(2) "Noncontributory system" includes the part of the Employees' Pension System of the State of Maryland and the part of the Teachers' Pension System of the State of Maryland that does not provide a contributory pension benefit under Title 23, Subtitle 2, Part II of this article or the Alternate Contributory Pension Selection under Title 23, Subtitle 2, Part III of this article **OR THE REFORMED CONTRIBUTORY PENSION BENEFIT UNDER TITLE 23, SUBTITLE 2, PART IV OF THIS ARTICLE**.

(R–1) "STATE REFORMED CONTRIBUTORY EMPLOYEES' PENSION SYSTEM" MEANS THE PART OF THE EMPLOYEES' PENSION SYSTEM OF THE STATE OF MARYLAND THAT PROVIDES THE REFORMED CONTRIBUTORY PENSION BENEFIT UNDER TITLE 23, SUBTITLE 2, PART IV OF THIS ARTICLE.

(R–2) "STATE REFORMED CONTRIBUTORY TEACHERS' PENSION SYSTEM" MEANS THE PART OF THE TEACHERS' PENSION SYSTEM OF THE STATE OF MARYLAND THAT PROVIDES THE REFORMED CONTRIBUTORY PENSION BENEFIT UNDER TITLE 23, SUBTITLE 2, PART IV OF THIS ARTICLE.

37–203.

(a) This section does not apply to a transfer of service credit to or from the State Alternate Contributory Employees' Pension System, the State Alternate Contributory Teachers' Pension System, the State Contributory Employees' Pension System, the State Contributory Law Enforcement Officers' Pension System, [or] the State Contributory Teachers' Pension System, **THE STATE REFORMED CONTRIBUTORY EMPLOYEES' PENSION SYSTEM, OR THE STATE REFORMED CONTRIBUTORY TEACHERS' PENSION SYSTEM**.

37–203.1.

(a) (1) An individual may transfer service credit from a contributory system to the State Alternate Contributory Employees' Pension System, the State Alternate Contributory Teachers' Pension System, the State Contributory Employees' Pension System, the State Contributory Law Enforcement Officers' Pension System, [or] the State Contributory Teachers' Pension System, **THE STATE REFORMED CONTRIBUTORY EMPLOYEES' PENSION SYSTEM, OR THE STATE REFORMED CONTRIBUTORY TEACHERS' PENSION SYSTEM** if, within 1 year after becoming a member of the pension system, the individual:

(i) completes a claim for the service credit and files it with the Board of Trustees of the State Retirement and Pension System on a form that the Board of Trustees provides; and

(ii) deposits in the annuity savings fund of:

1. the Employees' Pension System or Teachers' Pension System member contributions at the rate applicable for the period of service if the member had earned the transferred service credit in the new system, including regular interest on the contributions at the rate of 5% per year compounded annually; or

2. the Law Enforcement Officers' Pension System member contributions at the rate of 4% of the individual's earnable compensation while a member of the contributory system after June 30, 2000, including regular interest on the contributions at the rate of 5% per year compounded annually.

(2) Subject to § 414(h) of the Internal Revenue Code, the contributory system shall refund the individual's accumulated contributions in excess of the amount determined under paragraph (1) of this subsection on request.

(b) (1) Subject to paragraph (2) of this subsection, an individual may transfer service credit from a noncontributory system to the State Alternate Contributory Employees' Pension System, the State Alternate Contributory Teachers' Pension System, the State Contributory Employees' Pension System, the State Contributory Law Enforcement Officers' Pension System, [or] the State Contributory Teachers' Pension System**, THE STATE REFORMED CONTRIBUTORY EMPLOYEES' PENSION SYSTEM, OR THE STATE REFORMED CONTRIBUTORY TEACHERS' PENSION SYSTEM** if, within 1 year after becoming a member of the pension system, the individual completes a claim for the service credit and files it with the Board of Trustees for the State Retirement and Pension System on a form that the Board of Trustees provides.

(3) (i) 1. This subparagraph applies only to an individual who transferred service credit from a noncontributory system to the State Alternate Contributory Employees' Pension System, the State Alternate Contributory Teachers' Pension System, the State Contributory Employees' Pension System, [or] the State Contributory Teachers' Pension System**, THE STATE REFORMED CONTRIBUTORY EMPLOYEES' PENSION SYSTEM, OR THE STATE REFORMED CONTRIBUTORY TEACHERS' PENSION SYSTEM** and earned any portion of the transferred service credit in a noncontributory system after June 30, 1998.

(c) (1) An individual may transfer service credit from the State Alternate Contributory Employees' Pension System, the State Alternate Contributory Teachers' Pension System, the State Contributory Employees' Pension System, the State Contributory Law Enforcement Officers' Pension System, [or] the State Contributory Teachers' Pension System**, THE STATE REFORMED CONTRIBUTORY EMPLOYEES' PENSION SYSTEM, OR THE STATE REFORMED CONTRIBUTORY TEACHERS' PENSION SYSTEM** to a noncontributory system if, within 1 year after becoming a member of the noncontributory system, the individual completes a claim for the service credit and files it with the administrator of the noncontributory system on a form that the administrator provides.

(d) (1) An individual may transfer service credit from the State Alternate Contributory Employees' Pension System, the State Alternate Contributory Teachers'

Pension System, the State Contributory Employees' Pension System, the State Contributory Law Enforcement Officers' Pension System, [or] the State Contributory Teachers' Pension System**, THE STATE REFORMED CONTRIBUTORY EMPLOYEES' PENSION SYSTEM, OR THE STATE REFORMED CONTRIBUTORY TEACHERS' PENSION SYSTEM** to a contributory system if, within 1 year after becoming a member of the contributory system, the individual:

(i) completes a claim for the service credit and files it with the administrator of the contributory system on a form that the administrator provides; and

(ii) deposits in the annuity savings fund or other corresponding fund of the contributory system the sum of:

1. the total accumulated contributions to the individual's credit in the annuity savings fund of the previous system;

2. the difference, if any, between the member contributions at the rate provided for in the contributory system, including interest on those contributions, and the total accumulated contributions to the individual's credit in the annuity savings fund of the previous system; and

3. the accumulated contributions that would have been deducted during the period the individual was a member of the State system while it was a noncontributory system if the individual had earned the transferred service credit under the contributory system, including interest on those contributions.".

On page 63, after line 9, insert:

"SECTION 25. AND BE IT FURTHER ENACTED, That, notwithstanding §§ 22–406 or 23–407 of the State Personnel and Pensions Article and except for an individual whose retirement allowance is subject to a reduction as provided under § 22–406(c)(1)(iii) and (3) or § 23–407(c)(1)(iii) and (3), the reduction of an allowance does not apply to an individual who was previously employed by the State Retirement Agency, retired, and is rehired by the State Retirement Agency for a period not to exceed 1 year to assist in the implementation of the pension option selection enacted during the 2011 session of the General Assembly. This exception to the earnings limitation provisions of §§ 22–406 and 23–407 shall be abrogated and of no further force and effect on June 30, 2012.".

AMENDMENT NO. 30

On page 36, after line 8, insert:

"21–302.

(b) [The] **SUBJECT TO § 21–316 OF THIS SUBTITLE, THE** assets of the several systems shall be used to pay the obligations of the State specified in this section.

21–303.

(d) **(1)** [Each] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH** year, the Board of Trustees shall transfer from the accumulation fund of each State system to the expense fund of that system the amounts required by § 21–315 of this subtitle.

(2) WITH RESPECT TO MEMBERS OTHER THAN MEMBERS WHO ARE EMPLOYEES OF A PARTICIPATING GOVERNMENTAL UNIT OR ON WHOSE BEHALF AN EMPLOYER IS REQUIRED TO MAKE CONTRIBUTIONS UNDER § 21–307 OF THIS SUBTITLE, THE ADMINISTRATIVE AND OPERATIONAL EXPENSES OF THE BOARD OF TRUSTEES AND THE STATE RETIREMENT AGENCY, NOT INCLUDING AMOUNTS AS AUTHORIZED BY THE BOARD OF TRUSTEES NECESSARY FOR INVESTMENT MANAGEMENT SERVICES, SHALL BE PAID BY PARTICIPATING EMPLOYERS AS PROVIDED IN § 21–316 OF THIS SUBTITLE AND MAY NOT BE TRANSFERRED FROM THE ACCUMULATION FUND OF EACH SYSTEM.".

On page 37, before line 21, insert:

"**21–316.**

(A) IN THIS SECTION, "LOCAL EMPLOYER" MEANS A PARTICIPATING EMPLOYER OTHER THAN:

(1) THE STATE;

(2) A PARTICIPATING GOVERNMENTAL UNIT; OR

(3) AN EMPLOYER REQUIRED TO MAKE CONTRIBUTIONS UNDER § 21–307 OF THIS SUBTITLE.

(B) (1) FOR EACH FISCAL YEAR, THE STATE AND EACH LOCAL EMPLOYER SHALL PAY TO THE BOARD OF TRUSTEES THEIR PRO RATA SHARES OF THE AMOUNT ESTIMATED BY THE BOARD OF TRUSTEES UNDER § 21–315(C) OF THIS SUBTITLE TO BE NECESSARY FOR THE ADMINISTRATIVE AND OPERATIONAL EXPENSES OF THE BOARD OF TRUSTEES AND THE STATE RETIREMENT AGENCY.

(2) THE PRO RATA SHARE OF THE STATE AND OF EACH LOCAL EMPLOYER SHALL BE BASED ON THE NUMBER OF MEMBERS OF THE SEVERAL SYSTEMS EMPLOYED BY THE STATE OR LOCAL EMPLOYER COMPARED TO THE TOTAL MEMBERSHIP OF THE SEVERAL SYSTEMS WHO ARE EMPLOYED BY THE STATE OR A LOCAL EMPLOYER.

(C) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE BOARD OF TRUSTEES SHALL:

(1) DETERMINE THE PER MEMBER CONTRIBUTION AMOUNT AND THE AMOUNTS PAYABLE BY THE STATE AND EACH LOCAL EMPLOYER UNDER THIS SECTION FOR THE NEXT FISCAL YEAR; AND

(2) CERTIFY THE PER MEMBER CONTRIBUTION AND THE AMOUNTS PAYABLE:

(I) TO THE SECRETARY OF BUDGET AND MANAGEMENT, FOR MEMBERS WHOSE COMPENSATION IS PAID BY THE STATE; AND

(II) TO EACH LOCAL EMPLOYER.

(D) (1) THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL THE AMOUNT CERTIFIED UNDER SUBSECTION (C)(2)(I) OF THIS SECTION.

(2) THE AMOUNTS PAYABLE BY THE STATE UNDER THIS SECTION WITH RESPECT TO MEMBERS EMPLOYED BY EACH STATE UNIT SHALL BE CHARGED AGAINST THE BUDGET OF THAT UNIT.

(E) (1) ON OR BEFORE OCTOBER 1, JANUARY 1, APRIL 16, AND JUNE 1 OF EACH FISCAL YEAR, EACH LOCAL EMPLOYER SHALL PAY TO THE BOARD OF TRUSTEES 25% OF THE AMOUNT CERTIFIED TO THE LOCAL EMPLOYER BY THE BOARD OF TRUSTEES UNDER SUBSECTION (C)(2)(II) OF THIS SECTION.

(2) A LOCAL EMPLOYER MAY ELECT TO HAVE THE AMOUNTS REQUIRED UNDER THIS SECTION DEDUCTED FROM STATE AID DISTRIBUTIONS UNDER THE EDUCATION ARTICLE.

(3) IF A LOCAL EMPLOYER DOES NOT PAY THE AMOUNTS REQUIRED UNDER THIS SECTION WITHIN THE TIME REQUIRED, THE LOCAL EMPLOYER IS LIABLE FOR INTEREST ON DELINQUENT AMOUNTS AT A RATE OF 4% A YEAR UNTIL PAYMENT.

(4) THE SECRETARY OF THE BOARD OF TRUSTEES MAY ALLOW A GRACE PERIOD NOT TO EXCEED 10 CALENDAR DAYS FOR PAYMENT OF THE AMOUNTS CERTIFIED UNDER THIS SECTION.

(5) ON NOTIFICATION BY THE SECRETARY OF THE BOARD OF TRUSTEES THAT A DELINQUENCY EXISTS, THE STATE COMPTROLLER IMMEDIATELY SHALL EXERCISE THE RIGHT OF SETOFF AGAINST ANY MONEY DUE OR COMING DUE TO THAT LOCAL EMPLOYER FROM THE STATE.

(F) ON RECEIPT OF PAYMENTS UNDER THIS SECTION, THE BOARD OF TRUSTEES SHALL CREDIT THESE AMOUNTS TO THE EXPENSE FUND OF THE APPROPRIATE STATE SYSTEM.".

On page 63, after line 34, insert:

"SECTION 27. AND BE IT FURTHER ENACTED, That, notwithstanding § 21–316 of the State Personnel and Pensions Article, as enacted by this Act, or any other provision of law, on or before July 1, 2011, the Board of Trustees shall:

(1) Determine the per member contribution amount and the amounts payable by each local employer for fiscal year 2012 under § 21–316 of the State Personnel and Pensions Article; and

(2) Certify to each local employer the per member contribution and the amounts payable by the local employer.”.

AMENDMENT NO. 31

On page 36, after line 9, insert:

“(a) (2) “**[**Full**] PRELIMINARY** funding rate” means the sum of:

(i) the aggregate normal rate that is based on the normal contribution rate calculated under subsection (c) of this section **[**and adjusted to incorporate legislative changes in benefits to reflect changes to the normal cost**]**; and

(ii) the aggregate unfunded accrued liability contribution rate that is based on the unfunded accrued liability contribution rate under subsection **[**(d)(1) and (2)**] (D)(1)(I) AND (II)1 AND 2 AND (2)** of this section.

(b) (1) **[**Each**] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, EACH** fiscal year, on behalf of the State members of each State system, the State shall pay to the appropriate accumulation fund an amount equal to or greater than the sum of the amount, if any, required to be included in the budget bill under § 3–501(c)(2)(ii) of this article and the product of multiplying:

(i) the aggregate annual earnable compensation of the State members of that State system; and

(ii) 1. for State members of the Law Enforcement Officers' Retirement System, State Police Retirement System, and the Judges' Retirement System, the sum of the normal contribution rate and the accrued liability contribution rate, as determined under this section;

2. for State members of the Employees' Pension System, Employees' Retirement System, Correctional Officers' Retirement System, and Legislative Pension Plan, the employees' systems contribution rate determined under subsection (e) of this section; or

3. for State members of the Teachers' Pension System and Teachers' Retirement System, the teachers' systems contribution rate determined under subsection (f) of this section.

(2) The amount determined under paragraph (1) of this subsection for each State system shall be based on an actuarial determination of the amounts that are required to preserve the integrity of the funds of the several systems using:

(i) the entry–age actuarial cost method; and

(ii) actuarial assumptions adopted by the Board of Trustees.

(3) For the purpose of making the determinations required under this section:

(i) the Employees' Retirement System, the Employees' Pension System, the Correctional Officers' Retirement System, and the Legislative Pension Plan shall be considered together as one State system; and

(ii) the Teachers' Retirement System and the Teachers' Pension System shall be considered together as one State system.

(4) (I) THE TOTAL AMOUNT PAID UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE GREATER THAN 20% OF THE AGGREGATE ANNUAL EARNABLE COMPENSATION OF ALL STATE MEMBERS.

(II) IF THE AMOUNT REQUIRED TO BE PAID UNDER PARAGRAPH (1) OF THIS SUBSECTION IS GREATER THAN 20% OF THE AGGREGATE ANNUAL EARNABLE COMPENSATION OF ALL STATE MEMBERS, THE AMOUNT PAID TO THE APPROPRIATE ACCUMULATION FUND OF EACH STATE SYSTEM SHALL BE REDUCED ON A PRORATED BASIS BASED ON THE TOTAL AGGREGATE ANNUAL EARNABLE COMPENSATION FOR EACH STATE SYSTEM.";

in line 15, strike "**EXCEPT AS PROVIDED IN**" and substitute "**SUBJECT TO**"; in lines 20 and 29, in each instance, strike "full" and substitute "**PRELIMINARY**"; in line 23, strike "**EXCEPT AS PROVIDED IN**" and substitute "**SUBJECT TO**"; in line 31, after "**SYSTEMS**" insert "**UNDER PARAGRAPH (2) OR (3) OF THIS SUBSECTION**"; and in line 32, strike "**OF LEGISLATIVE CHANGES**" and substitute "**OR SAVINGS OF**

LEGISLATIVE CHANGES THAT RESULT IN CHANGES IN NORMAL CONTRIBUTIONS OR ACCRUED LIABILITIES AND TO AMORTIZE OVER 25 YEARS ANY CHANGES IN ACCRUED LIABILITIES OF THE EMPLOYEES' SYSTEMS".

On page 37, in lines 3 and 11, in each instance, strike "**EXCEPT AS PROVIDED IN**" and substitute "**SUBJECT TO**"; in lines 8 and 17, in each instance, strike "full" and substitute "**PRELIMINARY**"; in line 19, after "**SYSTEMS**" insert "**UNDER PARAGRAPH (2) OR (3) OF THIS SUBSECTION**"; in line 20, strike "**OF LEGISLATIVE CHANGES**" and substitute "**OR SAVINGS OF LEGISLATIVE CHANGES THAT RESULT IN CHANGES IN NORMAL CONTRIBUTIONS OR ACCRUED LIABILITIES AND TO AMORTIZE OVER 25 YEARS ANY CHANGES IN ACCRUED LIABILITIES OF THE TEACHERS' SYSTEMS**"; and after line 20, insert:

"21–308.

(a) (1) On or before December 1 of each year, the Board of Trustees shall:

(i) certify to the Governor and the Secretary of Budget and Management the rates to be used to determine the amounts to be paid by the State to the accumulation fund of each of the several systems during the next fiscal year; and

(ii) provide to the Secretary of Budget and Management a statement of the total amount to be paid to the Teachers' Retirement System and the Teachers' Pension System expressed as a percentage of the payroll of all members of those State systems.

(2) The Governor shall include in the budget bill:

(i) the total amount of the State's contribution to each State system as ascertained based on the rates certified by the Board of Trustees under paragraph (1) of this subsection;

(ii) the additional amounts as ascertained under subsection (d) of this section for the State's payment to the professional and clerical employees of the Department of Public Libraries of Montgomery County who are members of the Employees' Retirement System of Montgomery County and are excluded from membership in the Teachers' Retirement System or the Teachers' Pension System; and

(iii) any additional amount required to be in the budget bill under § 3–501(c)(2)(ii) of this article.

(3) (I) ON OR BEFORE DECEMBER 1, 2012 AND EACH DECEMBER 1 THEREAFTER, THE BOARD OF TRUSTEES SHALL CERTIFY TO THE GOVERNOR AND THE SECRETARY OF BUDGET AND MANAGEMENT THE AMOUNT OF THE DIFFERENCE BETWEEN THE TOTAL AMOUNT OF THE STATE'S CONTRIBUTION REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION AND THE AMOUNT THAT THE BOARD DETERMINES WOULD HAVE BEEN REQUIRED HAD LEGISLATION INCREASING EMPLOYEE CONTRIBUTIONS TO, AND REDUCING THE LIABILITIES OF, THE STATE RETIREMENT AND PENSION SYSTEM NOT BEEN ENACTED IN 2011.

(II) FOR FISCAL YEAR 2014 AND EACH FISCAL YEAR THEREAFTER, IN ADDITION TO THE AMOUNTS REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL THE LESSER OF:

1. $300,000,000; AND

2. THE AMOUNT CERTIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.".

On page 63, in line 27, strike "$60,000,000; and" and substitute "$120,000,000."; and strike in their entirety lines 28 through 34, inclusive.

AMENDMENT NO. 32

On page 49, strike beginning with "**AS**" in line 17 down through "**BALANCE**" in line 22.

AMENDMENT NO. 33

On page 51, in line 2, strike "**$13,669,444**" and substitute "**$16,669,444**".

AMENDMENT NO. 34

On page 25, after line 5, insert:

"3–103.

(h) (1) The Service [may]**:**

(I) **MAY** create [and establish 1 or more project reserve funds in such amounts as the Board considers appropriate] **THE FOLLOWING PROJECT RESERVE FUNDS:**

1. AN EASTERN CORRECTIONAL INSTITUTION STEAM TURBINE CONTINGENCY FUND;

2. A DEPARTMENT OF NATURAL RESOURCES PROJECT CONTINGENCY FUND; AND

3. A REIMBURSABLE PROJECT CONTINGENCY FUND; and

(II) **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,** may pay into such funds:

[(i)] **1.** Any moneys appropriated and made available by the State for the purposes of such funds;

[(ii)] **2.** Any proceeds from the sale of bonds or notes, to the extent provided in the resolution authorizing the issuance of the bonds or notes;

[(iii)] **3.** Revenues derived from a project of the Service; and

[(iv)] **4.** Any other moneys which may be received by or otherwise made available to the Service from any other source or sources which the Service has designated for deposit into such funds.

(2) Moneys held in or credited to a project reserve fund established under this subsection shall be used solely to accomplish the purposes of this subtitle, as determined by the Board and**, SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,** may be retained by the Service in [any such fund from year to year as determined by the Service] **THE APPROPRIATE PROJECT RESERVE FUND BASED ON THE PROJECT FOR WHICH THE MONEY WAS APPROPRIATED**.

(3) (I) THE SERVICE MAY NOT RETAIN MORE THAN:

1. $1,500,000 IN THE EASTERN CORRECTIONAL INSTITUTION TURBINE PROJECT CONTINGENCY FUND;

2. $500,000 IN THE DEPARTMENT OF NATURAL RESOURCES PROJECT CONTINGENCY FUND; OR

3. $1,000,000 IN THE REIMBURSABLE PROJECT CONTINGENCY FUND.

(II) IF THE BALANCE IN A PROJECT RESERVE FUND EXCEEDS THE LIMITS STATED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE SERVICE SHALL REVERT THE EXCESS TO THE FUND FROM WHICH THE APPROPRIATION TO THE SERVICE WAS MADE.

[(3)**] (4)** Moneys appropriated or made available to the Service by the State shall be expended in accordance with the provisions of this subtitle.".

AMENDMENT NO. 35

On page 53, after line 6, insert:

"9–103.

(d) (1) The appropriate governing body shall calculate the amount of the tax credit under this section equal to a percentage of the amount of property tax imposed on the eligible assessment of the qualified property, as follows:

(i) **[**80%**] 50%** in each of the 1st **[**5**] 6** taxable years following the calendar year in which the property initially becomes a qualified property;

(ii) **[**70% in the 6th taxable year;

(iii) 60%**] 40%** in the 7th taxable year;

[(iv)**] (III)** **[**50%**] 30%** in the 8th taxable year;

[(v)] **(IV)** [40%] **20%** in the 9th taxable year; and

[(vi)] **(V)** [30%] **10%** in the 10th taxable year.

(4) For qualified property located in a focus area, the appropriate governing body shall calculate the amount of the tax credit under this section equal to [80%] **50%** of the amount of property tax imposed on the eligible assessment of the qualified property for each of the 10 taxable years following the calendar year in which the property initially becomes a qualified property.

9–255.

(A) IN THIS SECTION, "ELIGIBLE ASSESSMENT" AND "QUALIFIED PROPERTY" HAVE THE MEANINGS STATED IN § 9–103 OF THIS TITLE.

(B) (1) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION MAY GRANT, BY LAW, A LOCAL SUPPLEMENT TO THE PROPERTY TAX CREDIT REQUIRED UNDER § 9–103 OF THIS TITLE AGAINST THE PROPERTY TAX IMPOSED ON THE ELIGIBLE ASSESSMENT OF QUALIFIED PROPERTY.

(2) A COUNTY OR MUNICIPAL CORPORATION MAY NOT OBTAIN REIMBURSEMENT UNDER § 9–103(H) OF THIS TITLE FOR THE REVENUES THAT THE COUNTY OR MUNICIPAL CORPORATION WOULD HAVE COLLECTED IF IT HAD NOT GRANTED A LOCAL SUPPLEMENT AS AUTHORIZED UNDER THIS SECTION.

(C) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE LOCAL SUPPLEMENT AUTHORIZED UNDER THIS SECTION SHALL BE SUBJECT TO THE PROVISIONS OF THE PROPERTY TAX CREDIT REQUIRED UNDER § 9–103 OF THIS TITLE.

(D) (1) SUBJECT TO THE LIMITATION UNDER PARAGRAPH (2) OF THIS PARAGRAPH, A LOCAL SUPPLEMENT AUTHORIZED UNDER THIS SECTION SHALL EQUAL A PERCENTAGE, AS SET BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION, OF THE AMOUNT OF PROPERTY TAX IMPOSED ON THE ELIGIBLE ASSESSMENT OF THE QUALIFIED PROPERTY FOR EACH OF NOT MORE THAN 10

TAXABLE YEARS FOLLOWING THE CALENDAR YEAR IN WHICH THE PROPERTY INITIALLY BECOMES A QUALIFIED PROPERTY.

(2) FOR ANY TAXABLE YEAR, THE PERCENTAGE SET BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT EXCEED THE PERCENTAGE THAT WHEN ADDED TO THE PERCENTAGE SPECIFIED IN § 9–103(D)(1) OF THIS TITLE FOR THAT TAXABLE YEAR EQUALS 80%.".

On page 64, after line 32, insert:

"SECTION 33. AND BE IT FURTHER ENACTED, That §§ 9–103 and 9–255 of the Tax – Property Article as enacted by this Act shall be applicable to tax credits granted for qualified property for which a property tax credit has not been granted for any taxable year beginning before July 1, 2011.".

AMENDMENT NO. 36

On page 53, after line 25, insert:

"**5–415.**

(A) IN THIS SECTION, "FIRE RESCUE SERVICE" MEANS THE MARYLAND AVIATION ADMINISTRATION FIRE RESCUE SERVICE.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE FIRE RESCUE SERVICE SHALL CHARGE AN AMBULANCE TRANSPORT FEE AS PROVIDED IN SUBSECTION (D) OF THIS SECTION TO AN INDIVIDUAL IF THE FIRE RESCUE SERVICE TRANSPORTS THE INDIVIDUAL TO A HOSPITAL FROM PROPERTY OWNED BY THE ADMINISTRATION OR PROPERTY SUBJECT TO A MUTUAL AID AGREEMENT TO WHICH THE ADMINISTRATION IS A PARTY.

(C) (1) THE FIRE RESCUE SERVICE MAY NOT:

(I) QUESTION AN INDIVIDUAL ABOUT ABILITY TO PAY THE AMBULANCE TRANSPORT FEE AT THE TIME THAT AMBULANCE TRANSPORTATION IS REQUESTED OR PROVIDED; OR

(II) FAIL TO PROVIDE AMBULANCE TRANSPORTATION AND EMERGENCY MEDICAL SERVICES BECAUSE OF AN INDIVIDUAL'S ACTUAL OR PERCEIVED INABILITY TO PAY THE AMBULANCE TRANSPORT FEE.

(2) THE ADMINISTRATION MAY PROCURE THE SERVICES OF A THIRD PARTY BILLING COMPANY TO ADMINISTER ITS AMBULANCE TRANSPORT FEE PROGRAM.

(3) THE ADMINISTRATION MAY ADOPT REGULATIONS TO ADMINISTER THE COLLECTION OF THE AMBULANCE TRANSPORT FEE, INCLUDING REGULATIONS GOVERNING:

(I) A WAIVER OF THE AMBULANCE TRANSPORT FEE IN THE EVENT OF FINANCIAL HARDSHIP;

(II) THE ACCEPTANCE OF REDUCED PAYMENTS BY COMMERCIAL INSURERS AND OTHER THIRD–PARTY PAYORS, INCLUDING MEDICARE AND MEDICAID; AND

(III) A REQUIREMENT THAT EACH INDIVIDUAL RECEIVING AN AMBULANCE TRANSPORT PROVIDE FINANCIAL INFORMATION, INCLUDING THE INDIVIDUAL'S INSURANCE COVERAGE, AND ASSIGN INSURANCE BENEFITS TO THE ADMINISTRATION.

(D) THE AMBULANCE TRANSPORT FEE SHALL BE THE SUM OF:

(1) AN AMOUNT EQUAL TO:

(I) $550 FOR SERVICES THAT QUALIFY AS ADVANCED LIFE SUPPORT, LEVEL 1, UNDER 42 C.F.R. 414.605;

(II) $600 FOR SERVICES THAT QUALIFY AS ADVANCED LIFE SUPPORT, LEVEL 2, UNDER 42 C.F.R. 414.605; OR

(III) $375 FOR SERVICES THAT QUALIFY AS BASIC LIFE SUPPORT UNDER 42 C.F.R. 414.605; AND

(2) AN AMOUNT EQUAL TO $13 FOR EACH MILE THE INDIVIDUAL IS TRANSPORTED BY THE FIRE RESCUE SERVICE.

(E) THE ADMINISTRATION SHALL DEPOSIT THE FEES COLLECTED UNDER THIS SECTION IN THE TRANSPORTATION TRUST FUND.".

AMENDMENT NO. 37

On page 53, before line 26, insert:

"7–208.

(b) (1) For fiscal year 2009 and each fiscal year thereafter, the Administration shall separately recover from fares and other operating revenues at least 35 percent of the total operating costs for:

(i) The Administration's bus, light rail, and Metro subway services in the Baltimore region; and

(ii) All passenger railroad services under the Administration's control.

(2) The Administration shall submit, in accordance with § 2–1246 of the State Government Article, an annual report to the Senate Budget and Taxation Committee, House Ways and Means Committee, and House Appropriations Committee by December 1 of each year that includes:

(i) Separate farebox recovery ratios for the prior fiscal year for:

1. Bus, light rail, and Metro subway services provided by the Administration in the Baltimore region;

2. Commuter bus service provided under contract to the Administration in the Baltimore region; and

3. Maryland Area Rail Commuter (MARC) service provided under contract to the Administration;

(ii) A discussion of the success or failure to achieve the farebox recovery requirement established in paragraph (1) of this subsection; **[**and**]**

(iii) Comparisons of farebox recovery ratios for the Administration's mass transit services and other similar transit systems nationwide**; AND**

(IV) THE ESTIMATED FARE PRICES NECESSARY TO ACHIEVE THE FAREBOX RECOVERY REQUIREMENT ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION FOR THE NEXT FISCAL YEAR.

(B–1) SUBJECT TO § 7–506 OF THIS TITLE, THE ADMINISTRATION SHALL SET THE FARE PRICES FOR BUS, LIGHT RAIL, AND METRO SUBWAY SERVICES IN THE BALTIMORE REGION AND FOR PASSENGER RAILROAD SERVICES UNDER THE ADMINISTRATION'S CONTROL AT AN AMOUNT SUFFICIENT TO ACHIEVE THE FAREBOX RECOVERY REQUIREMENT ESTABLISHED IN SUBSECTION (B) OF THIS SECTION.".

AMENDMENT NO. 38

On page 54, before line 18, insert:

"12–120.

(a) In this section**[**, "miscellaneous**]:**

(1) "MISCELLANEOUS fees" means all fees collected by the Administration under this article other than:

[(1)**]** **(I)** The vehicle titling tax;

(II) THE CERTIFICATE OF TITLE FEE UNDER § 13–802 OF THIS ARTICLE; and

[(2)**]** **(III)** Vehicle registration fees under Part II of Title 13, Subtitle 9 of this article**; AND**

(2) "MISCELLANEOUS FEES" INCLUDES THE FEE CHARGED UNDER § 23–205 OF THIS ARTICLE FOR VEHICLE EMISSIONS INSPECTION.

(b) Except as provided in this section, the Administration may not alter the miscellaneous fees that the Administration is authorized under this article to establish.

(c) (1) Subject to the limitations under subsection (d) of this section, before the start of any fiscal year the Administration by regulation may alter, effective beginning in the upcoming fiscal year, the levels of the miscellaneous fees that the Administration is authorized under this article to establish.

(2) The Administration shall alter the levels of miscellaneous fees for the upcoming fiscal year if the projected cost recovery under subsection (d) of this section exceeds **[**100%**] 75%**.

(d) The Administration shall set the levels of miscellaneous fees so that the total amount of projected revenues from all miscellaneous fees for the upcoming fiscal year is at least **[**95**] 70** percent but does not exceed **[**100**] 75** percent of the sum of:

(1) The operating budget of the Administration for that fiscal year**, INCLUDING THE COSTS OF ADMINISTERING THE VEHICLE EMISSIONS INSPECTION PROGRAM,** as approved by the General Assembly in the annual State budget;

(2) The average annual capital program of the Administration as reported in the 6–year Consolidated Transportation Program described in § 2–103.1 of this article; and

(3) The Administration's portion of the cost for that fiscal year of the Department's data center operations, except for the cost of data center operations attributable to other administrations' activities.

(e) (1) The Administration may not alter miscellaneous fees more than once in any fiscal year.

(2) The Administration need not reduce fees for the upcoming fiscal year if legislative budget modifications cause the projected cost recovery percentage to exceed **[**100**] 75** percent.

(3) The level of a miscellaneous fee set by the Administration remains in effect until again altered by the Administration as provided under this section.".

On page 56, before line 4, insert:

"13–613.

(b) In addition to the annual registration fee otherwise required by this title, the applicant shall pay an additional annual fee of **[**$25**] $50**, payable with the original and each renewal application for special registration under this section.

13–802.

Except as provided in § 13–805 of this subtitle, the fee for each certificate of title issued under this title is **[**$50**] $100**.";

and before line 11, insert:

"23–205.

(a) **[**(1)**]** **[**Subject to paragraph (2) of this subsection, the**] THE** Administration and the Secretary shall set the fee to be charged for each vehicle to be inspected and tested by a facility.

[(2) The fee established under this subsection:

(i) During the period from January 1, 1995 through May 31, 1997, may not exceed $12; and

(ii) During the period after May 31, 1997, may not exceed $14.**]**

(b) The fee shall be collected in a manner established by the Administration and the Secretary.

[(c) A specific portion of the fee shall be paid to or retained by the Administration to cover the cost of administration and enforcement of the emissions control program, as provided in the contract between the contractor and the State.**]**".

AMENDMENT NO. 39

On pages 54 through 56, strike in their entirety the lines beginning with line 26 on page 54 through line 3 on page 56, inclusive.

On page 56, after line 3, insert:

"**13–406.2.**

(A) THE ADMINISTRATION MAY NOT RENEW OR TRANSFER THE REGISTRATION OF ANY VEHICLE IF THE APPLICANT HAS NOT PAID ALL UNDISPUTED TAXES AND UNEMPLOYMENT INSURANCE CONTRIBUTIONS PAYABLE TO THE COMPTROLLER OR THE SECRETARY OF LABOR, LICENSING, AND REGULATION OR PROVIDED FOR PAYMENT IN A MANNER SATISFACTORY TO THE UNIT RESPONSIBLE FOR COLLECTION.

(B) THE ADMINISTRATION SHALL COOPERATE WITH THE COMPTROLLER AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION TO DEVELOP PROCEDURES AND ADOPT REGULATIONS IN ACCORDANCE WITH THIS SECTION.

(C) REGULATIONS ADOPTED UNDER THIS SECTION SHALL REQUIRE:

(1) THE COMPTROLLER TO NOTIFY THE ADMINISTRATION THAT AN INDIVIDUAL HAS NOT PAID ALL UNDISPUTED TAXES; AND

(2) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION TO NOTIFY THE ADMINISTRATION THAT AN INDIVIDUAL HAS NOT PAID ALL UNDISPUTED UNEMPLOYMENT INSURANCE CONTRIBUTIONS.".

On page 56, in line 5, after "**(J)**" insert "**(1)**"; and after line 10, insert:

"**(2) THE ADMINISTRATION SHALL COOPERATE WITH THE COMPTROLLER AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION TO DEVELOP PROCEDURES AND ADOPT REGULATIONS IN ACCORDANCE WITH THIS SECTION.**

(3) REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL REQUIRE:

(I) THE COMPTROLLER TO NOTIFY THE ADMINISTRATION THAT AN INDIVIDUAL HAS NOT PAID ALL UNDISPUTED TAXES; AND

(II) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION TO NOTIFY THE ADMINISTRATION THAT AN INDIVIDUAL HAS NOT PAID ALL UNDISPUTED UNEMPLOYMENT INSURANCE CONTRIBUTIONS.".

AMENDMENT NO. 40

On page 49, after line 22, insert:

"2–614.

(a) **(1)** **[**After**] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AFTER** making the distributions required under §§ 2–613 and 2–613.1 of this subtitle, the Comptroller shall distribute monthly **[**24%**] 19.5%** of the remaining income tax revenue from corporations to a special fund to be distributed as provided in subsection (b) of this section.

(2) THE PERCENT OF THE REMAINING INCOME TAX REVENUE FROM CORPORATIONS DISTRIBUTED TO A SPECIAL FUND TO BE DISTRIBUTED AS PROVIDED IN SUBSECTION (B) OF THIS SECTION SHALL BE:

(I) 24% FOR THE FISCAL YEAR BEGINNING JULY 1, 2011; AND

(II) 9.5% FOR THE FISCAL YEAR BEGINNING JULY 1, 2012.

(b) (1) **(I)** **[**From**] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, FROM** the special fund, the Comptroller shall distribute an amount equal to **[**24%**] 19.5%** of the cost to administer the income tax on corporations to an administrative cost account.

(II) THE PERCENT OF THE COST TO ADMINISTER THE INCOME TAX ON CORPORATIONS THAT IS DISTRIBUTED TO AN ADMINISTRATIVE COST ACCOUNT SHALL BE:

1. 24% FOR THE FISCAL YEAR BEGINNING JULY 1, 2011; AND

2. 9.5% FOR THE FISCAL YEAR BEGINNING JULY 1, 2012.

(2) After making the distribution required under paragraph (1) of this subsection, the Comptroller shall distribute the balance in the special fund to the Gasoline and Motor Vehicle Revenue Account in the Transportation Trust Fund.".

On page 51, after line 22, insert:

"**[**2–1302.2.

After making the distributions required under §§ 2–1301 through 2–1302.1 of this subtitle, the Comptroller shall pay into the Transportation Trust Fund established under § 3–216 of the Transportation Article:

(1) for each fiscal year beginning before July 1, 2013, 5.3% of the remaining sales and use tax revenue; and

(2) for each fiscal year beginning on or after July 1, 2013, 6.5% of the remaining sales and use tax revenue.**]**

2–1303.

After making the distributions required under §§ 2–1301 through **[**2–1302.2**]** **2–1302.1** of this subtitle, the Comptroller shall pay:

(1) revenues from the hotel surcharge into the Dorchester County Economic Development Fund established under § 10–130 of the Economic Development Article; and

(2) the remaining sales and use tax revenue into the General Fund of the State.".

On page 53, after line 11, insert:

"3–215.

(b) The tax levied and imposed by this section consists of that part of the following taxes that are retained to the credit of the Department after distributions to the political subdivisions:

(1) The motor fuel tax revenue distributed under §§ 2–1103(2) and 2–1104(a)(2) of the Tax – General Article;

(2) The income tax revenue distributed under § 2–614 of the Tax – General Article;

(3) The excise tax imposed on vehicles by Part II of Title 13, Subtitle 8 of this article; and

(4) The sales and use tax revenues distributed under **[**§§ 2–1302.1 and 2–1302.2**] § 2–1302.1** of the Tax – General Article.

3–217.

(A) BEGINNING JULY 1, 2012, FUNDS IN THE TRANSPORTATION TRUST FUND MAY NOT BE TRANSFERRED OR DIVERTED FROM THAT FUND TO THE GENERAL FUND UNLESS LEGISLATION IS ENACTED PRIOR TO THE TRANSFER OR DIVERSION THAT PROVIDES FOR REPAYMENT OF THE FUNDS TO THE TRANSPORTATION TRUST FUND WITHIN 5 YEARS AFTER THE TRANSFER OR DIVERSION.

(B) THIS SECTION DOES NOT APPLY TO A TRANSFER OR DIVERSION OF FUNDS UNDER § 8–403 OF THIS ARTICLE.".

On page 54, strike in their entirety lines 1 through 17, inclusive, and substitute:

"(c) (1) Except as provided in paragraph (2) of this subsection, for each fiscal year:

(i) **[**19.3% of the revenue credited to the Account shall be distributed to the General Fund of the State;

(ii)**]** **[**71.5%**] 90.4%** of the revenue credited to the Account may be used as provided in § 3–216 of this article; and

[(iii)**] (II)** The balance of the Account shall be used to pay the allocations of highway user revenues provided by this subtitle to the counties, municipalities, and Baltimore City.

(2) For fiscal years 2010 through **[**2012**] 2013**, the Account shall be distributed as follows:

(i) A portion to the General Fund of the State **FOR FISCAL YEARS 2010 THROUGH 2012** as follows:

1. 19.5% for fiscal year 2010;

2. 23% for fiscal year 2011; and

3. **[**20.4%**] 11.3%** for fiscal year 2012;

(ii) A portion to be used as provided in § 3–216 of this article, as follows:

1. 70% for fiscal year 2010;

2. 68.5% for fiscal year 2011; **[**and**]**

3. **[**71.5%**] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, 79.8%** for fiscal year 2012**; AND**

4. 90% FOR FISCAL YEAR 2013; and

(iii) The balance to be used to pay the allocations of highway user revenues provided under this subtitle to the counties, municipalities, and Baltimore City.

(3) FOR FISCAL YEAR 2012, FROM THE AMOUNT ALLOCATED TO THE TRANSPORTATION TRUST FUND UNDER PARAGRAPH (2)(II)3 OF THIS SUBSECTION, $40,000,000 SHALL BE TRANSFERRED FROM THE TRANSPORTATION TRUST FUND TO THE REVENUE STABILIZATION ACCOUNT ESTABLISHED UNDER § 7–311 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

8–403.

(a) Subject to §§ 3–307 and 3–308 of this article, and except as provided in subsection (b) of this section, for each fiscal year, from the total highway user revenues:

(1) An amount equal to **[**7.5%**] 7.7%** of total highway user revenues shall be distributed to Baltimore City in monthly installments;

(2) An amount shall be distributed to the counties at the times specified in § 8–407 of this subtitle, to be allocated as provided in § 8–404 of this subtitle, equal to **[**1.4%**] 1.5%** of total highway user revenues; and

(3) An amount shall be distributed to the municipalities at the times specified in § 8–407 of this subtitle, to be allocated as provided in § 8–405 of this subtitle, equal to **[**0.3%**] 0.4%** of total highway user revenues.

(b) (1) For fiscal year 2010:

(i) The amount distributed to Baltimore City under this subtitle shall equal 8.6% of total highway user revenues;

(ii) The amount distributed to the counties under this subtitle shall equal 1.5% of total highway user revenues; and

(iii) The amount distributed to the municipalities under this subtitle shall equal 0.4% of total highway user revenues.

(2) For fiscal year 2011:

(i) The amount distributed to Baltimore City under this subtitle shall equal 7.9% of total highway user revenues;

(ii) The amount distributed to the counties under this subtitle shall equal 0.5% of total highway user revenues; and

(iii) The amount distributed to the municipalities under this subtitle shall equal 0.1% of total highway user revenues.

(3) For fiscal year 2012:

(i) The amount distributed to Baltimore City under this subtitle shall equal 7.5% of total highway user revenues;

(ii) The amount distributed to the counties under this subtitle shall equal **[**0.5%**] 0.8%** of total highway user revenues; and

(iii) The amount distributed to the municipalities under this subtitle shall equal **[**0.1%**] 0.6%** of total highway user revenues.

(4) FOR FISCAL YEAR 2013:

(I) THE AMOUNT DISTRIBUTED TO BALTIMORE CITY UNDER THIS SUBTITLE SHALL EQUAL 8.1% OF TOTAL HIGHWAY USER REVENUES;

(II) THE AMOUNT DISTRIBUTED TO THE COUNTIES UNDER THIS SUBTITLE SHALL EQUAL 1.5% OF TOTAL HIGHWAY USER REVENUES; AND

(III) THE AMOUNT DISTRIBUTED TO THE MUNICIPALITIES UNDER THIS SUBTITLE SHALL EQUAL 0.4% OF TOTAL HIGHWAY USER REVENUES.".

On page 64, strike in their entirety lines 8 through 20, inclusive, and substitute:

"SECTION 30. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of this Act, except as otherwise provided in this section, the altered distributions of the revenues from the corporate income tax and the sales and use tax under the provisions of Title 2, Subtitles 6 and 13 of the Tax – General Article as enacted by this Act do not apply until any Consolidated Transportation Bonds that were issued by the Department of Transportation before July 1, 2011, no longer remain outstanding and unpaid. In any fiscal year for which funds are appropriated by the General Assembly to pay the amount due and payable in that fiscal year for the principal of and interest on the Department of Transportation's Consolidated Transportation Bonds that were issued before July 1, 2011, the revenues from the corporate income tax and the sales and use tax shall be distributed as provided in Title 2, Subtitles 6 and 13 of the Tax – General Article as enacted by this Act.";

and before line 33, insert:

"SECTION 34. AND BE IT FURTHER ENACTED, That, subject to Section 30 of this Act, the repeal of § 2–1302.2 of the Tax – General Article under this Act shall take effect July 1, 2011.".

AMENDMENT NO. 41

On page 52, in lines 11, 12, and 14, in each instance, strike "**90%**" and substitute "**50%**".

AMENDMENT NO. 42

On page 54, strike in their entirety lines 18 through 25, inclusive.

On pages 56 through 58, strike in their entirety the lines beginning with line 11 on page 56 through line 10 on page 58, inclusive.

On page 64, strike in their entirety lines 27 through 32, inclusive.

AMENDMENT NO. 43

On page 58, strike in their entirety lines 20 through 22, inclusive.

AMENDMENT NO. 44

On page 58, strike in their entirety lines 23 through 25, inclusive.

AMENDMENT NO. 45

On page 58, after line 10, insert:

"Chapter 288 of the Acts of 2002

SECTION 7. AND BE IT FURTHER ENACTED, That, **[**within the next 10 years, and**]** no later than June 30, **[**2012**] 2014**, the Maryland State Department of Education, in consultation with the Department of Budget and Management and the Department of Legislative Services, shall contract with a public or private entity to conduct a study of the adequacy of education funding in the State. At a minimum, the adequacy study shall: (1) identify a base funding level for students without special needs; (2) per pupil weights for students with special needs to be applied to the base funding level; and (3) an analysis of the effect of concentrations of poverty on adequacy targets. **THE STUDY SHALL BE CONDUCTED IN PHASES, WITH THE FIRST PHASE BEGINNING NO LATER THAN JUNE 30, 2014, AND THE FINAL PHASE BEING COMPLETED BY DECEMBER 1, 2016. THE STUDY SHALL INCORPORATE STANDARDS FROM THE COMMON CORE CURRICULUM ADOPTED BY THE STATE BOARD OF EDUCATION AND 2 YEARS OF RESULTS FROM THE NEW COMMON CORE ASSESSMENTS, WHICH ARE SCHEDULED TO BE IMPLEMENTED BEGINNING IN THE 2014–2015 SCHOOL YEAR.** The Governor shall include sufficient funds in the State budget for the appropriate fiscal years for the Maryland State Department of Education to cover the costs of conducting the adequacy study.".

AMENDMENT NO. 46

On page 58, in line 31, strike "$500,000" and substitute "$1,000,000".

AMENDMENT NO. 47

On page 59, in line 4, strike "$150,000" and substitute "$75,000".

AMENDMENT NO. 48

On page 62, strike in their entirety lines 14 through 30, inclusive.

AMENDMENT NO. 49

On page 63, in line 2, strike the second "or" and substitute a comma; and in line 4, after "Maryland" insert ", or payments pursuant to a collective bargaining agreement negotiated with an accredited representative in accordance with § 7–601 of the Transportation Article".

AMENDMENT NO. 50

On page 59, in line 5, after "Article" insert "; and

$970,000 of the funds in the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund established under § 8–2A–02 of the Natural Resources Article".

AMENDMENT NO. 51

On page 59, in line 22, after "Article" insert ";

$35,000 of the funds in the special fund established under § 1–203.3 of the Corporations and Associations Article;

$179,316 of the funds in the Central Collection Fund established under § 3–306 of the State Finance and Procurement Article;

$100,000 of the funds in the Rental Housing Programs Fund established under § 4–504 of the Housing and Community Development Article;

$30,000 of the funds in the Homeownership Programs Fund established under § 4–502 of the Housing and Community Development Article;

$175,000 of the funds in the Board of Physicians Fund established under § 14–207 of the Health Occupations Article;

$83,000 of the funds in the State Board of Physical Therapy Examiners Fund established under § 13–207 of the Health Occupations Article;

$39,000 of the funds in the Maryland Health Care Commission Fund established under § 19–111 of the Health – General Article;

$26,000 of the funds in the Board of Nursing Fund established under § 8–206 of the Health Occupations Article;

$68,000 of the funds in the Mortgage Lender–Originator Fund established under § 11–610 of the Financial Institutions Article;

$62,000 of the funds in the Deep Creek Lake Recreation Maintenance and Management Fund established under § 5–215 of the Natural Resources Article;

$313,000 of the funds in the State Boat Act Fund established under § 8–723 of the Natural Resources Article;

$68,000 of the funds in the Waterway Improvement Fund established under § 8–707 of the Natural Resources Article;

$325,000 of the funds in the Maryland Correctional Enterprises Revolving Fund established under § 3–507 of the Correctional Services Article;

$50,000 of the funds in the special fund established under § 6–204 of the Agriculture Article;

$40,000 of the funds in the State Radiation Control Fund established under § 8–306 of the Environment Article;

$40,000 of the funds in the Maryland Clean Water Fund established under § 9–320 of the Environment Article;

$45,000 of the funds in the State Used Tire Cleanup and Recycling Fund established under § 9–273 of the Environment Article;

$85,000 of the funds in the Maryland Clean Air Fund established under § 2–107 of the Environment Article; and

$60,000 of the funds in the accounts of the Maryland Public Broadcasting Commission established under Title 24, Subtitle 2 of the Education Article".

AMENDMENT NO. 52

On page 61, in line 12, after "2010." insert:

"SECTION 13. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 8–402 of the Transportation Article or any other provision of law, $6,768,222 from motor vehicle registration revenues and other user fees from the Motor Vehicle Administration for fiscal year 2012 shall be deposited in the General Fund rather than in the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund or the Transportation Trust Fund, respectively.".

AMENDMENT NO. 53

On page 59, after line 20, insert:

"$1,500,000 of the funds in the Senior Prescription Drug Assistance Program Account of the Maryland Health Insurance Plan Fund established under § 14–504(e) of the Insurance Article;".

AMENDMENT NO. 54

On page 62, before line 14, insert:

"SECTION 20. AND BE IT FURTHER ENACTED, That, on or before June 30, 2012, the Governor shall transfer from the Injured Workers Insurance Fund to the General Fund an amount equal to $6,000,000 less the amount received on or before June 30, 2012, as a result of the imposition of a premium tax under § 6–101 of the Insurance Article as enacted by this Act, to reimburse the State for State personnel costs in connection with retirement and pension benefits and health care benefits for employees and retirees that are provided to employees of the Injured Workers Insurance Fund.".

AMENDMENT NO. 55

On page 61, after line 12, insert:

"SECTION 14. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, by budget amendment the Governor may transfer from the Cigarette Restitution Fund established under § 7–317 of the State Finance and Procurement Article to Medical Care Provider Reimbursements (M00Q01.03) in the Medical Care Programs Administration up to $444,000 in fiscal year 2012.".

AMENDMENT NO. 56

On page 64, after line 20, insert:

"SECTION 31. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, if the University System of Maryland, St. Mary's College of Maryland, or Morgan State University institute a voluntary separation program under Executive Order 01.01.2010.23:

(a) The institution that institutes the program:

(1) shall provide as part of the program that the positions of the employees who separate from employment under the program be abolished; and

(2) may not recreate the positions that are abolished under the program, notwithstanding the autonomy of the institution to create positions as needed.

(b) The portion of the salaries for the positions of the employees who separate from employment under the program that have been appropriated for fiscal year 2012 from State funds shall be transferred to the General Fund of the State.".

AMENDMENT NO. 57

On page 59, before line 21, insert:

"$2,297,142 of the funds in the accounts of the Baltimore City Community College;".

AMENDMENT NO. 58

On page 62, after line 30, insert:

"SECTION 21. AND BE IT FURTHER ENACTED, That, on or before June 30, 2012, the Governor shall transfer from the Maryland Automobile Insurance Fund to the General Fund an amount equal to $4,000,000 to reimburse the State for State administrative expenses in connection with the management of retirement and pension benefits and health care benefits for employees and retirees that are provided to employees of the Maryland Automobile Insurance Fund.".

AMENDMENT NO. 59

On page 61, before line 13, insert:

"SECTION 15. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2012, any special fund savings realized in fiscal year 2012 from the abolition of positions in accordance with Section 48 of Chapter ____ (H.B. 70) of the Acts of the General Assembly of 2011, and any special fund savings realized in fiscal year 2012 from reductions to electricity expenditures in accordance with Section 50 of Chapter ____ (H.B. 70) of the Acts of the General Assembly of 2012, shall be transferred to the General Fund.".

AMENDMENT NO. 60

On page 62, after line 13, insert:

"SECTION 19. AND BE IT FURTHER ENACTED, That the Maryland Insurance Administration shall:

(1) 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 to be considered in the Administration's process for reviewing and approving premium rates for health insurance policies and contracts issued or delivered in the State by insurers, nonprofit health service plans, and health maintenance organizations;

(2) take into account in its work under item (1) of this section:

(i) the tools available to the Administration for supporting active premium rate review under laws regulating medical loss ratios;

(ii) the requirements of Section 1003 "Ensuring That Consumers Get Value For Their Dollars" of the federal Patient Protection and Affordable Care Act, as amended by the federal Health Care and Education Reconciliation Act of 2010, and any regulations adopted or guidance issued under the Acts ("Affordable Care Act") for annual reviews of unreasonable premium increases and State grants;

(iii) the observations relating to premium rate review and approval and interagency regulatory coordination contained in the Hilltop Institute report "Premium Rate Review of Private Health Insurers in Maryland and Opportunities for State Regulatory Coordination under Health Care Reform" issued on January 20, 2011; and

(iv) any recommendations that result from the analysis of rate review and public disclosure processes undertaken by the Administration with grant money provided under the Affordable Care Act; and

(3) report, on or before November 1, 2011, its findings and recommendations for the mechanism to be developed under item (1) of this section to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.".

AMENDMENT NO. 61

On page 12, in line 26, strike "**DOLLARS**" and substitute "**FUNDS**".

On page 13, in line 25, strike "16.310." and substitute "16–310.".

On page 58, in lines 17 and 26, strike "4." and "7.", respectively, and substitute "2." and "3.", respectively.

On page 59, in lines 6 and 23, strike "8." and "9.", respectively, and substitute "4." and "5.", respectively.

On page 60, in lines 5, 12, 19, 26, 31, and 37, strike "10.", "11.", "12.", "13.", "14.", and "15.", respectively, and substitute "6.", "7.", "8.", "9.", "10.", and "11.", respectively.

On page 61, in line 3, strike "16." and substitute "12.".

On page 62, in lines 31 and 36, strike "20." and "21.", respectively, and substitute "22." and "23.", respectively; strike beginning with "with" in line 33 down through "Committee" in line 34 and substitute "of nonpublic placements"; and in line 35, strike "of nonpublic placements" and substitute "with rates set by the Interagency Rates Committee".

On page 63, in lines 5, 10, 35, and 39, strike "22.", "23.", "24.", and "25.", respectively, and substitute "24.", "26.", "28.", and "29.", respectively.

On page 64, in lines 21, 33, and 35, strike "27.", "29.", and "30.", respectively, and substitute "32.", "35.", and "36.", respectively.

The preceding 61 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0072/874866/1
BY: Appropriations Committee

AMENDMENT TO HOUSE BILL 72, AS AMENDED
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 4, in line 6, after "circumstances;" insert "altering certain provisions relating to a certain credit allowed to vendors for collecting and paying the sales and use tax;".

AMENDMENT NO. 2

On page 48, in line 31, after "**WHO**" insert "**:**

(I)";

and in line 32, after "**2011**" insert "**; OR**

(II) 1. BEGAN STATE SERVICE ON OR AFTER JULY 1, 2011; AND

2. IS A RETIREE OF THE JUDGES' RETIREMENT SYSTEM".

On page 50, in line 1, after "**(1)**" insert "**(I)**"; in the same line, strike "**THIS**" and substitute "**EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THIS**"; and after line 2, insert:

"**(II) THIS SUBSECTION DOES NOT APPLY TO A RETIREE OF THE JUDGES' RETIREMENT SYSTEM.**".

AMENDMENT NO. 3

On page 69, in line 26, before "**THIS**" insert "**(A)**"; in line 27, after "**TO**" insert "**:**

(1)";

in line 29, after "**2011**" insert "**; AND**

(2) A MEMBER OF THE EMPLOYEES' PENSION SYSTEM OR TEACHERS' PENSION SYSTEM WHO SEPARATED FROM EMPLOYMENT ON OR BEFORE JUNE 30, 2011, AND SUBSEQUENTLY BECOMES EMPLOYED IN A POSITION ELIGIBLE FOR MEMBERSHIP IN THE EMPLOYEES' PENSION SYSTEM OR THE TEACHERS' PENSION SYSTEM ON OR AFTER JULY 1, 2011";

and after line 29, insert:

"**(B) THIS PART IV DOES NOT APPLY TO AN EMPLOYEE OF A PARTICIPATING GOVERNMENTAL UNIT PARTICIPATING IN THE EMPLOYEES' PENSION SYSTEM THAT HAS NOT ELECTED TO PARTICIPATE IN THE ALTERNATE CONTRIBUTORY PENSION SELECTION UNDER § 31–116.1 OF THIS ARTICLE OR A FORMER PARTICIPATING GOVERNMENTAL UNIT, OTHER THAN FREDERICK COUNTY, THAT HAS WITHDRAWN FROM THE EMPLOYEES' PENSION SYSTEM.**";

On page 70, in line 1, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A**".

The preceding 3 amendments were read and adopted.

FLOOR AMENDMENT

HB0072/453526/2
BY: Chair, Economic Matters Committee

AMENDMENTS TO HOUSE BILL 72, AS AMENDED
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 5, strike beginning with the second "to" in line 15 down through "expenses" in line 16 and substitute ", subject to certain contingencies".

AMENDMENT NO. 2

On page 117, in line 30, after "That," insert "notwithstanding any other provision of law:

(a) Subject to subsection (b) of this section,";

strike beginning with ", to" in line 34 down through "Fund" in line 37; and after line 37, insert:

"(b) Subsection (a) of this section is contingent on the taking effect of Chapter ____ (H.B. 598) or Chapter ____ (S.B. 693) of the Acts of the General Assembly of 2011, and if Chapter ____ (H.B. 598) or Chapter ____ (S.B. 693) does not become effective, subsection (a) of this section shall be null and void without the necessity of further action by the General Assembly.".

On page 118, in line 16, after "That," insert "notwithstanding any other provision of law:

(a) Subject to subsection (b) of this section,";

strike beginning with the second "to" in line 18 down through "Fund" in line 21; and after line 21, insert:

"(b) Subsection (a) of this section is contingent on the taking effect of Chapter ____ (S.B. 993) of the Acts of the General Assembly of 2011, and if Chapter ____ (S.B. 993) does not become effective, subsection (a) of this section shall be null and void without the necessity of further action by the General Assembly.".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

HB0072/573829/1
BY: Delegate Simmons

AMENDMENTS TO HOUSE BILL 72, AS AMENDED
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 2, in line 31, after "Fund;" insert "requiring a certain distribution of revenues from video lottery terminals to the General Fund instead of the Purse Dedication Account; repealing provisions of law relating to the Purse Dedication Account;".

On page 7, after line 25, insert:

"BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–27(a)(4)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

On page 9, after line 35, insert:

"BY repealing

Article – State Government
Section 9–1A–28
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 48, after line 28, insert:

"Article – State Government

9–1A–27.

(a) On a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of video lottery terminals at each video lottery facility:

(4) 7% to the **[**Purse Dedication Account established under § 9–1A–28 of this subtitle**]** **GENERAL FUND OF THE STATE**, not to exceed a total of $100,000,000 **[**to the Account**]** annually;".

On page 111, after line 6, insert:

"SECTION 2A. AND BE IT FURTHER ENACTED, That Section(s) 9–1A–28 of Article – State Government of the Annotated Code of Maryland be repealed.".

The preceding 2 amendments were read only.

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 20 Negative – 110 (See Roll Call No. 454)

FLOOR AMENDMENT

HB0072/513120/1
BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 72, AS AMENDED

(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, in line 18, after "Probation;" insert "requiring certain enrollment calculations used for education aid to be based on the average daily attendance in certain school years;".

On page 6, in line 8, strike "5–202(a)(13)" and substitute "4–122(b)(2), 5–202(a),".

AMENDMENT NO. 2

On page 16, after line 13, insert:

"4–122.

(b) (2) The service providing local education agency shall include a child enrolled as the result of an out–of–county living arrangement in their full–time equivalent enrollment as provided by **[**§ 5–202(a)(6)**] § 5–202(A)** of this article.";

after line 14, insert:

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

(2) "ABSENTEEISM RATE" MEANS THE DIFFERENCE BETWEEN 1.00 AND THE AVERAGE DAILY ATTENDANCE RATE.

[(2)**] (3)** "Annual per pupil foundation amount" means:

(i) For fiscal years 2004 through 2008, the sum, rounded to the nearest dollar, of:

1. The fiscal year 2002 per pupil foundation amount of $4,124; and

2. The product of the difference between the target per pupil foundation amount and $4,124 and:

A. 0.40 in fiscal year 2004;

B. 0.52 in fiscal year 2005;

C. 0.71 in fiscal year 2006; and

D. 0.83 in fiscal year 2007; and

(ii) For fiscal year 2008 and each fiscal year thereafter, the target per pupil foundation amount.

[(3)**] (4)** "Assessed valuation of real property" means the most recent estimate made by the State Department of Assessments and Taxation before the annual State budget is submitted to the General Assembly, of the assessed value of real property for State purposes as of July 1 of the first completed fiscal year before the school year for which the calculation of State aid is made under this section.

[(4)**] (5)** "Assessed value of personal property" means the most recent estimate by the State Department of Assessments and Taxation before the annual State budget is submitted to the General Assembly of the assessed value for county purposes of personal property as of July 1 of the first completed fiscal year before the school year for which the calculation is made under this section.

(6) "AVERAGE DAILY ATTENDANCE RATE" MEANS THE SUM OF STUDENTS ATTENDING SCHOOL EACH DAY DURING THE SECOND PRIOR SCHOOL YEAR DIVIDED BY THE SUM OF STUDENT ENROLLMENT FOR EACH DAY DURING THE SECOND PRIOR SCHOOL YEAR.

[(5)**] (7)** "Foundation program" means the product of the annual per pupil foundation amount and a county's full–time equivalent enrollment.

[(6)**] (8)** "Full–time equivalent enrollment" means the **[**sum of**] DIFFERENCE BETWEEN**:

(i) **THE SUM OF:**

1. The number of students enrolled in **[**grades 1 through**] KINDERGARTEN THROUGH GRADE** 12 or their equivalent in regular day school programs on September 30 of the previous school year;

[(ii) Except as provided in item (iii) of this paragraph, the product of the number of students enrolled in kindergarten programs on September 30 of the prior school year and:

1. 0.60 in fiscal year 2004;

2. 0.70 in fiscal year 2005;

3. 0.80 in fiscal year 2006;

4. 0.90 in fiscal year 2007; and

5. 1.00 in fiscal year 2008 and each fiscal year thereafter;

(iii) In Garrett County, the number of students enrolled in kindergarten programs on September 30 of the prior school year;**]** and

[(iv)**]** **2.** The number of full–time equivalent students, as determined by a regulation of the Department, enrolled in evening high school programs during the previous school year**; AND**

(II) THE PRODUCT OF MULTIPLYING:

1. THE NUMBER DERIVED IN ITEM (I) OF THIS PARAGRAPH; AND

2. THE ABSENTEEISM RATE.

[(7)**] (9)** "Local contribution rate" means the figure that is calculated as follows:

(i) Multiply the statewide full–time equivalent enrollment by $624, and multiply this product by:

1. 0.46 in fiscal year 2004;

2. 0.47 in fiscal year 2005;

3. 0.48 in fiscal year 2006;

4. 0.49 in fiscal year 2007; and

5. 0.50 in fiscal year 2008 and each fiscal year thereafter;

(ii) Multiply the statewide full–time equivalent enrollment by the amount that the annual per pupil foundation amount exceeds $624, and multiply this product by 0.50;

(iii) Add the two products calculated in items (i) and (ii) of this paragraph, and divide the resulting sum by the sum of the wealth of all of the counties in this State; and

(iv) Round the result obtained in item (iii) of this paragraph to seven decimal places and express as a percent with five decimal places.

[(8)**] (10)** "Local share of the foundation program" means the product of the local contribution rate and a county's wealth.

[(9)**] (11)** "Net taxable income" means the amount certified by the State Comptroller for the second completed calendar year before the school year for which the calculation of State aid under this section is made, based on tax returns filed on or before September 1 after this calendar year.

[(10)**] (12)** "Personal property" means all property classified as personal property under § 8–101(c) of the Tax – Property Article.

[(11)**] (13)** "Real property" means all property classified as real property under § 8–101(b) of the Tax – Property Article.

[(12)**] (14)** "State share of the foundation program" means the greater of:

(i) The difference between the foundation program and the local share of the foundation program; and

(ii) The result obtained by multiplying the annual per pupil foundation amount by the county's full–time equivalent enrollment, and multiplying this product by:

1. 0.25 in fiscal year 2004;

2. 0.24 in fiscal year 2005;

3. 0.22 in fiscal year 2006;

4. 0.19 in fiscal year 2007; and

5. 0.15 in fiscal year 2008 and each fiscal year thereafter.";

in line 15, strike "(a)"; and in the same line, strike "(13)" and substitute "**(15)**".

On page 17, after line 17, insert:

"**[**(14)**] (16)** "Wealth" means the sum of:

(i) Net taxable income;

(ii) 100 percent of the assessed value of the operating real property of public utilities;

(iii) 40 percent of the assessed valuation of all other real property; and

(iv) 50 percent of assessed value of personal property.".

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

HB0072/583227/1
BY: Delegate Haddaway–Riccio

AMENDMENT TO HOUSE BILL 72, AS AMENDED

(First Reading File Bill – Committee Reprint)

On page 116, strike in their entirety lines 1 through 27, inclusive, and substitute:

"SECTION 17. RESERVED.".

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

Affirmative – 44 Negative – 93 (See Roll Call No. 455)

FLOOR AMENDMENT

HB0072/883328/1
BY: Delegate Jacobs

AMENDMENTS TO HOUSE BILL 72, AS AMENDED
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 2, strike beginning with "making" in line 20 down through "tax;" in line 21.

On pages 6 and 7, strike in their entirety the lines beginning with line 40 on page 6 through line 4 on page 7, inclusive.

On page 7, strike in their entirety lines 10 through 14, inclusive.

AMENDMENT NO. 2

On pages 35 and 36, strike in their entirety the lines beginning with line 25 on page 35 through line 6 on page 36, inclusive.

On page 37, strike in their entirety lines 28 through 33, inclusive.

AMENDMENT NO. 3

On page 117, strike in their entirety lines 30 through 37, inclusive, and substitute:

"SECTION 20. RESERVED.".

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 41 Negative – 88 (See Roll Call No. 456)

FLOOR AMENDMENT

HB0072/873128/1
BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 72, AS AMENDED
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 2, strike beginning with "making" in line 20 down through "tax;" in line 21, inclusive.

On page 4, strike beginning with "; altering" in line 29 down through "inspections" in line 33; and in line 39, after the semicolon, insert "repealing the Maryland Stem Cell Research Fund, the Stem Cell Research Commission, and certain provisions of law providing for State–funded stem cell research; repealing certain laws authorizing and relating to senatorial and delegate scholarships; repealing a certain graduate and professional scholarship program; repealing certain laws requiring certain contractors and subcontractors to pay certain employees certain minimum wage rates under certain State procurement contracts; requiring certain counties to reimburse the State for certain costs of providing parole release hearings for certain inmates, as determined by the Maryland Parole Commission; prohibiting the use of State funds for certain purposes; requiring certain enrollment calculations used for education aid to be based on the average daily attendance in certain school years; altering for a certain fiscal year and repealing certain provisions authorizing certain stipends and bonuses paid by the State for certain teachers and other school–based employees; altering the calculation of certain State funding for Baltimore City Community College; prohibiting the Director of the Maryland Historical Trust after a certain fiscal year from issuing initial tax credits for a certain tax credit for certain rehabilitations; altering a termination provision for a certain tax credit authorized for certain costs of certain rehabilitations; altering certain requirements for the percentage of operating costs that must be recovered from certain revenues for certain public transit services; altering the share of the operating deficits of a certain regional transit system that the State is required to fund by certain annual grants from the Department of Transportation; stating the intent of the General Assembly regarding constraining spending in the State budget by implementation of certain actions;".

AMENDMENT NO. 2

On page 5, after line 29, insert:

"BY adding to
Article – Correctional Services
Section 7–209
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)".

On page 6, after line 5, insert:

"BY adding to
Article – Economic Development
Section 10–640(g) and 10–643(g)
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)".

On page 6, in line 8, strike "5–202(a)(13)," and substitute "4–122(b)(2), 5–202(a), 5–205(c),"; in the same line, after "5–206(f)(1)," insert "6–306,"; in the same line, after "11–105(o)," insert "14–405(b)(2),"; and in the same line, after "16–310(d)(1)," insert "16–512(a),".

On pages 6 and 7, strike in their entirety the lines beginning with line 40 on page 6 through line 4 on page 7, inclusive.

On page 7, strike in their entirety lines 10 through 14, inclusive; in line 23, after "3A–309(e)" insert ", 5A–303(d)(3)(vi) and (i)"; and after line 25, insert:

"BY repealing
Article – State Finance and Procurement
Section 5A–303(d)(3)(iv) and (v)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

On page 8, in line 40, strike "and"; and in the same line, after "8–403" insert ", and 10–205(b)".

On page 9, strike in their entirety lines 12 through 16, inclusive; after line 29, insert:

"BY repealing
Article – Economic Development
Section 10–429 through 10–442 and the part "Part III. Stem Cell Research"
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY repealing
Article – Education
Section 5–202(e) and (f); 6–112; 18–401 through 18–408 and the subtitle "Subtitle 4. Senatorial Scholarships"; 18–501 through 18–507 and the subtitle "Subtitle 5. Delegate Scholarships"; and 18–2601 and the subtitle "Subtitle 26. Maryland Graduate and Professional Scholarship Program"
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)";

and after line 35, insert:

"BY repealing
Article – State Finance and Procurement
Section 18–101 through 18–109 and the title "Title 18. Living Wage"
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 3
On page 14, after line 7, insert:

"**7–209.**

(A) IN THIS SECTION, "COUNTY" DOES NOT INCLUDE BALTIMORE CITY.

(B) FOR EACH FISCAL YEAR, THE COMMISSION SHALL DETERMINE FOR EACH COUNTY THE FULL COSTS OF PROVIDING PAROLE RELEASE HEARINGS FOR INMATES HELD IN A LOCAL CORRECTIONAL FACILITY IN THAT COUNTY, INCLUDING:

(1) THE COSTS TO THE DIVISION OF PAROLE AND PROBATION OF PRE–PAROLE INVESTIGATIONS MADE FOR THOSE INMATES; AND

(2) THE COSTS OF SCHEDULING AND CONDUCTING PAROLE HEARINGS FOR THOSE INMATES AND OTHER PROCESSING COSTS INCURRED BY THE COMMISSION IN CONNECTION WITH PROVIDING PAROLE RELEASE HEARINGS FOR THOSE INMATES.

(C) EACH COUNTY SHALL REIMBURSE THE STATE FOR THE FULL COSTS OF PROVIDING PAROLE RELEASE HEARINGS FOR INMATES HELD IN A LOCAL CORRECTIONAL FACILITY IN THAT COUNTY AS DETERMINED BY THE COMMISSION UNDER THIS SECTION.".

AMENDMENT NO. 4

On page 16, after line 12, insert:

"Article – Economic Development

10–640.

(G) NOTWITHSTANDING SUBSECTION (F) OF THIS SECTION, FOR FISCAL YEAR 2012 AND ANY FISCAL YEAR THEREAFTER, STATE FUNDS MAY NOT BE USED TO PAY MORE THAN 50% OF ANY OBLIGATION OF THE AUTHORITY UNDER SUBSECTION (F) OF THIS SECTION FOR ANNUAL OPERATING DEFICITS OR A CAPITAL RESERVE FUND.

10–643.

(G) NOTWITHSTANDING SUBSECTION (F) OF THIS SECTION, FOR FISCAL YEAR 2012 AND ANY FISCAL YEAR THEREAFTER, STATE FUNDS MAY NOT BE USED TO PAY MORE THAN 50% OF ANY OBLIGATION OF THE AUTHORITY UNDER SUBSECTION (F) OF THIS SECTION FOR ANNUAL OPERATING DEFICITS OR A CAPITAL RESERVE FUND.".

AMENDMENT NO. 5

On page 16, after line 13, insert:

"4–122.

(b) (2) The service providing local education agency shall include a child enrolled as the result of an out–of–county living arrangement in their full–time equivalent enrollment as provided by **[**§ 5–202(a)(6)**] § 5–202(A)** of this article.";

after line 14, insert:

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

(2) "ABSENTEEISM RATE" MEANS THE DIFFERENCE BETWEEN 1.00 AND THE AVERAGE DAILY ATTENDANCE RATE.

[(2)**] (3)** "Annual per pupil foundation amount" means:

(i) For fiscal years 2004 through 2008, the sum, rounded to the nearest dollar, of:

1. The fiscal year 2002 per pupil foundation amount of $4,124; and

2. The product of the difference between the target per pupil foundation amount and $4,124 and:

A. 0.40 in fiscal year 2004;

B. 0.52 in fiscal year 2005;

C. 0.71 in fiscal year 2006; and

D. 0.83 in fiscal year 2007; and

(ii) For fiscal year 2008 and each fiscal year thereafter, the target per pupil foundation amount.

[(3)**] (4)** "Assessed valuation of real property" means the most recent estimate made by the State Department of Assessments and Taxation before the annual State budget is submitted to the General Assembly, of the assessed value of

real property for State purposes as of July 1 of the first completed fiscal year before the school year for which the calculation of State aid is made under this section.

[(4)] **(5)** "Assessed value of personal property" means the most recent estimate by the State Department of Assessments and Taxation before the annual State budget is submitted to the General Assembly of the assessed value for county purposes of personal property as of July 1 of the first completed fiscal year before the school year for which the calculation is made under this section.

(6) "AVERAGE DAILY ATTENDANCE RATE" MEANS THE SUM OF STUDENTS ATTENDING SCHOOL EACH DAY DURING THE SECOND PRIOR SCHOOL YEAR DIVIDED BY THE SUM OF STUDENT ENROLLMENT FOR EACH DAY DURING THE SECOND PRIOR SCHOOL YEAR.

[(5)] **(7)** "Foundation program" means the product of the annual per pupil foundation amount and a county's full–time equivalent enrollment.

[(6)] **(8)** "Full–time equivalent enrollment" means the [sum of] **DIFFERENCE BETWEEN**:

(i) **THE SUM OF:**

1. The number of students enrolled in [grades 1 through] **KINDERGARTEN THROUGH GRADE** 12 or their equivalent in regular day school programs on September 30 of the previous school year;

[(ii) Except as provided in item (iii) of this paragraph, the product of the number of students enrolled in kindergarten programs on September 30 of the prior school year and:

1. 0.60 in fiscal year 2004;

2. 0.70 in fiscal year 2005;

3. 0.80 in fiscal year 2006;

4. 0.90 in fiscal year 2007; and

5. 1.00 in fiscal year 2008 and each fiscal year thereafter;

(iii) In Garrett County, the number of students enrolled in kindergarten programs on September 30 of the prior school year;**]** and

[(iv)**]** **2.** The number of full–time equivalent students, as determined by a regulation of the Department, enrolled in evening high school programs during the previous school year**; AND**

(II) THE PRODUCT OF MULTIPLYING:

1. THE NUMBER DERIVED IN ITEM (I) OF THIS PARAGRAPH; AND

2. THE ABSENTEEISM RATE.

[(7)**] (9)** "Local contribution rate" means the figure that is calculated as follows:

(i) Multiply the statewide full–time equivalent enrollment by $624, and multiply this product by:

1. 0.46 in fiscal year 2004;

2. 0.47 in fiscal year 2005;

3. 0.48 in fiscal year 2006;

4. 0.49 in fiscal year 2007; and

5. 0.50 in fiscal year 2008 and each fiscal year thereafter;

(ii) Multiply the statewide full–time equivalent enrollment by the amount that the annual per pupil foundation amount exceeds $624, and multiply this product by 0.50;

(iii) Add the two products calculated in items (i) and (ii) of this paragraph, and divide the resulting sum by the sum of the wealth of all of the counties in this State; and

(iv) Round the result obtained in item (iii) of this paragraph to seven decimal places and express as a percent with five decimal places.

[(8)**] (10)** "Local share of the foundation program" means the product of the local contribution rate and a county's wealth.

[(9)**] (11)** "Net taxable income" means the amount certified by the State Comptroller for the second completed calendar year before the school year for which the calculation of State aid under this section is made, based on tax returns filed on or before September 1 after this calendar year.

[(10)**] (12)** "Personal property" means all property classified as personal property under § 8–101(c) of the Tax – Property Article.

[(11)**] (13)** "Real property" means all property classified as real property under § 8–101(b) of the Tax – Property Article.

[(12)**] (14)** "State share of the foundation program" means the greater of:

(i) The difference between the foundation program and the local share of the foundation program; and

(ii) The result obtained by multiplying the annual per pupil foundation amount by the county's full–time equivalent enrollment, and multiplying this product by:

1. 0.25 in fiscal year 2004;

2. 0.24 in fiscal year 2005;

3. 0.22 in fiscal year 2006;

4. 0.19 in fiscal year 2007; and

5. 0.15 in fiscal year 2008 and each fiscal year thereafter.";

in line 15, strike "(a)"; and in the same line, strike "(13)" and substitute "**(15)**".

On page 17, in line 4, strike "2015" and substitute "**2016**"; after line 17, insert:

"**[**(14)**] (16)** "Wealth" means the sum of:

(i) Net taxable income;

(ii) 100 percent of the assessed value of the operating real property of public utilities;

(iii) 40 percent of the assessed valuation of all other real property; and

(iv) 50 percent of assessed value of personal property.

5–205.

(c) (1) In this subsection, "full–time equivalent enrollment" has the meaning stated in § 5–202 of this subtitle.

(2) Subject to the limitations under paragraph (3) of this subsection, for fiscal year 2004 and every year thereafter**,** the amount of a county's base grant for student transportation shall be equal to the amount of the county's base grant for student transportation for the previous year increased by the same percentage as the increase in the private transportation category of the Consumer Price Index for all urban consumers, for the Washington–Baltimore metropolitan area, as of July of the fiscal year preceding the year for which the amount is being calculated, plus an additional amount equal to the product of:

(i) The total amount of funds distributed by the State as base grants for student transportation for the previous fiscal year divided by the statewide full–time equivalent enrollment for the previous fiscal year; and

(ii) The difference between the full–time equivalent enrollment in a county for the current fiscal year and the full–time equivalent enrollment in the

county for the previous fiscal year, or, if the full–time equivalent enrollment in a county for the current fiscal year is less than the full–time equivalent enrollment in the county for the previous fiscal year, zero.

(3) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, the increase in the amount of a base grant for student transportation that is based on the increase in the private transportation category of the Consumer Price Index may not be less than 1 percent nor more than 8 percent of the amount of the grant for the previous year.

(ii) For fiscal year 2011, the increase in the amount of a base grant for student transportation that is based on the increase in the private transportation category of the Consumer Price Index shall be 1 percent of the amount of the grant for the previous year.

(iii) For each of fiscal years 2012 through **[**2015**] 2016**, the increase in the amount of a base grant for student transportation that is based on the increase in the private transportation category of the Consumer Price Index may not be more than 1 percent of the amount of the grant for the previous year.";

and after line 23, insert:

"6–306.

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

(2) "County grant for national certification" means an annual grant distributed to a teacher certified by the National Board for Professional Teaching Standards established:

(i) Outside of the collective bargaining process; or

(ii) As part of a collective bargaining agreement with the local employee organization.

(3) "School–based employee" means a certificated employee who works directly with students or teachers at a public school.

(b) (1) For fiscal year 2000 and each subsequent fiscal year, the Governor shall include in each year's operating budget funding for the stipends and bonuses provided in this subsection.

(2) A classroom teacher or other nonadministrative school–based employee in a public school identified by the State Board as having comprehensive needs who holds a standard professional certificate or an advanced professional certificate who is employed by a county board and who holds a certificate issued by the National Board for Professional Teaching Standards shall receive a stipend from the State in an amount equal to the county grant for national certification, up to a maximum of $2,000 per qualified individual.

(3) A classroom teacher or other nonadministrative school–based employee in a school not identified by the State Board as having comprehensive needs who holds a standard professional certificate or an advanced professional certificate who is employed by a county board and who holds a certificate issued by the National Board for Professional Teaching Standards shall receive a stipend from the State in an amount equal to the county grant for national certification, up to a maximum of $1,000 per qualified individual.

(4) A classroom teacher who holds an advanced professional certificate and teaches in a public school identified by the State Board as a school having comprehensive needs shall receive a stipend from the State in the amount of $1,500 for each year that the teacher performs satisfactorily in the classroom.**]**

[(5) (i) 1.**] (A) (1)** The State Board shall establish a program to support locally negotiated incentives, governed under Subtitles 4 and 5 of this title, for highly effective classroom teachers and principals to work in public schools that are:

[A.**] (I)** In improvement, corrective action, or restructuring;

[B.**] (II)** Categorized by the local school system as a Title I school; or

[C.**] (III)** In the highest 25% of schools in the State based on a ranking of the percentage of students who receive free and reduced priced meals.

[2.] **(2)** The program established under [subsubparagraph 1 of this subparagraph] **PARAGRAPH (1) OF THIS SUBSECTION** may include financial incentives, leadership changes, or other incentives.

[(ii) 1.] **(B) (1)** The State Board shall adopt guidelines to implement this [paragraph] **SECTION**.

[2.] **(2)** Nothing in this [paragraph] **SECTION** shall be construed to prohibit a local school system from employing more stringent standards than the guidelines adopted under this [subparagraph] **SUBSECTION**.

[(c) An individual who receives a stipend or bonus under subsection (b) of this section may not be deemed an employee of the State.

(d) The employer of an individual who receives a stipend or bonus under subsection (b) of this section shall pay the increase in fringe benefit costs associated with the stipend or bonus.

(e) The Department shall act as fiscal agent for funds disbursed under this section.]".

On page 18, after line 25, insert:

"14–405.

(b) (2) (i) For fiscal year 1993, the grant shall be as provided for in the State fiscal year 1993 appropriation.

(II) FOR FISCAL YEAR 2012, THE GRANT SHALL EQUAL 95% OF THE GRANT FOR FISCAL YEAR 2011.

[(ii)] **(III)** For fiscal year [1994] **2013** and each year thereafter, the proposed grant shall be equal to the grant of the prior year augmented by funds required to offset inflation as indicated by the implicit price deflator for State and local government.".

On page 19, in line 17, after "year;" insert "**AND**"; in line 18, after "2013" insert "**AND IN EACH FISCAL YEAR THEREAFTER**"; and in line 19, strike "**18.5%**" and substitute "**19.5%**".

On pages 19 and 20, strike beginning with the semicolon in line 22 on page 19 down through "year" in line 36 on page 20.

On page 21, after line 12, 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; **AND**

(v) In fiscal year 2013 **AND EACH FISCAL YEAR THEREAFTER**, not less than an amount equal to **[**63.5%**] 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**[**;

(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% 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% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(x) In fiscal year 2018, not less than an amount equal to 66% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(xi) In fiscal year 2019, not less than an amount equal to 66.5% of the State's General Fund appropriation per full–time equivalent student to the

4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

(xii) In fiscal year 2020, not less than an amount equal to 67.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year; and

(xiii) In fiscal year 2021 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**]**.

(2) For purposes of this subsection, the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State for a fiscal year shall include noncapital appropriations from the Higher Education Investment Fund.

(3) Notwithstanding the provisions of paragraph (1) of this subsection, the total State operating fund appropriated to Baltimore City Community College under this section for each of fiscal years 2011 and 2012 shall be $40,187,695.";

in line 31, after "year;" insert "**AND**"; in line 32, after "2013" insert "**AND EACH FISCAL YEAR THEREAFTER**"; in the same line, strike the brackets; and in the same line, strike "**9.5%**".

On pages 21 and 22, strike beginning with the semicolon in line 34 on page 21 down through "year" in line 22 on page 22.

AMENDMENT NO. 6

On pages 35 and 36, strike in their entirety the lines beginning with line 25 on page 35 through line 6 on page 36, inclusive.

On page 37, strike in their entirety lines 28 through 33, inclusive.

AMENDMENT NO. 7

On page 44, after line 18, insert:

"5A–303.

(d) (3) **[**(iv) For each of fiscal years 2011, 2012, 2013, and 2014, the Governor shall include in the budget bill an appropriation to the Reserve Fund.

(v) Notwithstanding the provisions of § 7–213 of this article, the Governor may not reduce an appropriation to the Reserve Fund in the State budget as approved by the General Assembly.**]**

[(vi)**] (IV)** The Director may not issue an initial credit certificate for any fiscal year after fiscal year **[**2014**] 2011**.

(i) (1) Subject to the provisions of this subsection, **AS TO COMMERCIAL REHABILITATIONS,** the provisions of this section and the tax credit authorized under this section shall terminate as of July 1, **[**2014**] 2011**.

(2) On and after July 1, **[**2014**] 2011**:

(i) the tax credit authorized under this section may be claimed for:

1. a rehabilitation project**[**,**]** other than a commercial rehabilitation**[**, for which an application for approval of a plan of proposed rehabilitation was received by the Director on or before June 30, 2014**]**; or

2. a commercial rehabilitation for which an initial credit certificate has been awarded under subsection (d) of this section; and

(ii) the Director shall continue to report to the Governor and the General Assembly as required under subsection (h) of this section for as long as any rehabilitation project for which the tax credit may be claimed remains incomplete.".

AMENDMENT NO. 8

On pages 91 through 93, strike in their entirety the lines beginning with line 21 on page 91 through line 19 on page 93, inclusive, and substitute:

"2–1104.

[(a)**]** **[**Except as provided in subsections (b), (c), and (d) of this section, after**]** **AFTER** making the distributions required under §§ 2–1101 through 2–1103 of this subtitle, from the remaining motor fuel tax revenue, the Comptroller shall distribute:

(1) 2.3% **AS FOLLOWS:**

(I) **$5,000,000 FOR EACH FISCAL YEAR** to the Chesapeake Bay 2010 Trust Fund; **AND**

(II) **THE REMAINDER OF THE 2.3% TO THE GENERAL FUND OF THE STATE;** and

(2) any remaining balance to the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund.

[(b) For the fiscal year beginning July 1, 2008, instead of the distribution required under subsection (a)(1) of this section, the Comptroller shall distribute 2.3% of the remaining motor fuel tax revenue as follows:

(1) $6,500,000 to the General Fund of the State; and

(2) the balance to the Chesapeake Bay 2010 Trust Fund.

(c) For the fiscal year beginning July 1, 2009, instead of the distribution required under subsection (a)(1) of this section, the Comptroller shall distribute 2.3% of the remaining motor fuel tax revenue as follows:

(1) $8,385,845 to the General Fund of the State; and

(2) the balance to the Chesapeake Bay 2010 Trust Fund.

(d) For the fiscal year beginning July 1, 2010, instead of the distribution required under subsection (a)(1) of this section, the Comptroller shall distribute 2.3% of the remaining motor fuel tax revenue as follows:

(1) $5,000,000 to the General Fund of the State; and

(2) the balance to the Chesapeake Bay 2010 Trust Fund.]

2–1302.1.

[(a)] [Except as provided in subsections (b), (c), and (d) of this section, after] **AFTER** making the distributions required under §§ 2–1301 and 2–1302 of this subtitle, of the sales and use tax collected on short–term vehicle rentals under § 11–104(c) of this article the Comptroller shall distribute:

(1) 45% to the Transportation Trust Fund established under § 3–216 of the Transportation Article; [and]

(2) [the remainder] **$15,000,000 FOR EACH FISCAL YEAR** to the Chesapeake Bay 2010 Trust Fund**; AND**

(3) THE REMAINDER TO THE GENERAL FUND OF THE STATE.

[(b) For the fiscal year beginning July 1, 2008, after the distribution required under subsection (a)(1) of this section, the Comptroller shall distribute the remainder of the sales and use tax collected on short–term vehicle rentals under § 11–104(c) of this article as follows:

(1) $18,500,000 to the General Fund of the State; and

(2) the remainder to the Chesapeake Bay 2010 Trust Fund.

(c) For the fiscal year beginning July 1, 2009, after the distribution required under subsection (a)(1) of this section, the Comptroller shall distribute the remainder of the sales and use tax collected on short–term vehicle rentals under § 11–104(c) of this article as follows:

(1) $21,100,711 to the General Fund of the State; and

(2) the remainder to the Chesapeake Bay 2010 Trust Fund.

(d) For the fiscal year beginning July 1, 2010, after the distribution required under subsection (a)(1) of this section, the Comptroller shall distribute the remainder

of the sales and use tax collected on short–term vehicle rentals under § 11–104(c) of this article as follows:

(1) $17,101,428 to the General Fund of the State; and

(2) the remainder to the Chesapeake Bay 2010 Trust Fund.**]**".

AMENDMENT NO. 9

On page 99, in line 28, strike "35" and substitute "**50**".

On page 103, after line 25, insert:

"10–205.

(b) (1) Subject to the appropriation requirements and budgetary provisions of § 3–216(d) of this article and upon receipt of an approval of a grant application in such form and detail as the Secretary shall reasonably require, the Department shall provide for annual grants to the Washington Suburban Transit District for a share of the operating deficits of the regional transit system for which the District is responsible. "Operating deficit" means operating costs less:

(i) The greater of operating revenues or 50 percent of the operating costs; and

(ii) All federal operating assistance.

(2) The Department's share shall equal **[**100**] 75** percent of the operating deficit.".

AMENDMENT NO. 10

On pages 103 through 105, strike in their entirety the lines beginning with line 26 on page 103 through line 2 on page 105, inclusive.

On page 107, strike in their entirety lines 4 through 10, inclusive.

On pages 107 and 108, strike in their entirety the lines beginning with line 29 on page 107 through line 8 on page 108, inclusive.

AMENDMENT NO. 11

On page 110, after line 33, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 10–429 through 10–442 and the part "Part III. Stem Cell Research" of Article – Economic Development of the Annotated Code of Maryland be repealed.

SECTION 2A. AND BE IT FURTHER ENACTED, That Section(s) 5–202(e) and (f); 6–112; 18–401 through 18–408 and the subtitle "Subtitle 4. Senatorial Scholarships"; 18–501 through 18–507 and the subtitle "Subtitle 5. Delegate Scholarships"; and 18–2601 and the subtitle "Subtitle 26. Maryland Graduate and Professional Scholarship Program" of Article – Education of the Annotated Code of Maryland be repealed.";

in line 34, strike "2." and substitute "2B."; and after line 36, insert:

"SECTION 2C. AND BE IT FURTHER ENACTED, That Section(s) 18–101 through 18–109 and the title "Title 18. Living Wage" of Article – State Finance and Procurement of the Annotated Code of Maryland be repealed.

SECTION 2D. AND BE IT FURTHER ENACTED, That, notwithstanding the repeal of § 5–202(e) of the Education Article by this Act, for fiscal year 2012 only, the State shall provide a supplemental grant to each county board in an amount equal to 50% of the amount the county board received under § 5–202(e) of the Education Article in fiscal year 2011.

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

(a) Notwithstanding the repeal of § 6–112 of the Education Article by this Act, for fiscal year 2012 only, the State Board of Education shall select, consistent with the amount provided in the State budget for the State and Local Aid Program for Certification by the National Board for Professional Teaching Standards, a maximum of 500 teachers to participate in the program and the State shall pay the amounts and reimburse the counties the amounts provided under § 6–112 of the Education Article as in effect before its repeal under this Act for the teachers selected for the program; and

(b) Notwithstanding the repeal of State–paid stipends and bonuses for teachers under § 6–306 of the Education Article as amended by this Act, for fiscal year 2012 only, the State shall pay qualifying teachers 50% of the amounts of the stipends

and bonuses specified in § 6–306 of the Education Article before its amendment under this Act.

SECTION 2F. AND BE IT FURTHER ENACTED, That, notwithstanding §§ 8–402 and 8–403 of the Transportation Article, for fiscal year 2012 only, $60,000,000 of the amount otherwise required to be distributed to Baltimore City under § 8–403 of the Transportation Article shall be distributed instead to the General Fund.

SECTION 2G. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that spending be further constrained in the annual State budget by implementation of the following actions:

(1) Reducing General Fund appropriations for the University System of Maryland institutions of higher education and Morgan State University by at least 5% by eliminating positions, reducing the budget for travel and use of State vehicles, reducing free tuition for employees, and implementing operational efficiencies;

(2) Recognizing savings from consolidating the University of Maryland Center for Environmental Science administrative functions and other activities with appropriate University of Maryland institutions;

(3) Reducing General Fund appropriations by at least $12,300,000 through across–the–board reductions of 2% to State agency general operating budgets;

(4) Eliminating all State funding for abortions in the Medical Assistance Program;

(5) Reducing all Office of Secretary budgets for cabinet level departments by 2%;

(6) Reducing General Fund grants for the Governor's Office of Crime Control and Prevention, not including funding for the State Aid for Police Protection formula, by 10%;

(7) Realizing a General Fund savings of at least $1,900,000 by reducing State agency advertising and promotion budgets;

(8) Capping all Executive Branch salaries at an amount equal to $1 less than the Governor's salary;

(9) A moratorium on all out–of–state travel for State employees;

(10) Reducing the budget for Maryland Public Television by $1,000,000;

(11) Beginning in fiscal year 2013, realizing at least $30,000,000 in State employee and retiree health benefit General Fund savings by implementing changes consistent with the recommendations of the Public Employees' and Retirees' Benefit Sustainability Commission;

(12) Reducing the appropriation in the Board of Public Works for the Maryland Zoo at Baltimore by 10%;

(13) In light of the failure to reach a long–term, comprehensive solution to the control and operation of the Prince George's County Hospital, limiting State funds for the operation of the hospital to $10,000,000 for fiscal year 2012 and $5,000,000 for fiscal year 2013 and providing no State funds thereafter for the operation of the hospital;

(14) Limiting funding for the Employment Standards Unit and the Prevailing Wage Unit of the Department of Labor, Licensing, and Regulation to the minimum statutorily required appropriations;

(15) Not providing a one–time $750 bonus for State employees;

(16) Eliminating five positions from the Governor's Delivery Unit and eliminating funding for activities and personnel related to the Governor's Health Care Reform Policy Planning Group;

(17) Reducing the appropriation for Maryland Biotechnology Investment Tax Credit Reserve Fund by 25%;

(18) Deleting funding for the Harry Hughes Center, the Keep Maryland Community Colleges Affordable Grant, and Fine Arts Grants;

(19) Realizing savings of $9,400,000 by providing no new General Funds for economic development grant and loan programs;

(20) Realizing Transportation Trust Fund savings from eliminating funding for the Virginia Manor Road project in Prince George's County, the Red Line and Purple Line transit projects, and the Corridor Cities Transitway; and

(21) Eliminating funding for the statewide personnel system information technology project.".

On page 113, strike in their entirety lines 17 through 31, inclusive, and substitute:

"SECTION 5. RESERVED.".

On page 114, strike in their entirety lines 12 through 18, inclusive, and substitute:

"SECTION 8. RESERVED.".

The preceding 11 amendments were read and rejected by a roll call vote as follows:

Affirmative – 45 Negative – 88 (See Roll Call No. 457)

Read the second time and ordered prepared for Third Reading.

House Bill 70 – The Speaker and the President (By Request – Administration)

Budget Bill

Fiscal Year 2012

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

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

Delegate Cane moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 121 Negative – 0 (See Roll Call No. 458)

In compliance with the rules, the Bill was introduced.

House Bill 1354 – Delegate Cane

EMERGENCY BILL

AN ACT concerning

Environment – Construction of Wells

FOR the purpose of requiring the Department of the Environment to take certain actions before proposing to adopt or make changes to certain regulations and statutes governing the construction of wells; providing a certain exception; making a stylistic change; making this Act an emergency measure; and generally relating to the authority of the Department of the Environment to regulate the construction of wells.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1305
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

QUORUM CALL

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

(See Roll Call No. 459)

ADJOURNMENT

At 8:46 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 22, 2011, Calendar Day Thursday, March 24, 2011.

Annapolis, Maryland
Legislative Day: March 22, 2011
Calendar Day: Thursday, March 24, 2011

The House met at 10:04 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Aisha N. Braveboy of Prince George's County.

QUORUM CALL

The presiding officer announced a quorum call, showing 132 Members present.

(See Roll Call No. 460)

The Journal of March 21, 2011 was read and approved.

EXCUSES:
Del. Healey – personal – son's illness

THE COMMITTEE ON APPROPRIATIONS REPORT #4

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

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

HB0739/904565/1

BY: Appropriations Committee

AMENDMENT TO HOUSE BILL 739
(First Reading File Bill)

On page 1, in line 17, after "Prevention;" insert "clarifying language;".

On page 3, in line 3, after "Resources**]**" insert "**ANNUAL REPORT SUBMITTED BY THE**"; in line 4, strike "annual report"; and in line 5, after "Assembly" insert "**, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1016 – Calvert County Delegation

AN ACT concerning

Calvert County – Public Facilities Bonds

HB1016/754864/1
BY: Appropriations Committee

AMENDMENT TO HOUSE BILL 1016
(First Reading File Bill)

On page 1, in line 4, strike "$20,855,000" and substitute "$12,325,000".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1156 – Delegates Rudolph and James

AN ACT concerning

Northeastern Maryland Higher Education and Applied Technology Center

HB1156/164564/1
BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1156
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Northeastern Maryland" and substitute "Task Force to Study the Creation of a Regional"; in the same line, strike "and Applied Technology"; in the same line, after "Center" insert "in Northeastern Maryland"; strike in their entirety lines 3 through 18, inclusive; and after line 18, insert:

"FOR the purpose of 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.".

On pages 1 and 2, strike in their entirety the lines beginning with line 19 on page 1 through line 25 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, in line 27, strike "the Laws of Maryland read as follows"; and after line 27, insert:

"(a) There is a Task Force to Study the Creation of a Regional Higher Education Center in Northeastern Maryland.

(b) The Task Force consists of the following members:

(1) the Secretary of Higher Education, or the Secretary's designee;

(2) the Chancellor of the University System of Maryland, or the Chancellor's designee;

(3) the President of Morgan State University, or the President's designee;

(4) the President of Harford Community College, or the President's designee;

(5) the President of Cecil College, or the President's designee;

(6) the Executive Director of the Higher Education and Conference Center at the Higher Education and Applied Technology Center, or the Executive Director's designee;

(7) the Executive Director of the Maryland Association of Community Colleges, or the Executive Director's designee;

(8) the President of the Maryland Independent College and University Association, or the President's designee;

(9) a representative of the Governor's Workforce Investment Board, appointed by the Executive Director of the Board;

(10) the Commanding General of Aberdeen Proving Ground, or the Commanding General's designee;

(11) the County Superintendent of Harford County Public Schools, or the Superintendent's designee;

(12) the County Superintendent of Cecil County Public Schools, or the Superintendent's designee;

(13) a representative of the Harford County Office of Economic Development, appointed by the Executive Director;

(14) a representative of the Cecil County Office of Economic Development, appointed by the Executive Director; and

(15) the following four members, appointed by the executive director of the organization:

(i) one representative of the Susquehanna Workforce Network;

(ii) one representative of the Chesapeake Science and Security Corridor;

(iii) one representative of the Army Alliance; and

(iv) one representative of the Northeastern Maryland Technology Council.

(c) (1) The Governor shall designate the chair of the Task Force.

(2) The Governor shall consider whether individuals considered to chair the Task Force have any of the following attributes:

(i) familiarity with the northeastern region of Maryland;

(ii) familiarity with higher education; and

(iii) leadership ability and experience.

(d) The Office of the Governor shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

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

(f) The Task Force shall meet at least one time per month at such times and places it determines.

(g) The Task Force shall:

(1) examine the need for higher education in Northeastern Maryland;

(2) examine the future role of the off–campus site at Harford Community College in meeting the need for higher education in Northeastern Maryland;

(3) examine the future role of Harford Community College and Cecil College in meeting the need for higher education in Northeastern Maryland;

(4) examine the future role of other segments of higher education in meeting the need for higher education in Northeastern Maryland;

(5) examine all existing higher education courses and program offerings in the Northeastern Maryland region;

(6) examine all existing and planned facilities and resources that are or may be available to meet the need for higher education in Northeastern Maryland;

(7) examine any other matter relevant to meeting the need for higher education in Northeastern Maryland as determined by the Task Force; and

(8) make recommendations regarding:

(i) higher education needs in Northeastern Maryland;

(ii) the participation of all segments of higher education in meeting the higher education needs in Northeastern Maryland;

(iii) whether or not the current higher education institutions and centers are meeting the higher education needs of the region;

(iv) whether or not the creation of a new higher education center is the best way to meet the higher education needs of the Northeastern Maryland region; and

(v) the governance structure and organization of a new regional higher education center if the Task Force recommends the creation of such a center.

(h) On or before December 1, 2011, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Budget and Taxation Committee, the House

Appropriations Committee, and the Joint Committee on Base Realignment and Closure.".

AMENDMENT NO. 3

On pages 2 through 8, strike in their entirety the lines beginning with line 28 on page 2 through line 20 on page 8, inclusive.

On page 8, in line 21, strike "4." and substitute "2."; in line 22, strike "July" and substitute "June"; and in the same line, after "2011." insert "It shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2012, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1168 – Delegate Eckardt

AN ACT concerning

Employees' Retirement and Pension Systems – Reemployment of Retirees – Health Care Practitioners

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1184 – Delegates Zucker, Gaines, Clagett, Guzzone, Haynes, Jones, Proctor, and Washington

AN ACT concerning

Department of Transportation – Employee Grievance Procedures – Streamlined Process

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1208 – Delegate Wilson

AN ACT concerning

Higher Education – Exemption from Tuition for Foster Care Recipients – Eligibility Age

HB1208/514462/1

BY: Appropriations Committee

AMENDMENT TO HOUSE BILL 1208
(First Reading File Bill)

On page 1, in the sponsor line, strike "Delegate Wilson" and substitute "Delegates Wilson, Aumann, Bates, Beitzel, Bohanan, Clagett, Conway, DeBoy, Eckardt, Gaines, Griffith, Guzzone, Haynes, James, Jones, McConkey, Mizeur, Proctor, Robinson, Sophocleus, Stocksdale, Szeliga, Washington, Wood, and Zucker".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1251 – Chair, Appropriations Committee (By Request – Departmental – State Police)

AN ACT concerning

State Police Retirement System – Special Disability Retirement Allowance – Forfeiture

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations 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.

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

House Bill 1347 – Delegate Bohanan

AN ACT concerning

Southern Maryland Higher Education Council

HB1347/534766/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1347
(First Reading File Bill)

AMENDMENT NO. 1

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

AMENDMENT NO. 2

On page 2, strike in their entirety lines 21 and 22.

On page 2 in lines 23 and 27, and on page 3 in lines 9 and 13, strike "(e)", "(f)", "(g)", and "(h)", respectively, and substitute "(d)", "(e)", "(f)", and "(g)", respectively.

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 ECONOMIC MATTERS REPORT #13

Delegate Davis, Chair, for the Committee on Economic Matters 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.

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

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

HB0391/933190/2

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 391
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, 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 "Commission" in line 16 and substitute "authorizing the Commission to impose certain civil penalties on or after a certain date"; in line 17, 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 19, 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 20, strike "certain regulations may" and substitute "this Act does"; and in line 21, 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;".

On page 2, after line 4, 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 9, strike the comma; strike beginning with "**AVERAGE**" in line 12 down through "**SERVED**" in line 15 and substitute "**SUM OF THE CUSTOMER INTERRUPTION HOURS DIVIDED BY THE TOTAL NUMBER OF CUSTOMERS SERVED**"; strike beginning with "**AVERAGE**" in line 17 down through "**SERVED**" in line 19 and substitute "**SUM OF THE NUMBER OF CUSTOMER INTERRUPTIONS DIVIDED BY THE TOTAL NUMBER OF CUSTOMERS SERVED**"; strike lines 20 through 22, 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 23, strike "**REGULATIONS ADOPTED UNDER THIS**" and substitute "**THIS**"; and in the same line, strike "**MAY**" and substitute "**DOES**"; in line 28, after "**COMPANIES**" insert "**THROUGH THEIR DISTRIBUTION SYSTEMS**"; and in line 31, 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 15, strike "**(4)**" and substitute "**(III)**"; 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 14, inclusive; and in line 17, strike "**MAY**" and substitute "**FEBRUARY**".

AMENDMENT NO. 5

On page 5, after line 8, 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 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 9, strike "2." and substitute "3.".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 998 – Delegates Valentino–Smith, Boteler, Conaway, Dwyer, K. Kelly, McComas, and Minnick

AN ACT concerning

Militia – Employment for Military Spouses – Teachers, Health Care Practitioners, and Business Occupations and Professions

HB0998/673894/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 998
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Minnick" and substitute "Minnick, Burns, Haddaway–Riccio, Hershey, McHale, and Schulz"; strike beginning with "requiring" in line 6 down through "circumstances;" in line 7; and strike in their entirety lines 8 through 22, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 4 on page 2 through line 5 on page 3, inclusive.

On page 3, in line 30, strike "**UNDER § 6–201.1 OF THE EDUCATION ARTICLE**" and substitute "**THAT LISTS AND EXPLAINS THE VARIOUS PATHS THAT CAN BE TAKEN IN ORDER TO OBTAIN CERTIFICATION AND TENURE IN THE STATE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1175 – Delegates Barkley and Davis

AN ACT concerning

Alcoholic Beverages – Direct Wine Shipment

HB1175/853691/2
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1175
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegates Barkley and Davis" and substitute "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".

AMENDMENT NO. 2

On page 1, in line 7, strike "be licensed" and substitute "obtain a certain permit"; in line 14, strike "any one consumer" and substitute "a single delivery address"; in line 18, after "report;" insert "requiring a common carrier to submit certain information to the Comptroller in a certain manner at certain times; requiring a common carrier to verify certain information each year in a certain manner;"; and in line 27, after "definition;" insert "requiring the Comptroller to study certain matters and submit a report to certain committees on or before a certain date;".

AMENDMENT NO. 3

On page 3 in line 14, on page 5 in line 12, and on page 7 in line 6, in each instance, strike "**$300**" and substitute "**$200**".

AMENDMENT NO. 4

On page 4, in line 22, after "**(E)**" insert "**(1)**"; and after line 22, insert:

"**(2) "WINE" DOES NOT INCLUDE BEER, DISTILLED SPIRITS, OR ANY ALCOHOLIC BEVERAGE OTHER THAN WINE.**".

On page 5, in line 18, after the second "**WINE**" insert "**MANUFACTURED BY THE HOLDER**".

On page 6, strike beginning with "**AT**" in line 13 down through "**LOCATION**" in line 14 and substitute "**IN THE STATE**"; in line 24, strike "**12**" and substitute "**18**"; and in line 25, strike "**ANY ONE CONSUMER**" and substitute "**A SINGLE DELIVERY ADDRESS**".

On page 8, in line 19, strike "**BUSINESS ENTITY**" and substitute "**PERSON**".

On page 11, in line 8, strike "**CUSTOMER**" and substitute "**CONSUMER**".

On page 12, in line 9, strike "**PERSONAL**".

On page 14, in line 14, strike "**NOT LATER THAN THE THIRD ANNIVERSARY OF ISSUING**" and substitute "**AT ANY TIME STARTING 3 YEARS AFTER THE COMPTROLLER FIRST ISSUES**"; in the same line, after "**A**" insert "**DIRECT WINE SHIPPER'S**".

AMENDMENT NO. 5

On page 8, after line 5, insert:

"**(E) AT THE TIME OF INITIAL APPLICATION FOR A COMMON CARRIER PERMIT AND ON REQUEST OF THE COMPTROLLER, A COMMON CARRIER SHALL SUBMIT TO THE COMPTROLLER INFORMATION CONCERNING THE TRAINING OF ITS DRIVERS IN VERIFYING THE AGE OF RECIPIENTS OF DIRECT WINE SHIPMENTS UNDER THIS TITLE.**

(F) AT LEAST ONCE EACH YEAR, IN A MANNER ACCEPTABLE TO THE COMPTROLLER, A HOLDER OF A COMMON CARRIER PERMIT SHALL VERIFY THAT THE SHIPPER OF WINE INTO THE STATE UNDER THIS TITLE HOLDS A VALID DIRECT WINE SHIPPER'S PERMIT.".

AMENDMENT NO. 6

On page 14, after line 18, insert:

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

(a) The Comptroller shall study the effects of the implementation of this Act, including:

(1) the numbers of holders of direct wine shipper's permits and common carrier permits issued;

(2) the volume of wine shipped to Maryland consumers;

(3) the revenues and costs to the State associated with direct wine shipment; and

(4) the availability of certain imported varieties of wine to Maryland consumers.

(b) On or before December 31, 2012, the Comptroller shall submit a report on its findings under this section, in accordance with § 2–1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Economic Matters Committee.";

and in lines 19 and 25, strike "3." and "4.", respectively, and substitute "4." and "5.", respectively.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #13

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

House Bill 201 – Delegate Beitzel

AN ACT concerning

Garrett County – Vacancy in Office of County Commissioner – Appointment Process

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 406 – Washington County Delegation

AN ACT concerning

Washington County – Water and Sewer Debt Reduction Fund – Repeal

HB0406/540518/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 406
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Repeal" and substitute "Conococheague Industrial Pretreatment Facility"; and in lines 6, 8 and 9, and 12, in each instance, strike "Washington County pretreatment facility" and substitute "Conococheague Industrial Pretreatment Facility".

AMENDMENT NO. 2

On page 2, in lines 16 and 20, in each instance, strike "**WASHINGTON COUNTY PRETREATMENT FACILITY**" and substitute "**CONOCOCHEAGUE INDUSTRIAL PRETREATMENT FACILITY**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 421 – Delegates Otto and McDermott

EMERGENCY BILL

AN ACT concerning

Somerset County – Deputy State's Attorney – Private Practice

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

HB0607/240910/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 607
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "circumstances;" insert "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;".

AMENDMENT NO. 2

On page 1, in line 19, strike "**THE**" and substitute "**(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE**".

On page 2, after line 2, insert:

"**(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BEFORE ENTERING REAL PROPERTY UNDER SUBSECTION (A) OF**

THIS SECTION, THE COMMISSION SHALL CONTACT AND CONSULT WITH THE PROPERTY MANAGER OR OWNER OF THE PROPERTY TO MUTUALLY AGREE ON:

(I) THE TIME THAT THE COMMISSION MAY ENTER THE REAL PROPERTY;

(II) THE LOCATION WHERE THE NOTICE IS TO BE POSTED; AND

(III) THE LENGTH OF TIME THE NOTICE IS TO REMAIN POSTED.

(2) THE COMMISSION IS NOT REQUIRED TO CONTACT AND CONSULT WITH A PROPERTY MANAGER OR OWNER UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THERE IS AN EMERGENCY SITUATION WHERE A DELAY IN POSTING A NOTICE WOULD PLACE THE PUBLIC, THE COMMISSION'S SYSTEM, OR THE PARTICULAR PROPERTY AT SIGNIFICANT RISK.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 660 – Delegates Frush, Healey, Lafferty, and Niemann

AN ACT concerning

Agriculture – Pesticides – Use, Release, Sale, and Purchase Reporting

HB0660/220510/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 660
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike ", Release, Sale, and Purchase".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 3 on page 1 through line 13 on page 2, inclusive, and substitute:

"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.".

On page 2, strike in their entirety lines 14 through 18, inclusive; and strike in their entirety lines 21 and 22 and substitute "Section 2–109".

AMENDMENT NO. 3

On pages 2 through 12, strike beginning with line 28 on page 2 through line 28 on page 12, inclusive, and substitute:

"**2–109.**

(A) THE DEPARTMENT SHALL ESTABLISH A PUBLIC INFORMATION PROGRAM FOR THE COLLECTION OF INFORMATION ON PESTICIDE USE IN THE STATE IN ACCORDANCE WITH THIS SECTION.

(B) AT LEAST EVERY 5 YEARS, THE DEPARTMENT SHALL COLLECT INFORMATION ON PESTICIDE USE IN THE STATE FROM:

(1) FARM OPERATORS;

(2) PRIVATE APPLICATORS CERTIFIED UNDER § 5–207 OF THIS ARTICLE;

(3) PEST CONTROL BUSINESSES LICENSED UNDER § 5–207 OF THIS ARTICLE; AND

(4) PUBLIC AGENCIES PERMITTED UNDER § 5–207 OF THIS ARTICLE.

(C) THE INFORMATION ON PESTICIDE USE COLLECTED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE, BY CALENDAR YEAR:

(1) THE TYPE OF PESTICIDE;

(2) THE ACTIVE INGREDIENT IN THE PESTICIDE; AND

(3) THE TOTAL AMOUNT OF PESTICIDE USED.

(D) (1) EVERY 5 YEARS, THE DEPARTMENT SHALL PREPARE A REPORT ON THE INFORMATION COLLECTED UNDER THIS SECTION.

(2) ON REQUEST, THE DEPARTMENT SHALL MAKE THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION AVAILABLE TO THE PUBLIC.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 670 – Delegates Frush, Beidle, Bobo, Glenn, and Niemann

AN ACT concerning

Real Property – Retaliatory Actions – Landlords and Mobile Home Park Owners

HB0670/130217/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 670
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 7 and 15, in each instance, strike "in a" and substitute "as an affirmative"; in the same lines, after the second "for" insert "certain"; strike beginning with "creating" in line 8 down through "circumstances;" in line 9; in line 10, after "circumstances;" insert "altering the conditions of certain relief; altering the circumstances under which certain actions by a landlord may not be deemed to be retaliatory;"; strike beginning with "creating" in line 15 down through "circumstances;" in line 17; and in line 18, after "circumstances;" insert "altering the

circumstances under which certain actions by a park owner may not be deemed to be retaliatory;".

AMENDMENT NO. 2

On page 2, in line 11, strike "**REFUSE TO RENEW A TENANCY**" and substitute "**TERMINATE A PERIODIC TENANCY**".

On page 4, in line 25, strike "**REFUSE TO RENEW A RENTAL AGREEMENT**" and substitute "**TERMINATE A PERIODIC TENANCY**".

AMENDMENT NO. 3

On page 2, in line 15, strike "**MADE**" and substitute "**PROVIDED WRITTEN OR ACTUAL NOTICE OF**"; in the same line, before "**TO**" insert "**ABOUT AN ALLEGED VIOLATION OF THE LEASE, VIOLATION OF LAW, OR CONDITION ON THE LEASED PREMISES THAT IS A SUBSTANTIAL THREAT TO THE HEALTH OR SAFETY OF OCCUPANTS**"; and in lines 25 and 26, strike "is a member or organizer of" and substitute "**HAS PARTICIPATED IN**".

On page 4, in line 29, strike "**MADE**" and substitute "**PROVIDED WRITTEN OR ACTUAL NOTICE OF**"; and in line 30, before "**TO**" insert "**ABOUT AN ALLEGED VIOLATION OF THE RENTAL AGREEMENT, VIOLATION OF LAW, OR CONDITION ON THE LEASED PREMISES THAT IS A SUBSTANTIAL THREAT TO THE HEALTH OR SAFETY OF OCCUPANTS**".

On page 5, in lines 7 and 8, strike "is a member or organizer of" and substitute "**HAS PARTICIPATED IN**".

AMENDMENT NO. 4

On page 3, in line 2, strike the first "**IN**" and substitute "**:**

(I) IN";

in the same line, after "**POSSESSION**" insert a semicolon; and in lines 2 and 3, strike "**IN A CLAIM FOR DAMAGES**" and substitute:

"**(II)** **AS AN AFFIRMATIVE CLAIM FOR DAMAGES RESULTING FROM A RETALIATORY ACTION OF A LANDLORD OCCURRING DURING A TENANCY**".

On page 5, in line 13, strike the first "**IN**" and substitute "**:**

(I) **IN**";

in the same line, after "**POSSESSION**" insert a semicolon; and in lines 13 and 14, strike "**IN A CLAIM FOR DAMAGES**" and substitute:

"**(II)** **AS AN AFFIRMATIVE CLAIM FOR DAMAGES RESULTING FROM A RETALIATORY ACTION OF A PARK OWNER OCCURRING DURING A TENANCY**".

AMENDMENT NO. 5

On page 3, strike in their entirety lines 4 through 17, inclusive; in line 18, strike the first set of brackets; in the same line, strike "**(D)**"; and in line 27, strike the bracket.

On page 4, in line 2, strike the bracket; in lines 7 and 13, in each instance, strike the first set of brackets; and in the same lines, strike "**(E)**" and "**(F)**", respectively.

On page 5, strike in their entirety lines 15 through 28, inclusive; in line 29, strike the first set of brackets; and in the same line, strike "**(D)**".

AMENDMENT NO. 6

On page 3 in lines 21 and 26 and on page 5 in line 32, in each instance, after "**DAMAGES**" insert "**NOT TO EXCEED THE EQUIVALENT OF 3 MONTHS' RENT**".

AMENDMENT NO. 7

On page 3, after line 27, insert:

"**(1)** **THE TENANT BEING CURRENT ON THE RENT DUE AND OWING TO THE LANDLORD AT THE TIME OF THE ALLEGED RETALIATORY ACTION, UNLESS THE TENANT WITHHOLDS RENT IN ACCORDANCE WITH THE LEASE, § 8–211 OF THIS SUBTITLE, OR A COMPARABLE LOCAL ORDINANCE; AND**

(2) IF THE ALLEGED RETALIATORY ACTION IS A LANDLORD'S TERMINATION OF A PERIODIC TENANCY:";

in lines 28 and 32, strike "(1)" and "(2)", respectively, and substitute "**(I)**" and "**(II)**", respectively; and in line 31, strike the period and substitute "**; OR**".

AMENDMENT NO. 8

On page 4, after line 6, insert:

"**(E) AN ACTION BY A LANDLORD MAY NOT BE DEEMED TO BE RETALIATORY FOR PURPOSES OF THIS SECTION IF THE ALLEGED RETALIATORY ACTION OCCURS MORE THAN 6 MONTHS AFTER A TENANT'S ACTION THAT IS PROTECTED UNDER SUBSECTION (A)(2) OF THIS SECTION.**".

On page 6, after line 4, insert:

"**(D) AN ACTION BY A PARK OWNER MAY NOT BE DEEMED TO BE RETALIATORY FOR PURPOSES OF THIS SECTION IF THE ALLEGED RETALIATORY ACTION OCCURS MORE THAN 6 MONTHS AFTER A RESIDENT'S ACTION THAT IS PROTECTED UNDER SUBSECTION (A)(2) OF THIS SECTION.**".

AMENDMENT NO. 9

On page 4, in line 7, strike "**NONRENEWAL**" and substitute "**TERMINATION**"; and strike beginning with "governed" in line 10 down through "agree" in line 12.

On page 6, in lines 5 and 6, strike "**NONRENEWAL OF A RENTAL AGREEMENT**" and substitute "**TERMINATION OF A TENANCY**".

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 675 – Delegates Otto and McDermott

AN ACT concerning

Somerset County – Private Sale of County Property

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1154 – Delegate Gilchrist

AN ACT concerning

Natural Resources – Striped Bass and Crabs – Revocation

HB1154/150215/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1154
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Resources –" insert "Authorization to Catch"; in line 3, strike "receives a citation for" and substitute "commits"; and in line 9, strike "offenses" and substitute "violations".

AMENDMENT NO. 2

On page 2, in line 11, strike "**OFFENSES**" and substitute "**EGREGIOUS OR REPEAT VIOLATIONS**"; in line 26, after "**PERSON**" insert "**KNOWINGLY**"; and in line 16, strike "**EXCEEDING**" and substitute "**VIOLATING**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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.

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

House Bill 1240 – Delegates Jacobs, Cluster, Eckardt, Frank, Haddaway–Riccio, Hershey, McDermott, Norman, Otto, Smigiel, Summers, and Weir

AN ACT concerning

Natural Resources – Right to Harvest Seafood and Engage in the Seafood Industry

HB1240/960016/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1240
(First Reading File Bill)

On page 1, in line 2, before "Natural" insert "Counties –"; in the same line, strike "Right" and substitute "Authorization"; in line 5, strike "counties" and

substitute "the governing body of a county"; strike beginning with "relating" in line 5 down through the first "to" in line 6 and substitute "or take certain other action to authorize a person to harvest seafood and "; in line 6, strike "and to harvest seafood"; in line 8, after "any" insert "ordinance, resolution, or regulation or any"; in line 9, strike "a" and substitute "the"; in the same line, after "body" insert "of a county"; in line 10, before "engage" insert "harvest seafood and"; in line 11, strike "certain activities related to"; and in the same line, strike "and to harvest seafood".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1252 – Delegate McMillan

AN ACT concerning

Natural Resources – Large–Scale Striped Bass Poaching – Penalties

HB1252/970712/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1252
(First Reading File Bill)

On page 2, in line 26, strike "**EXCEEDING**" and substitute "**VIOLATING**".

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 JUDICIARY REPORT #9

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

HB0407/192516/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 407
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Cruelty Toward a Pet or Service Animal" and substitute "Additional Relief – Award of Temporary Possession of Pet"; strike beginning with the second "order" in line 5 down through "order" in line 10 and substitute "award temporary possession of any pet of a person eligible for relief or a respondent"; in line 10, strike "certain terms" and substitute "a certain term"; in line 11, strike "and cruelty toward a pet or service animal"; strike in their entirety lines 12 through 16, inclusive; and in line 24, strike "and (q)".

On page 2, in line 4, after the first comma insert "and"; and in the same line, strike ", and 4–509(a)".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 9 on page 2 through line 4 on page 3, inclusive.

On page 4, strike in their entirety lines 11 through 19, inclusive; in line 20, strike "**(R)**" and substitute "**(Q)**"; and in lines 22 and 23, strike "**(S)**" and "**(T)**", respectively, and substitute "**(R)**" and "**(S)**", respectively.

AMENDMENT NO. 3

On page 5, strike beginning with "**IF**" in line 3 down through "**PARTY**" in line 15 and substitute "**AWARD TEMPORARY POSSESSION OF ANY PET OF THE PERSON ELIGIBLE FOR RELIEF OR THE RESPONDENT**".

On page 6, strike beginning with "**IF**" in line 1 down through "**PARTY**" in line 14 and substitute "**AWARD TEMPORARY POSSESSION OF ANY PET OF THE PERSON ELIGIBLE FOR RELIEF OR THE RESPONDENT**"; and strike beginning with "**IF**" in line 22 down through "**PARTY**" in line 34 and substitute "**AWARD TEMPORARY POSSESSION OF ANY PET OF THE PERSON ELIGIBLE FOR RELIEF OR THE RESPONDENT**".

AMENDMENT NO. 4

On page 7, strike in their entirety lines 1 through 11, inclusive.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1141 – Delegate James

AN ACT concerning

Juvenile Court – Truancy Court – Petition

HB1141/782310/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1141
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate James" and substitute "Delegates James, Glass, Impallaria, McComas, McDonough, Norman, Stifler, and Szeliga".

AMENDMENT NO. 2

On page 1, strike in its entirety line 2 and substitute "Juvenile Law – Truancy Reduction Pilot Program – Filing of Petition"; in line 4, strike "filing" and substitute "an authorized school official may file, if a child is under a certain age,"; strike beginning with "repealing" in line 6 down through "Program;" in line 8; in line 9, strike "a petition filed in truancy court" and substitute "a Truancy Reduction Pilot Program"; and strike in their entirety lines 15 through 24, inclusive.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 12 on page 2 through line 18 on page 3, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1277 – Delegates Smigiel and McDermott

AN ACT concerning

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

HB1277/462416/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1277
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "or" in line 11 down through "Taxation" in line 12.

AMENDMENT NO. 2

On page 3, strike beginning with "**OR**" in line 4 down through "**TAXATION**" in line 5.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #7

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

House Bill 868 – Delegates Hixson, Barve, Boteler, Frick, Ivey, Kaiser, Luedtke, Ross, Stukes, and F. Turner

AN ACT concerning

Video Lottery Operation Licensees – Noninterference

HB0868/615760/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 868
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in the sponsor line, strike "and F. Turner" and substitute "F. Turner, and Howard"; and in line 9, after "provisions;" insert "making this Act an emergency measure;".

AMENDMENT NO. 2

On page 2, in line 21, strike "**AND**"; and in line 27, after "**INTEREST**" insert "**; AND**

3. THAT ALLOW THE COMMISSION TO IMPOSE SANCTIONS AND PENALTIES IN ACCORDANCE WITH § 9–1A–25 OF THIS SUBTITLE IF A LICENSEE KNOWINGLY VIOLATES PARAGRAPH (1) OF THIS SUBSECTION".

AMENDMENT NO. 3

On page 2, strike beginning with "shall" in line 28 down through "2011" in line 29 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 of 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 3 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

SPECIAL ORDERS

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

House Bill 741 – Delegate Feldman

AN ACT concerning

Corporations and Real Estate Investment Trusts – Directors and Trustees – Duties and Immunity from Liability

STATUS OF BILL: BILL ON 3RD READING.

Delegate Feldman moved the Bill be recommitted.

The motion was adopted.

House Bill 897 – Delegates Murphy, Cardin, Beidle, Bohanan, Boteler, Frick, Frush, Howard, Hubbard, Jameson, Love, Mizeur, Reznik, V. Turner, Walker, and Wood

AN ACT concerning

Engine Coolant and Antifreeze Bittering Agent Act

STATUS OF BILL: BILL ON 3RD READING.

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

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 461)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #37

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

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

Affirmative – 134 Negative – 2 (See Roll Call No. 462)

The Bill was then sent to the Senate.

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

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

Affirmative – 125 Negative – 10 (See Roll Call No. 463)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 464)

The Bill was then sent to the Senate.

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 – 138 Negative – 0 (See Roll Call No. 465)

The Bill was then sent to the Senate.

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

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

Affirmative – 91 Negative – 45 (See Roll Call No. 466)

The Bill was then sent to the Senate.

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 467)

The Bill was then sent to the Senate.

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 – 138 Negative – 0 (See Roll Call No. 468)

The Bill was then sent to the Senate.

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 – 139 Negative – 0 (See Roll Call No. 469)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #38

House Bill 1004 – Delegates Weir and Norman

AN ACT concerning

Real Property – Landlord and Tenant – Breach of Lease

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

Affirmative – 137 Negative – 1 (See Roll Call No. 470)

The Bill was then sent to the Senate.

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

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

Affirmative – 134 Negative – 3 (See Roll Call No. 471)

The Bill was then sent to the Senate.

House Bill 1237 – Delegates McDermott and Conway

AN ACT concerning

Worcester County – Department of Liquor Control – ~~Purchases from Wholesalers~~ Wine and Liquor Purchasing Option

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

Affirmative – 138 Negative – 0 (See Roll Call No. 472)

The Bill was then sent to the Senate.

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 – 138 Negative – 0 (See Roll Call No. 473)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 474)

The Bill was then sent to the Senate.

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

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 118 Negative – 17 (See Roll Call No. 475)

The Bill was then sent to the Senate.

House Bill 1292 – ~~Delegate Costa~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Licenses and Fees

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

Affirmative – 123 Negative – 12 (See Roll Call No. 476)

The Bill was then sent to the Senate.

House Bill 1334 – Delegates McDermott and Conway

AN ACT concerning

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 477)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #39

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 – 137 Negative – 0 (See Roll Call No. 478)

The Bill was then sent to the Senate.

House Bill 363 – Delegates Simmons, Dumais, Kramer, and Lee

AN ACT concerning

Criminal Law – Manslaughter by Vehicle or Vessel – Criminal Negligence

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

Affirmative – 137 Negative – 0 (See Roll Call No. 479)

The Bill was then sent to the Senate.

House Bill 405 – Washington County Delegation

AN ACT concerning

Washington County – Alcoholic Beverages – Criminal History Records

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

Affirmative – 137 Negative – 0 (See Roll Call No. 480)

The Bill was then sent to the Senate.

House Bill 437 – ~~Delegate Niemann~~ Delegates Niemann, Gilchrist, Beidle, Healey, and Glenn

AN ACT concerning

Real Property – Sales of New Homes – Minimum Visitability Features

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

Affirmative – 101 Negative – 37 (See Roll Call No. 481)

The Bill was then sent to the Senate.

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 – 139 Negative – 0 (See Roll Call No. 482)

The Bill was then sent to the Senate.

House Bill 560 – ~~Delegate Hubbard~~ Delegates Hubbard, Pendergrass, and V. Turner

AN ACT concerning

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 483)

The Bill was then sent to the Senate.

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 – 138 Negative – 0 (See Roll Call No. 484)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 485)

The Bill was then sent to the Senate.

House Bill 917 – ~~**Delegate McMillan**~~ **Delegates McMillan and Stocksdale**

AN ACT concerning

Real Property – Residential Leases – Interest on Security Deposits

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

Affirmative – 138 Negative – 0 (See Roll Call No. 486)

The Bill was then sent to the Senate.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

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

FOR the purpose of prohibiting the Motor Vehicle Administration from charging a recipient of the Medal of Honor a fee for the renewal of the registration of a vehicle owned by the Medal of Honor recipient or for the renewal of the Medal of Honor recipient's noncommercial driver's license; and generally relating to vehicle registration and driver's license renewal fees.

BY adding to
Article – Transportation
Section 13–416
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–111.2(b)
Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 15 – Senator Madaleno

AN ACT concerning

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

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

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

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

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

FOR the purpose of ~~allowing~~ authorizing the State Highway Administration to issue permits for certain vehicles ~~that are registered as farm vehicles or that are~~ carrying certain ~~farm products, and that are loaded in a certain location, a certain gross weight limit tolerance under~~ products and loads of certain maximum weights to operate in certain areas in certain circumstances and subject to certain conditions; expanding the scope of a certain permitting process for certain vehicles that carry certain forest products to include certain vehicles that carry certain farm products; repealing a certain separate permitting process for certain vehicles that carry certain milk products; altering certain fees for permits for certain vehicles that carry certain products; altering certain time periods in which certain permits for certain vehicles that carry certain products are valid; defining a certain term; and generally relating to ~~gross weight limits for farm vehicles and~~ exceptional hauling permits for vehicles carrying farm products.

BY repealing and reenacting, without amendments,
Article – Agriculture
Section 10–601(c)

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

BY repealing and reenacting, with amendments,
Article – Transportation
Section ~~24–109~~ 24–113.2
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing
Article – Transportation
Section 24–113.3
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 138 – Senator Zirkin

AN ACT concerning

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

FOR the purpose of providing that, on certain testimony by a party or certain other persons, ~~an unpaid bill or a written estimate for goods or services~~ a written vehicle repair estimate prepared by an insurer or its authorized representative is admissible ~~to prove~~, without the testimony of the ~~provider of the goods or services, that the estimate or unpaid bill is authentic and that the charges of the provider are fair and reasonable~~ preparer of the estimate, as evidence of the authenticity and the fairness and reasonableness of the estimate; making certain provisions concerning the admissibility of paid bills for goods or services ~~apply to unpaid bills and~~ applicable to certain written vehicle repair estimates ~~for goods and services~~; providing for the application of this Act; and generally relating to the admissibility of ~~unpaid bills and~~ certain written vehicle repair estimates ~~for goods or services~~ as evidence of certain matters in certain civil trials.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 10–105
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

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~~

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 Judiciary.

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

FOR the purpose of requiring a custodian of records under the Public Information Act to deny inspection of the part of a public record that contains certain information regarding an individual enrolled in or a member of certain senior citizen activities centers; requiring a custodian to permit inspection of certain

information by a person in interest, law enforcement personnel, and emergency services personnel; defining ~~a~~ certain ~~term~~ terms; and generally relating to the inspection of the records of senior citizen activities centers under the Public Information Act.

BY repealing and reenacting, without amendments,
Article – Human Services
Section 10–513(c)
Annotated Code of Maryland
(2007 Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 10–611(e)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – State Government
Section 10–617(m)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 258 – Senator Montgomery

AN ACT concerning

State Board of Physical Therapy Examiners – Licensure and Regulation

FOR the purpose of authorizing the State Board of Physical Therapy Examiners to send license renewal notices by electronic means; altering the maximum amount of a certain fine; altering certain definitions; and generally relating to the licensure and regulation of physical therapists and physical therapist assistants.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 13–101, 13–311, and 13–407
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 306 – Senator Mathias

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – ~~Motor Scooters – Definition~~ Motorized Minibike – 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 minibike" on certain highways under certain conditions; authorizing the State Highway Administration to prohibit the operation of a motorized minibike on certain highways under certain circumstances; defining certain terms; 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 minibike 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 Environmental Matters.

Senate Bill 361 – Senators Raskin and Ramirez

AN ACT concerning

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

FOR the purpose of reducing the period of time that certain individuals at least a certain age who hold a learner's instructional permit are required to wait before taking certain examinations for a provisional driver's license; establishing that

certain driving practice requirements and a requirement to complete a certain driver skills log book before taking certain examinations for a provisional driver's license do not apply to an individual at least a certain age; ~~authorizing individuals at least a certain age to complete certain driver education requirements through a certain Internet program; requiring the Motor Vehicle Administration to adopt regulations establishing curriculum, equipment, and standards for a certain Internet driver education program;~~ and generally relating to driver education requirements for obtaining a provisional driver's license.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–105(d)~~,~~ and 16–111(b)~~, and 16–505~~
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 374 – Senator Gladden

AN ACT concerning

Baltimore City – Circuit Court – Grand Jury Investigation

FOR the purpose of altering the law relating to grand jury investigations in Baltimore City by requiring a grand jury to carry out an investigation if directed to by a judge of the circuit court instead of as directed by a judge of the circuit court; providing for the application of this Act; and generally relating to a grand jury investigation in Baltimore City.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 8–417
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

Senate Bill 452 – Senator Simonaire

AN ACT concerning

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

FOR the purpose of requiring the Anne Arundel County Board of Education to develop and approve, on or before a certain date, certain procedures and guidelines for

the reimbursement of board member travel and other expenses; requiring a certain procedure to include certain items; requiring the county board to submit a certain report to the Anne Arundel County Delegation before a certain day; providing for the termination of this Act; and generally relating to development of guidelines by the Anne Arundel County Board of Education.

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 457 – Senator Forehand

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 Judiciary.

Senate Bill 475 – Senator Benson

AN ACT concerning

Business Occupations – Plumbers and Gas Fitters – Apprentice License Renewal

FOR the purpose of prohibiting the State Board of Plumbing from renewing ~~an~~ certain apprentice plumber ~~license~~ licenses or apprentice natural gas fitters ~~license~~ licenses for more than a certain number of consecutive terms under certain circumstances ~~and subject to certain exceptions; authorizing the Board to deny,~~

~~suspend, or revoke certain licenses or reprimand certain licensees for failure to take or register to take certain examinations within a certain period of time~~; and generally relating to the license renewal of apprentice plumbers and apprentice natural gas fitters.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 12–101(b) and (c)~~,~~ and 12–307(c) and (g)~~, and 12–313(a)~~
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 12–308(a) ~~and 12–312(a)(1)~~
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article – Business Occupations and Professions
Section 12–308.1
Annotated Code of Maryland
(2010 Replacement Volume)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 476 – Senator Benson

AN ACT concerning

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

FOR the purpose of repealing a provision prohibiting the State Board of Professional Counselor and Therapists from authorizing home study courses towards completion of continuing education requirements.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 17–504
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

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

FOR the purpose of requiring nonpublic schools that ~~accept State funds~~ participate in State programs to adopt a policy prohibiting bullying, harassment, and intimidation by a certain date; requiring the policy to include certain provisions; encouraging a nonpublic school to develop the policy in consultation with certain groups; encouraging a nonpublic school to publicize the policy in a certain manner; encouraging a nonpublic school to develop certain educational programs in its efforts to prevent bullying, harassment, and intimidation; providing that certain nonpublic school employees who report acts of bullying, harassment, or intimidation are not civilly liable under certain circumstances; providing that this Act may not be construed to limit the legal rights of a victim of bullying, harassment, or intimidation; defining certain terms; and generally relating to policies prohibiting bullying, harassment, and intimidation in nonpublic schools that ~~accept State funds~~ participate in State programs.

BY adding to
Article – Education
Section 7–424.3
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 497 – Senator Glassman

AN ACT concerning

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

FOR the purpose of ~~establishing the special Class G livestock trailer or semitrailer motor vehicle registration classification; authorizing the Motor Vehicle Administration to issue a Class G livestock trailer and semitrailer registration only to an applicant who certifies that the vehicle is used exclusively to transport livestock and for a vehicle that has a certain maximum gross weight limitation; establishing the annual registration fee for the Class G livestock trailer or semitrailer; prohibiting a Class G livestock trailer or semitrailer from being used for hire, subject to a certain exception, or from being used in any manner other than to haul livestock; defining a certain term; and generally relating to the establishment of the special Class G livestock trailer or~~

~~semitrailer motor vehicle registration classification~~ altering the Class G farm trailer or semitrailer motor vehicle registration classification to include a livestock trailer or semitrailer; authorizing the Motor Vehicle Administration to issue a Class G farm or livestock trailer or semitrailer registration to an applicant who certifies that the applicant is a farmer, an agricultural producer, or a livestock exhibitor and that the vehicle is to be used for a certain purpose; altering certain motor vehicle registration fees; prohibiting a Class G farm or livestock trailer or semitrailer from being used for hire, except under certain circumstances; altering a certain definition; and generally relating to a special Class G farm or livestock trailer or semitrailer motor vehicle registration classification.

BY ~~adding to~~ repealing and reenacting, with amendments,
Article – Transportation
Section ~~13–929~~ 13–930
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

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

AN ACT concerning

Maryland General and Limited Power of Attorney Act – Modifications

FOR the purpose of establishing that certain provisions of law relating to durable powers of attorney apply to all powers of attorney; altering the authority of an agent under certain statutory form powers of attorney; providing that certain powers shall be deemed to be included in certain forms executed during a certain period of time under certain circumstances; defining certain terms; altering a certain definition; providing for the application of certain provisions of this Act; and generally relating to powers of attorney.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 17–101, 17–105, 17–109, 17–202, and 17–203
Annotated Code of Maryland
(2001 Replacement Volume and 2010 Supplement)

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

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

FOR the purpose of creating a Task Force on Military Service Members, Veterans, and the Courts; providing for the composition, chair, and staffing of the Task Force; providing that a member of the Task Force may not receive compensation but may be reimbursed for certain expenses; requiring the Task Force to study the military service–related mental health issues and substance abuse problems that may apply or arise in certain court cases and to consider recommending the establishment of a special court for eligible defendants who are veterans or members of the armed services on active duty who appear to suffer from certain problems related to military service; requiring the Task Force to make certain recommendations; requiring the Task Force to report certain findings and recommendations to the Governor, Chief Judge of the Court of Appeals, and the General Assembly; providing for the termination of this Act; and generally relating to the Task Force on Military Service Members, Veterans, and the Courts.

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

Senate Bill 532 – Senators Currie and Benson

AN ACT concerning

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

FOR the purpose of ~~providing that a violation of a provision of the governing documents of a homeowners association that regulates procedures for the election of the governing body of the association is within the enforcement duties and powers of~~ authorizing a lot owner who believes that the board of directors or other governing body of a homeowners association has failed to comply with the election procedures provisions of the governing documents of the homeowners association to submit the dispute to the Division of Consumer Protection of the Office of the Attorney General if the provisions concern certain elements of the election procedures; and generally relating to enforcement of the election procedures of a homeowners association.

BY repealing and reenacting, ~~with~~ without amendments,
Article – Real Property
Section 11B–115(c)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY adding to
Article – Real Property

Section 11B–115.1
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

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

AN ACT concerning

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

FOR the purpose of repealing a certain ~~exceptions~~ exception to the voting rights of the student member of the Prince George's County Board of Education; and generally relating to the voting rights of the student member of the Prince George's County Board of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 3–1002(f)(3)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

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

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 Economic Matters.

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

FOR the purpose of requiring certain county boards of education to inform the county commissioners or the county council if certain land, schools sites, or buildings have been determined by the county board to be no longer needed for school purposes under certain circumstances; requiring the county commissioners or county council to provide a certain notice to a county board under certain circumstances within a certain period of time; requiring certain county boards ~~of education~~ to inform certain public charter schools in the county if school sites or buildings have been determined by the county board to be no longer needed for school purposes under certain circumstances; requiring certain county boards to establish certain procedures; prohibiting a public charter school that is occupying and using a certain school site or building from selling, disposing of, or otherwise transferring the school site or building; exempting certain buildings or property occupied and used by a public charter school from certain real property taxes for a certain period of time; and generally relating to the disposition of certain property owned by a county board of education and to public charter schools.

BY repealing and reenacting, with amendments,
Article – Education
Section 4–115
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY adding to
Article – Education
Section 9–111 and 9–112
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 641 – Senator Benson

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 Health and Government Operations.

Senate Bill 644 – Senators Ferguson and Madaleno

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 Health and Government Operations.

Senate Bill 664 – Senator Middleton

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, under certain circumstances, 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;~~ authorizing a dental hygienist, under certain circumstances, to monitor a patient to whom nitrous oxide is administered; requiring a dental hygienist to complete certain educational and examination requirements before performing certain functions; providing for the termination of this Act; 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)

BY adding to
Article – Health Occupations
Section 4–206.2
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 689 – Senator Middleton

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 Environmental Matters.

Senate Bill 696 – Senator Forehand

AN ACT concerning

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

FOR the purpose of expanding the application of a certain immunity from claims of creditors, relating to former tenancy by the entirety property and proceeds of that property, to include conveyances to multiple trustees or multiple trusts; limiting the application of a certain immunity from claims of creditors to an instrument of conveyance that contains a certain provision; providing that a certain immunity may be waived as to certain creditors or certain property; providing that certain provisions of law apply only to tenancy by the entirety property conveyed to a trustee or trustees on or after a certain date; clarifying language; providing for the application of this Act; and generally relating to a

certain immunity from claims of creditors for certain former tenancy by the entirety property and proceeds of that property under certain circumstances.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 14–113
Annotated Code of Maryland
(2001 Replacement Volume and 2010 Supplement)

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

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

AN ACT concerning

Maryland Revised Uniform Anatomical Gift Act

FOR the purpose of repealing the Maryland Anatomical Gift Act and enacting the Maryland Revised Uniform Anatomical Gift Act; authorizing certain individuals to make, amend, or revoke anatomical gifts; providing the methods by which anatomical gifts may be made; authorizing certain individuals to refuse to make certain anatomical gifts; establishing certain circumstances under which an anatomical gift is prohibited; establishing the persons to which certain anatomical gifts may be made; establishing a certain priority if more than one person in a certain class makes a gift; establishing certain purposes for which certain anatomical gifts can be made; establishing a certain priority for certain anatomical gifts if more than one purpose is given for the anatomical gift; requiring certain persons to search certain individuals for a document of gift or other information identifying the individual as a donor under certain circumstances; requiring certain individuals to allow certain examination and copying of certain anatomical gifts or refusals; requiring that certain procurement organizations be allowed certain access to certain records of the Motor Vehicle Administration; authorizing certain procurement organizations to make certain examinations to ensure the medical suitability of certain anatomical gifts; providing for the acceptance and removal of certain anatomical gifts; establishing certain acts as felonies and establishing certain penalties; providing that certain persons are guilty of a felony and subject to a certain penalty for purchasing or selling certain parts under certain circumstances; authorizing a person to charge a certain amount for providing certain services; establishing that certain donors may make certain gifts by authorizing that certain statements or symbols be included on a certain registry; providing that certain persons that act in good faith are not liable in certain civil actions; requiring the Secretary of Health and Mental Hygiene to contract with and provide compensation to a certain nonprofit entity for the establishment, maintenance, and operation of a donor registry; requiring that the Organ and Tissue Donation Awareness Fund provide funds for the establishment,

operation, and maintenance of a certain donor registry; requiring the Motor Vehicle Administration to cooperate in the transfer of certain information to the donor registry; establishing certain administrative terms for the donor registry; providing for the resolution of conflicts between certain anatomical gifts and certain advance directives; requiring that certain procurement organizations and the Office of the Chief Medical Examiner (OCME) cooperate to maximize the opportunity to recover certain anatomical gifts and to facilitate certain OCME examinations; providing for the terms of the recoveries between certain procurement organizations and OCME; providing for the resolution of conflicts between certain anatomical gift designations and certain investigations by OCME; providing that this Act supersedes a certain federal statute; requiring that certain directions to make, amend, revoke, or refuse to make an anatomical gift be recorded in certain medical records; altering the circumstances under which the consent of certain representatives is not necessary; requiring the custodian of certain motor vehicle records containing personal information to disclose certain personal information for use by certain procurement organizations under certain circumstances; repealing a certain provision prohibiting that certain donor designations appear on certain minors' drivers' licenses; making certain technical changes; defining certain terms; and generally relating to the Maryland Revised Uniform Anatomical Gift Act.

BY repealing
Article – Estates and Trusts
Section 4–501 through 4–513 and the subtitle "Subtitle 5. Maryland Anatomical Gift Act"
Annotated Code of Maryland
(2001 Replacement Volume and 2010 Supplement)

BY adding to
Article – Estates and Trusts
Section 4–501 through 4–522 to be under the new subtitle "Subtitle 5. Maryland Revised Uniform Anatomical Gift Act"
Annotated Code of Maryland
(2001 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 5–408, 5–604.1, 13–901, and 19–310(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 12–303
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 780 – Senators Ramirez and Muse

AN ACT concerning

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

FOR the purpose of ~~providing that certain persons may not be held liable for certain vehicle towing and impoundment charges for certain stolen vehicles that were incurred before certain notice was provided; limiting certain towing and impoundment charges that certain persons are required to pay before reclaiming a towed and impounded stolen vehicle to charges incurred after certain notice was provided; limiting in certain counties the costs that certain persons may seek to recover for the towing and impoundment of a stolen vehicle to costs incurred after providing certain notice; limiting the towing and impoundment costs used to determine certain reimbursements for the towing and impoundment of a stolen vehicle to costs incurred after certain notice was provided; altering a certain definition; making a technical correction; and generally relating to towing and impoundment charges for a stolen vehicle~~ altering the definition of abandoned vehicle to include a certain stolen vehicle; altering the time and manner for a certain notice to a certain person by a police department; and generally relating to notice regarding abandoned vehicles.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 25–201(a) ~~and 25–205~~
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
~~Section 25–201(b), 25–204, 25–206.1, 25–206.2(e), and 25–207(d)~~ Section 25–201(b) and 25–204(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

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

FOR the purpose of altering the Motor Vehicle Administration's authority to establish an Ignition Interlock System Program to require the Administration to establish the Program; requiring rather than authorizing the Administration to establish a protocol for the Program by certain regulations; altering the circumstances under which individuals may participate in the Program; requiring the Administration to require an individual convicted of certain alcohol–related driving offenses to participate in the Program for certain minimum amounts of time; ~~requiring the Administration, under certain circumstances, to suspend the license of an individual who refuses to submit to a chemical test of blood or breath for a certain period of time and to require the individual to participate in the Program for a certain minimum period of time after the period of suspension;~~ requiring the Administration to require a certain individual to successfully complete the Program; requiring the Administration to impose a certain license restriction for a certain minimum amount of time; requiring the Administration to suspend for certain amounts of time the drivers' licenses of certain individuals who fail to successfully complete the Program; requiring the Administration to establish a certain fee; requiring individuals who are 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; altering the authority of the Administration to require certain individuals to participate in the Program; establishing that Program participation that is required under certain circumstances shall run concurrently to participation ordered by a court; and generally relating to participation in the Ignition Interlock System Program.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–404.1(b) and (f)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 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 Judiciary.

Senate Bill 845 – Senator Dyson

AN ACT concerning

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

FOR the purpose of ~~authorizing pharmacists to~~ altering the age of an individual to whom a pharmacist may administer a certain ~~vaccinations and, under certain circumstances, epinephrine and diphenhydramine to certain individuals in accordance with certain regulations if certain requirements are met; requiring the State Board of Pharmacy to set certain fees~~ 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 vaccinations~~, epinephrine, and diphenhydramine~~ 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 Health and Government Operations.

Senate Bill 925 – Senator Conway

AN ACT concerning

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

FOR the purpose of defining a certain family child care home as a residence in which family child care is provided for a certain number of children; requiring the State Department of Education to adopt certain regulations; specifying that there may not be more than a certain number of children in certain care at certain times; repealing a certain provision of law that authorizes child care centers of a certain size; authorizing certain grants to certain child care homes under certain circumstances; making certain stylistic changes; defining certain terms; requiring the publisher of the Annotated Code to make certain changes to the Code; and generally relating to family child care homes.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–403(b)(3), 5–501, 5–502(b)(3), 5–505(b), 5–550(c) and (d), 5–550.1, 5–551, 5–552, 5–553, 5–554(a), 5–554.1(a), (c), and (e)(1), 5–555(a), (b)(1), and (c), 5–556(a) and (f), 5–556.1, 5–559.1, 5–559.2(b), 5–559.3(b)(2) and (d), 5–559.5(b), 5–560(e)(2), 5–561(b)(2) and (c)(5)(i), 5–564(b)(1)(ii)2., 5–570(c)(3)(iv), 5–573(b), 5–592(b)(5) and (6) and (f)(2), 5–594(c) and (e), 5–594.3(d)(3), 5–1308(c)(3)(v), and 6–103(c)(4)~~, and 14–202(a)(3)~~
Annotated Code of Maryland

(2006 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

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

EMERGENCY BILL

AN ACT concerning

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

FOR the purpose of establishing the date for complying with the requirement for installation of automatic fire sprinkler systems in one or two family dwellings constructed as industrialized buildings in Harford County; making this Act an emergency measure; providing for the termination of this Act; and generally relating to industrialized buildings in Harford County.

Read the first time and referred to the Committee on Environmental Matters.

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 487)

RECESS

At 11:47 A.M. on motion of Delegate Barve the House recessed until 4:00 P.M. on Legislative Day March 22, 2011, Calendar Day Thursday, March 24, 2011.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 22, 2011
Calendar Day: Thursday, March 24, 2011

At 4:40 P.M. the House resumed its session and pledged Allegiance to the Flag.

Prayer by Delegate Andrew A. Serafini of Washington County.

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 488)

EXCUSES:
Del. Healey – personal – son's illness
Del. Howard – illness

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

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

FOR the purpose of authorizing a court, as a condition of ~~sentencing~~ probation for certain violations concerning ~~the abuse or neglect of animals~~ animal abuse, neglect, or cruelty, to prohibit a certain defendant from owning, possessing, or residing with an animal ~~for a certain period~~; and generally relating to animal abuse, neglect, or cruelty.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–604 and 10–606
Annotated Code of Maryland

(2002 Volume and 2010 Supplement)

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

Senate Bill 172 – Senators McFadden, Kelley, and Miller

AN ACT concerning

Inmates – Life Imprisonment – Parole Approval

FOR the purpose of ~~repealing certain provisions that provide that inmates serving a term of life imprisonment may be paroled only with the Governor's approval;~~ requiring certain parole decisions to be transmitted to the Governor under certain circumstances; authorizing the Governor to disapprove certain parole decisions in a certain manner; providing that if the Governor does not disapprove a certain parole decision in a certain manner within a certain time period, the decision becomes effective; and generally relating to sentences of life imprisonment.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 4–305(b) and 7–301(d)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Senate Bill 278 – Senator Colburn

AN ACT concerning

Juvenile Law – Truancy Reduction Pilot Program – Talbot County

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

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

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings

Section 3–8C–02
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

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

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~~ establishing that, in a prosecution for the use or possession of marijuana, the defendant may introduce and the court shall consider as an affirmative defense certain evidence of medical necessity; requiring a court to enter a finding of not guilty if the court finds that a person possessed marijuana because of a medical necessity; establishing that, in a prosecution for the use of or possession with intent to use drug paraphernalia related to marijuana, the defendant may introduce and the court shall consider as an affirmative defense certain

evidence of medical necessity; requiring a court to enter a finding of not guilty if the court finds that a person used or possessed with intent to use drug paraphernalia related to marijuana or manufactured marijuana for personal use because of a medical necessity; requiring the court to make a certain finding of medical necessity if the defendant establishes certain facts by clear and convincing evidence; establishing that certain evidence may include certain statements, records, or testimony; prohibiting the State Board of Physicians from reprimanding, placing on probation, or suspending or revoking a license of a licensee for providing a patient with a written statement, medical records, or testimony that, in the licensee's professional opinion, the patient is likely to receive therapeutic or palliative relief from marijuana; providing that this Act shall not be deemed to release a licensee from the duty to exercise a professional standard of care when evaluating a patient's medical condition; requiring the Secretary of Health and Mental Hygiene to convene a Work Group to develop a model program to facilitate patient access to marijuana for medical purposes; providing for the membership and staffing of the Work Group; providing for the designation of the chair of the Work Group; prohibiting a member of the Work Group from receiving certain compensation; authorizing a member of the Work Group to receive certain reimbursement; specifying the duties of the Work Group; requiring the Work Group to make a certain report to certain committees of the General Assembly on or before a certain date; providing for the termination of a certain provision of this Act; and generally relating to medical marijuana.

~~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)~~

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 5–601 and 5–619
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

BY adding to
Article – Health Occupations
Section 14–404(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Health and Government Operations and the Committee on Judiciary.

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

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~~ construed 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 to vacate the judgment if the person's involvement in prostitution was the result of the person having been a victim of human trafficking; establishing the requirements for a petition 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 under certain circumstances, with a certain exception; authorizing the court to take certain actions in ruling on the petition; requiring the court to state on the record the reasons for its ruling on the petition; establishing that a petitioner in a proceeding under this Act has the burden of proof~~ authorizing the expungement of certain records by certain persons convicted of prostitution under certain circumstances; and generally relating to victims of human trafficking.

BY repealing and reenacting, with 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)~~

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–105
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Senate Bill 362 – Senators Raskin and Ramirez

AN ACT concerning

Correctional Services – Division of Parole and Probation – Supervision Fee

FOR the purpose of 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; requiring the Department of Public Safety and Correctional Services and the appropriate local detention center, on the release of an individual supervised by the Division of Parole and Probation, to provide the individual with an oral and a written notice relating to the application for an exemption from a certain monthly supervision fee; and generally relating to providing information on exemption from fees paid by individuals supervised by the Division of Parole and Probation.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 7–702
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Senate Bill 494 – Senator Edwards

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 Ways and Means.

Senate Bill 652 – Senator Ramirez

AN ACT concerning

Public Safety – Use of Electronic Control Devices – Reports

FOR the purpose of requiring a law enforcement agency that issues electronic control devices to its law enforcement officers to report certain information relating to the use of electronic control devices annually on or before a certain date to the Governor's Office of Crime Control and Prevention using a certain format; requiring the Police Training Commission, in consultation with the Governor's Office of Crime Control and Prevention, the Maryland Chiefs of Police Association, and the Maryland Sheriffs' Association, to develop a standardized format that certain law enforcement agencies shall use in reporting certain data to the Governor's Office of Crime Control and Prevention; requiring a law enforcement agency to compile certain information as a report in a certain format and to submit the report to the Governor's Office of Crime Control and Prevention on or before a certain date; requiring the Governor's Office of Crime Control and Prevention to analyze and summarize certain reports of law enforcement agencies and to submit a report of the analyses and summaries to the Governor, the General Assembly, and each law enforcement agency on or before a certain date each year; providing that, if a law enforcement agency fails to comply with the reporting requirements of this Act, the Governor's Office of Crime Control and Prevention shall report the noncompliance to the Police Training Commission; providing that the Commission shall contact a certain

law enforcement agency and request that the agency comply with this Act under certain circumstances; providing that, if a certain law enforcement agency fails to comply with certain reporting provisions within a certain period after being contacted by the Police Training Commission, the Governor's Office of Crime Control and Prevention and the Commission jointly shall make a certain report to the Governor and the Legislative Policy Committee of the General Assembly; defining certain terms; providing for the termination of this Act; and generally relating to the use of electronic control devices by law enforcement officers.

BY adding to
Article – Public Safety
Section 3–508
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

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

Senate Bill 656 – Senator Kelley

AN ACT concerning

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

FOR the purpose of ~~prohibiting a person from preparing or issuing or requiring the preparation or issuance of a certificate of insurance unless the certificate of insurance form has been filed with and approved by the Maryland Insurance Commissioner; providing a certain exception; prohibiting a person from altering or modifying a certain certificate of insurance form; requiring the Commissioner to disapprove a certificate of insurance form or withdraw approval of a certificate of insurance form under certain circumstances; requiring a certificate of insurance to contain certain language; prohibiting a certificate of insurance from containing a reference to a certain contract;~~ prohibiting a person from requiring an insurer or insurance producer to prepare or issue, or a policyholder to provide, a certificate of insurance that contains false or misleading information relating to the policy of insurance referenced in the certificate; prohibiting a person from preparing or issuing a certificate of insurance that the person knows contains certain information or that purports to amend, alter, or extend certain coverage; prohibiting a person from preparing, issuing, or requiring, either in addition to or in lieu of a certificate of insurance, an opinion letter or other document that is inconsistent with this Act; providing that a certificate of insurance is not a policy of insurance and does not amend, alter, or extend certain coverage or confer certain rights on a certificate holder; ~~specifying the circumstances under which a certificate holder has a legal right to~~ providing that the terms and conditions of a certain notice shall be governed by the policy of insurance and may not be altered by a certificate of insurance; providing that a certificate of insurance or any other document prepared,

issued, or required in violation of this Act is void and unenforceable; authorizing the Maryland Insurance Commissioner to examine and investigate the activities of any person that the Commissioner reasonably believes has been or is engaged in an act or practice prohibited by this Act; ~~authorizing the Commissioner to enforce this Act and impose certain penalties and remedies; requiring the Commissioner to adopt certain regulations;~~ providing for the application and construction of this Act; defining certain terms; requiring the Commissioner to conduct a certain study and report to certain committees of the General Assembly on or before a certain date; and generally relating to certificates of insurance and certificate of insurance forms.

BY adding to
Article – Insurance
Section 19–116
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

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

FOR the purpose of repealing the Film Production Rebate Program; allowing certain film production entities to claim a credit against the State income tax for certain costs incurred for certain film production activities within the State; requiring a film production entity to apply to the Department of Business and Economic Development to be a qualified film production entity; requiring the Secretary of Business and Economic Development to determine if a film production entity qualifies for the credit; requiring that to qualify for the credit certain estimated costs incurred in the State must exceed a certain amount; authorizing the Secretary to require the entity to provide certain information; authorizing the Secretary to require that certain information be verified by an independent auditor; requiring a qualified film production entity to apply for a tax credit certificate from the Department; authorizing the Secretary to provide for the form of the application; requiring the application to include certain information; requiring the Secretary to determine the total direct costs that qualify for the tax credit and issue a tax credit certificate for a certain percentage of the total direct costs; limiting the total credit amounts for which the Secretary may issue initial tax credit certificates for each fiscal year; requiring the Secretary to notify the Comptroller of the amount of any tax credit certificate issued; providing that the total direct costs for a film production

activity may not include the wages of an employee if the employee's wages exceed a certain amount; requiring that each year the Department report to the Governor and the General Assembly certain information regarding the tax credit and certain economic impacts of the credit; requiring the Department and the Comptroller to jointly adopt certain regulations; defining certain terms; providing for the application of this Act; and generally relating to an income tax credit for certain film production activities.

BY repealing
Article – Economic Development
Section 4–401 through 4–407 and the subtitle "Subtitle 4. Film Production Rebate Fund"
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

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 Ways and Means and the Committee on Economic Matters.

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 489)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #40

House Bill 70 – The Speaker (By Request – Administration)

Budget Bill

Fiscal Year 2012

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

Affirmative – 97 Negative – 42 (See Roll Call No. 490)

The Bill was then sent to the Senate.

House Bill 72 – The Speaker (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2011

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

Affirmative – 96 Negative – 42 (See Roll Call No. 491)

The Bill was then sent to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 492)

ADJOURNMENT

At 6:29 P.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Legislative Day March 23, 2011, Calendar Day Friday, March 25, 2011.

Annapolis, Maryland
Legislative Day: March 23, 2011
Calendar Day: Friday, March 25, 2011

The House met at 11:13 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Addie C. Eckardt of Caroline, Dorchester, Talbot and Wicomico counties.

QUORUM CALL

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

(See Roll Call No. 493)

The Journal of March 22, 2011 was read and approved.

EXCUSES:
Del. Cane – doctor's appointment
Del. Howard – illness
Del. Hucker – late – business
Del. Smigiel – illness

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 876 – Senator Klausmeier (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 Economic Matters.

Senate Bill 898 – Senator Dyson

AN ACT concerning

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

FOR the purpose of authorizing the St. Mary's County Board of Education to negotiate with certain employee organizations for employees a reasonable service fee to be charged nonmember noncertificated employees for representing the employees in certain matters; making this Act applicable only to certain employees hired on or after a certain date; and generally relating to service fees for certain nonmember noncertificated public school employees in St. Mary's County.

BY repealing and reenacting, with amendments,
Article – Education
Section 6–504
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 899 – Senator Dyson

AN ACT concerning

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

FOR the purpose of authorizing the St. Mary's County Board of Education to negotiate with the employee organization designated as the exclusive representative for a unit of certain certificated employees as to a service or representation fee for representing nonmember certificated employees in the unit in certain matters; making this Act applicable only to certain employees hired on or after a certain date; and generally relating to negotiations for a service or representation fee

for an employee organization that represents certain public school employees in St. Mary's County.

BY repealing and reenacting, without amendments,
Article – Education
Section 6–407(a) and (b)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY adding to
Article – Education
Section 6–407(g)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

THE COMMITTEE ON APPROPRIATIONS REPORT #5

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

House Bill 119 – Delegate Krebs

AN ACT concerning

Town of Sykesville Employees – Participation in the Employees' Retirement System – Creditable Service

HB0119/334960/1
BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 119
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Retirement" and substitute "Pension"; in line 7, after the semicolon insert "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;".

AMENDMENT NO. 2

On page 1, in line 18, after "(a)" insert "**(1)**"; in the same line, strike "An" and substitute "**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN**"; and after line 22, insert:

"**(2) THE PERCENTAGE OF AN INDIVIDUAL'S PERIOD OF EMPLOYMENT WITH THE TOWN OF SYKESVILLE FOR WHICH AN INDIVIDUAL MAY RECEIVE ELIGIBILITY SERVICE AND CREDITABLE SERVICE IN THE EMPLOYEES' PENSION SYSTEM UNDER PARAGRAPH (1) OF THIS SUBSECTION, SHALL BE EQUAL TO A PERCENTAGE DIVISIBLE BY 5.**".

AMENDMENT NO. 3

On page 2, after line 2, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before June 30, 2012, if the Town of Sykesville becomes a participating governmental unit of the State Retirement and Pension System, the Town of Sykesville shall notify the Board of Trustees of the State Retirement and Pension System of the exact percentage of an individual's period of employment with the Town of Sykesville for which an individual may receive eligibility service and creditable service in the Employees' Pension System.";

and in line 3, 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.

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

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

HB0171/774466/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 171
(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 21, 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 25 and 29, in each instance, after "**TITLE**" insert "**, OR ANY SUCCESSOR PROGRAM**"; in line 27, after "**PROGRAM**" insert "**, OR ANY SUCCESSOR PROGRAM**"; in line 31, after "**RESOURCES**" insert "**, OR ANY SUCCESSOR PROGRAM**"; and in the same line, strike "**AND**".

On page 3, in line 1, 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**"; in line 2, 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";

in line 3, after "**(C)**" insert "**(1)**"; in lines 4 and 5, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; and after line 6, 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 5, in line 1, strike "**SUBPARAGRAPH (II)**" and substitute "**SUBPARAGRAPHS (II) AND (III)**"; after line 8, 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 29, after "**(G)**" insert "**(1)**"; and after line 31, 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 7, in line 1, strike "Economic Matters" and substitute "Appropriations".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

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

HB0756/304765/1
BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 756
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "applying" in line 5 down through "officers;" in line 6; strike beginning with "authorizing" in line 8 down through "arbitration;" in line 10; in line 11, after "matters;" insert "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;"; strike beginning with "or" in line 12 down through "agreement" in line 13 and substitute "; 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"; strike beginning with "making" in line 15 down through "year" in line 16 and substitute "establishing that the cost of an arbitration proceeding under this Act be paid equally by the parties involved; defining a certain term"; and strike in their entirety lines 19 through 23, inclusive, and substitute:

"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)".

AMENDMENT NO. 2

On pages 1 through 5, strike in their entirety the lines beginning with line 26 on page 1 through line 23 on page 5, inclusive, and substitute:

"Article 4 – Baltimore City

16–8A.

(a) Except as otherwise provided in this section, the provisions of Sections 119 through 136 of Article 1 of the Baltimore City Code (1976 Edition) as amended from time to time, and any rules and regulations adopted pursuant thereto, governing or relating to labor relations or collective bargaining with general municipal employees of Baltimore City shall apply to labor relations and collective bargaining between the City and uniformed and civilian employees of the Baltimore City Police Department.

(b) (1) Negotiations with a certified exclusive representative of police officers shall be conducted jointly by the Police Commissioner of Baltimore City and the Labor Commissioner, or their designees, on behalf of the employer.

(2) An employee organization may not be denied certification as the exclusive representative of any police officers solely for the reason that it:

(i) admits to membership rank and file employees in addition to supervisory and/or professional employees; or

(ii) affiliates with another employee organization which admits to membership rank and file, supervisory, or professional employees.

(3) (I) 1. IN THIS PARAGRAPH AND FOR PURPOSES OF ARBITRATION, "DIRECT COMPENSATION" MEANS WAGES, SALARIES, LONGEVITY, SHIFT DIFFERENTIAL, BONUSES IF APPLICABLE, AND LEAVE WITH MONETARY VALUE.

2. "DIRECT COMPENSATION" DOES NOT INCLUDE:

A. PENSIONS OR ANY BENEFIT THAT IS TO BE PAID ON OR AFTER AN EMPLOYEE'S RETIREMENT OR TERMINATION OF EMPLOYMENT; OR

B. ISSUES THAT DO NOT RELATE TO DIRECT COMPENSATION, SUCH AS, BUT NOT LIMITED TO, JOB SECURITY, DISCIPLINARY PROCEDURES, INVESTIGATIONS AND ACTIONS, PROMOTIONS, DEPLOYMENT OR SCHEDULING, INCLUDING ELIGIBILITY AND ASSIGNMENT TO DETAILS AND POSITIONS, LOSS OF LEAVE AS PROVIDED IN THE GENERAL ORDERS, OR ISSUES RELATING TO ELIGIBILITY FOR OVERTIME COMPENSATION.

(II) IF THE CERTIFIED EMPLOYEE ORGANIZATION OR ORGANIZATIONS REPRESENTING POLICE OFFICERS WITHIN THE POLICE DEPARTMENT AND THE EMPLOYER HAVE NOT REACHED A WRITTEN AGREEMENT CONCERNING ALL ISSUES OF DIRECT COMPENSATION BY MARCH 1 OF ANY YEAR, EITHER PARTY MAY AT ANY TIME THEREAFTER REQUEST ARBITRATION BY A BOARD OF ARBITRATION, AS PROVIDED IN THIS PARAGRAPH, WHICH REQUEST MUST BE HONORED.

(III) 1. THE BOARD OF ARBITRATION SHALL BE COMPOSED OF THREE MEMBERS, OF WHICH ONE IS APPOINTED BY THE MAYOR AND ONE IS APPOINTED JOINTLY BY THE CERTIFIED EMPLOYEE ORGANIZATIONS REPRESENTING THE POLICE OFFICERS INVOLVED. THE TWO MEMBERS APPOINTED BY THE MAYOR AND THE EMPLOYEE ORGANIZATIONS SHALL BE SELECTED WITHIN 4 DAYS OF THE REQUEST FOR ARBITRATION. THE THIRD MEMBER SHALL BE SELECTED WITHIN 4 ADDITIONAL DAYS BY THE TWO

ARBITRATORS PREVIOUSLY CHOSEN AND, IN ACCORDANCE WITH THE PROCEDURES OF THE AMERICAN ARBITRATION ASSOCIATION, MUST BE SELECTED FROM A LIST OF SEVEN ARBITRATORS FURNISHED BY THE AMERICAN ARBITRATION ASSOCIATION. ALL OF THE ARBITRATORS ON THE LIST FURNISHED BY THE AMERICAN ARBITRATION ASSOCIATION MUST BE MEMBERS OF THE NATIONAL ACADEMY OF ARBITRATORS. UNLESS THE PARTIES MUTUALLY AGREE ON THE THIRD ARBITRATOR, THE PARTIES ALTERNATELY SHALL STRIKE NAMES FROM THE LIST UNTIL ONE NAME REMAINS. THE PARTY REQUESTING ARBITRATION SHALL STRIKE THE FIRST NAME. THE THIRD MEMBER SELECTED IS THE CHAIRMAN OF THE BOARD OF ARBITRATION.

2. THE BOARD OF ARBITRATION SHALL BEGIN THE ARBITRATION PROCEEDINGS WITHIN 7 DAYS AFTER THE CHAIRMAN IS SELECTED AND MAKE ITS DECISION, BY A MAJORITY VOTE, WITHIN 30 DAYS AFTER BEGINNING THE PROCEEDINGS. FOR GOOD CAUSE THE CHAIRMAN MAY EXTEND ANY OF THE TIME REQUIREMENTS SET FORTH HEREIN.

(IV) WITHIN 3 DAYS AFTER THE SELECTION OF THE CHAIRMAN OF THE BOARD OF ARBITRATION, THE LABOR COMMISSIONER OR THE DESIGNATED REPRESENTATIVE OF THE LABOR COMMISSIONER SHALL PROVIDE EACH MEMBER OF THE BOARD OF ARBITRATION AND ALL PARTIES WITH A DETAILED ITEMIZATION OF THE LAST PROPOSAL MADE BY EACH OF THE RESPECTIVE PARTIES DURING THE NEGOTIATIONS WITH RESPECT TO ISSUES OF DIRECT COMPENSATION.

(V) THE PROVISIONS OF THIS PARAGRAPH GOVERNING INTEREST ARBITRATION FOR POLICE OFFICERS SHALL APPLY ONLY TO THE TERMS OF COLLECTIVE BARGAINING AGREEMENTS DIRECTLY RELATING TO DIRECT COMPENSATION. THE PROVISIONS OF THIS PARAGRAPH MAY NOT BE CONSTRUED AS BEING CONTRADICTORY TO THE PROVISIONS OF THE GENERAL ORDERS. IF THERE IS A DISPUTE OVER WHETHER AN ISSUE IS AN ISSUE OF DIRECT COMPENSATION, THE BOARD OF ARBITRATION SHALL DECIDE THE ISSUE AND THE DECISION BY THE BOARD OF ARBITRATION IS FINAL AND BINDING ON BOTH PARTIES.

(VI) 1. THE BOARD OF ARBITRATION SHALL IDENTIFY THE MAJOR ISSUES IN THE DISPUTE, REVIEW THE POSITIONS OF ALL PARTIES, AND BASE THE AWARD ON THE FOLLOWING FACTORS:

A. THE LAWFUL AUTHORITY OF THE CITY;

B. THE FINANCIAL CONDITIONS OF THE CITY;

C. THE STIPULATIONS OF THE PARTIES;

D. THE TERMS OF THE EXISTING COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BETWEEN THE PARTIES IN THE PAST PROVIDING FOR DIRECT COMPENSATION FOR EMPLOYEES INVOLVED IN THE ARBITRATION PROCEEDING;

E. THE OVERALL COMPENSATION AND BENEFITS PAID TO THE EMPLOYEES INVOLVED IN THE ARBITRATION PROCEEDING, WHETHER REACHED BY A COLLECTIVE BARGAINING AGREEMENT OR OTHERWISE, INCLUDING ANY INCREASED COST TO THE CITY FOR PROVIDING THE BENEFITS;

F. THE TERMS AND CONDITIONS OF OTHER EMPLOYEES OF THE MAYOR AND CITY COUNCIL OF BALTIMORE, INCLUDING BOTH EMPLOYEES REPRESENTED IN OTHER BARGAINING UNITS AND THE CITY'S UNREPRESENTED EMPLOYEES, AND INCLUDING ANY CHANGES IN THE TERMS AND CONDITIONS FOR THE PERIOD TO BE COVERED BY THE ARBITRATION AWARD;

G. THE OVERALL COMPENSATION AND BENEFITS OF OTHER POLICE DEPARTMENTS AND PUBLIC SAFETY EMPLOYEES IN THE STATE, AS WELL AS OF COMPARABLE METROPOLITAN POLITICAL SUBDIVISIONS IN OTHER STATES, AND THE CONSIDERATION OF THE VALUE OF OTHER BENEFITS AVAILABLE TO OR RECEIVED BY OTHER EMPLOYEES OF THE MAYOR AND CITY COUNCIL OF BALTIMORE AS COMPARED WITH PRIVATE SECTOR EMPLOYEES IN THE METROPOLITAN BALTIMORE CITY AREA AND AS COMPARED WITH

EMPLOYEES OF OTHER POLICE DEPARTMENTS AND OTHER PUBLIC SAFETY EMPLOYEES;

H. THE CONSUMER PRICES FOR GOODS AND SERVICES AND OTHER RELATED ITEMS, COST–OF–LIVING DATA, AND OTHER FACTORS THAT ARE NORMALLY UTILIZED IN THE DETERMINATION OF WAGES AND OTHER BENEFITS IN THE COLLECTIVE BARGAINING PROCESS;

I. THE INCREASES AND DECREASES IN THE CONSUMER PRICE INDEX PUBLISHED BY THE BUREAU OF LABOR STATISTICS IN THE UNITED STATES DEPARTMENT OF LABOR; AND

J. THE PUBLIC WELFARE, INCLUDING THE IMPACT OF THE AWARD ON THE CITY'S ABILITY TO CONTINUE PROVIDING SERVICES GENERALLY TO THE RESIDENTS OF THE CITY.

2. NOTWITHSTANDING SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE BOARD OF ARBITRATION IN RENDERING AN AWARD MAY NOT PROVIDE FOR ISSUES RELATING TO DIRECT COMPENSATION THAT ADVERSELY AFFECT THE CITY'S ABILITY TO CONTINUE TO FUND OTHER PUBLIC SERVICES GENERALLY. THE BOARD OF ARBITRATION SHALL ISSUE A WRITTEN DECISION THAT DEMONSTRATES THAT ALL THE FACTORS SET FORTH ABOVE HAVE BEEN CONSIDERED AND APPLIED AND INCLUDES THE EVIDENCE ON RECORD RELIED ON IN MAKING THE AWARD.

(VII) THE BOARD OF ARBITRATION SHALL HAVE THE POWER TO ADMINISTER OATHS, COMPEL THE ATTENDANCE OF WITNESSES, AND REQUIRE THE PRODUCTION OF EVIDENCE BY SUBPOENA.

(VIII) THE BOARD OF ARBITRATION AFTER HEARING WITNESSES AND RECEIVING AND CONSIDERING THE WRITTEN EVIDENCE THAT IS SUBMITTED SHALL ISSUE ITS WRITTEN DECISION THAT ORDERS THE IMPLEMENTATION, IN ITS ENTIRETY, OF THE LAST PROPOSAL OF ONE OF THE RESPECTIVE PARTIES SUBMITTED IN ACCORDANCE WITH SUBPARAGRAPH (IV) OF THIS PARAGRAPH.

(IX) 1. THE DECISION OF A MAJORITY OF THE MEMBERS OF THE BOARD OF ARBITRATION SHALL BE FINAL AND BINDING ON THE MAYOR AND CITY COUNCIL OF BALTIMORE AND ON THE CERTIFIED EMPLOYEE ORGANIZATIONS INVOLVED IN THE PROCEEDINGS. NO APPEAL OF THE DECISION SHALL BE ALLOWED. THE DECISION CONSTITUTES A MANDATE TO THE MAYOR OF BALTIMORE CITY WITH RESPECT TO THE MATTERS THAT CAN BE REMEDIED ADMINISTRATIVELY BY THE MAYOR AND A MANDATE TO THE BOARD OF ESTIMATES AND THE CITY COUNCIL WITH RESPECT TO THE MATTERS WHICH REQUIRE LEGISLATIVE ACTION NECESSARY TO IMPLEMENT THE DECISION OF THE BOARD OF ARBITRATION.

2. WITH RESPECT TO MATTERS THAT REQUIRE LEGISLATIVE ACTION FOR IMPLEMENTATION, THE LEGISLATION SHALL BE ENACTED WITHIN 45 DAYS FOLLOWING THE DATE OF THE ARBITRATION DECISION.

3. WITH RESPECT TO SALARIES AND WAGE SCALES, THE AMOUNTS DETERMINED BY THE FINAL DECISION OF THE BOARD OF ARBITRATION SHALL BE INCLUDED IN THE PROPOSED ORDINANCE OF ESTIMATES IN ACCORDANCE WITH ARTICLE VI, § 5 OF THE BALTIMORE CITY CHARTER, MAY NOT BE REDUCED BY THE CITY COUNCIL IN ACCORDANCE WITH ARTICLE VI, § 7 OF THE BALTIMORE CITY CHARTER, AND SHALL BE ADOPTED BY THE BOARD OF ESTIMATES AS THE SALARY AND WAGE SCALES FOR EMPLOYEES OF THE POLICE DEPARTMENT IN ACCORDANCE WITH ARTICLE VI, § 9 OF THE BALTIMORE CITY CHARTER.

(X) THE COST OF THE ARBITRATION PROCEEDINGS, INCLUDING THE COST FOR A COURT REPORTER, PROVIDED UNDER THIS PARAGRAPH SHALL BE PAID EQUALLY BY THE PARTIES INVOLVED.

(c) This section shall be construed to be consistent with and not to supersede other provisions of this subtitle, including, by way of illustration and not as a limitation:

(1) The provisions of this subtitle regarding the departmental budget; and

(2) The procedures or authority of the Board of Estimates, or the City Council.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #14

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

House Bill 474 – Delegates James, Beidle, Bohanan, Bromwell, Clagett, Conway, DeBoy, Donoghue, Griffith, Lafferty, Malone, Minnick, Olszewski, Rudolph, Sophocleus, and Wood

EMERGENCY BILL

AN ACT concerning

Construction and Development Projects – Expedited Approval of State Permits

HB0474/210610/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 474
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Approval of" and substitute "Review of and Decision on"; in line 6, strike "approval of" and substitute "review of and the issuance of a decision on"; and strike beginning with "that" in line 6 down through "State" in line 9 and substitute "under certain circumstances".

AMENDMENT NO. 2

On page 2, in line 5, strike "approval of" and substitute "review of and the issuance of a decision on"; and strike beginning with "have" in line 6 down through "State" in line 8 and substitute ":

(1) are located in an area that:

(i) is designated as a Priority Funding Area;

(ii) is designated by the State as a Transit Oriented Development area;

(iii) is targeted under the Sustainable Communities Act; or

(iv) 1. is identified by a county as:

A. a redevelopment area; or

B. a Base Realignment and Closure related development area; and

2. receives funding or tax credits from the State for the purposes of encouraging redevelopment and construction; and

(2) (i) have received "fast track" or similar status from a county or municipality in the State; or

(ii) will create a significant number of jobs and have a positive economic impact on the State".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

House Bill 809 – Delegates Afzali, Barkley, Bates, Clagett, Frick, Hough, Jacobs, Kaiser, Kramer, McConkey, McDermott, Niemann, Otto, Ready, Rosenberg, Smigiel, and Valderrama

AN ACT concerning

Agriculture – Honey – Labeling

HB0809/990913/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 809
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Valderrama" and substitute "Valderrama, Cane, and Hogan"; in line 2, after "Agriculture –" insert "Maryland Standard of Identity for"; in line 2, strike "– Labeling"; strike beginning with "prohibiting" in line 3 down through "meets" in line 4, and substitute "establishing"; in line 4, after "standard" insert "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"; strike beginning with "authorizing" in line 4 down through "examination;" in line 10; in line 11, strike "an" and substitute "a certain"; in the same line, after "court;" insert "clarifying that, notwithstanding certain provisions of law, the Department of Agriculture is not required to enforce the requirements of this Act;"; in line 12, strike "providing that certain damages may not exceed a certain amount;"; in the same line, after "defining" insert "a"; in line 13, strike "terms" and substitute "term"; in the same line, strike "the regulation of the sale of" and substitute "establishing a standard of identity for"; in line 13, after "honey" insert "in Maryland"; in line 16, strike "10–1804" and substitute "10–1807"; and in line 17, strike "Products Sold as" and substitute "Standard of Identity for".

AMENDMENT NO. 2

On page 1, in line 23, strike "**PRODUCTS SOLD AS**" and substitute "**STANDARD OF IDENTITY FOR**".

On page 2, strike beginning with the first "**THE**" in line 1 down through "**PRODUCT**" in line 9 and substitute "**"HONEY" MEANS THE NATURAL FOOD PRODUCT THAT:**

(1) RESULTS FROM THE HARVEST OF NECTAR BY HONEY BEES AND THE NATURAL ACTIVITIES OF THE HONEY BEES IN PROCESSING NECTAR;

(2) CONSISTS ESSENTIALLY OF DIFFERENT SUGARS, PREDOMINANTLY FRUCTOSE AND GLUCOSE, AND OTHER SUBSTANCES, INCLUDING ORGANIC ACIDS, ENZYMES, AND SOLID PARTICLES DERIVED FROM HONEY COLLECTION;

(3) HAS THE COLOR WHICH MAY VARY FROM NEARLY COLORLESS TO DARK BROWN;

(4) HAS THE CONSISTENCY WHICH MAY BE FLUID, VISCOUS, OR PARTLY TO ENTIRELY CRYSTALLIZED; AND

(5) HAS THE FLAVOR AND AROMA WHICH ARE DERIVED FROM THE PLANT OF ORIGIN AND MAY VARY";

and strike in their entirety lines 10 through 30, inclusive, and substitute:

"**10–1802.**

THERE IS A MARYLAND STANDARD OF IDENTITY FOR HONEY.

10–1803.

THE MARYLAND STANDARD OF IDENTITY FOR HONEY SHALL APPLY TO:

(1) ALL HONEY PRODUCED BY HONEY BEES FROM NECTAR;

(2) ALL STYLES OF HONEY PRESENTATION THAT ARE PROCESSED AND ULTIMATELY INTENDED FOR DIRECT CONSUMPTION; AND

(3) ALL HONEY PACKED, PROCESSED, OR INTENDED FOR SALE IN BULK CONTAINERS AS HONEY THAT MAY BE REPACKED FOR RETAIL SALE OR USE AS AN INGREDIENT IN OTHER FOODS.

10–1804.

(A) A PRODUCT MEETS THE MARYLAND STANDARD OF IDENTITY FOR HONEY IF THE PRODUCT:

(1) DOES NOT CONTAIN ANY SUBSTANCE OTHER THAN HONEY, INCLUDING ANY FOOD ADDITIVE AS DEFINED IN § 21–101 OF THE HEALTH – GENERAL ARTICLE;

(2) HAS NOT BEGUN TO FERMENT OR EFFERVESCE;

(3) HAS NOT HAD ANY POLLEN OR CONSTITUENT UNIQUE TO HONEY REMOVED, UNLESS THE REMOVAL WAS UNAVOIDABLE IN CONJUNCTION WITH THE REMOVAL OF FOREIGN MATTER;

(4) HAS NOT BEEN SUBJECTED TO CHEMICAL OR BIOCHEMICAL TREATMENTS USED TO INFLUENCE HONEY CRYSTALLIZATION;

(5) HAS NOT HAD ANY WATER ADDED TO THE PRODUCT IN THE COURSE OF EXTRACTION OR PACKING FOR SALE OR RESALE AS HONEY;

(6) DOES NOT HAVE A MOISTURE CONTENT GREATER THAN 23%;

(7) HAS A RATIO OF FRUCTOSE TO GLUCOSE GREATER THAN 0.9%;

(8) HAS A TOTAL AMOUNT OF FRUCTOSE AND GLUCOSE EQUAL TO AT LEAST 60 GRAMS PER 100 GRAMS; AND

(9) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, HAS A SUCROSE CONTENT NO GREATER THAN 5 GRAMS PER 100 GRAMS.

(B) (1) THE SUCROSE CONTENT OF THE FOLLOWING TYPES OF HONEY MAY NOT BE GREATER THAN 10 GRAMS PER 100 GRAMS:

(I) ALFALFA (MEDICAGO SATIVA);

(II) CITRUS SPP.;

(III) FALSE ACACIA (ROBINIA PSEUDOACACIA);

(IV) FRENCH HONEYSUCKLE (HEDYSARUM);

(V) MENZIES BANKSIA (BANKSIA MENZIESII);

(VI) RED GUM (EUCALYPTUS CAMALDULENSIS);

(VII) LEATHERWOOD (EUCRYPHIA LUCIDA); AND

(VIII) EUCRYPHIA MILLIGANI.

(2) THE SUCROSE CONTENT OF THE FOLLOWING TYPES OF HONEY MAY NOT BE GREATER THAN 15 GRAMS PER 100 GRAMS:

(I) LAVENDER (LAVANDULA SPP); AND

(II) BORAGE (BORAGO OFFICINALIS).

10–1805.

(A) A PERSON MAY DESIGNATE A FOOD PRODUCT AS "HONEY" IF THE PRODUCT CONFORMS TO THE STANDARD OF IDENTITY FOR HONEY SET FORTH IN § 10–1804 OF THIS SUBTITLE.

(B) IF A FOOD PRODUCT CONTAINS ANY FLAVORING, SPICE, OR OTHER INGREDIENT IN ADDITION TO HONEY, THE NAME OF THE PRODUCT SHALL DISTINGUISH THE PRODUCT FROM PURE HONEY AND DESIGNATE THE FOOD ADDITIVE.

(C) IF PROCESSING MATERIALLY CHANGES THE FLAVOR, COLOR, VISCOSITY, OR OTHER MATERIAL CHARACTERISTIC OF PURE HONEY, THE NAME OF THE PRODUCT SHALL DISTINGUISH THE PRODUCT FROM PURE HONEY AND DESIGNATE THE MODIFICATION.

(D) THE DESIGNATION OF HONEY THAT COMES PREDOMINANTLY FROM A FLORAL OR OTHER PLANT SOURCE AND HAS THE ORGANOLEPTIC,

PHYSICOCHEMICAL, AND MICROSCOPIC PROPERTIES CORRESPONDING WITH THAT ORIGIN, MAY USE THE COMMON OR BOTANICAL NAME OF THE SOURCE IN CONJUNCTION WITH THE WORD "HONEY".

(E) HONEY STORED BY BEES IN THE CELLS OF FRESHLY BUILT BROODLESS COMBS AND SOLD IN SEALED WHOLE COMBS OR SECTIONS OF COMBS MAY BE DESIGNATED AS "COMB HONEY".

(F) HONEY CONTAINING ONE OR MORE PIECES OF COMB HONEY MAY BE DESIGNATED AS "CUT COMB HONEY", "HONEY WITH COMB", OR "CHUNK HONEY".";

and in line 31, strike "**10–1804.**" and substitute "**10–1806.**".

On page 3, in line 1, strike "**(A)**"; in line 2, strike "**AN**" and substitute "**A CIVIL**"; strike in their entirety lines 4 and 5, and substitute:

"**10–1807.**

NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE RELATING TO THE EXERCISE OF THE DEPARTMENT'S ENFORCEMENT AUTHORITY, THE DEPARTMENT IS NOT REQUIRED TO ENFORCE THE REQUIREMENTS OF THIS SUBTITLE.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 992 – Calvert County Delegation

AN ACT concerning

Calvert County – Regulation of Roads

HB0992/340511/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 992
(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 13 down through "**IN**" in line 14 and substitute "**ESTABLISH STANDARDS FOR UTILITY CUTS IN AND ACROSS**"; and in line 27, after "**ROADS**" insert "**AND FOR 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.

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

House Bill 1053 – The Speaker (By Request – Administration)

AN ACT concerning

Natural Resources – Aquaculture

HB1053/520818/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1053
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, 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 the first "**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 the first "**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.

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

House Bill 1282 – Delegates Glenn, K. Kelly, Kramer, McConkey, Myers, Norman, and Parrott

AN ACT concerning

Transportation – Vehicle Parking Facilities – Motorcycle Parking

HB1282/110614/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1282
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "facilities" insert ", subject to certain charges".

AMENDMENT NO. 2

On page 2, in line 9, after "**FACILITY**" insert "**, SUBJECT TO THE CHARGES ESTABLISHED BY THE FACILITY,**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1329 – Delegate Norman

AN ACT concerning

Motor Vehicles – Renewal of Drivers' Licenses – Contractors for the Armed Forces of the United States

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS REPORT #6

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

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

HB0166/366783/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 166
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, 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;"; and in line 23, after the semicolon insert "requiring the Exchange to create, consult with, and appoint certain representatives to advisory committees;".

On page 2, in line 1, 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 5, after the second "plans" insert "or any dental plans that are not qualified dental plans"; in line 9, 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 10, after the semicolon insert "prohibiting the Exchange from imposing certain fees or assessments in a certain manner;"; strike beginning with "implementing" in line 19 down through the first "Assembly" in line 22 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 26, 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.

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

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

HB0170/956680/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 170
(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 12, after "2–215(a)" insert ", (b), (d), and (g)"; in line 17, after "15–10A–01(m)," insert "15–10A–04(e),"; and in line 23, 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 7 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 22, 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.

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

The motion was adopted.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 287 – Delegate Pena–Melnyk

AN ACT concerning

Maryland Perfusion Act

HB0287/576381/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 287
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Pena–Melnyk" and substitute "Delegates Pena–Melnyk, Bromwell, Tarrant, Cullison, V. Turner, Pendergrass, Nathan–Pulliam, A. Kelly, and Oaks"; strike beginning with "providing" in line 22 down through "circumstances;" in line 23; and strike beginning with "providing" in line 26 down through "Act" in line 27 and substitute "providing for a delayed effective date".

On page 2, in line 7, strike "14–5E–26" and substitute "14–5E–24".

AMENDMENT NO. 2

On page 4, strike beginning with the comma in line 5 down through "**AGENTS**" in line 6 and substitute "**AND PHARMACEUTICALS;**

(XV) ADMINISTRATION OF ANESTHETIC AGENTS THROUGH A HEART LUNG MACHINE AT THE DIRECTION OF AN ANESTHESIOLOGIST";

and in lines 7, 9, 10, 11, 12, 13, 15, 17, 18, 21, 22, 23, 24, 25, and 26, strike "**(XV)**", "**(XVI)**", "**(XVII)**", "**(XVIII)**", "**(XIX)**", "**(XX)**", "**(XXI)**", "**(XXII)**", "**(XXIII)**", "**(XXIV)**", "**(XXV)**", "**(XXVI)**", "**(XXVII)**", "**(XXVIII)**", and "**(XXIX)**", respectively, and substitute "**(XVI)**", "**(XVII)**", "**(XVIII)**", "**(XIX)**", "**(XX)**", "**(XXI)**", "**(XXII)**", "**(XXIII)**", "**(XXIV)**", "**(XXV)**", "**(XXVI)**", "**(XXVII)**", "**(XXVIII)**", "**(XXIX)**", and "**(XXX)**", respectively.

On page 5, strike beginning with "**EXERCISE**" in line 8 down through "**ADEQUATELY**" in line 10 and substitute "**RESPONSIBILITY OF A LICENSED PHYSICIAN TO EXERCISE ON SITE OR IMMEDIATELY AVAILABLE DIRECTION FOR A LICENSED PERFUSIONIST TO**"; and in line 10, strike "**CLIENTS**" and substitute "**PATIENTS**".

AMENDMENT NO. 3

On page 6, in line 6, strike "**FIVE**" and substitute "**SEVEN**"; in line 8, strike "**2012**" and substitute "**2013**"; in line 13, strike "**2012**" and substitute "**2013**"; strike beginning with "**ONE**" in line 15 down through "**PERFUSION**" in line 16 and substitute "**THREE PHYSICIANS, AT LEAST ONE OF WHOM PERFORMS CARDIAC OR CARDIO–THORACIC SURGERY**".

On page 7, in line 13, strike "**2011**" and substitute "**2012**".

AMENDMENT NO. 4

On page 8, in line 3, after the semicolon, insert "**AND**"; strike in their entirety lines 4 through 12, inclusive; in line 13, strike "**(VI)**" and substitute "**(IV)**"; strike in their entirety lines 15 through 22, inclusive; in line 23, strike "**(4)**" and substitute "**(2)**"; in the same line, strike "**; AND**" and substitute a period; strike in its entirety line 24; and in line 27, strike "**2012**" and substitute "**2013**".

AMENDMENT NO. 5

On page 9, strike beginning with the colon in line 15 down through "**IS**" in line 16 and substitute "**IS**"; strike beginning with "**ALLIED**" in line 16 down through the second "**OR**" in line 18 and substitute "**ACCREDITATION OF ALLIED HEALTH EDUCATION PROGRAMS, OR THE COMMITTEE'S PREDECESSOR OR SUCCESSOR; AND**"; and strike in their entirety lines 19 through 22, inclusive.

AMENDMENT NO. 6

On pages 12 and 13, strike in their entirety the lines beginning with line 15 on page 12 through line 4 on page 13, inclusive.

On page 13, in lines 5 and 10, strike "**14–5E–16.**" and "**14–5E–17.**", respectively, and substitute "**14–5E–15.**" and "**14–5E–16.**", respectively.

AMENDMENT NO. 7

On page 15, in line 27, strike "**OR**"; and in line 31, after "**EQUIPMENT**" insert "**; OR**

(28) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION OF THE BOARD".

On page 16, in lines 18 and 28, strike "**14–5E–18.**" and "**14–5E–19.**", respectively, and substitute "**14–5E–17.**" and "**14–5E–18.**", respectively.

On page 17, in line 1, strike "**§ 14–5E–17**" and substitute "**§ 14–5E–16**".

On page 18, in lines 28 and 32, strike "**14–5E–20.**" and "**14–5E–21.**", respectively, and substitute "**14–5E–19.**" and "**14–5E–20.**", respectively.

On page 19, in lines 4, 18, 23, and 33, strike "**14–5E–22.**", "**14–5E–23.**", "**14–5E–24.**", and "**14–5E–25.**", respectively, and substitute "**14–5E–21.**", "**14–5E–22.**", "**14–5E–23.**", and "**14–5E–24.**", respectively; and in line 28, strike "**§ 14–5E–21**" and substitute "**§ 14–5E–20**".

AMENDMENT NO. 8

On page 20, in line 7, strike "**2013**" and substitute "**2022**"; and in line 19, strike "**2012**" and substitute "**2021**".

On pages 20 and 21, strike beginning with line 20 on page 20 through line 3 on page 21, inclusive.

AMENDMENT NO. 9

On page 21, in line 4, strike "4." and substitute "3."; in line 19, strike "one member" and substitute "two members"; in the same line, strike "2012" and substitute "2013"; in line 20, strike "2013" and substitute "2014"; in line 21, strike "two" and substitute "three"; in the same line, strike "2014" and substitute "2015"; in line 22,

strike "5." and substitute "4."; in line 23, strike "2011" and substitute "2012"; and strike beginning with "Section" in line 23 down through "effect." in line 25.

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

HB0291/706785/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 291
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Medical Marijuana" and substitute "Maryland Medical Marijuana Model Program Work Group".

On pages 1 through 3, strike beginning with "making" in line 3 on page 1 down through "use" in line 2 on page 3 and substitute "requiring the Secretary of Health and Mental Hygiene to convene a Work Group to develop a model program to facilitate patient access to marijuana for medical purposes; providing for the membership and staffing of the Work Group; providing for the designation of the chair of the Work Group; prohibiting a member of the Work Group from receiving certain compensation;

authorizing a member of the Work Group to receive certain reimbursement; specifying the duties of the Work Group; requiring the Work Group to make a certain report to certain committees of the General Assembly on or before a certain date; providing for the termination of a certain provision of this Act; and generally relating to medical marijuana".

On page 3, strike in their entirety lines 3 through 24, inclusive; and strike beginning with "Section(s)" in line 26 down through "follows" in line 30.

AMENDMENT NO. 2

On pages 3 through 23, strike in their entirety the lines beginning with line 31 on page 3 through line 32 on page 23, inclusive, and substitute:

"(a) The Secretary of Health and Mental Hygiene shall convene a Work Group to develop a model program to facilitate patient access to marijuana for medical purposes.

(b) The Work Group shall include the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Health and Mental Hygiene, or the Secretary's designee; and

(4) the following members, appointed by the Governor:

(i) one member of the public who supports the use of marijuana for medical purposes;

(ii) one member of the public designated by the Maryland Chapter of the National Council on Alcoholism and Drug Dependence;

(iii) three physicians licensed in the State, who specialize in addiction, pain, oncology, neurology, or clinical research;

(iv) one nurse licensed in the State, with experience in hospice care, nominated by a State research institution or trade association;

(v) one pharmacist licensed in the State, nominated by a State research institution or trade association;

(vi) one scientist with experience in the science of marijuana, nominated by a State research institution;

(vii) one representative of the Maryland State's Attorneys' Association;

(viii) one representative of the Maryland Chiefs of Police;

(ix) one representative of the Maryland Sheriffs' Association;

(x) one representative of the Maryland Fraternal Order of Police; and

(xi) an attorney who is knowledgeable about medical marijuana laws in the United States.

(c) The Governor shall designate the chair of the Work Group.

(d) The Department of Health and Mental Hygiene and the Governor's Office of Crime Control and Prevention shall provide staff for the Work Group.

(e) A member of the Work Group:

(1) may not receive compensation as a member of the Work Group; but

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

(f) (1) (i) The Work Group shall assess the feasibility of and develop a State–specific proposal, including draft legislation, for providing access to marijuana to patients in the State for medical purposes.

(ii) The proposal required under subparagraph (i) of this paragraph shall strongly consider a program model that is analogous to a compassionate use protocol for unapproved drugs.

(2) The draft legislation required under paragraph (1) of this subsection shall:

(i) outline the key elements of the program model; and

(ii) include provisions that:

1. provide for oversight and responsibility by programs located in academic medical research institutions in the State;

2. provide for the licensing of a program by the State;

3. establish a program application and review process that includes consideration of best practices and procedures for obtaining review input that is external to the Department of Health and Mental Hygiene;

4. expand the base of information on the use of marijuana for medical purposes on a scientific and policy implementation basis; and

5. implement a program as soon as feasible and incorporate the goals of:

A. regulations adopted and applications received by September 1, 2012; and

B. program operation beginning in January 2013.

(3) The Work Group shall provide guidance on the criteria for assessing program applications, including an applying program's plans for:

(i) determining the medical conditions to be treated and the duration of therapy proposed;

(ii) identifying sources of marijuana;

(iii) determining patient eligibility and informed consent;

(iv) conducting any associated research projects;

(v) reporting data and outcomes;

(vi) instituting strict controls against illegal diversion; and

(vii) securing grants or other sources of funding to facilitate the affordability of the program.

(g) The Work Group may consult with experts and stakeholders in conducting its duties.

(h) On or before December 1, 2011, the Secretary shall report, in accordance with § 2–1246 of the State Government Article, to the Senate Judicial Proceedings Committee, the House Health and Government Operations Committee, and the House Judiciary Committee on the findings of the Work Group, including draft legislation that establishes a program to provide access to marijuana to patients in the State for medical purposes under a model analogous to a compassionate use protocol for unapproved drugs.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011. It shall remain effective for a period of 1 year and, at the end of May 31, 2012, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

HB0520/396784/3
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 520
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Train"; strike beginning with "– Disclosure" in line 2 down through "Deportations" in line 3; strike beginning with "requiring" in line 4 down through "service." in line 14, and substitute "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."; and in line 17, strike "12–504" and substitute "12–511".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 9 and 10, inclusive; in lines 11 and 16, strike "**(C)**" and "**(D)**", respectively, and substitute "**(B)**" and "**(C)**", respectively; in lines 11, 20, and 22, in each instance, after "**INVOLVEMENT**" insert "**IN THE DEPORTATION OF VICTIMS**"; in line 12, strike "**DEPORTED**" and substitute "**TRANSPORTED**"; in line 15, strike "**JANUARY 1, 1942**" and substitute "**SEPTEMBER 1, 1939**"; in the same line, strike "**DECEMBER 31, 1944**" and substitute "**SEPTEMBER 2, 1945**"; in line 18, after "**ORGANIZATION**" insert "**OR A SUCCESSOR IN INTEREST OF THE CORPORATION, AFFILIATE, OR SIMILAR ORGANIZATION**"; in lines 19 and 22, in each instance, strike "**HAS**" and substitute "**HAD**"; after line 22, insert:

"**(D) "MARC" MEANS THE MARYLAND AREA RAIL COMMUTER.**";

and strike beginning with "**OF**" in line 24 down through "**1944**" in line 27.

On page 3, after line 3, insert:

"**(F) "PROCESS OF ASSEMBLING THE RECORDS" MEANS TO:**

(1) ORGANIZE, DIGITIZE, AND MAKE RECORDS AVAILABLE TO THE PUBLIC IN AN INTERNET ACCESSIBLE, ELECTRONIC FORMAT THAT IS SEARCHABLE AND ANALYZABLE; AND

(2) PREPARE TO SUBMIT THE INFORMATION DESCRIBED IN § 12–507 OF THIS SUBTITLE TO THE STATE ARCHIVIST.";

in line 4, strike "**(F)**" and substitute:

"**(G) (1) "RECORDS" MEANS MATERIAL RELATING TO THE DEPORTATION OF VICTIMS.**

(2)";

in lines 5, 6, 7, 8, 9, 10, 11, and 12, strike "**(1)**", "**(2)**", "**(3)**", "**(4)**", "**(5)**","**(6)**", "**(7)**", and "**(8)**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", "**(VI)**", "**(VII)**", and "**(VIII)**", respectively;

and after line 13, insert:

"**(H) "VICTIM" MEANS AN INDIVIDUAL WHO WAS ON AN ENTITY'S TRAIN FOR THE PURPOSE OF BEING TRANSPORTED TO AN EXTERMINATION CAMP, DEATH CAMP, OR A FACILITY USED TO TRANSITION INDIVIDUALS TO EXTERMINATION CAMPS OR DEATH CAMPS DURING THE PERIOD BEGINNING ON SEPTEMBER 1, 1939 AND ENDING ON SEPTEMBER 2, 1945.**".

AMENDMENT NO. 3

On page 4, in lines 3 and 13, in each instance, strike "**HAS**" and substitute "**HAD**"; in lines 3 and 13, in each instance, after "**INVOLVEMENT**" insert "**IN THE DEPORTATION OF VICTIMS**"; in line 4, after "**BID**" insert "**OR OFFER TO A UNIT OF STATE OR LOCAL GOVERNMENT**"; strike beginning with "**WITH**" in line 4 down through "**GOVERNMENT**" in line 6; in lines 6 and 11, in each instance, strike "**TRAIN**"; after line 7, insert:

"**12–504.**

AN ENTITY MAY NOT BE CONSIDERED A RESPONSIBLE BIDDER OR OFFEROR FOR A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE UNLESS THE ENTITY COMPLIES WITH THE REQUIREMENTS OF §§ 12–505 THROUGH 12–507 OF THIS SUBTITLE.";

in line 8, strike "**12–504.**" and substitute "**12–505.**"; in line 9, strike "**BEFORE SUBMITTING**" and substitute "**IN CONJUNCTION WITH THE SUBMISSION OF**"; in the same line, strike "**FORMAL**"; in the same line, after "**BID**" insert "**OR OFFER**"; in line 10, strike "**THE DEPARTMENT OR OTHER UNIT OF THE**" and substitute "**A UNIT OF**"; in line 11, after "**SHALL**" insert "**SUBMIT TO THE UNIT**"; in line 12, strike "**CERTIFY TO THE DEPARTMENT OR UNIT WHETHER**" and substitute "**A STATEMENT THAT**"; strike beginning with "**DISCLOSE**" in line 14 down through

"SECTION" in line 15 and substitute "AN ESTIMATED DATE FOR COMPLETING THE PROCESS OF ASSEMBLING THE RECORDS AND PROVIDING INFORMATION TO THE STATE ARCHIVIST IN ACCORDANCE WITH §§ 12–506 AND 12–507 OF THIS SUBTITLE"; after line 15, insert:

"(B) THE ENTITY SHALL NOTIFY THE UNIT OF ANY CHANGE IN THE ESTIMATED DATE THAT WAS SUBMITTED TO THE UNIT IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

12–506.

(A) BEFORE A UNIT OF STATE OR LOCAL GOVERNMENT MAY AWARD A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE TO AN ENTITY SUBJECT TO THIS SUBTITLE, THE ENTITY SHALL COMPLY WITH THE PROVISIONS OF THIS SECTION FOR THE PROCESS OF ASSEMBLING THE RECORDS RELATED TO THE DEPORTATION OF VICTIMS.

(B) (1) AN ENTITY SHALL CONTRACT WITH AN ARCHIVIST AND A HISTORIAN TO CONDUCT AN INITIAL ANALYSIS OF THE RECORDS.

(2) THE ARCHIVIST AND HISTORIAN THAT CONDUCT THE INITIAL ANALYSIS SHALL:

(I) BE APPROVED BY THE STATE ARCHIVIST;

(II) BE INDEPENDENT OF THE ENTITY; AND

(III) CONDUCT THE ANALYSIS IN ACCORDANCE WITH THE STANDARDS OF THE SOCIETY OF AMERICAN ARCHIVISTS AND THE COUNCIL OF STATE ARCHIVISTS.

(3) THE INITIAL ANALYSIS SHALL INCLUDE:

(I) AN INSPECTION OF EACH LOCATION IN WHICH THE ENTITY MAINTAINS RECORDS THAT MAY BE RELATED TO THE DEPORTATION OF VICTIMS; AND

(II) A REPORT SUBMITTED TO THE STATE ARCHIVIST.

(4) THE INITIAL REPORT SUBMITTED TO THE STATE ARCHIVIST SHALL INCLUDE:

(I) A LIST OF EACH LOCATION INSPECTED AND AN ASSESSMENT OF WHETHER THE LOCATION MAINTAINS ANY RECORDS;

(II) AN OUTLINE AND ASSESSMENT OF THE QUALITY OF THE RECORDS;

(III) A TIMELINE FOR THE PROCESS TO ASSEMBLE THE RECORDS; AND

(IV) AN ESTIMATED COST TO ASSEMBLE THE RECORDS.

(C) (1) AFTER THE INITIAL ANALYSIS IS CONCLUDED AND THE STATE ARCHIVIST HAS APPROVED THE INITIAL REPORT IN ACCORDANCE WITH § 12–508(A)(2)(I) OF THIS SUBTITLE, THE ENTITY SHALL CONTRACT WITH AN ARCHIVIST AND A HISTORIAN TO ENSURE THAT THE PROCESS OF ASSEMBLING THE RECORDS IS COMPLETED IN A MANNER CONSISTENT WITH:

(I) THE INITIAL REPORT; AND

(II) THE STANDARDS OF THE SOCIETY OF AMERICAN ARCHIVISTS AND THE COUNCIL OF STATE ARCHIVISTS.

(2) THE ARCHIVIST AND HISTORIAN CONTRACTED WITH TO CARRY OUT PARAGRAPH (1) OF THIS SUBSECTION:

(I) SHALL BE APPROVED BY THE STATE ARCHIVIST; AND

(II) MAY BE THE ARCHIVIST AND HISTORIAN THAT CONDUCTED THE INITIAL ANALYSIS OR ANOTHER ARCHIVIST AND HISTORIAN APPROVED BY THE STATE ARCHIVIST.

(D) AFTER THE PROCESS OF ASSEMBLING THE RECORDS IS COMPLETE, THE ENTITY SHALL PROVIDE THE INFORMATION REQUIRED UNDER § 12–507 OF THIS SUBTITLE TO THE STATE ARCHIVIST.";

in line 16, strike "**(B) AN**" and substitute:

"**12–507.**

BEFORE A UNIT OF STATE OR LOCAL GOVERNMENT MAY AWARD A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE TO AN";

in the same line, after "**SUBTITLE**" insert "**, THE ENTITY**"; strike beginning with "**STATE**" in line 16 down through "**1944**" in line 20 and substitute "**PROVIDE THE STATE ARCHIVIST WITH THE FOLLOWING INFORMATION AS IT RELATES TO THE DEPORTATION OF VICTIMS**"; in line 21, after "**(1)**" insert "**A WRITTEN STATEMENT PROVIDING:**"; in the same line, strike "**HAS ANY**" and substitute "**POSSESSES, HAS CUSTODY OF, OR CONTROLS**"; in line 22, strike "**DEPORTATIONS IN ITS POSSESSION, CUSTODY, OR CONTROL**" and substitute "**THE DEPORTATION OF VICTIMS**"; in line 23, strike "**THE**" and substitute "**EACH**"; and in line 25, strike "**ANY**" and substitute "**EACH**".

AMENDMENT NO. 4

On page 5, in line 2, strike "**IN CONNECTION WITH THE DEPORTATIONS**" and substitute "**FROM EACH VICTIM**"; in lines 4 and 5, strike "**IN CONNECTION WITH THE DEPORTATIONS**" and substitute "**FROM EACH VICTIM, A WRITTEN DESCRIPTION OF**"; in line 15, after "**ACTIVITY;**" insert "**AND**"; strike beginning with "**IF**" in line 16 down through "**(5)**" in line 20 and substitute "**A WRITTEN STATEMENT CONCERNING**"; in line 22, strike "**REPORT**" and substitute "**DESCRIPTION**"; in the same line, after "**RESTITUTION**" insert "**OR REPARATIONS**"; in line 23, strike "**INDIVIDUALS DEPORTED BY THE ENTITY**" and substitute "**THE DEPORTATION OF EACH VICTIM**"; after line 23, insert:

"**12–508.**

(A) THE STATE ARCHIVIST SHALL:

(1) APPROVE AN ARCHIVIST AND HISTORIAN TO CONDUCT THE INITIAL ANALYSIS REQUIRED UNDER § 12–506(B) OF THIS SUBTITLE;

(2) WITHIN 14 DAYS AFTER RECEIVING THE INITIAL REPORT SUBMITTED IN ACCORDANCE WITH § 12–506(B) OF THIS SUBTITLE:

(I) REVIEW THE REPORT AND DETERMINE WHETHER, IN THE PROFESSIONAL OPINION OF THE STATE ARCHIVIST, THE REPORT IS CONSISTENT WITH THE STANDARDS OF THE SOCIETY OF AMERICAN ARCHIVISTS AND THE COUNCIL OF STATE ARCHIVISTS; AND

(II) APPROVE AN ARCHIVIST AND HISTORIAN THAT WILL ENSURE THAT THE PROCESS OF ASSEMBLING THE RECORDS IS COMPLETED IN A MANNER CONSISTENT WITH:

1. THE INITIAL REPORT; AND

2. THE STANDARDS OF THE SOCIETY OF AMERICAN ARCHIVISTS AND THE COUNCIL OF STATE ARCHIVISTS;

(3) AS NEEDED, PROVIDE GUIDANCE FOR AND OVERSIGHT OF THE PROCESS OF ASSEMBLING THE RECORDS;

(4) AFTER RECEIVING FROM AN ENTITY THE INFORMATION REQUIRED UNDER § 12–507 OF THIS SUBTITLE, DETERMINE WHETHER, IN THE PROFESSIONAL OPINION OF THE STATE ARCHIVIST:

(I) THE PROCESS OF ASSEMBLING THE RECORDS IS COMPLETE;

(II) THE PROCESS OF ASSEMBLING THE RECORDS WAS COMPLETED IN A MANNER CONSISTENT WITH:

1. THE INITIAL REPORT SUBMITTED IN ACCORDANCE WITH § 12–506(B) OF THIS SUBTITLE; AND

2. THE STANDARDS OF THE SOCIETY OF AMERICAN ARCHIVISTS AND THE COUNCIL OF STATE ARCHIVISTS; AND

(III) THE INFORMATION SUBMITTED UNDER § 12–507 OF THIS SUBTITLE IS AS COMPLETE AND ACCURATE AS POSSIBLE; AND

(5) PROVIDE WRITTEN NOTICE OF THE DETERMINATION MADE UNDER ITEM (4) OF THIS SUBSECTION TO:

(I) THE ENTITY; AND

(II) IF THE STATE ARCHIVIST DETERMINES THAT THE ENTITY MET THE REQUIREMENTS SET FORTH IN ITEM (4)(I), (II), AND (III) OF THIS SUBSECTION, TO THE UNIT OF STATE OR LOCAL GOVERNMENT AWARDING THE PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE.

(B) THE STATE ARCHIVIST MAY USE A DESIGNEE TO CARRY OUT ANY PROVISION OF THIS SECTION.

12–509.

(A) AT LEAST 30 DAYS BEFORE AWARDING A PROCUREMENT CONTRACT ON WHICH AN ENTITY SUBJECT TO THIS SUBTITLE SUBMITTED A BID OR OFFER, A UNIT OF STATE OR LOCAL GOVERNMENT SHALL PUBLISH NOTICE OF ITS INTENT TO AWARD THE PROCUREMENT CONTRACT.

(B) A UNIT OF STATE OR LOCAL GOVERNMENT MAY NOT AWARD A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE TO AN ENTITY THAT DOES NOT COMPLY WITH §§ 12–505 THROUGH 12–507 OF THIS SUBTITLE.

(C) A UNIT OF STATE OR LOCAL GOVERNMENT MAY AWARD A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE TO AN ENTITY ONLY AFTER THE UNIT RECEIVES THE NOTICE FROM THE STATE ARCHIVIST IN ACCORDANCE WITH § 12–508(A)(5) OF THIS SUBTITLE.

(D) NOTWITHSTANDING THE REQUIREMENTS OF THIS SUBTITLE, A UNIT OF STATE OR LOCAL GOVERNMENT MAY AWARD A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE TO A BIDDER OR OFFEROR THAT IS NOT AN ENTITY SUBJECT TO THE REQUIREMENTS OF THIS SUBTITLE.

12–510.

AN ENTITY AWARDED A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE IN ACCORDANCE WITH § 12–509(C) OF THIS SUBTITLE IS CONSIDERED TO HAVE SATISFIED THE REQUIREMENTS OF §§ 12–505 THROUGH 12–507 OF THIS SUBTITLE FOR ALL FUTURE PROCUREMENT CONTRACTS TO PROVIDE MARC SERVICE.

12–511.

THE ENTITY OR ANY OTHER BIDDER OR OFFEROR FOR A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE MAY NOT SUBMIT A PROTEST UNDER § 15–217 OF THIS ARTICLE RELATING TO THE REQUIREMENTS OF THIS SUBTITLE.";

in line 26, after "**ADMINISTRATION**" insert "**ON A PROCUREMENT CONTRACT**"; strike beginning with "**TRAIN**" in line 27 down through "**REGION**" in line 28 and substitute "**SERVICE THAT IS FUNDED IN WHOLE OR IN PART BY PUBLIC FUNDS**"; and in line 32, strike "October 1, 2011" and substitute "June 1, 2011".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Joint Committee on Transparency and Open Government Act

HB0766/896088/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 766
(First Reading File Bill)

On page 1, in the sponsor line, strike "and F. Turner" and substitute "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".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 841 – Delegate Kipke

AN ACT concerning

Health Occupations – Dental Hygienists – Nitrous Oxide

HB0841/446282/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 841
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Kipke" and substitute "Delegates Kipke, Kach, Pendergrass, Bromwell, Cullison, Krebs, and Donoghue"; in lines 4 and 5, strike "administering nitrous oxide and"; strike beginning with "altering" in line 7 down through "hygienists;" in line 9; in line 12, strike the first comma and substitute "and"; and in the same line, strike ", and 4–206".

AMENDMENT NO. 2

On page 2, in lines 10 and 11, strike "**ADMINISTER NITROUS OXIDE;**

(10)";

and in line 13, strike "**(11)**" and substitute "**(10)**".

On page 3, in line 22, strike "**ADMINISTER NITROUS OXIDE TO A PATIENT OR**"; in line 23, after "**ADMINISTERED;**" insert "**AND**"; and strike beginning with "**ADMINISTRATION**" in line 24 down through "**3.**" in line 26.

On pages 3 and 4, strike in their entirety the lines beginning with line 31 on page 3 through line 14 on page 4, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 941 – Delegates Morhaim, Cardin, Clagett, and George

AN ACT concerning

Dining Out Growth Act of 2011

HB0941/836284/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 941
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and George" and substitute "George, Cullison, Ready, Murphy, Reznik, Pena–Melnyk, Kipke, Krebs, A. Kelly, McDonough, Kach, and Donoghue"; and strike beginning with "requiring" in line 13 down through "date;" in line 14.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 6 through 15, inclusive; in line 16, strike "3." and substitute "2."; and in line 17, strike "October" and substitute "July".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 986 – Delegates Hubbard, Costa, and Stocksdale

AN ACT concerning

Pharmacists – Administration of Vaccines – Children

HB0986/696987/2
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 986
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stocksdale" and substitute "Stocksdale, Donoghue, A. Kelly, Krebs, Oaks, Pena–Melnyk, and V. Turner"; in line 4, strike "certain vaccines under certain circumstances" and substitute "a certain vaccination"; in the same line, after the semicolon insert "requiring a pharmacist to report a certain vaccination to a certain registry; altering requirements for regulations relating to certain vaccinations;".

AMENDMENT NO. 2

On page 1, in line 16, after "individual" insert "**WHO IS AT LEAST 9 YEARS OLD**"; in the same line, strike "under subsection (c) of this section" and substitute "**BY THE BOARD, IN CONSULTATION WITH THE DEPARTMENT**"; in line 21, in each instance, strike the brackets; and in the same line, strike "**AT LEAST 7 YEARS OLD**".

AMENDMENT NO. 3

On page 2, in line 7, strike "(c)" and substitute "**(C)(1)**"; after line 7, insert:

"**(3) A PHARMACIST SHALL REPORT TO THE MARYLAND IMMUNIZATION REGISTRY AN INFLUENZA VACCINATION ADMINISTERED BY THE PHARMACIST TO INDIVIDUALS WHO ARE FROM 9 TO 18 YEARS OF AGE.**";

in line 12, after "implement" insert "**SUBSECTION (A)(2) OF**"; and in line 13, after "under" insert "**SUBSECTION (A)(1) OF THIS SECTION AND**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1027 – Delegate Ross

AN ACT concerning

Health – Residential Camps – Definition

HB1027/336780/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1027
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Residential" and substitute "Youth"; in the same line, strike "Definition" and substitute "Definitions"; in line 3, after the first "of" insert "altering the definition of "day camp" to include certain youth camps that have campers who reside at the camp for a certain number of days;"; in line 5, after "camp;" insert "altering the definitions of "travel camp" and "trip camp" to increase the number of days a residential camp may operate as a travel camp or a trip camp;"; and in the same line, strike the second "residential" and substitute "youth".

AMENDMENT NO. 2

On page 2, in line 6, after "(1)" insert "**(I)**"; in line 7, strike "(2)" and substitute "**(II)**"; in line 8, strike "(3)" and substitute "**(III)**"; in lines 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, strike "(i)", "(ii)", "(iii)", "(iv)", "(v)", "(vi)", "(vii)", "(viii)",

"(ix)", "(x)", "(xi)", "(xii)", "(xiii)", "(xiv)", and "(xv)", respectively, and substitute "**1.**", "**2.**", "**3.**", "**4.**", "**5.**", "**6.**", "**7.**", "**8.**", "**9.**", "**10.**", "**11.**", "**12.**", "**13.**", "**14.**", and "**15.**", respectively; and in line 24, after "ropes" insert "**; OR**

(2) OPERATES AT A FACILITY OR CAMPSITE AT WHICH A CAMPER LIVES APART OR INTENDS TO LIVE APART FROM THE CAMPER'S RELATIVES, PARENTS, OR LEGAL GUARDIANS FOR 5 CONSECUTIVE DAYS".

On page 3, in line 12, strike "(g)(3)" and substitute "**(G)(1)(III)**"; and in lines 15 and 19, in each instance, strike "5" and substitute "**6**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

HB1146/266181/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1146
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Definition of State–Regulated Payor –"; in line 3, after "Program" insert "– Incentives"; in line 9, after the semicolon insert "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 after line 15, insert:

"BY adding to
Article – Health – General
Section 19–143(d)(5)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2
On page 2, after line 7, insert:

"19–143.

(d) **(5) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE EMPLOYEE AND RETIREE HEALTH AND WELFARE BENEFITS PROGRAM SUPPORT THE INCENTIVES PROVIDED UNDER THIS SUBSECTION THROUGH CONTRACTS BETWEEN THE PROGRAM AND THE THIRD PARTY ADMINISTRATORS ARRANGING FOR THE DELIVERY OF HEALTH CARE SERVICES TO MEMBERS COVERED UNDER THE PROGRAM.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1178 – Delegates Tarrant, Kach, Bromwell, Krebs, Murphy, Reznik, and Walker

AN ACT concerning

Health Insurance – Public Health Plans – Education and Disclosure Requirements

HB1178/786682/2
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1178
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Walker" and substitute "Walker, Donoghue, Frank, Nathan–Pulliam, Oaks, Pena–Melnyk, and Pendergrass"; 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.

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

House Bill 1182 – Delegate Pendergrass

AN ACT concerning

Certificates of Need – Percutaneous Coronary Intervention Services

HB1182/976983/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1182
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Pendergrass" and substitute "Delegates Pendergrass, Bromwell, Cullison, Donoghue, Kach, Pena–Melnyk, and

Reznik"; in line 4, after "a" insert "non–primary"; in line 5, after "providing" insert "non–primary".

AMENDMENT NO. 2

On page 1, in line 13, after "a" insert "non–primary"; in the same line, after "provide" insert "non–primary"; and in line 16, after "a" insert "non–primary".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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.

THE COMMITTEE ON JUDICIARY REPORT #10

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

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

HB0511/962612/1
BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 511
(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 through 3, strike beginning with "the" in line 14 on page 1 down through "That" in line 1 on page 3.

AMENDMENT NO. 2

On page 3, in line 2, strike "January 1, 2012" and substitute "December 1, 2011"; in line 7, after "include" insert "statewide and regional"; and in line 14, strike "3." and substitute "2.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 801 – Delegates Valentino–Smith, Alston, Healey, Parrott, Simmons, V. Turner, Vallario, Washington, and Wilson

AN ACT concerning

Criminal Procedure – Victims' Rights – Enforcement

HB0801/742619/2
BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 801
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "expanding" in line 3 down through "violated;" in line 8; in line 10, after "proceeding;" insert "authorizing a certain victim to file a certain motion requesting relief within a certain time period;"; in the same line, strike "if a" and substitute "if the"; in the same line, after "right" insert "to restitution under a certain provision of law"; in line 11, after "was" insert "improperly"; and strike beginning with "grant" in line 11 down through "Act;" in line 16 and substitute "enter a judgment of restitution;".

AMENDMENT NO. 2

On page 2, strike line 1 in its entirety and substitute:

"(a) (1) In this section, "violent crime" means:";

in lines 2, 3, 4, 7, 12, and 26, in each instance, strike the bracket; in line 2, strike "**OR**"; in line 8, strike beginning with "(2)" through "does" and substitute:

"(2) "Violent crime" does";

in line 14, strike "**ORDER**"; in the same line, strike "**APPEAL TO THE COURT OF SPECIAL APPEALS FROM A**"; in line 19, strike "**APPEAL OR**"; in line 20, strike the colon; in line 21, strike "**(1)**"; and strike beginning with the semicolon in line 21 down through "**VIOLATED**" in line 23.

AMENDMENT NO. 3

On pages 2 and 3, strike beginning with "**IF**" in line 32 on page 2 through "Act." in line 8 on page 3 and substitute:

"**(I) A VICTIM WHO ALLEGES THAT THE VICTIM'S RIGHT TO RESTITUTION UNDER § 11–603 OF THIS TITLE WAS NOT CONSIDERED OR WAS IMPROPERLY DENIED MAY FILE A MOTION REQUESTING RELIEF WITHIN 30 DAYS OF THE ALLEGED VIOLATION.**

(II) IF THE COURT FINDS THAT THE VICTIM'S RIGHT TO RESTITUTION UNDER § 11–603 OF THIS TITLE WAS NOT CONSIDERED OR WAS IMPROPERLY DENIED, THE COURT MAY ENTER A JUDGMENT OF RESTITUTION.";

and on page 3, in line 9, 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.

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

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

HB0859/152713/1
BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 859
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "adding" insert "certain"; in the same line, strike "caseworkers" and substitute "therapists"; strike beginning with "repealing" in line 6 down through "testify;" in line 8; in line 9, after "statement" insert "in a criminal proceeding or certain juvenile court proceeding; clarifying the circumstances under which an out of court statement of a child victim may be admitted into evidence in a child in need of assistance proceeding in the juvenile court"; and in line 13, strike "and under which a certain deposition is authorized".

AMENDMENT NO. 2

On page 2, in line 29, after "**COUNSELOR**" insert "**LICENSED OR CERTIFIED IN ACCORDANCE WITH TITLE 17 OF THE HEALTH – OCCUPATIONS ARTICLE**"; and in line 30, strike "**CASEWORKER**" and substitute "**THERAPIST LICENSED OR CERTIFIED IN ACCORDANCE WITH TITLE 17 OF THE HEALTH – OCCUPATIONS ARTICLE**".

AMENDMENT NO. 3

On page 3, in line 2, after "evidence" insert "**IN A CRIMINAL PROCEEDING OR IN A JUVENILE COURT PROCEEDING OTHER THAN A CHILD IN NEED OF ASSISTANCE PROCEEDING UNDER TITLE 3, SUBTITLE 8 OF THE COURTS**

ARTICLE"; in lines 6, 11, 12, and 23, in each instance, strike the bracket; in line 6, after "(2)" insert "**(I) IN A CHILD IN NEED OF ASSISTANCE PROCEEDING IN THE JUVENILE COURT UNDER TITLE 3, SUBTITLE 8 OF THE COURTS ARTICLE, AN OUT OF COURT STATEMENT BY A CHILD VICTIM MAY COME INTO EVIDENCE TO PROVE THE TRUTH OF THE MATTER ASSERTED IN THE STATEMENT:**

1. IF THE STATEMENT IS NOT ADMISSIBLE UNDER ANY OTHER HEARSAY EXCEPTION; AND

2. REGARDLESS OF WHETHER THE CHILD VICTIM TESTIFIES.

(II)";

strike beginning with the colon in line 7 down through "or" in line 10; and in lines 12 and 23, strike "**(2)**" and "**(3)**", respectively.

AMENDMENT NO. 4

On page 3, strike beginning with "**IF**" in line 23 down through "**THE**" in line 24.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

HB0899/652518/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 899
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the second "and" in line 2 down through "System" in line 3; strike beginning with "providing" in line 12 down through "System;" in line 18; and strike beginning with the second "and" in line 18 down through "system" in line 19.

On page 2, strike in their entirety lines 10 through 19, inclusive.

AMENDMENT NO. 2

On pages 10 through 17, strike in their entirety the lines beginning with line 15 on page 10 through line 25 on page 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.

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

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

HB0919/672618/1
BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 919
(First Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2, strike beginning with "declaring" in line 3 on page 1 down through "severable;" in line 17 on page 2 and substitute "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;".

AMENDMENT NO. 2

On pages 2 through 9, strike in their entirety the lines beginning with line 20 on page 2 through line 2 on page 9, inclusive, and substitute:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Department of Public Safety and Correctional Services shall:

(1) develop, by October 1, 2012, a 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; and

(2) beginning in 2013, on or before October 1 of each year, report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on:

(i) the status of the pilot program;

(ii) the percentage of Departmental programs that use evidence–based practices; and

(iii) the number of individuals incarcerated for technical violations in the State while on parole and the number of new offenses committed by individuals in the State while on parole.".

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

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1315 – Howard County Delegation

AN ACT concerning

Howard County – Orphans' Court Sessions

Ho. Co. 9–11

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #11

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

House Bill 22 – Delegate Smigiel

AN ACT concerning

Administrative Office of the Courts – Uniform Subpoena Procedures and Forms for Circuit Courts

HB0022/662017/1
BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 22
(First Reading File Bill)

AMENDMENT NO. 1

In line 2, strike "Administrative Office of the Courts – Uniform" and substitute "Courts – Attorneys – "; strike beginning with "requiring" in line 4 down through "matter." in line 7, and substitute "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.".

AMENDMENT NO. 2

On page 1, strike in their entirety lines 17 through 20, inclusive, and substitute:

"**(A) AN ATTORNEY OR OTHER OFFICER OF THE COURT ENTITLED TO THE ISSUANCE OF A SUBPOENA BY A CLERK OF A COURT MAY OBTAIN FROM THE CLERK OF THE COURT A SUBPOENA THAT IS SIGNED AND SEALED BY THE CLERK OF COURT.**

(B) AN ATTORNEY OR OTHER OFFICER OF THE COURT MAY PHOTOCOPY OR OTHERWISE COPY A SUBPOENA ISSUED BY A CLERK OF A COURT UNDER SUBSECTION (A) OF THIS SECTION AND USE THE SUBPOENA FOR SERVICE.";

and in line 22, strike "October" and substitute "June".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1327 – Delegate Conaway

AN ACT concerning

Criminal Law – Salvia Divinorum – Distribution to Individual Under 21 Years of Age – Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #8

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

House Bill 561 – Delegates Cardin and Rosenberg

AN ACT concerning

Election Law – Voter Registration – Exchange of Information

HB0561/605268/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 561
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after "lists;" insert "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;".

AMENDMENT NO. 2

On page 3, after line 26, insert:

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

(a) In this section, "fully automated voter registration system" means a voter registration system at the Motor Vehicle Administration that:

(1) eliminates the use of paper voter registration forms by requiring each applicant who wishes to register to vote or update a voter registration record during a driver's license or identification card transaction or other transaction to electronically submit all the information required to register or update the applicant's registration at the time of the transaction; and

(2) transmits the information submitted under item (1) of this subsection electronically directly to elections officials.

(b) The State Board of Elections and the Motor Vehicle Administration shall jointly submit a report to the House Committee on Ways and Means, Senate Education, Health, and Environmental Affairs Committee, House Appropriations Committee, and Senate Budget and Taxation Committee by October 1, 2011, concerning actions taken and plans made to implement a fully automated voter registration system at the Motor Vehicle Administration.

(c) The report submitted under this section shall include:

(1) a detailed timeline for complete implementation of a fully automated voter registration system at the Motor Vehicle Administration;

(2) a detailed estimate of the fiscal impact of implementing a fully automated voter registration system; and

(3) any other issues relating to the implementation of a fully automated voter registration system that the State Board of Elections and the Motor Vehicle Administration consider relevant.";

and in line 27, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 587 – Delegate Feldman

AN ACT concerning

Biotechnology Investment Tax Credit – Application and Approval Procedures

HB0587/525067/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 587

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "Application and Approval Procedures" and substitute "Qualified Maryland Biotechnology Company"; strike beginning with "requiring" in line 4 down through "credit;" in line 10 and substitute "altering the definition of qualified Maryland biotechnology company for purposes of the biotechnology investment tax credit for certain fiscal years to allow investments in certain companies that have been in active business for up to a certain number of years to qualify for the credit; defining a certain term;"; in line 15, after "10–725" insert "(a)(7)"; and after line 17, insert:

"BY adding to
Article – Tax – General
Section 10–725(a)(8)
Annotated Code of Maryland
(2010 Replacement Volume)".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 22 on page 1 through line 26 on page 2, inclusive, and substitute:

"(a)".

On page 3, in line 7, strike the first comma and substitute "**AND**"; and in the same line, strike "**, AND 2014**".

On pages 3 through 9, strike in their entirety the lines beginning with line 11 on page 3 through line 34 on page 9, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 740 – Delegates Cardin and Rosenberg

AN ACT concerning

Election Law – Online Voter Registration

HB0740/225866/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 740
(First Reading File Bill)

AMENDMENT NO. 1
On page 1, in line 4, strike "requiring" and substitute "authorizing".

AMENDMENT NO. 2
On page 2, in line 22, strike "**SHALL**" and substitute "**MAY**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

House Bill 823 – Delegate Krebs

AN ACT concerning

Sales and Use Tax – Nonprofit Food Vendors – Youth Sporting Events

HB0823/335362/1
BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 823
(First Reading File Bill)

On page 1, in the sponsor line, strike "Delegate Krebs" and substitute "Delegates Krebs, Howard, and F. Turner".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1013 – Delegate Hixson

AN ACT concerning

State Department of Education – Permanent Hearing Aid Loan Bank Program – Establishment and Operation

HB1013/765269/1
BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 1013
(First Reading File Bill)

On page 2, in line 5, after "**BY**" insert "**AN OTOLARYNGOLOGIST OR**"; after line 12, insert:

"**(E) "OTOLARYNGOLOGIST" MEANS AN INDIVIDUAL WHO:**

(1) IS LICENSED TO PRACTICE MEDICINE UNDER TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE; AND

(2) SPECIALIZES IN OTOLARYNGOLOGY.";

in line 13, strike "**(E)**" and substitute "**(F)**"; and in line 22, after "**EMPLOY**" insert "**AN OTOLARYNGOLOGIST OR**".

On page 3, in line 10, after "**FROM**" insert "**AN OTOLARYNGOLOGIST OR**".

On page 4, in line 10, after "**CHILD'S**" insert "**OTOLARYNGOLOGIST OR**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

House Bill 868 – Delegates Hixson, Barve, Boteler, Frick, Ivey, Kaiser, Luedtke, Ross, Stukes, and F. Turner

AN ACT concerning

Video Lottery Operation Licensees – Noninterference

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED. FLOOR AMENDMENT BY DEL. O'DONNELL PENDING.

FLOOR AMENDMENT

HB0868/783028/1
BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 868
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "provisions" insert "; providing for the application of this Act".

AMENDMENT NO. 2

On page 2, before line 28, 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 apply to any legal action filed on or before March 15, 2011.";

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

The preceding 2 amendments were read only.

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

The motion was adopted.

House Bill 1175 – Delegates Barkley and Davis

AN ACT concerning

Alcoholic Beverages – Direct Wine Shipment

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

Read the second time and ordered prepared for Third Reading.

House Bill 897 – Delegates Murphy, Cardin, Beidle, Bohanan, Boteler, Frick, Frush, Howard, Hubbard, Jameson, Love, Mizeur, Reznik, V. Turner, Walker, and Wood

AN ACT concerning

Engine Coolant and Antifreeze Bittering Agent Act

STATUS OF BILL: BILL ON 3RD READING.

Delegate Frush moved to reconsider the vote by which **House Bill 897** was ordered printed for Third Reading.

The motion was adopted.

FLOOR AMENDMENT

HB0897/740216/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 897
(Bill as Printed for Third Reading)

AMENDMENT NO. 1

On page 1, in line 4, strike "is manufactured after a certain date and"; and in line 11, after "Act;" insert "providing for a delayed effective date;".

AMENDMENT NO. 2

On page 2, strike beginning with "**THIS**" in line 6 down through "**(B)**" in line 8; in lines 12, 14, 24, and 27, strike "**(C)**", "**(B)**", "**(B)**", and "**(D)**", respectively, and substitute "**(B)**", "**(A)**", "**(A)**", and "**(C)**", respectively.

On page 3, in line 5, strike "**(E)**" and substitute "**(D)**"; and in line 11, strike "October 1, 2011" and substitute "January 1, 2012".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #14

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

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

AN ACT concerning

Job Applicant Fairness Act

HB0087/353492/3
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 87
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Zucker" and substitute "Zucker, Carter, and Glenn"; in line 5, strike "consider" and substitute "use"; in line 6, after "circumstances;" insert "providing that, for the purpose of this Act, a position for which an employer has a bona fide purpose that is substantially job–related for requesting or using information in a credit report or credit history includes a position that meets certain criteria;"; and in line 7, strike "civil actions under certain circumstances" and substitute "individuals to file a complaint with the Commissioner of Labor and Industry; requiring that a complaint filed by an employee under this Act be

investigated promptly by the Commissioner; requiring the Commissioner to attempt to resolve a certain matter informally; authorizing the Commissioner to assess certain civil penalties and send a certain order to pay a certain penalty to certain parties under certain circumstances; authorizing an employer to request a certain hearing under certain circumstances; requiring the Commissioner to schedule a certain hearing under certain circumstances; establishing that an order to pay a civil penalty becomes final under certain circumstances; authorizing the Commissioner or a complainant to bring certain court actions under certain circumstances".

AMENDMENT NO. 2

On page 2, in lines 4 and 5, strike "**, OR AN AFFILIATE OR SUBSIDIARY OF THE FINANCIAL INSTITUTION,**"; in line 6, after "**AGENCY**" insert "**, OR AN AFFILIATE OR SUBSIDIARY OF THE FINANCIAL INSTITUTION**"; in the same line, strike "**OR**"; after line 6, insert:

"**(3) A CREDIT UNION SHARE GUARANTY CORPORATION THAT IS APPROVED BY THE MARYLAND COMMISSIONER OF FINANCIAL REGULATION; OR**";

in line 7, strike "**(3)**" and substitute "**(4)**"; in line 10, strike "**AN**" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN**"; in line 16, after "**(C)**" insert "**(1)**"; in the same line, strike "**CONSIDER**" and substitute "**USE**"; in line 18, strike "**(1) (I)**" and substitute "**(I) 1.**"; in line 20, strike "**(II)**" and substitute "**2.**"; in line 23, strike "**(2)**" and substitute "**(II)**"; in the same line, strike "**OBTAINING**" and substitute "**REQUESTING**"; in line 25, strike "**(I)**" and substitute "**1.**"; in line 26, strike "**(II)**" and substitute "**2.**"; after line 27, insert:

"**(2) FOR THE PURPOSES OF THIS SUBSECTION, A POSITION FOR WHICH AN EMPLOYER HAS A BONA FIDE PURPOSE THAT IS SUBSTANTIALLY JOB–RELATED FOR REQUESTING OR USING INFORMATION IN A CREDIT REPORT OR CREDIT HISTORY INCLUDES A POSITION THAT:**

(I) IS MANAGERIAL AND INVOLVES SETTING THE DIRECTION OR CONTROL OF A BUSINESS, OR A DEPARTMENT, DIVISION, UNIT, OR AGENCY OF A BUSINESS;

(II) INVOLVES ACCESS TO PERSONAL INFORMATION, AS DEFINED IN § 14–3501 OF THE COMMERCIAL LAW ARTICLE, OF A CUSTOMER, EMPLOYEE, OR EMPLOYER, EXCEPT FOR PERSONAL INFORMATION CUSTOMARILY PROVIDED IN A RETAIL TRANSACTION;

(III) INVOLVES A FIDUCIARY RESPONSIBILITY TO THE EMPLOYER, INCLUDING THE AUTHORITY TO ISSUE PAYMENTS, COLLECT DEBTS, TRANSFER MONEY, OR ENTER INTO CONTRACTS;

(IV) IS PROVIDED AN EXPENSE ACCOUNT OR A CORPORATE DEBIT OR CREDIT CARD; OR

(V) HAS ACCESS TO:

1. INFORMATION, INCLUDING A FORMULA, PATTERN, COMPILATION, PROGRAM, DEVICE, METHOD, TECHNIQUE, OR PROCESS, THAT:

A. DERIVES INDEPENDENT ECONOMIC VALUE, ACTUAL OR POTENTIAL, FROM NOT BEING GENERALLY KNOWN TO, AND NOT BEING READILY ASCERTAINABLE BY PROPER MEANS BY, OTHER PERSONS WHO CAN OBTAIN ECONOMIC VALUE FROM THE DISCLOSURE OR USE OF THE INFORMATION; AND

B. IS THE SUBJECT OF EFFORTS THAT ARE REASONABLE UNDER THE CIRCUMSTANCES TO MAINTAIN ITS SECRECY; OR

2. OTHER CONFIDENTIAL BUSINESS INFORMATION.";

in line 28, after "**(D)**" insert "**(1)**"; in the same line, strike "**OR (C)**"; and strike beginning with "**BRING**" in line 29 down through the second "**RELIEF**" in line 30 and substitute "**FILE A WRITTEN COMPLAINT WITH THE COMMISSIONER.**

(2) IF THE COMMISSIONER RECEIVES A WRITTEN COMPLAINT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSIONER SHALL INVESTIGATE THE MATTER PROMPTLY.

(3) IF THE COMMISSIONER DETERMINES THAT THE EMPLOYER HAS WILLFULLY OR NEGLIGENTLY VIOLATED SUBSECTION (B) OR (C) OF THIS SECTION, THE COMMISSIONER SHALL TRY TO RESOLVE THE MATTER INFORMALLY.

(4) IF THE COMMISSIONER IS UNABLE TO RESOLVE THE MATTER INFORMALLY, THE COMMISSIONER MAY:

(I) ASSESS A CIVIL PENALTY OF:

1. UP TO $500 FOR AN INITIAL VIOLATION OF SUBSECTION (B) OR (C) OF THIS SECTION; OR

2. UP TO $2,500 FOR A REPEAT VIOLATION OF SUBSECTION (B) OR (C) OF THIS SECTION; AND

(II) SEND AN ORDER TO PAY THE CIVIL PENALTY TO THE COMPLAINANT AND THE EMPLOYER.

(5) (I) WITHIN 30 DAYS AFTER AN EMPLOYER RECEIVES AN ORDER TO PAY A CIVIL PENALTY UNDER PARAGRAPH (4) OF THIS SECTION, THE EMPLOYER MAY REQUEST A DE NOVO ADMINISTRATIVE HEARING, SUBJECT TO THE REQUIREMENTS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(II) ON RECEIPT OF A REQUEST FOR A HEARING UNDER ITEM (I) OF THIS PARAGRAPH, THE COMMISSIONER SHALL SCHEDULE A HEARING.

(III) IF A HEARING IS NOT REQUESTED UNDER ITEM (I) OF THIS PARAGRAPH, THE ORDER TO PAY A CIVIL PENALTY BECOMES A FINAL ORDER OF THE COMMISSIONER.

(6) IF AN EMPLOYER FAILS TO COMPLY WITH A FINAL ORDER TO PAY A CIVIL PENALTY, THE COMMISSIONER OR THE COMPLAINANT MAY BRING AN ACTION TO ENFORCE THE ORDER TO PAY A CIVIL PENALTY IN THE CIRCUIT

COURT IN THE COUNTY WHERE THE EMPLOYER OR THE COMPLAINANT IS LOCATED".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 598 – Delegate Davis

AN ACT concerning

Injured Workers' Insurance Fund – Employee Compensation

HB0598/253394/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 598
(First Reading File Bill)

AMENDMENT NO. 1

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

AMENDMENT NO. 2

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

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 763 – Delegate Feldman

AN ACT concerning

Insurance – Delivery of Notices by Electronic Means – Authorized

HB0763/303399/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 763
(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.

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

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

HB1022/103499/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1022
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 30, after "Commissioner" insert "<u>, on the form the Commissioner requires,</u>".

On page 2, in line 8, after "changes;" insert "<u>requiring a registrant to report certain information to the Commissioner on or before a certain date each year for a certain number of years;</u>".

AMENDMENT NO. 2

On page 5, in line 6, after "**AGREEMENT**" insert "<u>**IN CONNECTION WITH DEBTS THAT ARE CONSUMER DEBTS, AS DEFINED IN § 13–101 OF THE COMMERCIAL LAW ARTICLE**</u>".

On page 7, strike beginning with "**PRACTICE**" in line 4 down through "**SERVICES**" in line 6 and substitute "<u>**THE MARYLAND BAR WHILE THE ATTORNEY AT LAW IS PROVIDING PROFESSIONAL LEGAL SERVICES IN AN ATTORNEY–CLIENT RELATIONSHIP**</u>".

On page 8, in line 4, after "**(4)**" insert "<u>**(I)**</u>"; in lines 6 and 7, strike "**(I)**" and "**(II)**", respectively, and substitute "<u>**1.**</u>" and "<u>**2.**</u>", respectively; and after line 8, insert

"<u>**(II) AN EMPLOYEE OF A MORTGAGE LENDER; OR**</u>".

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 "**AN**" and substitute "**THE**"; in lines 13 and 14, strike "**NOT LESS THAN $10,000 AT THE TIME IT IS FILED**" and substitute "**OF $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 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 "2013"; 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".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1218 – Frederick County Delegation

AN ACT concerning

Frederick County – Beer, Wine and Liquor Tasting License

HB1218/333691/1
BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1218
(First Reading File Bill)

On page 2, in line 6, after the second "**A**" insert "**CLASS A**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

HB1243/783698/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1243
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Executive" in line 2 down through "County" in line 3; strike beginning with "repealing" in line 4 down through "regulating" in line 8 and substitute "altering"; in line 9, after "County" insert "; and generally relating to alcoholic beverages license fees in Baltimore County"; in line 13, strike "6–702(b),"; in lines 14 and 15, strike "8–404.1(a), (b), and (c)"; in line 21, strike "6–702(g),"; in line 22, strike "8–404.1(d), 8–601,"; and in line 27, strike "and 18–105".

AMENDMENT NO. 2

On page 2, strike beginning with "**SHALL**" in line 9 down through "**ARTICLE**" in line 10 and substitute "**IS $100**"; strike beginning with "**SHALL**" in line 18 down through "**ARTICLE**" in line 19 and substitute "**IS $250**"; and strike beginning with "**SHALL**" in line 25 down through "**ARTICLE**" in line 26 and substitute "**IS $300**".

AMENDMENT NO. 3

On page 3, strike beginning with "**SHALL**" in line 1 down through "**ARTICLE**" in line 2 and substitute "**IS $150**"; strike beginning with "**SHALL**" in line 9 down through "**ARTICLE**" in line 10 and substitute "**IS $250**"; strike beginning with "**SHALL**" in line 18 down through "**ARTICLE**" in line 19 and substitute "**IS $900**"; strike beginning with "**SHALL**" in line 26 down through "**ARTICLE**" in line 27 and substitute "**IS $1,500**"; and strike beginning with "**SHALL**" in line 34 down through "**ARTICLE**" in line 35 and substitute "**IS $1,000**".

AMENDMENT NO. 4

On page 4, strike beginning with "**SHALL**" in line 7 down through "**ARTICLE**" in line 8 and substitute "**IS $1,500**"; strike in their entirety lines 9 through 16, inclusive; in line 24, strike the bracket; in the same line, strike "$10" and substitute "**$30**"; strike beginning with the bracket in line 26 down through "**ARTICLE**" in line 27 and substitute "**$20**"; in line 34, strike the bracket; and in the same line, strike "$25" and substitute "**$50**".

AMENDMENT NO. 5

On page 5, strike beginning with "$15" in line 1 down through "**ARTICLE**" in line 2 and substitute "**$35**"; strike beginning with "**SHALL**" in line 17 down through "**ARTICLE**" in line 18 and substitute "**$2,000**"; and strike beginning with "**SHALL**" in line 26 down through "**ARTICLE**" in line 27 and substitute "**IS $2,000**".

AMENDMENT NO. 6

On page 6, strike beginning with "**SHALL**" in line 1 down through "**ARTICLE**" in line 2 and substitute "**IS $60**"; in line 6, strike the brackets; in the same line, strike "$15" and substitute "**$30**"; and strike beginning with "**SHALL**" in line 6 down through "**ARTICLE**" in line 7.

AMENDMENT NO. 7

On pages 6 and 7, strike in their entirety the lines beginning with line 8 on page 6 through line 12 on page 7, inclusive.

On page 7, in line 16, strike the brackets; in the same line, strike "$15" and substitute "**$50**"; and strike beginning with "**SHALL**" in line 16 down through "**COUNTY**" in line 21.

The preceding 7 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #15

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

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

HB0665/433892/1
BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 665
(First Reading File Bill)

On page 1, in line 3, strike the comma.

On page 2, in line 27, strike "**AND**"; and in line 29, after "**STATE**" insert "**;**

4. ONE REPRESENTATIVE OF A CRIME VICTIMS ORGANIZATION;

5. THREE REPRESENTATIVES FROM INDUSTRIES THAT MAY BE SUSCEPTIBLE TO ATTACKS ON CYBERSECURITY; AND

6. ONE REPRESENTATIVE OF AN ORGANIZATION THAT HAS EXPERTISE IN ELECTRONIC HEALTH CARE RECORDS".

On page 3, strike beginning with "**DEPARTMENT**" in line 17 down through "**JOINTLY**" in line 18 and substitute "**UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE**".

On page 4, in line 18, after "**RESPONSE**" insert "**TO**"; and in the same line, strike "**TO**" and substitute "**FROM**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters 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

HB0860/483698/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 860
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, after line 30, insert:

"**(7) "NET EXCESS GENERATION" MEANS THE AMOUNT OF THE ELECTRICITY GENERATED BY AN ELIGIBLE CUSTOMER–GENERATOR THAT IS IN EXCESS OF THE ELECTRICITY CONSUMED BY THE ELIGIBLE CUSTOMER–GENERATOR AND THAT RESULTS IN A NEGATIVE KILOWATT–HOUR READING AT THE END OF THE ELIGIBLE CUSTOMER–GENERATOR'S BILLING CYCLE.**".

On page 3, in line 33, after "**PERIOD**" insert "**:**

1.";

in line 34, strike "**1 CALENDAR YEAR**" and substitute "**12 MONTHS; AND**

2. THAT ENDS WITH THE BILLING CYCLE THAT IS COMPLETE IMMEDIATELY PRIOR TO THE END OF APRIL OF EACH YEAR";

and in line 36, strike "**A NEGATIVE KILOWATT–HOUR READING**" and substitute "**NET EXCESS GENERATION**".

AMENDMENT NO. 2

On page 4, in lines 2 and 3, strike "**NEGATIVE KILOWATT–HOUR READING**" and substitute "**NET EXCESS GENERATION**"; in line 6, strike "**1–YEAR**"; in the same line, strike "**(1)**" and substitute "**(I)**"; in line 8, after "(iii)" insert "**1.**"; in line 11, strike "**THE SUM OF**"; in lines 12 and 13, strike "**ENERGY CHARGE AND THE DISTRIBUTION CHARGE PORTION OF THE RETAIL**" and substitute "**GENERATION OR COMMODITY PORTION OF THE**"; in line 14, after "**CHARGED**" insert "**BY THE ELECTRIC COMPANY**"; in the same line, strike "**CALENDAR YEAR**" and substitute "**PREVIOUS 12–MONTH PERIOD ENDING WITH THE BILLING CYCLE THAT IS COMPLETE IMMEDIATELY PRIOR TO THE END OF APRIL**"; after line 15, insert:

"**2. FOR CUSTOMERS SERVED BY AN ELECTRICITY SUPPLIER, THE DOLLAR VALUE OF THE NET EXCESS GENERATION SHALL BE EQUAL TO THE GENERATION OR COMMODITY RATE THAT THE CUSTOMER**

WOULD HAVE BEEN CHARGED BY THE ELECTRICITY SUPPLIER MULTIPLIED BY THE NUMBER OF KILOWATT–HOURS OF NET EXCESS GENERATION.";

in line 23, strike "**JANUARY 15**" and substitute "**30 DAYS AFTER THE BILLING CYCLE THAT IS COMPLETE IMMEDIATELY PRIOR TO THE END OF APRIL**"; in line 26, strike "**CALENDAR YEAR**" and substitute "**12–MONTH PERIOD ENDING WITH THE BILLING CYCLE THAT IS COMPLETE IMMEDIATELY PRIOR TO THE END OF APRIL**"; and after line 31, insert:

"**(7) (I) NOTWITHSTANDING PARAGRAPHS (5) AND (6) OF THIS SUBSECTION, AN ELIGIBLE CUSTOMER–GENERATOR SERVED BY AN ELECTRIC COOPERATIVE THAT SERVES A POPULATION OF LESS THAN 250,000 IN ITS DISTRIBUTION TERRITORY MAY CHOOSE TO BE PAID FOR THE DOLLAR VALUE OF NET EXCESS GENERATION REMAINING AT THE END OF EACH MONTH INSTEAD OF AT THE END OF THE ACCRUAL PERIOD SPECIFIED UNDER PARAGRAPH (5)(I) OF THIS SUBSECTION.**

(II) IF AN ELIGIBLE–CUSTOMER GENERATOR CHOOSES TO BE PAID FOR THE DOLLAR VALUE OF NET EXCESS GENERATION REMAINING AT THE END OF EACH MONTH:

1. THE CUSTOMER–GENERATOR MAY ACCRUE NET EXCESS GENERATION ON A MONTHLY BASIS;

2. THE DOLLAR VALUE OF THE NET EXCESS GENERATION SHALL BE EQUAL TO THE GENERATION OR COMMODITY PORTION OF THE RATE THAT THE ELIGIBLE CUSTOMER–GENERATOR WOULD HAVE BEEN CHARGED BY THE ELECTRIC COMPANY FOR THE PREVIOUS MONTH; AND

3. ON OR BEFORE 30 DAYS AFTER THE END OF EACH MONTH, THE ELECTRIC COOPERATIVE SHALL PAY THE ELIGIBLE CUSTOMER–GENERATOR FOR THE DOLLAR VALUE OF NET EXCESS GENERATION REMAINING AT THE END OF THE PREVIOUS MONTH.".

On page 5, in line 26, after "customer–generator" insert "**OR THE ELIGIBLE CUSTOMER–GENERATOR'S ASSIGNEE**"; and in line 29, strike "February" and substitute "**SEPTEMBER**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

HB0933/883391/1
BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 933
(First Reading File Bill)

On page 2, in line 18, strike the second "**AS**" and substitute "**TO THE**"; in the same line, strike "**BY**" and substitute "**STANDARD OF**"; and in line 19, strike "**SOLAR RATINGS AND CERTIFICATION CORPORATION**" and substitute "**SOLAR RATINGS AND CERTIFICATION CORPORATION**".

On page 3, strike beginning with the colon in line 22 down through "**(I)**" in line 23; strike beginning with "**; AND**" in line 24 down through "**COMMISSION**" in line 26; strike beginning with the colon in line 29 down through "**1.**" in line 30; and in line 31, strike "**AND**".

On page 4, strike beginning with "**2.**" in line 1 down through "**COMMISSION;**" in line 2; in line 4, strike "**ANNUAL PRODUCTION ESTIMATE**" and substitute "**THERMAL PERFORMANCE RATING**"; in line 6, strike "**OG–300**"; and in the same line, strike "**BY**" and substitute "**TO THE OG–300 STANDARD OF**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1151 – Delegate Feldman

AN ACT concerning

Corporations – Limited Liability Companies – Election to Be a Benefit Corporation

HB1151/923191/1
BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1151
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Corporations" insert "and Associations"; in line 3, strike "Corporation" and substitute "Limited Liability Company"; strike beginning with "corporation" in line 5 down through "corporation" in line 6 and substitute "limited liability company by including a certain statement in its articles of organization"; in lines 7 and 9, in each instance, strike "corporation" and substitute "limited liability company"; in line 10, strike "of the limited liability company" and substitute "or an amendment to the articles of organization"; in lines 10, 11, 14, and 18, in each instance, strike "the limited liability company" and substitute "a benefit limited liability company"; in line 12, strike "member of the limited liability company" and substitute "person managing the business and affairs of a benefit limited liability company"; in line 13, after "interests;" insert "providing that a person managing the business and affairs of a benefit limited liability company does not have any duty to certain persons on account of certain factors or interests;"; in line 15, strike "of the

limited liability company"; strike beginning with "altering" in line 19 down through "changes;" in line 20 and substitute "defining certain terms;"; and in line 21, strike "corporations" and substitute "limited liability companies".

On pages 1 and 2, strike in their entirety the lines beginning with line 22 on page 1 through line 3 on page 2, inclusive, and substitute:

"BY renumbering
Article – Corporations and Associations
Section 4A–1101 through 4A–1103, respectively, and the subtitle "Subtitle 11. Miscellaneous"
to be Section 4A–1201 through 4A–1203, respectively, and the subtitle "Subtitle 12. Miscellaneous"
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY adding to
Article – Corporations and Associations
Section 4A–1101 through 4A–1108, to be under the new subtitle "Subtitle 11. Benefit Limited Liability Companies"
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On pages 2 through 6, strike in their entirety the lines beginning with line 4 on page 2 through line 24 on page 6, inclusive, and substitute:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 4A–1101 through 4A–1103, respectively, and the subtitle "Subtitle 11. Miscellaneous" of Article – Corporations and Associations of the Annotated Code of Maryland be renumbered to be Section(s) 4A–1201 through 4A–1203, respectively, and the subtitle "Subtitle 12. Miscellaneous."

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

Article – Corporations and Associations

SUBTITLE 11. BENEFIT LIMITED LIABILITY COMPANIES.

4A–1101.

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

(B) "BENEFIT LIMITED LIABILITY COMPANY" MEANS A MARYLAND LIMITED LIABILITY COMPANY THAT ELECTS TO BE A BENEFIT LIMITED LIABILITY COMPANY IN ACCORDANCE WITH § 4A–1103 OF THIS SUBTITLE AND HAS NOT CEASED TO BE A BENEFIT LIMITED LIABILITY COMPANY THROUGH THE OPERATION OF § 4A–1105 OF THIS SUBTITLE.

(C) "GENERAL PUBLIC BENEFIT" MEANS A MATERIAL, POSITIVE IMPACT ON SOCIETY AND THE ENVIRONMENT, AS MEASURED BY A THIRD–PARTY STANDARD, THROUGH ACTIVITIES THAT PROMOTE A COMBINATION OF SPECIFIC PUBLIC BENEFITS.

(D) "SPECIFIC PUBLIC BENEFIT" INCLUDES:

(1) PROVIDING INDIVIDUALS OR COMMUNITIES WITH BENEFICIAL PRODUCTS OR SERVICES;

(2) PROMOTING ECONOMIC OPPORTUNITY FOR INDIVIDUALS OR COMMUNITIES BEYOND THE CREATION OF JOBS IN THE NORMAL COURSE OF BUSINESS;

(3) PRESERVING THE ENVIRONMENT;

(4) IMPROVING HUMAN HEALTH;

(5) PROMOTING THE ARTS, SCIENCES, OR ADVANCEMENT OF KNOWLEDGE;

(6) INCREASING THE FLOW OF CAPITAL TO ENTITIES WITH A PUBLIC BENEFIT PURPOSE; OR

(7) THE ACCOMPLISHMENT OF ANY OTHER PARTICULAR BENEFIT FOR SOCIETY OR THE ENVIRONMENT.

(E) "THIRD–PARTY STANDARD" MEANS A STANDARD FOR DEFINING, REPORTING, AND ASSESSING BEST PRACTICES IN SOCIAL AND ENVIRONMENTAL PERFORMANCE THAT:

(1) IS DEVELOPED BY A PERSON OR ENTITY THAT IS INDEPENDENT OF THE BENEFIT LIMITED LIABILITY COMPANY; AND

(2) IS TRANSPARENT BECAUSE THE FOLLOWING INFORMATION ABOUT THE STANDARD IS PUBLICLY AVAILABLE OR ACCESSIBLE:

(I) THE FACTORS CONSIDERED WHEN MEASURING THE PERFORMANCE OF A BUSINESS;

(II) THE RELATIVE WEIGHTINGS OF THOSE FACTORS; AND

(III) THE IDENTITY OF THE PERSONS WHO DEVELOPED AND CONTROL CHANGES TO THE STANDARD AND THE PROCESS BY WHICH THOSE CHANGES WERE MADE.

4A–1102.

(A) THE PROVISIONS OF THIS TITLE APPLY TO BENEFIT LIMITED LIABILITY COMPANIES EXCEPT TO THE EXTENT THAT:

(1) THE CONTEXT OF A PROVISION CLEARLY REQUIRES OTHERWISE; OR

(2) A SPECIFIC PROVISION OF THIS TITLE PROVIDES OTHERWISE.

(B) THIS SUBTITLE APPLIES ONLY TO A BENEFIT LIMITED LIABILITY COMPANY.

(C) (1) THE EXISTENCE OF A PROVISION OF THIS SUBTITLE DOES NOT OF ITSELF CREATE ANY IMPLICATION THAT A CONTRARY OR DIFFERENT RULE OF LAW IS OR WOULD BE APPLICABLE TO A LIMITED LIABILITY COMPANY THAT IS NOT A BENEFIT LIMITED LIABILITY COMPANY.

(2) THIS SUBTITLE DOES NOT AFFECT ANY STATUTE OR RULE OF LAW AS IT APPLIES TO A LIMITED LIABILITY COMPANY THAT IS NOT A BENEFIT LIMITED LIABILITY COMPANY.

(D) A PROVISION OF THE ARTICLES OF ORGANIZATION OR OPERATING AGREEMENT OF A BENEFIT LIMITED LIABILITY COMPANY MAY NOT BE INCONSISTENT WITH ANY PROVISION OF THIS SUBTITLE.

4A–1103.

A LIMITED LIABILITY COMPANY MAY ELECT TO BE A BENEFIT LIMITED LIABILITY COMPANY UNDER THIS SUBTITLE BY INCLUDING IN ITS ARTICLES OF ORGANIZATION A STATEMENT THAT THE LIMITED LIABILITY COMPANY IS A BENEFIT LIMITED LIABILITY COMPANY.

4A–1104.

CLEAR REFERENCE TO THE FACT THAT A LIMITED LIABILITY COMPANY IS A BENEFIT LIMITED LIABILITY COMPANY SHALL APPEAR PROMINENTLY:

(1) AT THE HEAD OF THE ARTICLES OF ORGANIZATION OR AN AMENDMENT TO THE ARTICLES OF ORGANIZATION IN WHICH THE ELECTION TO BE A BENEFIT LIMITED LIABILITY COMPANY IS MADE;

(2) AT THE HEAD OF EACH SUBSEQUENT ARTICLES OF ORGANIZATION OF THE BENEFIT LIMITED LIABILITY COMPANY; AND

(3) ON EACH CERTIFICATE REPRESENTING OUTSTANDING INTERESTS IN THE BENEFIT LIMITED LIABILITY COMPANY.

4A–1105.

A BENEFIT LIMITED LIABILITY COMPANY MAY TERMINATE ITS STATUS AS A BENEFIT LIMITED LIABILITY COMPANY AND CEASE TO BE SUBJECT TO THIS SUBTITLE BY AMENDING ITS ARTICLES OF ORGANIZATION TO DELETE THE STATEMENT REQUIRED UNDER § 4A–1103 OF THIS SUBTITLE THAT IT IS A BENEFIT LIMITED LIABILITY COMPANY.

4A–1106.

(A) (1) EACH BENEFIT LIMITED LIABILITY COMPANY SHALL HAVE THE PURPOSE OF CREATING A GENERAL PUBLIC BENEFIT.

(2) THE PURPOSE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IS IN ADDITION TO, AND MAY BE A LIMITATION ON, THE PURPOSES OF THE BENEFIT LIMITED LIABILITY COMPANY UNDER § 4A–201 OF THIS TITLE.

(B) (1) IN ADDITION TO ITS PURPOSES UNDER § 4A–201 OF THIS TITLE AND SUBSECTION (A) OF THIS SECTION, THE ARTICLES OF ORGANIZATION OR OPERATING AGREEMENT OF A BENEFIT LIMITED LIABILITY COMPANY MAY IDENTIFY AS ONE OF THE PURPOSES OF THE BENEFIT LIMITED LIABILITY COMPANY THE CREATION OF ONE OR MORE SPECIFIC PUBLIC BENEFITS.

(2) THE IDENTIFICATION IN ITS ARTICLES OF ORGANIZATION OR OPERATING AGREEMENT OF A SPECIFIC PUBLIC BENEFIT PURPOSE UNDER PARAGRAPH (1) OF THIS SUBSECTION DOES NOT LIMIT THE OBLIGATION OF A BENEFIT LIMITED LIABILITY COMPANY TO CREATE A GENERAL PUBLIC BENEFIT.

4A–1107.

(A) A PERSON MANAGING THE BUSINESS AND AFFAIRS OF A BENEFIT LIMITED LIABILITY COMPANY:

(1) SHALL CONSIDER THE EFFECTS OF ANY ACTION OR DECISION NOT TO ACT ON:

(I) THE MEMBERS OF THE BENEFIT LIMITED LIABILITY COMPANY;

(II) THE EMPLOYEES AND WORKFORCE OF THE BENEFIT LIMITED LIABILITY COMPANY AND THE SUBSIDIARIES AND SUPPLIERS OF THE BENEFIT LIMITED LIABILITY COMPANY;

(III) THE INTERESTS OF CUSTOMERS AS BENEFICIARIES OF THE GENERAL OR SPECIFIC PUBLIC BENEFIT PURPOSES OF THE BENEFIT LIMITED LIABILITY COMPANY;

(IV) COMMUNITY AND SOCIETAL CONSIDERATIONS, INCLUDING THOSE OF ANY COMMUNITY IN WHICH OFFICES OR FACILITIES OF THE BENEFIT LIMITED LIABILITY COMPANY OR THE SUBSIDIARIES OR SUPPLIERS OF THE BENEFIT LIMITED LIABILITY COMPANY ARE LOCATED; AND

(V) THE LOCAL AND GLOBAL ENVIRONMENT; AND

(2) MAY CONSIDER ANY OTHER PERTINENT FACTORS OR THE INTERESTS OF ANY OTHER GROUP THAT THE PERSON DETERMINES ARE APPROPRIATE TO CONSIDER.

(B) A PERSON MANAGING THE BUSINESS AND AFFAIRS OF A BENEFIT LIMITED LIABILITY COMPANY DOES NOT HAVE ANY DUTY ON ACCOUNT OF THE FACTORS OR INTERESTS SET FORTH IN THIS SECTION TO:

(1) A PERSON THAT IS A BENEFICIARY OF THE PUBLIC BENEFIT PURPOSES OF THE BENEFIT LIMITED LIABILITY COMPANY; OR

(2) A MEMBER OF THE BENEFIT LIMITED LIABILITY COMPANY.

4A–1108.

(A) A BENEFIT LIMITED LIABILITY COMPANY SHALL DELIVER TO EACH MEMBER AN ANNUAL BENEFIT REPORT INCLUDING:

(1) A DESCRIPTION OF:

(I) THE WAYS IN WHICH THE BENEFIT LIMITED LIABILITY COMPANY PURSUED A GENERAL PUBLIC BENEFIT DURING THE YEAR AND THE EXTENT TO WHICH THE GENERAL PUBLIC BENEFIT WAS CREATED;

(II) THE WAYS IN WHICH THE BENEFIT LIMITED LIABILITY COMPANY PURSUED ANY SPECIFIC PUBLIC BENEFIT THAT ITS ARTICLES OF ORGANIZATION OR OPERATING AGREEMENT STATES IS THE PURPOSE OF THE BENEFIT LIMITED LIABILITY COMPANY TO CREATE AND THE EXTENT TO WHICH THAT SPECIFIC PUBLIC BENEFIT WAS CREATED; AND

(III) ANY CIRCUMSTANCES THAT HAVE HINDERED THE CREATION BY THE BENEFIT LIMITED LIABILITY COMPANY OF THE PUBLIC BENEFIT; AND

(2) AN ASSESSMENT OF THE SOCIETAL AND ENVIRONMENTAL PERFORMANCE OF THE BENEFIT LIMITED LIABILITY COMPANY PREPARED IN ACCORDANCE WITH A THIRD–PARTY STANDARD APPLIED CONSISTENTLY WITH THE PRIOR YEAR'S BENEFIT REPORT OR ACCOMPANIED BY AN EXPLANATION OF THE REASONS FOR ANY INCONSISTENT APPLICATION.

(B) THE BENEFIT REPORT SHALL BE DELIVERED TO EACH MEMBER WITHIN 120 DAYS FOLLOWING THE END OF EACH FISCAL YEAR OF THE BENEFIT LIMITED LIABILITY COMPANY.

(C) (1) A BENEFIT LIMITED LIABILITY COMPANY SHALL POST ITS MOST RECENT BENEFIT REPORT ON THE PUBLIC PORTION OF ITS WEB SITE, IF ANY.

(2) IF A BENEFIT LIMITED LIABILITY COMPANY DOES NOT HAVE A PUBLIC WEB SITE, THE BENEFIT LIMITED LIABILITY COMPANY SHALL PROVIDE A COPY OF ITS MOST RECENT BENEFIT REPORT ON DEMAND AND WITHOUT CHARGE TO ANY PERSON WHO REQUESTS A COPY.".

On page 6, in line 25, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters 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.

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

House Bill 1343 – Allegany County Delegation

AN ACT concerning

Economic Development – Tri–County Council for Western Maryland – Membership and Leadership

HB1343/753591/1
BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1343
(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.

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 137 Members present.

(See Roll Call No. 494)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #41

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 – 127 Negative – 7 (See Roll Call No. 495)

The Bill was then sent to the Senate.

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

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

Affirmative – 117 Negative – 17 (See Roll Call No. 496)

The Bill was then sent to the Senate.

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

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

Affirmative – 122 Negative – 15 (See Roll Call No. 497)

The Bill was then sent to the Senate.

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 – 127 Negative – 10 (See Roll Call No. 498)

The Bill was then sent to the Senate.

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 499)

The Bill was then sent to the Senate.

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 – 96 Negative – 41 (See Roll Call No. 500)

The Bill was then sent to the Senate.

House Bill 675 – Delegates Otto and McDermott

AN ACT concerning

Somerset County – Private Sale of County Property

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

Affirmative – 136 Negative – 0 (See Roll Call No. 501)

The Bill was then sent to the Senate.

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 502)

The Bill was then sent to the Senate.

House Bill 1016 – Calvert County Delegation

AN ACT concerning

Calvert County – Public Facilities Bonds

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

Affirmative – 136 Negative – 1 (See Roll Call No. 503)

The Bill was then sent to the Senate.

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

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

Affirmative – 135 Negative – 0 (See Roll Call No. 504)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #42

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 505)

The Bill was then sent to the Senate.

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

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

Affirmative – 137 Negative – 1 (See Roll Call No. 506)

The Bill was then sent to the Senate.

House Bill 1184 – Delegates Zucker, Gaines, Clagett, Guzzone, Haynes, Jones, Proctor, and Washington

AN ACT concerning

Department of Transportation – Employee Grievance Procedures – Streamlined Process

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

Affirmative – 138 Negative – 0 (See Roll Call No. 507)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 508)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 509)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 510)

The Bill was then sent to the Senate.

House Bill 1251 – Chair, Appropriations Committee (By Request – Departmental – State Police)

AN ACT concerning

State Police Retirement System – Special Disability Retirement Allowance – Forfeiture

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

Affirmative – 137 Negative – 0 (See Roll Call No. 511)

The Bill was then sent to the Senate.

House Bill 1252 – Delegate McMillan

AN ACT concerning

Natural Resources – Large–Scale Striped Bass Poaching – Penalties

Delegate McIntosh moved to make the Bill a Special Order for Monday.

The motion was adopted.

House Bill 1277 – Delegates Smigiel and McDermott

AN ACT concerning

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 512)

The Bill was then sent to the Senate.

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 – 108 Negative – 30 (See Roll Call No. 513)

The Bill was then sent to the Senate.

House Bill 1347 – Delegate Bohanan

AN ACT concerning

Southern Maryland Higher Education Council

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

Affirmative – 138 Negative – 0 (See Roll Call No. 514)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #43

House Bill 201 – Delegate Beitzel

AN ACT concerning

Garrett County – Vacancy in Office of County Commissioner – Appointment Process

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

Affirmative – 137 Negative – 0 (See Roll Call No. 515)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 516)

The Bill was then sent to the Senate.

House Bill 421 – Delegates Otto and McDermott

EMERGENCY BILL

AN ACT concerning

Somerset County – Deputy State's Attorney – Private Practice

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

Affirmative – 138 Negative – 0 (See Roll Call No. 517)

The Bill was then sent to the Senate.

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 518)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 519)

The Bill was then sent to the Senate.

House Bill 660 – Delegates Frush, Healey, Lafferty, and Niemann

AN ACT concerning

Agriculture – Pesticides – Use~~, Release, Sale, and Purchase~~ Reporting

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

Affirmative – 133 Negative – 4 (See Roll Call No. 520)

The Bill was then sent to the Senate.

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 521)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 522)

The Bill was then sent to the Senate.

House Bill 1154 – Delegate Gilchrist

AN ACT concerning

Natural Resources – Authorization to Catch Striped Bass and Crabs – Revocation

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

Affirmative – 112 Negative – 25 (See Roll Call No. 523)

The Bill was then sent to the Senate.

House Bill 1168 – Delegate Eckardt

AN ACT concerning

Employees' Retirement and Pension Systems – Reemployment of Retirees – Health Care Practitioners

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

Affirmative – 137 Negative – 0 (See Roll Call No. 524)

The Bill was then sent to the Senate.

QUORUM CALL

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

(See Roll Call No. 525)

ADJOURNMENT

At 12:53 P.M. on motion of Delegate Barve the House adjourned until 4:00 P.M., on Legislative Day March 24, 2011, Calendar Day Friday, March 25, 2011.

Annapolis, Maryland
Legislative Day: March 24, 2011
Calendar Day: Friday, March 25, 2011

The House met at 4:43 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Joseline A. Pena–Melnyk of Anne Arundel and Prince George's counties.

QUORUM CALL

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

(See Roll Call No. 526)

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

EXCUSES:
Del. Healey – personal – son's illness
Del. Howard – illness
Del. Smigiel – illness

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

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

FOR the purpose of prohibiting a person from selling at retail, offering for sale at retail, or distributing for retail sale in the State a novelty lighter; establishing a certain civil penalty for a violation of this Act; providing for the application of this Act; defining a certain term; and generally relating to the sale of novelty lighters.

BY adding to
Article – Criminal Law

Section 10–112.1
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

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

Senate Bill 120 – Senators Conway, Benson, Ferguson, Forehand, Gladden, Jones–Rodwell, Kelley, King, Klausmeier, Pugh, and Ramirez

AN ACT concerning

Procurement – Minority Business Participation

FOR the purpose of repealing the requirement that certain procurement procedures try to achieve the result that a certain percentage of a unit's total dollar value of procurement contracts be made to certified minority business enterprises; clarifying that it is a goal that a certain percentage of a unit's total dollar value of procurement contracts be made to certified minority business enterprises; requiring the Governor's Office of Minority Affairs, in consultation with the State Department of Transportation and the Office of the Attorney General, to establish certain guidelines for units to follow while determining whether to set certain subgoals for certain minority groups; requiring units to implement a program that enables the unit to evaluate each contract to determine the appropriate minority business enterprise participation goals for the contract based on certain factors; requiring certain units to make certain determinations on whether certain contractors have demonstrated taking certain steps to achieve certain goals, including complying with certain requirements; requiring certain waivers to be granted if certain contractors demonstrate certain good–faith efforts; prohibiting certain units from requiring certain contractors to renegotiate certain subcontracts under certain circumstances; authorizing certain units to waive certain requirements under certain circumstances; requiring certain units to issue and forward to the Office of Minority Affairs certain written waiver determinations; requiring certain units to submit certain annual reports to the Board of Public Works and the Governor's Office of Minority Affairs; requiring the Board of Public Works to adopt certain regulations; continuing until a certain date the provisions of the State Procurement Law relating to procurement from minority businesses; ~~requiring a certain study and a final report on the study by a certain date;~~ declaring the intent of the General Assembly; making the provisions of this Act severable; and generally relating to minority business participation in State procurement.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–302, 14–303, and 14–309
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Chapter 116 of the Acts of the General Assembly of 1995, as amended by Chapters 495 and 496 of the Acts of the General Assembly of 2000, Chapter 339 of the Acts of the General Assembly of 2001, and Chapter 359 of the Acts of the General Assembly of 2006~~
~~Section 2~~

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 206 – Senator Frosh

AN ACT concerning

Real Property – Residential Property Foreclosure Procedures – Secured Party

FOR the purpose of defining the term "secured party" for purposes of provisions of law governing actions to foreclose certain mortgages and deeds of trust; and generally relating to foreclosure procedures.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 7–105.1
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 472 – Carroll County Senators

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 Environmental Matters.

Senate Bill 509 – Senator Peters

AN ACT concerning

Prince George's County – Ethics Reforms

FOR the purpose of specifying that the ethics provisions required to be enacted by Prince George's County shall contain certain provisions; requiring that the provisions prohibit a person from lobbying the county government for contingent compensation; requiring that the provisions prohibit the county government from issuing a credit card to certain persons; requiring that the provisions prohibit an elected county official from soliciting certain persons to enter into a business relationship with, or provide anything of monetary value to, certain other persons; providing for the construction of certain provisions enacted in accordance with this Act; requiring that the provisions establish a board of ethics composed of a certain number of members and having an executive director~~; requiring the provisions to provide for an ethics advisor~~ who shall perform certain duties; requiring the provisions to provide for certain meetings of the board of ethics; and generally relating to ethics reform in Prince George's County.

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 Environmental Matters.

Senate Bill 599 – Senators Raskin, Frosh, Manno, Miller, Ramirez, and Zirkin

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 and 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 Judiciary.

Senate Bill 687 – Senator Peters

AN ACT concerning

Militia – Employment for Military Spouses – Teachers, Health Care Practitioners, and Individuals in Business Occupations and Professions

FOR the purpose of requiring the State Department of Education to develop a certain form relating to teacher certification and tenure and to post the form on its Web site; 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 Economic Matters.

Senate Bill 765 – Senators Young, King, Madaleno, ~~and Rosapepe~~ Rosapepe, Montgomery, Forehand, Colburn, Manno, and Ferguson

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; 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 Ways and Means.

Senate Bill 826 – Senator Mathias

AN ACT concerning

~~Environment~~ Somerset County – Water and Sewer Service – Late Fees

FOR the purpose of authorizing ~~a sanitary commission~~ the sanitary district in Somerset County to charge a late fee for certain unpaid water and sewer usage charges; authorizing the Sanitary Commission in Somerset County to require the payment of certain late fees before reconnecting certain water service; providing that when a certain charge is in default it will accrue interest from a certain date and at a certain rate; and generally relating to water and sewer service charges in Somerset County.

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–601(a), (d), (j), and (k)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–662
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 839 – Senator Gladden

AN ACT concerning

Counties – Kennel Licenses – Requirements for Breeders

FOR the purpose of requiring a certain person to obtain a kennel license under certain circumstances; requiring each county to collect and maintain certain information for each kennel license issued; requiring each county to report certain information to the Department of Labor, Licensing, and Regulation on or before a certain date each year; authorizing a county to establish additional kennel license fees to cover certain costs; providing for the construction of this Act; and generally relating to kennel license requirements.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 11–501(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 11–501(a–1)

Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 849 – The President (By Request – Administration)

AN ACT concerning

~~Natural Resources~~ State Government – Land Acquisitions and Transfers of Property

FOR the purpose of requiring the Department of Natural Resources to negotiate land acquisitions under certain circumstances; requiring the Department to obtain a certain number of independent appraisals of a property before certain acquisitions; requiring certain land acquisition contracts to be approved and executed by the Board of Public Works; requiring the Department to give written notice of potential land acquisitions to certain governmental bodies under certain circumstances; authorizing certain governmental bodies to submit written comments to the Department in a certain timeframe; requiring the Board of Public Works to supervise certain expenditures for certain land acquisitions; authorizing the Department to dispose of certain land under certain circumstances; authorizing the Board of Public Works to exempt certain projects from certain requirements; requiring the Department to adopt certain regulations, including regulations developed in consultation with the Department of General Services; making technical corrections; requiring the Department of Natural Resources to prepare and revise a certain plan in consultation with the Department of Planning; exempting certain land acquisitions by the Department from certain land acquisition requirements; altering a certain definition to ~~include~~ exclude certain land acquisitions by the Department; exempting certain property transfers from certain appraisal requirements; authorizing the Department to submit certain property appraisals to the Board of Public Works; and generally relating to land ~~acquisition and planning functions performed~~ acquisitions by the Department of Natural Resources and transfers of property among certain units of State government.

BY adding to
Article – Natural Resources
Section 1–109
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–903(e), 5–904(d), 5–906(b), and 5–1222
Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 5–906(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 4–412, ~~5–7B–01(e)(1)~~ 5–7B–01(c), 10–304, and 10–305(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 10–305(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 896 – Senator Dyson

AN ACT concerning

St. Mary's County Board of Elections – Salary

FOR the purpose of altering the salary of the members of the St. Mary's County Board of Elections; providing that this Act does not apply to the salary or compensation of the incumbent members of the St. Mary's County Board of Elections; and generally relating to the salary of the members of the St. Mary's County Board of Elections.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–204(a)(19)
Annotated Code of Maryland
(2010 Replacement Volume)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 913 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County – Board of Elections – Membership and Compensation

FOR the purpose of altering the number of regular members of the Caroline 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; altering the amount of compensation for the president and other regular members of the local board; providing that this Act does not apply to the salary or compensation of the president and members of the local board during a certain term of office; providing for the effective date of this Act; making a stylistic change; and generally relating to the membership and compensation of the Caroline 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(a)(6)
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 Ways and Means.

Senate Bill 961 – Senator Garagiola

AN ACT concerning

State Vehicle Fleet – Use of Biofuels

FOR the purpose of altering the requirement that the State ensure that at least a certain percentage of vehicles using diesel fuel in the State vehicle fleet use a blend of fuel containing at least a certain percentage of biodiesel fuel to include the use of certain biofuels; providing that a certain provision does not apply to a State vehicle, piece of heavy equipment, or heating equipment under certain circumstances; and generally relating to the use of biofuels for the State vehicle fleet.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–408
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

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

FOR the purpose of prohibiting the use of certain firearms in the commission of certain crimes of violence or felonies; defining a certain term; and generally relating to the use of certain firearms in the commission of certain crimes of violence or felonies.

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

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

Senate Bill 215 – Senator Jones–Rodwell

AN ACT concerning

~~Maryland~~ Baltimore City Community Enhancement Transit–Oriented Development Fund

FOR the purpose of establishing the ~~Maryland~~ Baltimore City Community Enhancement Transit–Oriented Development Fund for certain purposes; providing that the Fund is a special, nonlapsing fund; providing for the contents and uses of the Fund; requiring that a certain portion of certain revenues from certain projects and certain other money be paid into the Fund; requiring the Comptroller to pay certain money from the Fund to ~~certain local governing bodies~~ the Mayor and City Council of Baltimore City in a certain manner; authorizing ~~local governing bodies~~ the Mayor and City Council to use or make awards of money received from the Fund for certain purposes; requiring the State Treasurer to invest the money in the Fund in a certain manner; stating certain findings of the General Assembly; providing for the application of this Act; providing for the purposes of certain provisions of this Act; defining certain terms; and generally relating to the ~~Maryland~~ Baltimore City Community Enhancement Transit–Oriented Development Fund.

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 1–101(e)
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY adding to
Article – Economic Development
Section 15–101 through ~~15–106~~ 15–107 to be under the new title "Title 15. ~~Maryland~~ Baltimore City Community Enhancement Transit–Oriented Development Fund"
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 10–306
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 7–101(m)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters and the Committee on Environmental Matters.

Senate Bill 384 – Senator Mathias

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 Health and Government Operations.

Senate Bill 491 – Senator Peters

AN ACT concerning

Horse Racing – Bowie Race Course Training Center – Ownership Transfer

FOR the purpose of authorizing the owner of the Bowie Race Course Training Center to convey certain property associated with the training center to the State ~~as preserved land under Program Open Space~~, Prince George's County, or the City of Bowie; providing for the construction of certain provisions of law; and generally relating to horse racing and the Bowie Race Course Training Center.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 11–519
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 584 – ~~Senator Jacobs~~ Senators Jacobs, Glassman, Kittleman, Klausmeier, Mathias, and Middleton

AN ACT concerning

Public Health – Cord Blood Transplant Program ~~Support Fund~~

FOR the purpose of establishing the Cord Blood Transplant Program ~~Support Fund;~~ 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 ~~of Health and Mental Hygiene~~ 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 ~~Program~~ Center Support Fund.

BY adding to
Article – Health – General
Section ~~13–2901 through 13–2903~~ 13–3001 through 13–3004 to be under the new subtitle "Subtitle ~~29.~~ 30. Cord Blood Transplant Program ~~Support Fund~~"
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 620 – Senators Manno, Forehand, Montgomery, Pinsky, and Ramirez

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 Environmental Matters.

Senate Bill 694 – Senators Kelley and Middleton

AN ACT concerning

Insurance – Surplus Lines ~~Insurance Multi-State Compliance Compact~~

~~FOR the purpose of entering the State of Maryland in the Surplus Lines Insurance Multi-State Compliance Compact; specifying the purposes of the Compact; providing for the creation of the Surplus Lines Insurance Multi–State Compliance Compact Commission as a body corporate and politic and an instrumentality of the compacting states; authorizing the Commission to adopt certain mandatory rules; providing that the Commission is solely responsible for its liabilities with certain exceptions; providing for venue for judicial proceedings; specifying the powers of the Commission; specifying the membership, voting, bylaws, executive committee, personnel, and chairperson of the Commission; providing for an operations committee and legislative and advisory committees of the Commission; requiring the Commission to maintain certain records; establishing qualified immunity, defense, and indemnification provisions relating to the Commission; requiring the Commission to meet and take certain actions; establishing the rulemaking authority and procedures of the Commission; requiring the Commission to promulgate certain rules relating to the Commission's records; requiring the Commission to monitor Compacting States for compliance with certain rules and bylaws; requiring the Commission to resolve certain disputes in a certain manner; establishing provisions regarding review of Commission decisions; requiring the Commission to pay certain expenses and certain fees; requiring the Commission to keep certain financial records; providing that the Commission is not subject to certain taxes; providing that any state is eligible to become a compacting state; specifying when the Compact and the Commission are effective; providing for the withdrawal of a compacting state from the Compact and reinstatement of a withdrawing state; requiring the Commission to take certain actions in the event of certain defaults by a compacting state; providing for the dissolution of the Compact under certain circumstances; providing for the severability and construction of the Compact; specifying the effect of the Compact on other laws of a compacting state; establishing the binding effect of this Compact on compacting states; defining certain terms; appointing the Maryland Insurance~~

~~Commissioner as the State's representative to the Commission; making this Act subject to a certain contingency; and generally relating to the Surplus Lines Insurance Multi-State Compliance Compact.~~

FOR the purpose of requiring the Maryland Insurance Commissioner to participate in a certain database; altering the authority of the Commissioner to allow a commercial insured to waive certain search requirements for surplus lines coverage for certain purposes; authorizing a surplus lines broker not to perform a diligent search when placing certain coverage with an exempt commercial purchaser under certain circumstances; providing that certain persons are not required to obtain a certificate of qualification to act as a surplus lines broker in the State under certain circumstances; prohibiting the Commissioner from approving an insurer as a surplus lines insurer unless the insurer meets certain requirements or the Commissioner makes a certain finding; altering the process for an insurer to be approved by the Commissioner as a surplus lines insurer; altering certain prohibitions against a surplus lines broker placing surplus lines insurance with an unauthorized insurer; altering the calculation of the premium receipts tax on certain surplus lines insurance premiums that cover certain property, risks, and exposures that are located or to be performed entirely in the State or both in and outside the State; providing that, for policies effective on or after a certain date, only the home state of an insured may receive certain tax payments and reports for certain nonadmitted insurance; requiring the Commissioner to cooperate with other states to adopt and implement uniform requirements for nonadmitted insurance in compliance with the federal Nonadmitted and Reinsurance Reform Act of 2010; providing that, for policies effective on or after a certain date, the regulation and placement of certain nonadmitted insurance is subject to the statutory and regulatory requirements solely of certain home states; altering certain requirements for certain surplus lines brokers and insureds to file certain statements and reports and pay certain taxes at certain times; requiring the Commissioner, by regulation, to determine the content and filing deadlines for the reports; making conforming and clarifying changes; defining certain terms; requiring the Commissioner to conduct a certain study and report the findings of the study to certain committees of the General Assembly on or before a certain date; requiring qualified surplus lines brokers to provide certain information to the Commissioner under certain circumstances; and generally relating to the Maryland Insurance Commissioner and surplus lines.

~~BY adding to~~
~~Article – Insurance~~
~~Section 31–101 and 31–102 to be under the new title "Title 31. Surplus Lines Insurance Multi-State Compliance Compact"~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2010 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Insurance
Section 3–301, 3–304, 3–306, 3–306.1, 3–310, 3–318, 3–319, 3–324, 3–325, 4–209, 4–210, and 4–211
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

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

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 768 – Senators Ramirez and Frosh

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 Judiciary.

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

FOR the purpose of altering the purpose of the Prescription Drug Repository Program to include disposal of certain prescription drugs and medical supplies; altering the definition of "repository" to include a licensed pharmacy approved by the State Board of Pharmacy to dispose of certain prescription drugs and medical supplies; altering a certain requirement relating to disposal of prescription drugs and medical supplies by a repository; authorizing a pharmacy to accept prescription drugs and medical supplies taken to the pharmacy for disposal only under certain circumstances; prohibiting the Program from requiring a private entity to establish, operate, or fund a drop–off site or disposal program; expanding certain exemptions from criminal prosecution and liability to include disposal of medical supplies; altering certain requirements for Program regulations; authorizing the Board to take certain disciplinary action against a pharmacist or pharmacy that fails to dispense or dispose of prescription drugs or medical supplies in accordance with certain provisions of law; making a certain conforming change; and generally relating to the Prescription Drug Repository Program and disposal of prescription drugs and medical supplies.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–601, 15–602, 15–605(b), 15–607, and 15–608
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Health – General
Section 15–605(f) and (g)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–313(b)(30) and (31) and 12–403(b)(19) and (20)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Health Occupations
Section 12–313(b)(32) and 12–403(b)(21)

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

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 12–403(g)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #15

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

House Bill 289 – Delegates Pena–Melnyk, Barnes, and Frush

AN ACT concerning

State Highway Administration – Unauthorized Signs on Highway Rights–of–Way

HB0289/210718/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 289
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "against" insert "certain"; and in line 17, after "erected;" insert "repealing a certain obsolete reporting requirement;".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 19 through 22, inclusive.

AMENDMENT NO. 3

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 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0396/350416/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 396
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, strike "or commercial"; and strike beginning with "altering" in line 13 down through "operations;" in line 14.

AMENDMENT NO. 2

On page 4, in line 31, strike the comma.

On page 5, in line 3, after "**A**" insert "**RECREATIONAL**".

On page 7, in line 1, strike the first "**ON**" and substitute "**OF**"; in line 4, strike the comma; in line 26, strike the brackets; and in line 27, strike "**THE DEPARTMENT**" and substitute "**, AT REASONABLE TIMES, INCLUDING WHEN THE LICENSEE OR PERSON IS ENGAGED IN AN ACTIVITY THAT REQUIRES A LICENSE UNDER THIS SECTION,**".

On page 8, in line 5, after "**INSPECTIONS**" insert "**OF VESSELS, VEHICLES, AND BUSINESSES**"; in line 6, strike "**INCLUDE**" and substitute "**SHALL BE RESTRICTED TO**"; after line 7 insert:

"**(IV) INSPECTIONS OF BUSINESSES AUTHORIZED UNDER THIS PARAGRAPH MAY BE CONDUCTED IN ANY BUILDING OTHER THAN A DWELLING HOUSE.**";

in line 12, strike "**OR FISH**"; and after line 16 insert:

"**(III) THE DEPARTMENT MAY DISPOSE OF FISH SEIZED UNDER THIS PARAGRAPH AT ITS DISCRETION.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 477 – Carroll County Delegation

AN ACT concerning

Carroll County – Commissioners – Term Limits and Vacancies

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 611 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Washington Suburban Sanitary Commission – Human Resources

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

MC/PG 114–11

HB0614/640519/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 614
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute "Prince George's County – Maryland–National Capital Park and Planning Commission – Site Plan Approval Authority and Public Ethics Requirements".

AMENDMENT NO. 2

On page 1, strike in their entirety lines 5 through 14, inclusive, and substitute:

"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.";

and after line 19, insert:

"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)".

AMENDMENT NO. 3

On pages 1 and 2, strike in their entirety the lines beginning with line 23 on page 1 through line 17 on page 2, inclusive, and substitute:

"**8–129.**

(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY COUNCIL FOR PRINCE GEORGE'S COUNTY, SITTING AS A DISTRICT

COUNCIL, MAY REVIEW A FINAL DECISION OF THE PRINCE GEORGE'S COUNTY PLANNING BOARD ON A DETAILED SITE PLAN.

(2) (I) THE DISTRICT COUNCIL SHALL DECIDE WHETHER TO REVIEW THE FINAL APPROVAL OR DISAPPROVAL OF A DETAILED SITE PLAN UNDER PARAGRAPH (1) OF THIS SUBSECTION WITHIN 30 DAYS AFTER THE DATE THE FINAL APPROVAL OR DISAPPROVAL WAS ISSUED.

(II) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, IF THE DISTRICT COUNCIL DECIDES TO REVIEW AN APPROVAL OR A DISAPPROVAL UNDER THIS PARAGRAPH, THE DISTRICT COUNCIL SHALL HOLD A REVIEW HEARING WITHIN 70 DAYS AFTER THE DATE THE DISTRICT COUNCIL ISSUES THE DECISION TO CONDUCT A REVIEW.

2. THE TIME FOR HOLDING A REVIEW HEARING UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY BE EXTENDED FOR UP TO 45 ADDITIONAL DAYS AT THE DECISION OF THE DISTRICT COUNCIL OR ON REQUEST OF THE APPLICANT.

(III) THE DISTRICT COUNCIL SHALL ISSUE A FINAL DECISION WITHIN 60 DAYS AFTER THE DATE OF THE REVIEW HEARING.

(3) A PARTY OF RECORD MAY APPEAL TO THE DISTRICT COUNCIL A FINAL DECISION BY THE PLANNING BOARD TO APPROVE OR DISAPPROVE A DETAILED SITE PLAN.

(B) THE DISTRICT COUNCIL MAY 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 UNDER § 8–112.4(B)(1)(IX) OF THIS TITLE.

Article – State Government

15–807.

(d) **(1)** [In] **THIS SUBSECTION APPLIES TO** Prince George's County[, "local]**.**

(2) **IN THIS SUBSECTION, "LOCAL** official" includes:

[(1)] **(I)** each member of the Board of License Commissioners;

[(2)] **(II)** the chief inspector and any other inspector of the Board of License Commissioners;

[(3)] **(III)** the administrator of the Board of License Commissioners; and

[(4)] **(IV)** the attorney to the Board of License Commissioners.

(3) THE CONFLICT OF INTEREST PROVISIONS REQUIRED UNDER § 15–803(A)(1) OF THIS SUBTITLE:

(I) SHALL PROHIBIT THE COUNTY GOVERNMENT FROM ISSUING A CREDIT CARD TO AN ELECTED COUNTY OFFICIAL OR A MEMBER OF THE COUNTY SCHOOL BOARD; AND

(II) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, SHALL PROHIBIT AN ELECTED COUNTY OFFICIAL FROM DIRECTLY OR INDIRECTLY SOLICITING A PERSON TO ENTER INTO A BUSINESS RELATIONSHIP WITH OR PROVIDE ANYTHING OF MONETARY VALUE TO A SPECIFIC INDIVIDUAL OR ENTITY, IF THE PERSON BEING SOLICITED IS SEEKING:

1. THE SUCCESS OR DEFEAT OF COUNTY LEGISLATION;

2. A COUNTY CONTRACT; OR

3. ANY OTHER COUNTY BENEFIT.

(4) ANY CONFLICT OF INTEREST PROVISION ENACTED IN ACCORDANCE WITH PARAGRAPH (3)(II) OF THIS SUBSECTION MAY NOT BE

CONSTRUED TO AFFECT THE VALIDITY OF ANY LEGALLY ENACTED REQUIREMENT OR CONDITION, PROPOSED AND ADOPTED ON THE PUBLIC RECORD AT A PUBLIC HEARING, THE PURPOSE OF WHICH IS TO MITIGATE THE IMPACT OF A DEVELOPMENT ON THE PROPERTY OWNERS IN THE AREAS SURROUNDING THE DEVELOPMENT, INCLUDING:

(I) AN ADEQUATE PUBLIC FACILITIES REQUIREMENT;

(II) A MINORITY BUSINESS REQUIREMENT; OR

(III) A COMMUNITY BENEFIT REQUIREMENT.

(5) THE LOBBYING PROVISIONS REQUIRED UNDER § 15–803 (A)(3) OF THIS SUBTITLE SHALL PROHIBIT A PERSON FROM BEING ENGAGED FOR LOBBYING PURPOSES FOR COMPENSATION THAT IS CONTINGENT IN ANY MANNER ON THE OUTCOME OF EXECUTIVE OR LEGISLATIVE ACTION BEFORE THE COUNTY GOVERNMENT.

(6) THE COUNTY'S ETHICS ENACTMENTS SHALL PROVIDE FOR:

(I) A COUNTY BOARD OF ETHICS COMPOSED OF FIVE MEMBERS APPOINTED BY THE COUNTY EXECUTIVE, SUBJECT TO THE ADVICE AND CONSENT OF THE COUNTY COUNCIL;

(II) AN EXECUTIVE DIRECTOR OF THE BOARD OF ETHICS WHO:

1. SHALL MEET INDIVIDUALLY WITH EACH ELECTED OFFICIAL OF THE COUNTY AT LEAST ANNUALLY TO ADVISE THE OFFICIAL REGARDING THE REQUIREMENTS OF ANY APPLICABLE ETHICS LAW, RULE, OR STANDARD OF CONDUCT;

2. SHALL ASSIST EACH ELECTED OFFICIAL OF THE COUNTY IN PREPARING ANY AFFIDAVIT OR OTHER DOCUMENT REQUIRED TO BE FILED UNDER THE COUNTY'S ETHICS ENACTMENTS;

3. SHALL CONDUCT ETHICS–RELATED BRIEFINGS FOR THE BENEFIT OF ELECTED OFFICIALS OF THE COUNTY; AND

4. MAY PROVIDE INFORMATION TO ANY PERSON REGARDING LAWS, RULES, AND OTHER STANDARDS OF ETHICAL CONDUCT APPLICABLE TO ELECTED OFFICIALS OF THE COUNTY; AND

(III) A REQUIREMENT THAT THE BOARD OF ETHICS IS TO MEET AT LEAST TWICE A YEAR.

15–808.

(a) If the Ethics Commission determines that a county or municipal corporation has not complied with the requirements of this Part I, the Ethics Commission may petition a circuit court with venue over the proceeding for appropriate relief to compel compliance.

(b) The circuit court may grant any available equitable relief.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 881 – Delegate S. Robinson

AN ACT concerning

Agriculture – Waste Kitchen Grease

HB0881/950214/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 881
(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.

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

House Bill 938 – Delegate Stein

AN ACT concerning

Vehicle Laws – Driver's Licenses, Identification Cards, and Moped Operator's Permits – Photographs

HB0938/720914/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 938
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "color;" insert "providing for a delayed effective date;".

AMENDMENT NO. 2

On page 5, in line 16, strike "October 1, 2011" and substitute "June 1, 2012".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate George moved to make the Bill a Special Order for Saturday.

The motion was adopted.

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

House Bill 1259 – Delegate Frush

AN ACT concerning

Chesapeake and Atlantic Coastal Bays Critical Area – Junk or Scrap Storage or Yards – Regulations

HB1259/670210/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1259
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Junk" in line 2 down through "Regulations" in line 3 and substitute "Prohibition – Junk and Scrap Metal Facilities"; strike beginning with "requiring" in line 4 down through "yards" in line 8 and substitute "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 line 8, after "Area" insert "; 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"; and in line 11, strike "8–1806(b)" and substitute "8–1808(c)(1)".

AMENDMENT NO. 2

On pages 1 through 4, strike in their entirety the lines beginning with line 17 on page 1 through line 22 on page 4, and substitute:

"8–1808.

(c) (1) (i) Notwithstanding any provision in a local law or ordinance, or the lack of a provision in a local law or ordinance, all of the requirements of this subtitle shall apply to, and be applied by, a local jurisdiction as minimum standards for a program sufficient to meet the goals of the Critical Area Program.

(ii) With the approval of the Commission, a local jurisdiction may establish procedures for the granting of an administrative variance.

(iii) At a minimum, a program shall contain all of the following elements, including:

1. A map designating the critical area in a local jurisdiction;

2. A comprehensive zoning map for the critical area;

3. As necessary, new or amended provisions of the jurisdiction's:

A. Subdivision regulations;

B. Comprehensive or master plan;

C. Zoning ordinances or regulations;

D. Provisions relating to enforcement; and

E. Provisions as appropriate relating to grandfathering of development at the time the program is adopted or approved by the Commission, including provisions for bringing lands into conformance with the Program as required under item 12 of this subparagraph;

4. Provisions requiring that:

A. Project approvals shall be based on findings that projects are consistent with the standards stated in subsection (b) of this section; and

B. The Commission shall receive written notice of local decisions regarding project approvals or denials in accordance with local procedures approved by the Commission;

5. Provisions to limit lot coverage and to require or encourage cluster development, where necessary or appropriate;

6. Establishment of buffer areas along shorelines within which agriculture will be permitted only if best management practices are used, provided that structures or any other use of land which is necessary for adjacent agriculture shall also be permitted in any buffer area;

7. Requirements for minimum setbacks for structures and septic fields along shorelines, including the establishment of a minimum buffer landward from the mean high water line of tidal waters, tributary streams, and tidal wetlands;

8. Designation of shoreline areas, if any, that are suitable for parks, hiking, biking, wildlife refuges, scenic drives, public access or assembly, and water–related recreation such as boat slips, piers, and beaches;

9. Designation of shoreline areas, if any, that are suitable for ports, marinas, and industries that use water for transportation or derive economic benefits from shore access;

10. Provisions requiring that all harvesting of timber in the Chesapeake Bay Critical Area or the Atlantic Coastal Bays Critical Area be in accordance with plans approved by the district forestry board;

11. Provisions for reasonable accommodations in policies or procedures when the accommodations are necessary to avoid discrimination on the basis of physical disability, including provisions that authorize a local jurisdiction to require removal of a structure that was installed or built to accommodate a physical disability and require restoration when the accommodation permitted by this paragraph is no longer necessary;

12. Procedures, including consolidation or reconfiguration of lots, that shall be approved by the Commission and assure that the following lots and lands are brought into conformance with the Program to the extent possible:

A. In the Chesapeake Bay Critical Area, any legal parcel of land, not being part of a recorded or approved subdivision, that was recorded as of December 1, 1985;

B. In the Chesapeake Bay Critical Area, land that was subdivided into recorded legally buildable lots, where the subdivision received the local jurisdiction's final approval before June 1, 1984;

C. In the Atlantic Coastal Bays Critical Area, any legal parcel of land, not being part of a recorded or approved subdivision, that was recorded as of June 1, 2002; and

D. In the Atlantic Coastal Bays Critical Area, land that was subdivided into recorded legally buildable lots, where the subdivision received the local jurisdiction's final approval before June 1, 2002;

13. Except as provided in subsection (d) of this section, provisions for granting a variance to the local jurisdiction's critical area program, in accordance with regulations adopted by the Commission concerning variances set forth in COMAR 27.01.11;

14. Penalty provisions establishing that, in addition to any other penalty applicable under State or local law, each person who violates a provision of this subtitle or of a program, including a contractor, property owner, or any other person who committed, assisted, authorized, or participated in the violation is subject to a fine not exceeding $10,000; **[**and**]**

15. Administrative enforcement procedures in accordance with due process principles, including notice and an opportunity to be heard, and establishing that:

A. Each violation of this subtitle or of a regulation, rule, order, program, or other requirement adopted under the authority of this subtitle constitutes a separate offense;

B. Each calendar day that a violation continues constitutes a separate offense;

C. For each offense, a person shall be subject to separate fines, orders, sanctions, and other penalties;

D. Civil penalties for continuing violations shall accrue without a requirement for an additional assessment, notice, or opportunity for hearing for each separate offense;

E. On consideration of all the factors included under this subsection and any other factors in the local jurisdiction's approved program, the local jurisdiction shall impose the amount of the penalty;

F. Satisfaction of all conditions specified under paragraph (4) of this subsection shall be a condition precedent to the issuance of any permit, approval, variance, or special exception for the affected property; and

G. Unless an extension of time is appropriate because of adverse planting conditions, within 90 days of the issuance of a permit, approval, variance, or special exception for the affected property, any additional mitigation required as a condition of approval for the permit, approval, variance, or special exception shall be completed**; AND**

16. EXCEPT FOR THE TRANSFER OF PROCESSED METAL TO OR FROM A DOCKED VESSEL, A PROHIBITION ON THE LOCATION OF A JUNK YARD, SCRAP STORAGE YARD, OR OTHER SCRAP METAL FACILITY IN THE CRITICAL AREA.";

and in line 23, 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.

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS REPORT #7

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

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

HB0235/636385/2

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 235
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "prohibiting" in line 6 down through "facilities;" in line 8.

On page 2, in line 11, strike "20–501,".

AMENDMENT NO. 2

On page 2, strike beginning with the comma in line 29 down through "**BEHAVIOR**" in line 30 and substitute "**OR APPEARANCE**"; and in line 33, after "prohibit" insert "**:**

(1)".

AMENDMENT NO. 3

On page 3, in line 2, strike "**GENDER IDENTITY,**"; and in the same line, after "disability" insert "**; OR**

(2) ANY PERSON THAT IS LICENSED OR REGULATED BY THE COMMISSIONER OF FINANCIAL REGULATION FROM REFUSING, WITHHOLDING FROM, OR DENYING ADVANTAGES, PRIVILEGES, SALES, OR SERVICES TO ANY PERSON FOR FAILURE TO CONFORM TO THE USUAL AND REGULAR REQUIREMENTS, STANDARDS, AND REGULATIONS OF THE LICENSED OR REGULATED PERSON, PROVIDED THAT THE DENIAL IS NOT BASED ON DISCRIMINATION ON THE GROUNDS OF GENDER IDENTITY".

AMENDMENT NO. 4

On page 3, strike in their entirety lines 15 through 22, inclusive.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

HB0285/876586/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 285
(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 20, 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 32, 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 28 down through "**COMPLAINANT**" in line 30.

On page 4, in line 22, strike "**(1)**"; in lines 24, 27, and 31, in each instance, after "practice" insert "**OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION**"; in lines 25, 28, and 30, in each instance, strike the brackets; in the same lines, strike "**(I)**", "**(II)**", and "**(III)**", respectively; and strike in their entirety lines 32 through 34, inclusive.

On page 5, strike in their entirety lines 1 and 2; in lines 3 and 4, in each instance, strike the brackets; in line 4, strike "**ANY**"; and in the same line, strike "**AN**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0387/446684/3

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 387
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Definition" and substitute "Certification – Implementation Plan"; strike beginning with "altering" in line 3 down through "term;" in line 6 and substitute "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;"; in line 7, after "to" insert "certification of"; in line 8, strike "with" and substitute "without"; 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 15 on page 3, inclusive, and substitute:

"20–301.

(b) On or before October 1, 2015, an individual shall receive a certificate from the Board before the individual may be a residential child and youth care practitioner in this State.

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:

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

(2) develop a plan for implementation of the certification of residential child and youth care practitioners.

(b) In determining the feasibility of implementing certification in 2015 and in developing the implementation 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; and

(iii) any additional costs to the State Board for Certification of Residential Child Care Program Professionals to meet the implementation date;

(2) any savings, that residential child care programs might realize from certification to 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 Rates Committee; and

(5) any additional funding sources, separate from the rates established by the Interagency Rates Committee, that may be available to support the additional costs.

(c) The implementation plan shall specify:

(1) the adjustment in rates needed to support the additional costs of certification;

(2) recommendations for addressing the needed rate increase in the State budget; 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.

(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 Rates 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.".

On page 3, in line 16, strike "2." and substitute "4."; and in line 17, strike "October" and substitute "June".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Family Planning Works Act

HB0778/666787/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 778
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Reznik" and substitute "Reznik, Oaks, Kipke, Costa, Morhaim, Pendergrass, Hammen, V. Turner, Tarrant, Bromwell, and Cullison"; 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 12, strike "Shall" and substitute "**BEGINNING ON JANUARY 1, 2012, SHALL**"; and in line 16, strike "**250**" and substitute "**200**".

On page 4, strike in their entirety lines 7 through 15, inclusive; in line 16, strike "3." and substitute "2."; and strike beginning with ", subject" in line 16 down through "Act," 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.

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

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

AN ACT concerning

State Government – Commemorative Days – Thurgood Marshall Day

HB0939/576588/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 939
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Washington" and substitute "Washington, Hammen, Pendergrass, Bromwell, Costa, Cullison, Donoghue, Elliott, Frank, Hubbard, A. Kelly, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, and Ready".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 983 – Delegates Rudolph, Bromwell, Donoghue, Elliott, Frank, Kach, Krebs, Oaks, Ready, Tarrant, and V. Turner

AN ACT concerning

Public Health – Cord Blood Transplant Program

HB0983/146680/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 983
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and V. Turner" and substitute "V. Turner, Hammen, Pendergrass, Costa, Cullison, Hubbard, A. Kelly, Kipke, McDonough, Morhaim, Murphy, Nathan–Pulliam, Pena–Melnyk, and Reznik".

AMENDMENT NO. 2

On page 2, in line 20, strike "**TRANSPORT**" and substitute "**TRANSPLANT**"; and in line 21, after "**FUNDING**" insert "**, SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET,**".

On page 3, in line 6, after "**2013,**" insert "**ANY**".

On page 4, in line 2, strike "**SECTION**" and substitute "**SUBTITLE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #12

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

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

HB1190/672214/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1190

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike "requiring" and substitute "authorizing"; in line 7, strike "bills" and substitute "bill"; in the same line, after "for" insert "a"; and in the same line, strike "years" and substitute "year".

AMENDMENT NO. 2

On page 4, in line 12, strike "shall" and substitute "may"; in line 14, strike "each" and substitute "the"; and in the same line, strike ", and fiscal year 2014".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #9

Delegate Hixson, Chair, for the Committee on Ways and Means 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.

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

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

HB0122/855766/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 122
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 3 in its entirety; strike beginning with the second "and" in line 5 down through "activities" in line 6; strike beginning with "prohibiting" in line 7 down through "law;" in line 11; in line 13, strike "and certain other activities"; in line 16, strike "and 13–218"; and in line 21, strike ", 13–245, and 13–602".

AMENDMENT NO. 2

On page 2, in line 28, strike "**(1)**"; in line 29, strike the brackets; in the same line, strike "**IN ORDER**"; in lines 30 and 32, in each instance, strike the brackets; in lines 30 and 32, strike "**(I)**", and "**(II)**", respectively; in line 33, after "article**;**" insert "**OR**"; and in line 34, strike "**(III)**" and substitute "**(3)**".

On page 3, strike beginning with the semicolon in line 3 down through "**OFFICE**" in line 18.

On pages 3 through 7, strike in their entirety the lines beginning with line 19 on page 3 through line 30 on page 7, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 487 – Delegates Rosenberg and Kaiser

AN ACT concerning

Janet L. Hoffman Loan Assistance Repayment Program – Internships

HB0487/695263/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 487
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Janet L. Hoffman Loan Assistance Repayment" and substitute "Walter Sondheim Jr. Public Service Summer Internship Scholarship"; strike beginning with "attend" in line 3 down through "and" in line 4; in lines 4 and 5, strike "with the State or local governments" and substitute "that assist in providing certain legal services"; in lines 5 and 6, strike "Janet L. Hoffman Loan Assistance Repayment" and substitute "Walter Sondheim Jr. Public Service Summer Internship Scholarship"; strike beginning with "prohibiting" in line 6 down through "change;" in line 9; in line 10, strike "Janet L. Hoffman Loan Assistance Repayment" and substitute "Walter Sondheim Jr. Public Service Summer Internship Scholarship"; and in line 14, strike "18–1501 and 18–1502" and substitute "18–1702".

AMENDMENT NO. 2

On page 1, after line 19, insert:

"18–1702.

(a) There is a scholarship program known as the Walter Sondheim Jr. Public Service Summer Internship Scholarship Program in the State.

(b) The purpose of the Program is to assist college and graduate students to explore public service career opportunities through summer internships.

(c) The Shriver Center shall administer the Program.

(d) On or before January 1 of each year, an institution of higher education in the State may nominate eligible students to participate in the Program.

(e) Priority for participation in the Program shall be given to an eligible student who:

(1) Is a resident of the State;

(2) Has demonstrated an interest in a career in public service; and

(3) Assists in providing:

(i) Legal services**:**

1. **[**to**] TO** low–income residents in the State who cannot afford legal services; **OR**

2. **IN A PUBLIC SERVICE POSITION;**

(ii) Social work services to low–income residents in the State;

(iii) Nursing services in nursing shortage areas in the State as defined in § 18–802 of this title; or

(iv) Other services in the public or nonprofit sectors in which there is a shortage of qualified practitioners to low–income or underserved residents or areas of the State.

(f) (1) Subject to paragraph (3) of this subsection, on or before May 1 of each year, the Shriver Center shall award scholarships to eligible students who have agreed to serve in a public service summer internship.

(2) The Shriver Center shall award no more than:

(i) 75 scholarships for the summer of 2008; and

(ii) 100 scholarships for the summer of 2009.

(3) Funds for the scholarships awarded under this subtitle shall be as provided in the State budget.

(g) Subject to the availability of funds, the scholarship award under the Program shall be $3,000.

(h) The Shriver Center shall serve as a clearinghouse for public and nonprofit entities who wish to hire public service summer interns participating in the Program.”.

AMENDMENT NO. 3

On pages 1 through 3, strike in their entirety the lines beginning with line 20 on page 1 through line 17 on page 3, inclusive.

On page 3, in line 19, strike "July" and substitute "June".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Education – Open Space on Public School Property – Planting and Maintaining Gardens

HB0528/215664/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 528
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Zucker" and substitute "Zucker, and Burns"; strike beginning with "requiring" in line 5 down through "regulations;" in line 13 and substitute "requiring each county board to adopt certain procedures;"; and in line 18, strike "7–108.1" and substitute "7–108(g)".

AMENDMENT NO. 2

On page 1, in line 24, strike "**7–108.1.**" and substitute "7–108.".

On page 2, in line 1, strike "**(A)**" and substitute "**(G)(1)**"; and strike in their entirety lines 4 through 23, inclusive, and substitute:

"**(2) EACH COUNTY BOARD SHALL ADOPT PROCEDURES FOR IMPLEMENTING THIS SUBSECTION.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 601 – Delegates Olszewski, Minnick, and Weir

AN ACT concerning

Sustainable Communities Tax Credit Program – Eligibility

HB0601/585060/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 601
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike "is" and substitute "has been".

AMENDMENT NO. 2

On page 2, in line 4, strike "**IS**" and substitute "**HAS BEEN**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 620 – Delegate Frick

AN ACT concerning

Tax Credit Evaluation Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Education – Bullying Safety Risks and Health Problems – Parental Information

HB0685/965963/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 685
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Waldstreicher" and substitute "Waldstreicher, and Walker"; in lines 2 and 3, strike "– Parental Information"; and strike beginning with "Department" in line 4 down through "guardians" in line 8 and substitute "Board of Education to include certain information on certain safety risks and health and mental problems in a certain model policy".

AMENDMENT NO. 2

On page 3, in line 16, strike the second "and"; and in line 17, after "(ix)" insert "**INFORMATION ON THE SAFETY RISKS AND HEALTH AND MENTAL PROBLEMS THAT MAY AFFECT A STUDENT WHO IS A VICTIM OR AN ALLEGED PERPETRATOR OF BULLYING, HARASSMENT, OR INTIMIDATION; AND**

(X)".

On pages 4 and 5, strike in their entirety the lines beginning with line 25 on page 4 through line 6 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.

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

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

HB0787/405868/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 787
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Election Law – Subsequent Election Absentee Ballot List"; strike beginning with "requiring" in line 3 down through "lists" in line 14 and substitute "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"; in line 17, strike ", 9–304, and 9–305(a)"; and after line 19, insert:

"BY repealing and reenacting, without amendments,
Article – Election Law
Section 9–304
Annotated Code of Maryland
(2010 Replacement Volume)".

AMENDMENT NO. 2

On page 2, in line 20, strike "**PERMANENT**" and substitute "**SUBSEQUENT ELECTION**"; in the same line, after "**LIST**" insert "**ESTABLISHED UNDER § 9–305.1 OF THIS SUBTITLE**"; and in line 26, strike "**(A)**".

On page 3, strike in their entirety lines 1 through 11, inclusive; and strike in their entirety lines 13 through 28, inclusive, and substitute:

"**(A) A VOTER WHO RECEIVES AN ABSENTEE BALLOT SHALL BE PROVIDED THE OPPORTUNITY TO REQUEST AN ABSENTEE BALLOT FOR THE NEXT SUBSEQUENT ELECTION IN THE WRITTEN MATERIALS ACCOMPANYING THE ABSENTEE BALLOT.**

(B) A VOTER WHO REQUESTS AN ABSENTEE BALLOT FOR THE NEXT SUBSEQUENT ELECTION SHALL BE PLACED ON THE SUBSEQUENT ELECTION ABSENTEE BALLOT LIST.

(C) AN ABSENTEE BALLOT SHALL BE SENT TO EACH VOTER ON THE SUBSEQUENT ELECTION ABSENTEE BALLOT LIST FOR:

(1) THE REGULARLY SCHEDULED PRIMARY AND GENERAL ELECTION IMMEDIATELY FOLLOWING THE REQUEST; AND

(2) ANY INTERVENING SPECIAL ELECTIONS.

(D) A VOTER SHALL BE REMOVED FROM THE SUBSEQUENT ELECTION ABSENTEE BALLOT LIST IF THE VOTER IS REMOVED FROM THE STATEWIDE VOTER REGISTRY IN ACCORDANCE WITH TITLE 3, SUBTITLE 5 OF THIS ARTICLE.

(E) A VOTER WHO REQUESTS AN ABSENTEE BALLOT FOR THE NEXT SUBSEQUENT ELECTION SHALL NOTIFY THE LOCAL BOARD IF THE ABSENTEE

BALLOT IS TO BE SENT TO AN ADDRESS THAT IS DIFFERENT THAN THE ADDRESS TO WHICH THE VOTER'S PREVIOUS ABSENTEE BALLOT WAS SENT.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

HB0985/685563/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 985
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Recovery of Fares and"; strike beginning with "altering" in line 4 down through "revenues;" in line 6; in line 6, after "the" insert "Maryland Transit"; in line 10, strike "updating a certain provision of law;"; in line 11, strike "and recovery of fares"; and strike in their entirety lines 13 through 17, inclusive.

AMENDMENT NO. 2

On pages 1 and 2, strike beginning with "That" in line 19 on page 1 down through "ENACTED," in line 5 on page 2.

On page 2, in line 10, strike "3." and substitute "2.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

HB1139/335360/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1139
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "information;" insert "defining a certain term;".

AMENDMENT NO. 2

On page 2, after line 6, insert:

"**(A) IN THIS SECTION, "HIGHWAY CONSTRUCTION" INCLUDES ACTUAL CONSTRUCTION, PRELIMINARY ENGINEERING, HIGHWAY PLANNING AND RESEARCH, OR ANY OTHER WORK OR ACTIVITY TO IMPLEMENT FEDERAL LAWS FOR THE ADMINISTRATION OF FEDERAL AID FOR HIGHWAYS.**";

and in lines 7, 12, and 17, strike "**(A)**", "**(B)**", and "**(A)**", respectively, and substitute "**(B)**", "**(C)**", and "**(B)**", respectively.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1196 – Chair, Ways and Means Committee (By Request – Departmental – Planning)

AN ACT concerning

Sustainable Communities Tax Credit Program

HB1196/575165/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1196
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 5 down through "manner;" in line 6; in line 10, strike "providing for the application of this Act;"; and strike in their entirety lines 22 through 26, inclusive.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 13 through 15, inclusive.

On page 6, strike in their entirety lines 5 through 9, inclusive; and in line 10, strike "3.", and substitute "2.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

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

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

Read the second time and ordered prepared for Third Reading.

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

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

FLOOR AMENDMENT

HB0171/643821/1
BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 171, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike beginning with "authorizing" in line 14 down through "payments" in line 19.

On page 1 of the Appropriations Committee Amendments (HB0171/774466/1), in line 2 of Amendment No. 1, strike "subject to certain conditions"; and strike beginning with "requiring" in line 2 down through "held;" in line 5.

AMENDMENT NO. 2

On page 5 of the bill, strike in their entirety lines 1 through 19, inclusive; and in lines 20 and 29, strike "**(F)**" and "**(G)**", respectively, and substitute "**(E)**" and "**(F)**", respectively.

On page 2 of the Appropriations Committee Amendments, in line 2 of Amendment No. 3, strike "**SUBPARAGRAPHS (II) AND (III)**".

On pages 2 and 3 of the Appropriations Committee Amendments, in Amendment No. 3, strike beginning with "**(III)**" in line 3 on page 2 down through "**PROGRAM.**" in line 5 on page 3.

On page 3 of the Appropriations Committee Amendments, in line 6 of Amendment No. 3, strike "**(1)**"; and strike beginning with "**(2)**" in line 7 down through "**PROVIDERS.**" in line 12.

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

Affirmative – 45 Negative – 90 (See Roll Call No. 527)

Read the second time and ordered prepared for Third Reading.

House Bill 474 – Delegates James, Beidle, Bohanan, Bromwell, Clagett, Conway, DeBoy, Donoghue, Griffith, Lafferty, Malone, Minnick, Olszewski, Rudolph, Sophocleus, and Wood

EMERGENCY BILL

AN ACT concerning

Construction and Development Projects – Expedited Approval of State Permits

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

Delegate McIntosh moved to make the Bill a Special Order for Saturday.

The motion was adopted.

House Bill 740 – Delegates Cardin and Rosenberg

AN ACT concerning

Election Law – Online Voter Registration

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

Read the second time and ordered prepared for Third Reading.

House Bill 868 – Delegates Hixson, Barve, Boteler, Frick, Ivey, Kaiser, Luedtke, Ross, Stukes, and F. Turner

AN ACT concerning

Video Lottery Operation Licensees – Noninterference

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED. FLOOR AMENDMENT BY DEL. O'DONNELL PENDING.

FLOOR AMENDMENT

HB0868/783028/1
BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 868
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "provisions" insert "; providing for the application of this Act".

AMENDMENT NO. 2

On page 2, before line 28, 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 apply to any legal action filed on or before March 15, 2011.";

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

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

HB0868/443221/1
BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 868
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "provisions" insert "; providing for the application of this Act".

AMENDMENT NO. 2

On page 2, before line 28, 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 apply to any action taken before the effective date of this Act.";

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

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 528)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #44

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 – 137 Negative – 0 (See Roll Call No. 529)

The Bill was then sent to the Senate.

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 – 136 Negative – 0 (See Roll Call No. 530)

The Bill was then sent to the Senate.

House Bill 1315 – Howard County Delegation

AN ACT concerning

Howard County – Orphans' Court Sessions

Ho. Co. 9–11

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

Affirmative – 137 Negative – 0 (See Roll Call No. 531)

The Bill was then sent to the Senate.

House Bill 1327 – Delegate Conaway

AN ACT concerning

Criminal Law – Salvia Divinorum – Distribution to Individual Under 21 Years of Age – Penalties

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

Affirmative – 137 Negative – 0 (See Roll Call No. 532)

The Bill was then sent to the Senate.

House Bill 1329 – Delegate Norman

AN ACT concerning

Motor Vehicles – Renewal of Drivers' Licenses – Contractors for the Armed Forces of the United States

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

Affirmative – 137 Negative – 0 (See Roll Call No. 533)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #45

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

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

Affirmative – 107 Negative – 30 (See Roll Call No. 534)

The Bill was then sent to the Senate.

House Bill 823 – ~~Delegate Krebs~~ Delegates Krebs, Howard, and F. Turner

AN ACT concerning

Sales and Use Tax – Nonprofit Food Vendors – Youth Sporting Events

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

Affirmative – 137 Negative – 0 (See Roll Call No. 535)

The Bill was then sent to the Senate.

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 536)

The Bill was then sent to the Senate.

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

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

Affirmative – 135 Negative – 2 (See Roll Call No. 537)

The Bill was then sent to the Senate.

House Bill 1218 – Frederick County Delegation

AN ACT concerning

Frederick County – Beer, Wine and Liquor Tasting License

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

Affirmative – 135 Negative – 0 (See Roll Call No. 538)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #46

House Bill 22 – Delegate Smigiel

AN ACT concerning

~~Administrative Office of the Courts – Uniform~~ Courts – Attorneys – Subpoena Procedures and Forms for Circuit Courts

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

Affirmative – 137 Negative – 0 (See Roll Call No. 539)

The Bill was then sent to the Senate.

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 – 108 Negative – 29 (See Roll Call No. 540)

The Bill was then sent to the Senate.

House Bill 992 – Calvert County Delegation

AN ACT concerning

Calvert County – Regulation of Roads

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

Affirmative – 136 Negative – 0 (See Roll Call No. 541)

The Bill was then sent to the Senate.

House Bill 1013 – Delegate Hixson

AN ACT concerning

State Department of Education – Permanent Hearing Aid Loan Bank Program – Establishment and Operation

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

Affirmative – 137 Negative – 0 (See Roll Call No. 542)

The Bill was then sent to the Senate.

House Bill 1282 – Delegates Glenn, K. Kelly, Kramer, McConkey, Myers, Norman, and Parrott

AN ACT concerning

Transportation – Vehicle Parking Facilities – Motorcycle Parking

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

Affirmative – 136 Negative – 0 (See Roll Call No. 543)

The Bill was then sent to the Senate.

House Bill 1343 – Allegany County Delegation

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 – 137 Negative – 0 (See Roll Call No. 544)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #47

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 – 136 Negative – 0 (See Roll Call No. 545)

The Bill was then sent to the Senate.

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

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

Affirmative – 135 Negative – 0 (See Roll Call No. 546)

The Bill was then sent to the Senate.

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 547)

The Bill was then sent to the Senate.

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

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

Affirmative – 124 Negative – 8 (See Roll Call No. 548)

The Bill was then sent to the Senate.

QUORUM CALL

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

(See Roll Call No. 549)

ADJOURNMENT

At 6:09 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 25, 2011, Calendar Day Saturday, March 26, 2011.

Annapolis, Maryland
Legislative Day: March 25, 2011
Calendar Day: Saturday, March 26, 2011

The House met at 10:12 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Melony G. Griffith of Prince George's County.

QUORUM CALL

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

(See Roll Call No. 550)

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

EXCUSES:
Del. Howard – illness
Del. McDonough – left early – personal
Del. Myers – illness

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #16

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

House Bill 1033 – Delegates Oaks and McIntosh

AN ACT concerning

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

HB1033/710510/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1033
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Lead Paint Dust Testing" and substitute "Risk Reduction Standards"; in line 4, strike "initially"; in the same line, after "standard;" insert "requiring an owner of a certain affected property under certain circumstances to have the property inspected to verify that a certain risk reduction standard has been satisfied;"; in line 14, after "property;" insert "authorizing certain civil penalties for certain enforcement actions;"; in the same line, after "changes;" insert "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;"; after line 15, insert:

"BY renumbering
Article – Environment
Section 6–815(c) through (e), respectively
to be Section 6–815(d) through (f), respectively
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY adding to
Article – Environment
Section 6–815(c) and 6–819(e)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)";

in line 18, strike the second "and"; in the same line, after "6–819(a)," insert "(e),"; in the same line, after "(k)" insert ", and 6–850(a)"; and in line 23, strike "6–819(e)" and substitute "6–819(c) and (d)".

AMENDMENT NO. 2

On page 2, after line 2, insert:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 6–815(c) through (e), respectively, of Article – Environment of the Annotated Code of Maryland be renumbered to be Section(s) 6–815(d) through (f), respectively.";

in line 3, strike "1." and substitute "2. AND"; in the same line, after "IT" insert "FURTHER"; strike beginning with "BY" in line 3 down through "MARYLAND" in line

4; in line 10, strike the colon; in line 11, strike "(1) Passing" and substitute "**PASSING**"; in line 12, strike the bracket; and in lines 14 and 16, strike "(i)" and "(ii)", respectively, and substitute "**(1)**" and "**(2)**", respectively.

On pages 2 and 3, strike beginning with the semicolon in line 16 on page 2 down through "Department" in line 12 on page 3.

AMENDMENT NO. 3

On page 3, in line 15, strike the colon; in line 16, strike "(1) Passing" and substitute "**PASSING**"; in line 17, after "subtitle" insert "**IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION**"; strike beginning with the semicolon in line 17 down through "effect." in line 22; and after line 22, insert:

"**(C) AT EACH CHANGE IN OCCUPANCY, THE OWNER OF AN AFFECTED PROPERTY SHALL HAVE THE PROPERTY INSPECTED TO VERIFY THAT THE RISK REDUCTION STANDARD HAS BEEN SATISFIED IN ACCORDANCE WITH THIS SECTION.**";

and in line 30, after the semicolon insert "**AND**".

AMENDMENT NO. 4

On page 4, in lines 1, 6, 15, 19, 22, 23, and 25, in each instance, strike the bracket; in line 7, strike the first bracket; in the same line, strike the second bracket; in line 11, strike the first bracket; in the same line, strike the second bracket; in lines 7, 11, 15, and 23, strike "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively; in line 16, after "**TO**" insert "**FEDERAL, STATE, OR**"; in line 25, strike "**; AND**"; and strike in their entirety lines 26 and 27 and substitute:

"(c) (1) After February 23, 1996, an owner of an affected property shall satisfy the modified risk reduction standard:

(i) Within 30 days after receipt of written notice that a person at risk who resides in the property has an elevated blood lead level documented by a test for EBL greater than or equal to 15 ug/dl before February 24, 2006 or greater than or equal to 10 ug/dl on or after February 24, 2006; or

(ii) Within 30 days after receipt of written notice from the tenant, or from any other source, of:

1. A defect; and

2. The existence of a person at risk in the affected property.

(2) (i) An owner who receives multiple notices of an elevated blood level under this subsection or multiple notices of defect under subsection (d) of this section may satisfy all such notices by subsequent compliance with the risk reduction measures specified in subsection (a) of this section, as documented by satisfaction of subsection (f) or (g) of this section, if the owner complies with the risk reduction measures specified in subsection (a) of this section after the date of the test documenting the elevated blood level or after the date the notices of defect were issued.

(ii) Subparagraph (i) of this paragraph does not affect an owner's obligation to perform the risk reduction measures specified in subsection (a) of this section for a triggering event that occurs after the owner satisfies the provisions of subparagraph (i) of this paragraph.

(d) After May 23, 1997, an owner of an affected property shall satisfy the modified risk reduction standard within 30 days after receipt of written notice from the tenant, or from any other source, of a defect.

(E) AN OWNER OF AN AFFECTED PROPERTY IS IN COMPLIANCE WITH SUBSECTION (C) OR (D) OF THIS SECTION IF, AS APPLICABLE:

(1) THE OWNER SATISFIES THE MODIFIED RISK REDUCTION WITHIN 30 DAYS AFTER RECEIVING A NOTICE OF ELEVATED BLOOD LEAD LEVEL OR A NOTICE OF DEFECT IN ACCORDANCE WITH THIS SECTION; OR

(2) THE OWNER PROVIDES FOR THE TEMPORARY RELOCATION OF TENANTS TO A NONAFFECTED PROPERTY OR A COMPLIANT AFFECTED PROPERTY WITHIN 30 DAYS AFTER THE RECEIPT OF A NOTICE OF ELEVATED BLOOD LEAD LEVEL OR A NOTICE OF DEFECT.";

and in lines 28 and 32, strike "(e)" and "(f)", respectively, and substitute "**(F)**" and "**(G)**", respectively.

On page 5, strike beginning with "on" in line 1 down through "completed" in line 2.

AMENDMENT NO. 5

On page 6, after line 14, insert:

"6–850.

(a) Except as provided in § 6–849 of this subtitle, in addition to any other remedies provided in this subtitle, the provisions and procedures of §§ 7–256 through 7–264 and 7–266[(b)] of this article shall be used and shall apply to enforce violations of this subtitle, provided that the penalty imposed under § 7–266(b)(2)(i) of this article may not exceed $500 per day for any violation of this subtitle.".

AMENDMENT NO. 6

On page 6, strike lines 15 and 16, in their entirety, and substitute:

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

(a) The Department of the Environment shall conduct a study to evaluate processes that reduce the incidence of lead poisoning in affected and nonaffected properties, including rental properties built from 1950 through 1978 and owner–occupied properties.

(b) The Department of the Environment shall conduct the study required under subsection (a) of this section in consultation with:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House; and

(3) one or two representatives from each of the following:

(i) the Department of Health and Mental Hygiene;

(ii) the Department of Housing and Community Development;

(iii) the City of Baltimore;

(iv) the Apartment and Office Building Association;

(v) the Coalition to End Childhood Lead Poisoning;

(vi) the Maryland Association of Realtors;

(vii) the Maryland Lead Poisoning Prevention Commission;

(viii) the Maryland MultiHousing Association;

(ix) the Maryland Property Owners Association; and

(x) a lead abatement contractors association.

(c) The study shall evaluate:

(1) current lead poisoning data, including housing and population at–risk data from the United States Census, related to affected and nonaffected properties to determine the populations most at risk in the State;

(2) lead poisoning data collection methods for affected and nonaffected properties, including identification of data gaps and methods to fill them;

(3) outreach to and education of owners and tenants of nonaffected properties;

(4) potential for expanding the applicability of the current Reduction of Lead Risk in Housing law to nonaffected and noncompliant properties;

(5) long–term funding for lead poisoning prevention activities; and

(6) other issues the Department determines relevant to reducing the incidence of lead poisoning in affected and nonaffected properties.

(d) On or before December 31, 2011, the Department of the Environment shall report to the General Assembly, in accordance with § 2–1246 of the State

Government Article, on the results of the study required under subsection (a) of this section.

SECTION 4. AND BE IT FURTHER ENACTED, That the Department of the Environment shall adopt regulations related to reporting requirements of dust testing laboratory results.

SECTION 5. AND BE IT FURTHER ENACTED, That Sections 1 and 2 of the Act shall take effect January 1, 2012.

SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in Section 5 of this Act, this Act shall take effect July 1, 2011.".

The preceding 6 amendments were read only.

Delegate Niemann moved to make the Bill and Amendments a Special Order for later this session.

The motion was adopted.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1254 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Reduction of Lead Risk in Housing – Registration and Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS REPORT #8

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

HB1150/556388/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1150
(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.

Delegate Hammen, Chair, for the Committee on Health and Government Operations 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.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #16

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1038 – Delegates Olszewski and Kach

AN ACT concerning

Commercial Law – Residential Mortgage Loans – Escrow Amounts

HB1038/363597/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1038
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "including" insert ", for a certain period of time,".

AMENDMENT NO. 2

On page 3 in line 23 and on page 5 in line 26, in each instance, after "**INCLUDE**" insert "**, FOR A 1–YEAR PERIOD AFTER THE DETERMINATION IS MADE,**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

HB1135/133491/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1135
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "a certain number of" and substitute "one of the"; in line 6, strike "on" and substitute "appointed, without regard to specific professional practice, from"; and strike beginning with "requiring" in line 7 down through "specialties;" in line 8.

AMENDMENT NO. 2

On page 1, in lines 20 and 21, in each instance, strike "**NINE**" and substitute "**EIGHT**"; and in line 22, strike "**SEVEN**" and substitute "**SIX**".

On page 2, in line 2, strike "**SEVEN**" and substitute "**SIX**"; in line 7, strike "**TWO**" and substitute "**ONE**"; strike beginning with "**ENGINEERS**" in line 7 down through "**PARAGRAPH**" in line 9 and substitute "**A PROFESSIONAL ENGINEER APPOINTED WITHOUT REGARD TO SPECIFIC PROFESSIONAL PRACTICE WHO SHALL REPRESENT OTHER DESIGNATIONS OF PROFESSIONAL ENGINEERING**"; in line 25, strike "**TWO**" and substitute "**ONE**"; and strike beginning with "**MEMBERS**" in line 25 down through "**SUBSECTION**" in line 29 and substitute "**MEMBER IDENTIFIED IN PARAGRAPH (3)(V) OF THIS SUBSECTION, THE LIST SHALL BE SUBMITTED BY THE MARYLAND SOCIETY OF PROFESSIONAL ENGINEERS**".

On page 4, in line 4, strike "terms of the two new members" and substitute "term of the new member"; and in line 5, strike "they are" and substitute "the member is".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1143 – Delegate Sophocleus

AN ACT concerning

Business Regulation – Secondhand Precious Metal Object Dealers – Exempted Transactions and Record Keeping Requirements

HB1143/873699/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1143
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 6 in its entirety and substitute "requiring certain items to remain tagged for a certain period of time;"; in line 13, after "(d)" insert "and (e)"; and strike in their entirety lines 16 through 25, inclusive.

AMENDMENT NO. 2

On page 2, in lines 20, 24, and 26, in each instance, strike the bracket; in line 20, strike "**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A**"; in line 24, after "(e)" insert "**(1)**"; and after line 26, insert:

"**(2) EACH ITEM TAGGED BY A DEALER UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL REMAIN TAGGED FOR THE ENTIRE PERIOD THE ITEM IS STORED IN THE DEALER'S INVENTORY.**".

On pages 2 and 3, strike in their entirety the lines beginning with line 27 on page 2 through line 9 on page 3, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1242 – Chair, Baltimore County Delegation (By Request – Baltimore County Administration)

AN ACT concerning

Baltimore County – Miscellaneous Business Licenses – Fees

HB1242/463798/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1242
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 3 down through "establish" in line 4 and substitute "altering"; in line 5, strike "for acting as a cigarette retailer, for selling cigarettes at retail,"; and in line 14, strike "16–204(b)(1), 16–302,".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 21 on page 1 through line 17 on page 2, inclusive.

On page 2, in line 22, strike the brackets; and strike beginning with "**; OR**" in line 23 down through "**COUNTY**" in line 26.

AMENDMENT NO. 3

On page 3, in lines 5, 16, and 25, in each instance, after "City" insert "**OR BALTIMORE COUNTY**"; in lines 5, 14, 16, and 23, in each instance, strike the brackets; strike beginning with "**; OR**" in line 6 down through "**COUNTY**" in line 9; strike beginning with "**OR**" in line 16 down through "**; AND**" in line 19; and strike beginning with "**; OR**" in line 25 down through "**COUNTY**" in line 28.

AMENDMENT NO. 4

On page 4, in line 17, after "City" insert "**OR BALTIMORE COUNTY**"; and strike in their entirety lines 19 through 22, inclusive.

AMENDMENT NO. 5

On page 5, in lines 6 and 22, in each instance, after "City" insert "**OR BALTIMORE COUNTY**"; strike in their entirety lines 10 through 12, inclusive; in line 23, strike "**(1)**"; and strike in their entirety lines 25 through 27, inclusive.

AMENDMENT NO. 6

On page 6, in line 5, after "City" insert "**, BALTIMORE COUNTY,**"; in line 7, strike the brackets; and strike beginning with "**EXCEPT**" in line 8 down through "**COUNTY**" in line 12.

AMENDMENT NO. 7

On page 8, strike beginning with the second "**THE**" in line 14 down through "**COUNTY**" in line 16 and substitute "**:**

(I) $20, IF THE VALUE OF THE APPLICANT'S STOCK–IN–TRADE IS NOT MORE THAN $1,000;

(II) $40, IF THE VALUE IS MORE THAN $1,000 BUT NOT MORE THAN $5,000;

(III) $80, IF THE VALUE IS MORE THAN $5,000 BUT NOT MORE THAN $10,000;

(IV) $160, IF THE VALUE IS MORE THAN $10,000 BUT NOT MORE THAN $50,000;

(V) $375, IF THE VALUE IS MORE THAN $50,000 BUT NOT MORE THAN $100,000;

(VI) $450, IF THE VALUE IS MORE THAN $100,000 BUT NOT MORE THAN $200,000;

(VII) $500, IF THE VALUE IS MORE THAN $200,000 BUT NOT MORE THAN $300,000;

(VIII) $775, IF THE VALUE IS MORE THAN $300,000 BUT NOT MORE THAN $400,000;

(IX) $1,000, IF THE VALUE IS MORE THAN $400,000 BUT NOT MORE THAN $500,000;

(X) $1,250, IF THE VALUE IS MORE THAN $500,000 BUT NOT MORE THAN $750,000; AND

(XI) $1,600, IF THE VALUE IS MORE THAN $750,000";

and in line 27, after "City" insert "**OR BALTIMORE COUNTY**".

AMENDMENT NO. 8

On page 9, strike in their entirety lines 8 through 10, inclusive.

The preceding 8 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

House Bill 474 – Delegates James, Beidle, Bohanan, Bromwell, Clagett, Conway, DeBoy, Donoghue, Griffith, Lafferty, Malone, Minnick, Olszewski, Rudolph, Sophocleus, and Wood

EMERGENCY BILL

AN ACT concerning

Construction and Development Projects – Expedited Approval of State Permits

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

Delegate McIntosh moved the Bill be recommitted.

The motion was adopted.

House Bill 1033 – Delegates Oaks and McIntosh

AN ACT concerning

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

STATUS OF BILL: BILL ON 2ND READING. COMMITTEE AMENDMENTS NOT ADOPTED. FAVORABLE REPORT NOT ADOPTED.

HB1033/710510/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1033
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Lead Paint Dust Testing" and substitute "Risk Reduction Standards"; in line 4, strike "initially"; in the same line, after "standard;" insert "requiring an owner of a certain affected property under certain circumstances to have the property inspected to verify that a certain risk reduction standard has been satisfied;"; in line 14, after "property;" insert "authorizing certain civil penalties for certain enforcement actions;"; in the same line, after "changes;" insert "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;"; after line 15, insert:

"BY renumbering
Article – Environment
Section 6–815(c) through (e), respectively
to be Section 6–815(d) through (f), respectively
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY adding to
Article – Environment
Section 6–815(c) and 6–819(e)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)";

in line 18, strike the second "and"; in the same line, after "6–819(a)," insert "(e),"; in the same line, after "(k)" insert ", and 6–850(a)"; and in line 23, strike "6–819(e)" and substitute "6–819(c) and (d)".

AMENDMENT NO. 2

On page 2, after line 2, insert:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 6–815(c) through (e), respectively, of Article – Environment of the Annotated Code of Maryland be renumbered to be Section(s) 6–815(d) through (f), respectively.";

in line 3, strike "1." and substitute "2. AND"; in the same line, after "IT" insert "FURTHER"; strike beginning with "BY" in line 3 down through "MARYLAND" in line 4; in line 10, strike the colon; in line 11, strike "(1) Passing" and substitute "**PASSING**"; in line 12, strike the bracket; and in lines 14 and 16, strike "(i)" and "(ii)", respectively, and substitute "**(1)**" and "**(2)**", respectively.

On pages 2 and 3, strike beginning with the semicolon in line 16 on page 2 down through "Department" in line 12 on page 3.

AMENDMENT NO. 3

On page 3, in line 15, strike the colon; in line 16, strike "(1) Passing" and substitute "**PASSING**"; in line 17, after "subtitle" insert "**IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION**"; strike beginning with the semicolon in line 17 down through "effect." in line 22; and after line 22, insert:

"**(C) AT EACH CHANGE IN OCCUPANCY, THE OWNER OF AN AFFECTED PROPERTY SHALL HAVE THE PROPERTY INSPECTED TO VERIFY THAT THE RISK REDUCTION STANDARD HAS BEEN SATISFIED IN ACCORDANCE WITH THIS SECTION.**";

and in line 30, after the semicolon insert "**AND**".

AMENDMENT NO. 4

On page 4, in lines 1, 6, 15, 19, 22, 23, and 25, in each instance, strike the bracket; in line 7, strike the first bracket; in the same line, strike the second bracket; in line 11, strike the first bracket; in the same line, strike the second bracket; in lines 7, 11, 15, and 23, strike "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively; in line 16, after "**TO**" insert "**FEDERAL, STATE, OR**"; in line 25, strike "**; AND**"; and strike in their entirety lines 26 and 27 and substitute:

"(c) (1) After February 23, 1996, an owner of an affected property shall satisfy the modified risk reduction standard:

(i) Within 30 days after receipt of written notice that a person at risk who resides in the property has an elevated blood lead level documented by a test for EBL greater than or equal to 15 ug/dl before February 24, 2006 or greater than or equal to 10 ug/dl on or after February 24, 2006; or

(ii) Within 30 days after receipt of written notice from the tenant, or from any other source, of:

1. A defect; and

2. The existence of a person at risk in the affected property.

(2) (i) An owner who receives multiple notices of an elevated blood level under this subsection or multiple notices of defect under subsection (d) of this section may satisfy all such notices by subsequent compliance with the risk reduction measures specified in subsection (a) of this section, as documented by satisfaction of subsection (f) or (g) of this section, if the owner complies with the risk reduction measures specified in subsection (a) of this section after the date of the test documenting the elevated blood level or after the date the notices of defect were issued.

(ii) Subparagraph (i) of this paragraph does not affect an owner's obligation to perform the risk reduction measures specified in subsection (a) of this section for a triggering event that occurs after the owner satisfies the provisions of subparagraph (i) of this paragraph.

(d) After May 23, 1997, an owner of an affected property shall satisfy the modified risk reduction standard within 30 days after receipt of written notice from the tenant, or from any other source, of a defect.

(E) AN OWNER OF AN AFFECTED PROPERTY IS IN COMPLIANCE WITH SUBSECTION (C) OR (D) OF THIS SECTION IF, AS APPLICABLE:

(1) THE OWNER SATISFIES THE MODIFIED RISK REDUCTION WITHIN 30 DAYS AFTER RECEIVING A NOTICE OF ELEVATED BLOOD LEAD LEVEL OR A NOTICE OF DEFECT IN ACCORDANCE WITH THIS SECTION; OR

(2) THE OWNER PROVIDES FOR THE TEMPORARY RELOCATION OF TENANTS TO A NONAFFECTED PROPERTY OR A COMPLIANT AFFECTED PROPERTY WITHIN 30 DAYS AFTER THE RECEIPT OF A NOTICE OF ELEVATED BLOOD LEAD LEVEL OR A NOTICE OF DEFECT.";

and in lines 28 and 32, strike "(e)" and "(f)", respectively, and substitute "**(F)**" and "**(G)**", respectively.

On page 5, strike beginning with "on" in line 1 down through "completed" in line 2.

AMENDMENT NO. 5

On page 6, after line 14, insert:

"6–850.

(a) Except as provided in § 6–849 of this subtitle, in addition to any other remedies provided in this subtitle, the provisions and procedures of §§ 7–256 through 7–264 and 7–266**[**(b)**]** of this article shall be used and shall apply to enforce violations of this subtitle, provided that the penalty imposed under § 7–266(b)(2)(i) of this article may not exceed $500 per day for any violation of this subtitle.".

AMENDMENT NO. 6

On page 6, strike lines 15 and 16, in their entirety, and substitute:

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

(a) The Department of the Environment shall conduct a study to evaluate processes that reduce the incidence of lead poisoning in affected and nonaffected properties, including rental properties built from 1950 through 1978 and owner–occupied properties.

(b) The Department of the Environment shall conduct the study required under subsection (a) of this section in consultation with:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House; and

(3) one or two representatives from each of the following:

(i) the Department of Health and Mental Hygiene;

(ii) the Department of Housing and Community Development;

(iii) the City of Baltimore;

(iv) the Apartment and Office Building Association;

(v) the Coalition to End Childhood Lead Poisoning;

(vi) the Maryland Association of Realtors;

(vii) the Maryland Lead Poisoning Prevention Commission;

(viii) the Maryland MultiHousing Association;

(ix) the Maryland Property Owners Association; and

(x) a lead abatement contractors association.

(c) The study shall evaluate:

(1) current lead poisoning data, including housing and population at–risk data from the United States Census, related to affected and nonaffected properties to determine the populations most at risk in the State;

(2) lead poisoning data collection methods for affected and nonaffected properties, including identification of data gaps and methods to fill them;

(3) outreach to and education of owners and tenants of nonaffected properties;

(4) potential for expanding the applicability of the current Reduction of Lead Risk in Housing law to nonaffected and noncompliant properties;

(5) long–term funding for lead poisoning prevention activities; and

(6) other issues the Department determines relevant to reducing the incidence of lead poisoning in affected and nonaffected properties.

(d) On or before December 31, 2011, the Department of the Environment shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the results of the study required under subsection (a) of this section.

SECTION 4. AND BE IT FURTHER ENACTED, That the Department of the Environment shall adopt regulations related to reporting requirements of dust testing laboratory results.

SECTION 5. AND BE IT FURTHER ENACTED, That Sections 1 and 2 of the Act shall take effect January 1, 2012.

SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in Section 5 of this Act, this Act shall take effect July 1, 2011.".

The preceding 6 amendments were withdrawn.

HB1033/710510/2

BY: Environmental Matters Committee

SUBSTITUTE AMENDMENTS TO HOUSE BILL 1033
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Lead Paint Dust Testing" and substitute "Risk Reduction Standards"; in line 4, strike "initially"; in the same line, after "standard;" insert "altering a certain requirement relating to certain inspections of certain affected properties;"; in line 14, after "property;" insert "authorizing certain civil penalties for

certain enforcement actions;"; in the same line, after "changes;" insert "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;"; after line 25, insert:

"BY adding to
Article – Environment
Section 6–819(e)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)";

in line 18, strike "6–815(a) and (b)" and substitute "6–815(a), (b), and (c)"; in the same line, strike the second "and"; in the same line, after "6–819(a)," insert "(e),"; in the same line, after "(k)" insert ", and 6–850(a)"; and in line 23, strike "6–819(e)" and substitute "6–819(c) and (d)".

AMENDMENT NO. 2

On page 2, in line 10, strike the colon; in line 11, strike "(1) Passing" and substitute "**PASSING**"; in line 12, strike the bracket; and in lines 14 and 16, strike "(i)" and "(ii)", respectively, and substitute "**(1)**" and "**(2)**", respectively.

On pages 2 and 3, strike beginning with the semicolon in line 16 on page 2 down through "Department" in line 12 on page 3.

AMENDMENT NO. 3

On page 3, in line 15, strike the colon; in line 16, strike "(1) Passing" and substitute "**PASSING**"; in line 17, after "subtitle" insert "**IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION**"; strike beginning with the semicolon in line 17 down through "effect." in line 22; and after line 22, insert:

"(c) **[**Except for affected properties that pass a test for lead–contaminated dust under § 6–816 of this subtitle, at**]** **AT** each change in occupancy, an owner of an affected property shall have the property inspected to verify that the risk reduction standard specified in this section has been satisfied.";

and in line 30, after the semicolon insert "**AND**".

AMENDMENT NO. 4

On page 4, in lines 1, 6, 15, 19, 22, 23, and 25, in each instance, strike the bracket; in line 7, strike the first bracket; in the same line, strike the second bracket; in line 11, strike the first bracket; in the same line, strike the second bracket; in lines 7, 11, 15, and 23, strike "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively; in line 16, after "**TO**" insert "**FEDERAL, STATE, OR**"; in line 25, strike "**; AND**"; and strike in their entirety lines 26 and 27 and substitute:

"(c) (1) After February 23, 1996, an owner of an affected property shall satisfy the modified risk reduction standard:

(i) Within 30 days after receipt of written notice that a person at risk who resides in the property has an elevated blood lead level documented by a test for EBL greater than or equal to 15 ug/dl before February 24, 2006 or greater than or equal to 10 ug/dl on or after February 24, 2006; or

(ii) Within 30 days after receipt of written notice from the tenant, or from any other source, of:

1. A defect; and

2. The existence of a person at risk in the affected property.

(2) (i) An owner who receives multiple notices of an elevated blood level under this subsection or multiple notices of defect under subsection (d) of this section may satisfy all such notices by subsequent compliance with the risk reduction measures specified in subsection (a) of this section, as documented by satisfaction of subsection (f) or (g) of this section, if the owner complies with the risk reduction measures specified in subsection (a) of this section after the date of the test documenting the elevated blood level or after the date the notices of defect were issued.

(ii) Subparagraph (i) of this paragraph does not affect an owner's obligation to perform the risk reduction measures specified in subsection (a) of this section for a triggering event that occurs after the owner satisfies the provisions of subparagraph (i) of this paragraph.

(d) After May 23, 1997, an owner of an affected property shall satisfy the modified risk reduction standard within 30 days after receipt of written notice from the tenant, or from any other source, of a defect.

(E) AN OWNER OF AN AFFECTED PROPERTY IS IN COMPLIANCE WITH SUBSECTION (C) OR (D) OF THIS SECTION IF, AS APPLICABLE:

(1) THE OWNER SATISFIES THE MODIFIED RISK REDUCTION WITHIN 30 DAYS AFTER RECEIVING A NOTICE OF ELEVATED BLOOD LEAD LEVEL OR A NOTICE OF DEFECT IN ACCORDANCE WITH THIS SECTION; OR

(2) THE OWNER PROVIDES FOR THE TEMPORARY RELOCATION OF TENANTS TO A NONAFFECTED PROPERTY OR A COMPLIANT AFFECTED PROPERTY WITHIN 30 DAYS AFTER THE RECEIPT OF A NOTICE OF ELEVATED BLOOD LEAD LEVEL OR A NOTICE OF DEFECT.";

and in lines 28 and 32, strike "(e)" and "(f)", respectively, and substitute "**(F)**" and "**(G)**", respectively.

On page 5, strike beginning with "on" in line 1 down through "completed" in line 2.

AMENDMENT NO. 5

On page 6, after line 14, insert:

"6–850.

(a) Except as provided in § 6–849 of this subtitle, in addition to any other remedies provided in this subtitle, the provisions and procedures of §§ 7–256 through 7–264 and 7–266**[**(b)**]** of this article shall be used and shall apply to enforce violations of this subtitle, provided that the penalty imposed under § 7–266(b)(2)(i) of this article may not exceed $500 per day for any violation of this subtitle.".

AMENDMENT NO. 6

On page 6, strike lines 15 and 16, in their entirety, and substitute:

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

(a) The Department of the Environment shall conduct a study to evaluate processes that reduce the incidence of lead poisoning in affected and nonaffected properties, including rental properties built from 1950 through 1978 and owner–occupied properties.

(b) The Department of the Environment shall conduct the study required under subsection (a) of this section in consultation with:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House; and

(3) one or two representatives from each of the following:

(i) the Department of Health and Mental Hygiene;

(ii) the Department of Housing and Community Development;

(iii) the City of Baltimore;

(iv) the Apartment and Office Building Association;

(v) the Coalition to End Childhood Lead Poisoning;

(vi) the Maryland Association of Realtors;

(vii) the Maryland Lead Poisoning Prevention Commission;

(viii) the Maryland MultiHousing Association;

(ix) the Maryland Property Owners Association; and

(x) a lead abatement contractors association.

(c) The study shall evaluate:

(1) current lead poisoning data, including housing and population at–risk data from the United States Census, related to affected and nonaffected properties to determine the populations most at risk in the State;

(2) lead poisoning data collection methods for affected and nonaffected properties, including identification of data gaps and methods to fill them;

(3) outreach to and education of owners and tenants of nonaffected properties;

(4) potential for expanding the applicability of the current Reduction of Lead Risk in Housing law to nonaffected and noncompliant properties;

(5) long–term funding for lead poisoning prevention activities; and

(6) other issues the Department determines relevant to reducing the incidence of lead poisoning in affected and nonaffected properties.

(d) On or before December 31, 2011, the Department of the Environment shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the results of the study required under subsection (a) of this section.

SECTION 3. AND BE IT FURTHER ENACTED, That the Department of the Environment shall adopt regulations related to reporting requirements of dust testing laboratory results.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 1, 2012.

SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect July 1, 2011.”.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #10

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

House Bill 62 – Delegate Beidle

AN ACT concerning

Anne Arundel County – Property Tax Credit – Property Leased to Nonprofit Schools

HB0062/445463/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 62
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Beidle" and substitute "Anne Arundel County Delegation"; in line 2, strike "Nonprofit" and substitute "Public Charter"; and in lines 7 and 13, in each instance, strike "nonprofit" and substitute "certain public charter".

AMENDMENT NO. 2

On page 2, in line 3, strike "**NONPROFIT SCHOOL**" and substitute "**PUBLIC CHARTER SCHOOL, AS DEFINED IN § 9–102 OF THE EDUCATION ARTICLE**"; and in line 12, after "**PARAGRAPH**" insert "**, INCLUDING A REQUIREMENT THAT THE TAX CREDIT BENEFIT THE PUBLIC CHARTER SCHOOL**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 148 – Frederick County Delegation

AN ACT concerning

Frederick County – Board of Elections – Membership

HB0148/585161/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 148
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Frederick" insert "Allegany County and"; in the same line, strike "Board" and substitute "Boards"; in line 4, after "on" insert "the Allegany County Board of Elections and"; in lines 5 and 6, in each instance, strike "board" and substitute "boards"; in line 7, after "change;" insert "providing for the effective date of this Act;"; and in the same line, after "to" insert "the Allegany County Board of Elections and".

AMENDMENT NO. 2

On page 2, in line 15, after "In" insert "**ALLEGANY COUNTY,**".

AMENDMENT NO. 3

On page 3, in line 9, strike "October 1" and substitute "June 6".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 160 – Delegates Lafferty, Aumann, Boteler, Cardin, Cluster, DeBoy, Frank, Kach, Morhaim, Stein, and Weir

AN ACT concerning

Baltimore County Public Schools – Funding Accountability and Transparency Act

HB0160/645063/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 160
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegates Lafferty, Aumann, Boteler, Cardin, Cluster, DeBoy, Frank, Kach, Morhaim, Stein, and Weir" and substitute "Baltimore County Delegation".

AMENDMENT NO. 2

On page 2, in line 3, strike "**OR**"; in line 5, after "**ALLOWANCE**" insert "**; OR**

3. A THIRD PARTY PAYEE THAT ACCEPTS EMPLOYEE PAYROLL–RELATED PAYMENTS INCLUDING:

A. RECURRING PAYMENTS FOR PAYROLL TAXES;

B. EMPLOYEE PAYROLL DEDUCTIONS; AND

C. INVESTMENT–RELATED ACTIVITIES RELATING TO FUND BALANCES";

in line 15, strike "**AND**"; and in line 16, after "**PAYMENT**" insert "**MADE TO THE PAYEE DURING THE APPLICABLE FISCAL YEAR;**

(4) THE PURPOSE FOR THE PAYMENT; AND

(5) WHETHER THE PAYEE IS A MINORITY BUSINESS ENTERPRISE".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 364 – Delegate Walker

AN ACT concerning

Student Participation in High School Sports – Academic Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 398 – Baltimore County Delegation

AN ACT concerning

Task Force on the Method of Selecting the Baltimore County Board of Education

HB0398/515865/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 398
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "meetings" insert "in certain locations"; and in line 12, after "on" insert "or".

AMENDMENT NO. 2

On page 3, in line 1, strike "one public meeting that allows" and substitute "three public meetings in geographically diverse areas of Baltimore County that allow".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 461 – Allegany County Delegation

AN ACT concerning

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

HB0461/995064/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 461
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "a"; in line 6, strike "facility for adults or juveniles" and substitute "facilities and certain juvenile facilities"; in line 7, after "facility" insert "or certain juvenile facilities"; in the same line, strike "by the State or a county"; in line 10, strike the second "a"; and in lines 10 and 11, strike "facility for adults or juveniles" and substitute "facilities and certain juvenile facilities".

AMENDMENT NO. 2

On page 1, in line 22, strike beginning with "**FOR**" through "holding" and substitute "**OR A JUVENILE FACILITY LISTED IN § 9–226 OF THE HUMAN SERVICES ARTICLE AND WHO HOLDS**".

On page 2, in lines 2, 4, and 9, in each instance, strike the first "**OR**" and substitute a comma; in lines 3, 5, and 10, in each instance, strike "**FOR ADULTS OR**

JUVENILES" and substitute "**, OR A JUVENILE FACILITY LISTED IN § 9–226 OF THE HUMAN SERVICES ARTICLE**"; and in line 4, strike "**AT**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 534 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Polling Places – Electioneering Boundaries

MC 19–11

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 539 – Montgomery County Delegation

AN ACT concerning

Montgomery County Board of Education – Student Member – Voting

MC 7–11

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 604 – Charles County Delegation

AN ACT concerning

Charles County – Board of Elections – Membership

HB0604/275869/1
BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 604
(First Reading File Bill)

On page 1, in line 6, after "change;" insert "providing for the effective date of this Act;".

On page 2, in line 28, strike "October 1" and substitute "June 6".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 689 – Harford County Delegation

AN ACT concerning

Harford County – Board of Elections – Membership

HB0689/545260/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 689
(First Reading File Bill)

AMENDMENT NO. 1
On page 1, in line 6, after "manner;" insert "providing for the effective date of this Act;".

AMENDMENT NO. 2
On page 4, in line 18, strike "October 1" and substitute "June 6".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 858 – Delegates Hixson, 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

AN ACT concerning

Education – Student Athletes – Concussions

HB0858/435565/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 858
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "Hixson," insert "Davis, Waldstreicher,"; and in the same line, strike "Waldstreicher, and Walker" and substitute "Walker, and Howard"; in line 2, strike "Student Athletes" and substitute "Public Schools and Youth Sports Programs"; in line 5, strike "student"; in line 6, strike "athletes," and substitute "students,"; in the same line, strike "student athletes" and substitute "students"; in lines 8 and 9, in each instance, strike "athlete"; in lines 12 and 13, in each instance, after "of certain" insert "students or youth"; in line 14, after "met;" insert "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;"; in line 15, strike "compliance" and substitute "intent to comply"; strike beginning with "education;" in line 15 down through "circumstances;" in line 16 and substitute "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;"; and after line 23, 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 28 on page 2 through line 9 on page 3.

On page 3, in line 10, strike "**(5)**" and substitute "**(3)**"; strike beginning with "**ARE:**" in line 12 down through "**AGE.**" in line 15 and substitute "**ARE UNDER THE AGE OF 19 YEARS.**"; and in lines 18 and 19, in each instance, strike "**STUDENT ATHLETES**" and substitute "**STUDENTS**".

On page 4, in line 2, strike "**STUDENT ATHLETES WHO ARE SUSPECTED OF SUSTAINING**" and substitute "**STUDENTS DIAGNOSED AS HAVING SUSTAINED**"; in line 7, strike "**ATHLETE'S PARTICIPATION**" and substitute "**ENROLLED IN A PUBLIC SCHOOL SYSTEM IN THE STATE MAY PARTICIPATE**"; in the same line, after "**AN**" insert "**AUTHORIZED INTERSCHOLASTIC**"; and in lines 9, 11, 12, 21, 24, and 25, in each instance, strike "**ATHLETE**".

On page 4, after line 27, 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, INFORMATION ON CONCUSSIONS AND HEAD INJURIES TO THE INDIVIDUAL AND, IF APPLICABLE, A PARENT OR GUARDIAN OF THE INDIVIDUAL.**

(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 A SEPARATE INFORMATION SHEET ON

CONCUSSION AND HEAD INJURY IS AVAILABLE, INCLUDING DIRECTIONS ON HOW TO RECEIVE THE INFORMATION SHEET 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 28, 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 29, 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 30, strike "**COMPLIANCE**" and substitute "**INTENT TO COMPLY FOR ALL OF ITS ATHLETIC ACTIVITIES**"; in line 31, strike "**STUDENT ATHLETE**" and substitute "**PARTICIPANT**"; and in line 32, strike "**SUBSECTIONS (B) AND (C) OF**".

On pages 4 and 5, strike in their entirety the lines beginning with line 33 on page 4 through line 3 on page 5.

On page 5, after line 3, 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.

Read the second time and ordered prepared for Third Reading.

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

House Bill 954 – Washington County Delegation

AN ACT concerning

Washington County – Board of Elections – Membership and Compensation

HB0954/885162/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 954
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "providing" in line 11 down through "office;" in line 12 and substitute "providing for the effective date of this Act;".

AMENDMENT NO. 2

On page 4, strike in their entirety lines 5 through 10, inclusive; in line 11, strike "3." and substitute "2."; and in line 12, strike "October 1" and substitute "June 6".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1092 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Age for Compulsory Public School Attendance – Exemption

PG 406–11

HB1092/435365/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1092
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Age for"; in line 3, strike "Exemption" and substitute "Withdrawing Student Exit Interview"; strike beginning with "altering," in line 5 down through "attendance;" in line 9; in line 9, after "requiring" insert ", in Prince George's County,"; in the same line, strike "provide" and substitute "send"; in line 10, strike "notification" and substitute "request to the parent or guardian of a certain child"; strike beginning with "requiring" in line 10 down through "persons;" in line 13 and substitute "requiring a certain school official to provide certain information to certain individuals during a certain meeting;"; in line 14, strike "the age for" and substitute "an exit interview for students who withdraw from"; and in line 16, strike "with" and substitute "without".

AMENDMENT NO. 2

On page 2, in lines 3 and 4, strike "**AND IN § 7–301.1 OF THIS SUBTITLE**"; and after line 9, insert:

"**(B) WHEN A PUBLIC SCHOOL RECEIVES NOTICE THAT A CHILD WHO IS BETWEEN THE AGES OF 16 YEARS AND 18 YEARS HAS WITHDRAWN FROM SCHOOL ATTENDANCE IN ACCORDANCE WITH § 7–301 OF THIS SUBTITLE, THE SCHOOL PRINCIPAL OR AN INDIVIDUAL AUTHORIZED BY A SCHOOL PRINCIPAL SHALL SEND TO THE PARENT OR GUARDIAN OF THE CHILD WHO HAS WITHDRAWN A REQUEST TO HAVE AN EXIT INTERVIEW WITH THE PARENT OR GUARDIAN AND THE CHILD.**

(C) DURING AN EXIT INTERVIEW CONDUCTED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION, THE SCHOOL PRINCIPAL OR THE INDIVIDUAL AUTHORIZED BY THE SCHOOL PRINCIPAL SHALL PROVIDE TO THE INDIVIDUALS WHO ATTEND THE EXIT INTERVIEW INFORMATION ABOUT CONTINUING EDUCATION OPPORTUNITIES.".

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 10 on page 2 through line 19 on page 3, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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.

Delegate Hixson, Chair, for the Committee on Ways and Means 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.

SPECIAL ORDERS

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

House Bill 938 – Delegate Stein

AN ACT concerning

Vehicle Laws – Driver's Licenses, Identification Cards, and Moped Operator's Permits – Photographs

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

FLOOR AMENDMENT

HB0938/583720/1
BY: Delegate Bates

AMENDMENT TO HOUSE BILL 938, AS AMENDED

In the Environmental Matters Committee Amendments (HB0938/720914/1), in line 1 of Amendment No. 2, strike "2012" and substitute "2017".

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

Affirmative – 38 Negative – 99 (See Roll Call No. 551)

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 552)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #48

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 553)

The Bill was then sent to the Senate.

House Bill 587 – Delegate Feldman

AN ACT concerning

Biotechnology Investment Tax Credit – ~~Application and Approval Procedures~~ Qualified Maryland Biotechnology Company

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

Affirmative – 137 Negative – 0 (See Roll Call No. 554)

The Bill was then sent to the Senate.

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

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

Affirmative – 99 Negative – 36 (See Roll Call No. 555)

The Bill was then sent to the Senate.

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

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

Affirmative – 129 Negative – 8 (See Roll Call No. 556)

The Bill was then sent to the Senate.

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 557)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #49

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~~

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

Affirmative – 135 Negative – 0 (See Roll Call No. 558)

The Bill was then sent to the Senate.

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 – 132 Negative – 5 (See Roll Call No. 559)

The Bill was then sent to the Senate.

House Bill 1027 – Delegate Ross

AN ACT concerning

Health – ~~Residential~~ Youth Camps – ~~Definition~~ Definitions

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

Affirmative – 137 Negative – 0 (See Roll Call No. 560)

The Bill was then sent to the Senate.

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

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

Affirmative – 136 Negative – 0 (See Roll Call No. 561)

The Bill was then sent to the Senate.

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

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

Affirmative – 135 Negative – 1 (See Roll Call No. 562)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 563)

The Bill was then sent to the Senate.

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

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

Affirmative – 109 Negative – 25 (See Roll Call No. 564)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #50

House Bill 119 – Delegate Krebs

AN ACT concerning

Town of Sykesville Employees – Participation in the Employees' ~~Retirement~~ Pension System – Creditable Service

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

Affirmative – 135 Negative – 0 (See Roll Call No. 565)

The Bill was then sent to the Senate.

House Bill 561 – Delegates Cardin and Rosenberg

AN ACT concerning

Election Law – Voter Registration – Exchange of Information

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

Affirmative – 137 Negative – 0 (See Roll Call No. 566)

The Bill was then sent to the Senate.

House Bill 763 – Delegate Feldman

AN ACT concerning

Insurance – Delivery of Notices by Electronic Means – Authorized

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

Affirmative – 137 Negative – 0 (See Roll Call No. 567)

The Bill was then sent to the Senate.

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

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

Affirmative – 134 Negative – 2 (See Roll Call No. 568)

The Bill was then sent to the Senate.

House Bill 801 – Delegates Valentino–Smith, Alston, Healey, Parrott, Simmons, V. Turner, Vallario, Washington, and Wilson

AN ACT concerning

Criminal Procedure – Victims' Rights – Enforcement

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

Affirmative – 135 Negative – 0 (See Roll Call No. 569)

The Bill was then sent to the Senate.

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~~

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

Affirmative – 136 Negative – 0 (See Roll Call No. 570)

The Bill was then sent to the Senate.

House Bill 841 – ~~Delegate Kipke~~ Delegates Kipke, Kach, Pendergrass, Bromwell, Cullison, Krebs, and Donoghue

AN ACT concerning

Health Occupations – Dental Hygienists – Nitrous Oxide

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

Affirmative – 137 Negative – 0 (See Roll Call No. 571)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #51

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~~

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

Affirmative – 132 Negative – 5 (See Roll Call No. 572)

The Bill was then sent to the Senate.

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

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

Affirmative – 136 Negative – 0 (See Roll Call No. 573)

The Bill was then sent to the Senate.

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

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

Affirmative – 122 Negative – 15 (See Roll Call No. 574)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 575)

The Bill was then sent to the Senate.

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

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

Affirmative – 135 Negative – 0 (See Roll Call No. 576)

The Bill was then sent to the Senate.

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~~

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

Affirmative – 120 Negative – 17 (See Roll Call No. 577)

The Bill was then sent to the Senate.

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

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

Affirmative – 136 Negative – 0 (See Roll Call No. 578)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #52

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

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

Affirmative – 89 Negative – 46 (See Roll Call No. 579)

The Bill was then sent to the Senate.

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

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

Affirmative – 102 Negative – 34 (See Roll Call No. 580)

The Bill was then sent to the Senate.

House Bill 1053 – The Speaker (By Request – Administration)

AN ACT concerning

Natural Resources – Aquaculture

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

Affirmative – 137 Negative – 0 (See Roll Call No. 581)

The Bill was then sent to the Senate.

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

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

Affirmative – 132 Negative – 5 (See Roll Call No. 582)

The Bill was then sent to the Senate.

House Bill 1151 – Delegate Feldman

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 – 135 Negative – 1 (See Roll Call No. 583)

The Bill was then sent to the Senate.

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

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

Affirmative – 135 Negative – 1 (See Roll Call No. 584)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #53

House Bill 11 – Delegate Cardin

AN ACT concerning

Income Tax – Subtraction Modification – Maryland Defense Force

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

Affirmative – 135 Negative – 2 (See Roll Call No. 585)

The Bill was then sent to the Senate.

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

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

Affirmative – 92 Negative – 46 (See Roll Call No. 586)

The Bill was then sent to the Senate.

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 – 138 Negative – 0 (See Roll Call No. 587)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 588)

The Bill was then sent to the Senate.

House Bill 477 – Carroll County Delegation

AN ACT concerning

Carroll County – Commissioners – Term Limits and Vacancies

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

Affirmative – 135 Negative – 3 (See Roll Call No. 589)

The Bill was then sent to the Senate.

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

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

Affirmative – 123 Negative – 14 (See Roll Call No. 590)

The Bill was then sent to the Senate.

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 591)

The Bill was then sent to the Senate.

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

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

Affirmative – 132 Negative – 5 (See Roll Call No. 592)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #54

House Bill 620 – Delegate Frick

AN ACT concerning

Tax Credit Evaluation Act

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

Affirmative – 100 Negative – 38 (See Roll Call No. 593)

The Bill was then sent to the Senate.

House Bill 740 – Delegates Cardin and Rosenberg

AN ACT concerning

Election Law – Online Voter Registration

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

Affirmative – 104 Negative – 33 (See Roll Call No. 594)

The Bill was then sent to the Senate.

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 – 121 Negative – 15 (See Roll Call No. 595)

The Bill was then sent to the Senate.

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

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

Affirmative – 134 Negative – 2 (See Roll Call No. 596)

The Bill was then sent to the Senate.

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 – 136 Negative – 0 (See Roll Call No. 597)

The Bill was then sent to the Senate.

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

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

Affirmative – 137 Negative – 1 (See Roll Call No. 598)

The Bill was then sent to the Senate.

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 – 139 Negative – 0 (See Roll Call No. 599)

The Bill was then sent to the Senate.

House Bill 1196 – Chair, Ways and Means Committee (By Request – Departmental – Planning)

AN ACT concerning

Sustainable Communities Tax Credit Program

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

Affirmative – 99 Negative – 39 (See Roll Call No. 600)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #55

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

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

Affirmative – 93 Negative – 44 (See Roll Call No. 601)

The Bill was then sent to the Senate.

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

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

Affirmative – 109 Negative – 29 (See Roll Call No. 602)

The Bill was then sent to the Senate.

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

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

Affirmative – 99 Negative – 38 (See Roll Call No. 603)

The Bill was then sent to the Senate.

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

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

Affirmative – 124 Negative – 8 (See Roll Call No. 604)

The Bill was then sent to the Senate.

THE COMMITTEE ON WAYS AND MEANS REPORT #11

Delegate Hixson, Chair, for the Committee on Ways and Means 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.

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

House Bill 262 – Frederick County Delegation

AN ACT concerning

Frederick County – Public School Lease – Property Tax Credit

HB0262/875566/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 262
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Public" and substitute "Nonprofit"; strike beginning with "the" in line 4 down through "Education" in line 5 and substitute "a nonprofit school"; in line 6, strike "public school" and substitute "primary or secondary"; in the same line, after "purposes;" insert "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 in line 10, strike "9–312(d)" and substitute "9–312(e)".

AMENDMENT NO. 2

On page 1, strike in their entirety lines 17 through 23, inclusive, and substitute:

"(e) **(1)** The governing body of Frederick County and of a municipal corporation in Frederick County **[**may**]** **SHALL** grant, by law, a property tax credit under this section against the county or municipal corporation property tax imposed on real property that is:

[(1)**]** **(I)** leased to a nonprofit school; and

[(2)**]** **(II)** used exclusively for primary or secondary educational purposes.

(2) THE LESSOR OF REAL PROPERTY ELIGIBLE FOR A CREDIT UNDER THIS SUBSECTION SHALL REDUCE THE AMOUNT OF TAXES FOR WHICH A TENANT IS CONTRACTUALLY LIABLE UNDER THE LEASE AGREEMENT BY THE AMOUNT OF ANY CREDIT ALLOWED 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.

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

House Bill 270 – Delegates Eckardt, Cane, and Haddaway–Riccio

AN ACT concerning

Dorchester County – Tax Sales – Advertisement and Auctioneer Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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.

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

House Bill 1039 – The Speaker (By Request – Administration)

AN ACT concerning

Horse Racing – Distribution of Video Lottery Revenues

HB1039/565561/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1039
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 27, after "Account;" insert "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;".

On page 2, after line 14, insert:

"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)".

AMENDMENT NO. 2

On page 8, in line 1, strike "**$4,000,000,**" and substitute "**$3,000,000,**"; and in line 7, strike "**$4,000,000**" and substitute "**$3,000,000**".

AMENDMENT NO. 3

On page 8, in line 28, after "**SHALL**" insert "**INCLUDE**"; in line 29, strike "**INCLUDE**"; in the same line, after "**PLAN**" insert "**, SUBJECT TO REVIEW BY A CERTIFIED PUBLIC ACCOUNTANT,**"; and strike beginning with "**BE**" in line 33 down through "**ACCOUNTANT**" in line 34 and substitute "**A 5–YEAR BUSINESS PLAN THAT DESCRIBES THE CHALLENGES IMPACTING THE ECONOMICS OF OPERATING THE RACING FACILITY AND STRATEGIES FOR ADDRESSING THOSE CHALLENGES**".

On page 12, in line 25, after "**SHALL**" insert "**INCLUDE**"; in line 26, strike "**INCLUDE**"; in the same line, after "**PLAN**" insert "**, SUBJECT TO REVIEW BY A CERTIFIED PUBLIC ACCOUNTANT,**"; and strike beginning with "**BE**" in line 30 down through "**ACCOUNTANT**" in line 31 and substitute "**A 5–YEAR BUSINESS PLAN THAT DESCRIBES THE CHALLENGES IMPACTING THE ECONOMICS OF OPERATING THE RACING FACILITIES AND STRATEGIES FOR ADDRESSING THOSE CHALLENGES**".

AMENDMENT NO. 4

On page 9, in line 1, after "**(3)**" insert "**(I)**"; after line 4, insert:

"**(II) EXPENDITURES ELIGIBLE FOR REIMBURSEMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE THE ORDINARY AND REASONABLE COSTS OF CONDUCTING THE RACE MEETINGS, PARI–MUTUEL WAGERING, AND STABLING ACTIVITIES OF THE RACING LICENSEE, NET OF ORDINARY INCOME AND RECEIPTS.**

(III) THE REIMBURSEMENT CALCULATION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH MAY NOT INCLUDE:

1. EXTRAORDINARY INCOME AND EXPENSE–RELATED ITEMS, INCLUDING EXTRAORDINARY LITIGATION EXPENSES;

2. LOBBYING FEES;

3. CAPITAL INVESTMENTS, INCLUDING PREDEVELOPMENT COSTS; OR

4. PRIOR YEAR ADJUSTMENTS AND CLAIMS.".

AMENDMENT NO. 5

On page 10, in line 24, strike "for"; in line 25, before "racetrack" insert "**FOR**"; in line 26, before "**OPERATING**" insert "**UP TO $6,000,000 PER YEAR FOR**"; and in line 28, strike "**2012, 2013, AND 2014**" and substitute "**2012 AND 2013**".

AMENDMENT NO. 6

On page 12, after line 6, insert:

"**(3) (I) FROM THE AMOUNTS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, THE HOLDER OF A RACING LICENSE TO RACE AT THE RACECOURSE AT TIMONIUM MAY USE UP TO $350,000 PER YEAR TO SUPPORT A MINIMUM OF 7 LIVE RACING DAYS.**

(II) USE OF FUNDS AUTHORIZED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MUST BE APPROVED BY THE SECRETARY OF LABOR, LICENSING, AND REGULATION UNDER TERMS AND A PROCESS CONSISTENT WITH THE PROVISIONS OF SUBSECTION (J) OF THIS SECTION.".

AMENDMENT NO. 7

On page 13, in line 1, after "**(3)**" insert "**(I)**"; after line 4, insert:

"**(II) EXPENDITURES ELIGIBLE FOR REIMBURSEMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE THE ORDINARY AND REASONABLE COSTS OF CONDUCTING THE RACE MEETINGS, PARI–MUTUEL WAGERING, AND STABLING ACTIVITIES OF THE RACING LICENSEE, NET OF ORDINARY INCOME AND RECEIPTS.**

(III) THE REIMBURSEMENT CALCULATION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH MAY NOT INCLUDE:

1. EXTRAORDINARY INCOME AND EXPENSE–RELATED ITEMS, INCLUDING EXTRAORDINARY LITIGATION COSTS;

2. LOBBYING FEES;

3. CAPITAL INVESTMENTS, INCLUDING PREDEVELOPMENT COSTS; OR

4. PRIOR YEAR ADJUSTMENTS AND CLAIMS.".

AMENDMENT NO. 8

On page 13, after line 24, insert:

"Article – Business Regulation

SUBTITLE 14. OVERSIGHT COMMISSION ON RACING; RACING FUNDING REPORTS.

11–1401.

(A) THERE IS AN OVERSIGHT COMMISSION ON RACING.

(B) THE OVERSIGHT COMMISSION CONSISTS OF THE FOLLOWING NINE MEMBERS:

(1) THREE MEMBERS OF THE SENATE, APPOINTED BY THE PRESIDENT OF THE SENATE;

(2) THREE MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES; AND

(3) THREE MEMBERS APPOINTED BY THE GOVERNOR.

(C) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE OVERSIGHT COMMISSION.

(D) THE OVERSIGHT COMMISSION SHALL:

(1) REVIEW THE REPORTS SUBMITTED BY THE SECRETARY UNDER § 11–1402 OF THIS SUBTITLE;

(2) OVERSEE THE DEVELOPMENT OF A LONG–TERM, SUSTAINABLE PLAN FOR RACING IN MARYLAND THAT TAKES INTO ACCOUNT THE INTERESTS OF ALL STANDARDBRED AND THOROUGHBRED RACING STAKEHOLDERS;

(3) MONITOR THE PROGRESS OF THE IMPLEMENTATION OF A LONG–TERM, SUSTAINABLE PLAN FOR RACING BY ALL STANDARDBRED AND THOROUGHBRED RACING STAKEHOLDERS; AND

(4) GENERALLY OVERSEE THE PROCESS FOR PROVIDING OPERATING ASSISTANCE TO RACING LICENSEES UNDER §§ 9–1A–28 AND 9–1A–29 OF THE STATE GOVERNMENT ARTICLE, AND THE IMPACT OF PROVIDING THE OPERATING ASSISTANCE.

(E) THE DEPARTMENT SHALL PROVIDE STAFFING FOR THE OVERSIGHT COMMISSION.

(F) THE OVERSIGHT COMMISSION SHALL REPORT ON ANY FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY AS THE OVERSIGHT COMMISSION CONSIDERS APPROPRIATE.

11–1402.

ON OR BEFORE DECEMBER 15, 2011, AND ON OR BEFORE DECEMBER 15 OF EACH YEAR THEREAFTER, THE SECRETARY SHALL SUBMIT TO THE GOVERNOR, THE OVERSIGHT COMMISSION ON RACING, AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, A REPORT FOR THE PREVIOUS 12 MONTHS THAT SUMMARIZES:

(1) THE AMOUNT OF OPERATING ASSISTANCE PROVIDED AND THE INCOME AND EXPENSES USED TO CALCULATE ANY OPERATING ASSISTANCE FROM THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION, THE PURSE DEDICATION ACCOUNT, OR THE RACETRACK FACILITY RENEWAL ACCOUNT IN THE PREVIOUS CALENDAR YEAR;

(2) ANY MARKETING AND QUALITY IMPROVEMENT PLANS SUBMITTED BY A RACING LICENSEE AS REQUIRED BY § 9–1A–09(B)(5) AND (6) OF THE STATE GOVERNMENT ARTICLE;

(3) THE 5–YEAR BUSINESS PLAN SUBMITTED BY A LICENSEE AS REQUIRED BY § 9–1A–29(J)(2)(I) OF THE STATE GOVERNMENT ARTICLE;

(4) PROGRESS OF THE STANDARDBRED AND THOROUGHBRED RACING STAKEHOLDERS IN DEVELOPING A LONG–TERM, SUSTAINABLE PLAN FOR RACING IN MARYLAND; AND

(5) THE STATUS OF ANY LOAN OR ADVANCE FROM THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION TO ROSECROFT RACEWAY UNDER § 9–1A–28(G)(2) OF THE STATE GOVERNMENT ARTICLE.".

The preceding 8 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 137 Members present.

(See Roll Call No. 605)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #56

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

Delegate Ross moved the previous question.

The motion was adopted.

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

Affirmative – 86 Negative – 52 (See Roll Call No. 606)

The Bill was then sent to the Senate.

House Bill 881 – Delegate S. Robinson

AN ACT concerning

Agriculture – Waste Kitchen Grease

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

Affirmative – 93 Negative – 45 (See Roll Call No. 607)

The Bill was then sent to the Senate.

THE COMMITTEE ON WAYS AND MEANS REPORT #12

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

House Bill 975 – Delegates Love, Barnes, Beidle, Costa, Frush, George, Kipke, Pena–Melnyk, Schuh, and Sophocleus

AN ACT concerning

Gaming – Instant Bingo – Electronic Machines

Favorable report adopted.

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

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

Affirmative – 46 Negative – 90 (See Roll Call No. 608)

Read the second time and ordered prepared for Third Reading.

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

House Bill 1209 – Delegate Wilson

AN ACT concerning

Video Lottery Terminal Applicants and Licensees – Minority Business Participation – Modifications and Sunset Extension

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 609)

ADJOURNMENT

At 1:05 P.M. on motion of Delegate Barve the House adjourned until 2:00 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

The House met at 2:07 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Gail H. Bates of Howard County.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 610)

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

EXCUSES:
Del. Healey – personal
Del. Howard – illness
Del. Proctor – illness

THE COMMITTEE ON JUDICIARY REPORT #13

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

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

HB0266/402717/3
BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 266
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 3 down through "Act;" in line 10; in lines 10, 13, 16, 17, and 19, in each instance, strike "petition" and substitute "motion"; strike beginning with "if" in line 11 down through "trafficking" in line 12 and substitute "under certain circumstances"; strike beginning with "requiring" in line 13 down through "time;" in line 15; in line 19, strike "petitioner" and substitute "defendant"; and in line 21, strike "with" and substitute "without".

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 10 on page 3 through line 6 on page 4, inclusive.

AMENDMENT NO. 3

On page 4, in lines 20 and 24, in each instance, strike "**PETITION**" and substitute "**MOTION**"; in line 20, after "**IF**" insert a colon; strike beginning with the first "**THE**" in line 21 down through the first "**OF**" in line 22 and substitute "**(1) WHEN THE PERSON COMMITTED THE ACT OR ACTS OF PROSTITUTION, THE PERSON WAS ACTING UNDER DURESS CAUSED BY THREATS OF HARM TO THE PERSON OR THE PERSON'S FAMILY; AND**

(2) THE PERSON'S CONVICTION FOR PROSTITUTION WAS THE RESULT OF ANOTHER'S VIOLATION OF THE PROHIBITION AGAINST";

after line 25, insert:

"**(2) BE SIGNED AND CONSENTED TO BY THE STATE'S ATTORNEY;**";

in lines 26 and 31, strike "**(2)**" and "**(3)**", respectively, and substitute "**(3)**" and "**(4)**", respectively; strike in their entirety lines 27 through 30, inclusive, and substitute "**CONVICTION; AND**"; in line 32, strike "**OFFICIAL**"; and in the same line, strike "**PETITIONER**" and substitute "**DEFENDANT**".

On pages 4 and 5, strike beginning with "**WAS**" in line 32 on page 4 down through "**ORDERS**" in line 9 on page 5 and substitute "**IS ENTITLED TO RELIEF UNDER THIS SECTION**".

On page 5, in lines 10, 17, and 22, strike "**(D)**", "**(E)**", and "**(F)**", respectively, and substitute "**(C)**", "**(D)**", and "**(E)**", respectively; in lines 11, 12, 14, 15, and 17, in each instance, strike "**PETITION**" and substitute "**MOTION**"; in line 13, strike "**AND A**

HEARING WAS REQUESTED"; in line 19, strike "**, AS THE COURT CONSIDERS APPROPRIATE**"; and in line 22, strike "**PETITIONER**" and substitute "**DEFENDANT**".

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 WAYS AND MEANS REPORT #13

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

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

HB0448/105465/1
BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 448
(First Reading File Bill)

On page 2, in line 19, strike "**FISCAL YEARS 2010 THROUGH 2012, FOR**"; strike beginning with "**BEGINNING**" in line 22 down through "**(II)**" in line 28; and in line 29, after "**THEREAFTER,**" insert "**FOR EACH STUDENT ENROLLED IN A PROGRAM, AS REPORTED BY THE DEPARTMENT, THE GOVERNOR SHALL APPROPRIATE**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

House Bill 1252 – Delegate McMillan

AN ACT concerning

Natural Resources – Large–Scale Striped Bass Poaching – Penalties

STATUS OF BILL: BILL ON 3RD READING.

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

Affirmative – 134 Negative – 0 (See Roll Call No. 611)

The Bill was then sent to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 612)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #57

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

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

Affirmative – 106 Negative – 28 (See Roll Call No. 613)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 614)

The Bill was then sent to the Senate.

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 – 136 Negative – 0 (See Roll Call No. 615)

The Bill was then sent to the Senate.

House Bill 1209 – Delegate Wilson

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 – 114 Negative – 19 (See Roll Call No. 616)

The Bill was then sent to the Senate.

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

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

Affirmative – 94 Negative – 42 (See Roll Call No. 617)

The Bill was then sent to the Senate.

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 – 119 Negative – 18 (See Roll Call No. 618)

The Bill was then sent to the Senate.

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 – 107 Negative – 29 (See Roll Call No. 619)

The Bill was then sent to the Senate.

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 – 136 Negative – 0 (See Roll Call No. 620)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #58

House Bill 975 – Delegates Love, Barnes, Beidle, Costa, Frush, George, Kipke, Pena–Melnyk, Schuh, and Sophocleus

AN ACT concerning

Gaming – Instant Bingo – Electronic Machines

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

Affirmative – 107 Negative – 24 (See Roll Call No. 621)

The Bill was then sent to the Senate.

House Bill 1033 – Delegates Oaks and McIntosh

AN ACT concerning

Environment – Reducing Lead Risk in Housing – ~~Lead Paint Dust Testing~~ Risk Reduction Standards

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

Affirmative – 130 Negative – 7 (See Roll Call No. 622)

The Bill was then sent to the Senate.

House Bill 1038 – Delegates Olszewski and Kach

AN ACT concerning

Commercial Law – Residential Mortgage Loans – Escrow Amounts

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

Affirmative – 113 Negative – 23 (See Roll Call No. 623)

The Bill was then sent to the Senate.

House Bill 1039 – The Speaker (By Request – Administration)

AN ACT concerning

Horse Racing – Distribution of Video Lottery Revenues

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

Affirmative – 94 Negative – 39 (See Roll Call No. 624)

The Bill was then sent to the Senate.

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

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

Affirmative – 132 Negative – 5 (See Roll Call No. 625)

The Bill was then sent to the Senate.

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

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

Affirmative – 136 Negative – 0 (See Roll Call No. 626)

The Bill was then sent to the Senate.

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

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

Affirmative – 136 Negative – 0 (See Roll Call No. 627)

The Bill was then sent to the Senate.

House Bill 1143 – Delegate Sophocleus

AN ACT concerning

Business Regulation – Secondhand Precious Metal Object Dealers – Exempted Transactions and Record Keeping Requirements

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

Affirmative – 136 Negative – 0 (See Roll Call No. 628)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #59

House Bill 364 – Delegate Walker

AN ACT concerning

Student Participation in High School Sports – Academic Requirements

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

Affirmative – 124 Negative – 13 (See Roll Call No. 629)

The Bill was then sent to the Senate.

House Bill 398 – Baltimore County Delegation

AN ACT concerning

Task Force on the Method of Selecting the Baltimore County Board of Education

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

Affirmative – 137 Negative – 0 (See Roll Call No. 630)

The Bill was then sent to the Senate.

House Bill 461 – Allegany County Delegation

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 – 137 Negative – 0 (See Roll Call No. 631)

The Bill was then sent to the Senate.

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~~

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

Affirmative – 137 Negative – 0 (See Roll Call No. 632)

The Bill was then sent to the Senate.

House Bill 534 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Polling Places – Electioneering Boundaries

MC 19–11

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

Affirmative – 136 Negative – 1 (See Roll Call No. 633)

The Bill was then sent to the Senate.

House Bill 539 – Montgomery County Delegation

AN ACT concerning

Montgomery County Board of Education – Student Member – Voting

MC 7–11

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

Affirmative – 92 Negative – 39 (See Roll Call No. 634)

The Bill was then sent to the Senate.

House Bill 604 – Charles County Delegation

AN ACT concerning

Charles County – Board of Elections – Membership

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

Affirmative – 138 Negative – 0 (See Roll Call No. 635)

The Bill was then sent to the Senate.

House Bill 689 – Harford County Delegation

AN ACT concerning

Harford County – Board of Elections – Membership

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

Affirmative – 138 Negative – 0 (See Roll Call No. 636)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #60

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 637)

The Bill was then sent to the Senate.

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

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

Affirmative – 136 Negative – 2 (See Roll Call No. 638)

The Bill was then sent to the Senate.

House Bill 148 – Frederick County Delegation

AN ACT concerning

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 639)

The Bill was then sent to the Senate.

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 – 101 Negative – 37 (See Roll Call No. 640)

The Bill was then sent to the Senate.

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

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

Affirmative – 132 Negative – 5 (See Roll Call No. 641)

The Bill was then sent to the Senate.

House Bill 938 – Delegate Stein

AN ACT concerning

Vehicle Laws – Driver's Licenses, Identification Cards, and Moped Operator's Permits – Photographs

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

Affirmative – 114 Negative – 24 (See Roll Call No. 642)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 643)

The Bill was then sent to the Senate.

House Bill 954 – Washington County Delegation

AN ACT concerning

Washington County – Board of Elections – Membership and Compensation

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

Affirmative – 138 Negative – 0 (See Roll Call No. 644)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #61

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 645)

The Bill was then sent to the Senate.

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

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

Affirmative – 115 Negative – 22 (See Roll Call No. 646)

The Bill was then sent to the Senate.

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 – 93 Negative – 44 (See Roll Call No. 647)

The Bill was then sent to the Senate.

House Bill 258 – Delegate Beitzel

AN ACT concerning

Garrett County – Tax Sales – Auctioneer's Fees

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

Affirmative – 129 Negative – 8 (See Roll Call No. 648)

The Bill was then sent to the Senate.

House Bill 262 – Frederick County Delegation

AN ACT concerning

Frederick County – ~~Public~~ Nonprofit School Lease – Property Tax Credit

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

Affirmative – 137 Negative – 0 (See Roll Call No. 649)

The Bill was then sent to the Senate.

House Bill 270 – Delegates Eckardt, Cane, and Haddaway–Riccio

AN ACT concerning

Dorchester County – Tax Sales – Advertisement and Auctioneer Fees

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

Affirmative – 136 Negative – 2 (See Roll Call No. 650)

The Bill was then sent to the Senate.

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

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

Affirmative – 91 Negative – 44 (See Roll Call No. 651)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #62

House Bill 1254 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Reduction of Lead Risk in Housing – Registration and Fees

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

Affirmative – 136 Negative – 2 (See Roll Call No. 652)

The Bill was then sent to the Senate.

QUORUM CALL

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

(See Roll Call No. 653)

ADJOURNMENT

At 3:03 P.M. on motion of Delegate Barve the House adjourned until 11:00 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

The House met at 11:13 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Norman H. Conway of Wicomico and Worcester counties.

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 654)

The Journal of March 26, 2011 was read and approved.

EXCUSES:
Del. Alston – personal – daughter's doctor appointment
Del. Proctor – illness

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 14 – Senator Gladden

AN ACT concerning

Vehicle Laws – Race–Based Traffic Stops, Strip Searches, and Body Cavity Searches – Reporting Requirements

FOR the purpose of requiring certain law enforcement officers to record certain information pertaining to traffic stops, strip searches, and body cavity searches; 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, strip searches, and body cavity searches 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 certain actions following a report on the failure of a law enforcement agency to comply; providing for the application of this Act; defining certain terms; providing for the termination of this Act; and generally relating to law enforcement procedures and traffic stops, strip searches, and body cavity searches.

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

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 75 – ~~Senator Astle~~ Senators Astle and Muse

AN ACT concerning

Commercial Law – Maryland Consumer Protection Act – Scope

FOR the purpose of expanding the scope of the Maryland Consumer Protection Act by altering the definition of "consumer" to include an individual who sells or offers for sale to a merchant certain consumer goods~~, consumer services,~~ or consumer realty and the definition of "merchant" to include a person who directly or indirectly purchases or offers to purchase any consumer goods or consumer realty and whose business includes paying off consumer debt in connection with the purchase of consumer goods or consumer realty; prohibiting a person from engaging in a certain unfair or deceptive trade practice in the purchase or offer for purchase by a certain merchant of consumer goods~~, consumer services,~~ or consumer realty; and generally relating to the Maryland Consumer Protection Act.

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 13–101(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–101(c) and (g) and 13–303
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

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

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 ~~child care articles~~ containers of infant formula containing a certain amount of bisphenol–A on or after a certain date; requiring the Department of Health and Mental Hygiene to adopt certain regulations on or before a certain date; ~~altering a certain definition; making stylistic and conforming changes;~~ 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 ~~prohibitions on~~ containers of infant formula and bisphenol–A ~~in child care articles~~.

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 Health and Government Operations.

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

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 Health and Government Operations.

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

FOR the purpose of altering the provisions of the Maryland Public Ethics Law to provide that employees of the Baltimore City Health Department, the Police Commissioner of Baltimore City, the civilian employees and police officers of the Police Department of Baltimore City, and members and employees of the Civilian Review Board are subject only to the Baltimore City Public Ethics Law; and generally relating to public ethics laws and the employees of Baltimore City.

BY repealing and reenacting, without amendments,
Article – State Government
Section 15–102(a) and (m)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 15–807
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 236 – Chair, Education, Health, and Environmental Affairs 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 Economic Matters.

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

FOR the purpose of requiring the Public Service Commission to educate consumers about customer choice in accordance with a certain provision of law; requiring the Commission to host a certain section on its Web site related to customer choice; requiring the Web site to comply with certain standards and to include certain information; requiring the Commission to maintain a certain secure portal on its Web site to receive certain information from certain electricity suppliers; requiring certain electricity suppliers to submit certain information to the Commission through the secure portal at certain intervals; requiring the Commission to work with certain media outlets to develop and air certain public service announcements related to customer choice; requiring the Commission to recover certain costs in accordance with a certain provision of law; requiring the Commission to submit a certain report to the General Assembly each year by a certain date; requiring the Commission to convene a certain workgroup for a certain purpose; providing for the membership and duties of the workgroup; requiring the workgroup to report to the Commission and certain committees by a certain date; requiring the Commission to ~~implement~~ take action on certain recommendations ~~by a certain date~~ as soon as practicable; and generally relating to customer choice.

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 7–504 and 7–505(a)(1)
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article – Public Utilities
Section 7–510.1
Annotated Code of Maryland
(2010 Replacement Volume)

Read the first time and referred to the Committee on Economic Matters.

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

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 ~~of the Comptroller~~ 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 ~~or the person's agent~~ 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 ~~of the Comptroller~~, 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 ~~annually~~ each year to any one consumer or delivery address or ~~make~~ making deliveries on Sunday; requiring a direct wine shipper to meet certain requirements to renew the permit; authorizing the Office ~~of the Comptroller~~ 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 ~~of the Comptroller~~ 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 ~~7.5–113~~ 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 Economic Matters.

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

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 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 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 Health and Government Operations.

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

FOR the purpose of requesting ~~that the Joint Committee on the Library of Congress approve the replacement of the statue of the Honorable John Hanson with a statue of Harriet Tubman in the National Statuary Hall Collection in the United States Capitol; providing certain information to the Joint Committee on the Library of Congress in accordance with the Procedure for Replacement of Statues in the National Statuary Hall Collection; specifying that the Harriet Tubman Statue Commission will represent the State in selecting a sculptor; specifying that a coalition of interested individuals, nonprofit organizations, and other groups will supply the funds to be used for certain purposes related to the statue; requiring the Governor to appoint members of the Harriet Tubman Statue Commission; requiring the Governor to submit certain documents to the Architect of the Capitol~~ 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; and generally relating to a request to place a statue of Harriet Tubman in the National Statuary Hall Collection.

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 393 – Calvert County Senators

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; 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 Environmental Matters.

Senate Bill 410 – Senator Raskin

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; 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 Environmental Matters.

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

FOR the purpose of requiring in Baltimore City certain holders and applicants of a Class B–D–7 alcoholic beverages license to comply with certain requirements regarding a certain security plan for their premises; requiring applicants and holders of a Class B–D–7 license who offer certain entertainment to develop a security plan and submit the plan for review to ~~certain individuals~~ the Board of Liquor License Commissioners for Baltimore City; ~~authorizing the Commissioner of the Baltimore City Police Department to submit certain comments to the Board of Liquor License Commissioners for Baltimore City;~~

~~requiring~~ authorizing the Board to take certain actions ~~under certain circumstances~~ regarding the issuance or renewal of a license; requiring certain license holders to implement and follow certain security plans ~~and prohibit underage individuals on the premises; providing for a certain exception; authorizing certain license holders to employ sworn security personnel under certain circumstances~~; authorizing the Board immediately to suspend certain licenses under certain circumstances; requiring the Board to take certain actions if it immediately suspends a license; authorizing the Board to revoke or continue a suspension of a license under certain circumstances; requiring the Board to impose certain penalties under certain circumstances; requiring the Board to consider certain factors when setting the amount of certain penalties; requiring the Board to revoke certain licenses under certain circumstances; prohibiting the Board from considering, at least for a certain period of time, an application for a new license from the person whose license was revoked or an application for a new license for certain premises; requiring the Board to reinstate, under certain circumstances, a license that has been suspended or revoked; defining a certain term; and generally relating to the development of security plans in Baltimore City by applicants for and holders of Class B–D–7 licenses who offer entertainment.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–203(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–203.1
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 512 – Senators Edwards and Miller

EMERGENCY BILL

AN ACT concerning

Gaming – Video Lottery Terminals

FOR the purpose of prohibiting the Video Lottery Facility Location Commission from awarding a video lottery operation license for a location in Allegany County unless an applicant agrees to purchase the Rocky Gap Lodge and Resort; authorizing an individual or business entity that has been awarded or issued a video lottery operation license to own an interest in a video lottery facility in

Allegany County, subject to certain approvals; restricting access to a video lottery facility in Allegany County from the Rocky Gap Lodge and Resort if video lottery terminals are permanently located in the Rocky Gap Lodge and Resort; requiring the holder of a video lottery operation license in Allegany County to provide for meeting space in the Rocky Gap Lodge and Resort under certain circumstances; 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; waiving the initial license fee for an application submitted for a video lottery operation license in Allegany County for up to a certain number of video lottery terminals; providing that the calculation of the direct investment requirement for an application submitted for a video lottery operation license in Allegany County shall include the purchase price of the Rocky Gap Lodge and Resort, subject to a determination by the Video Lottery Facility Location Commission; exempting certain video lottery terminals and certain associated equipment and software from the property tax; defining certain terms; repealing certain obsolete provisions; making this Act an emergency measure; and generally relating to the operation of video lottery terminals in the State.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–05(a) and (d), 9–1A–11(d), 9–1A–27(a) and (b), and 9–1A–36(h)(1) and (j)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–1A–11(b) and (c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Tax – Property
Section 7–211(i)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 513 – Senator Middleton

AN ACT concerning

Maryland Estate Tax – Payment Deferral for Qualified Agricultural Property – ~~Waiver~~ Extension of Payment ~~Requirement~~ Deferral

FOR the purpose of authorizing the Comptroller to grant an extension to a certain deferred tax payment period if a qualified recipient has a pending application to place certain land under a permanent land conservation easement with the Maryland Agricultural Land Preservation Foundation or the Rural Legacy Board; requiring the Comptroller to adopt certain regulations; providing for the application of this Act; and generally relating to estate taxes on agricultural property.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 7–307(e)
Annotated Code of Maryland
(2010 Replacement Volume)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 539 – ~~**Senator Colburn**~~ **Senators Colburn, Simonaire, and Reilly**

AN ACT concerning

Environment – Bay Restoration Fund – Authorized Uses

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

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1605.2(a) and (h)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

Read the first time and referred to the Committee on Environmental Matters.

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

FOR the purpose of prohibiting an employer from taking adverse action against an employee who makes a complaint, brings an action, or testifies in an action under the Maryland Wage and Hour Law; specifying that the adverse action prohibited includes certain retaliatory actions; prohibiting the conviction of an employer without certain evidence; defining a certain term; and generally relating to prohibited acts of employers under the Maryland Wage and Hour Law.

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 3–401
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–428
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

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

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 Health and Government Operations.

Senate Bill 571 – Senator Pugh

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 Economic Matters.

Senate Bill 605 – Senators Raskin and Kittleman

AN ACT concerning

Campaign Finance Entities – Loans – Reporting Requirement and Penalties

FOR the purpose of requiring a campaign finance entity that receives a loan under a certain provision of law to report the receipt of the loan to the State Board of Elections within a certain time period; requiring the State Board to post information concerning the loan on the State Board Web site within a certain time period; specifying that certain penalties assessed for a certain violation of campaign contribution limits may be assessed against a lender, the candidate whose campaign finance entity received the loan, or both; specifying that any statute of limitations associated with the assessment of certain penalties begins on expiration of the repayment deadline for a certain loan; providing for a delayed effective date; and generally relating to loans received by campaign finance entities.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–230
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article – Election Law
Section 13–604.1
Annotated Code of Maryland
(2010 Replacement Volume)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 607 – Senator Conway

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 Environmental Matters.

Senate Bill 623 – Senators Madaleno and Glassman

AN ACT concerning

Maryland Department of Transportation – Transit Review and Evaluation

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

Read the first time and referred to the Committee on Environmental Matters.

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

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 Ways and Means.

Senate Bill 645 – Senator Ferguson

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 Environmental Matters.

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

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 Economic Matters.

Senate Bill 710 – Senator Klausmeier

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)~~ and (4)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section ~~15–112(d)~~ 15–112(a)(9) and (10) and (d)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 718 – Senator Garagiola

AN ACT concerning

Telephone Companies – Distribution of Telephone Directories ~~to Residential Customers~~

FOR the purpose of providing that a telephone company may not be required to distribute a certain telephone directory to an address in the State unless the property owner or an occupant requests the directory; requiring a telephone company to provide certain notice to 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; and generally relating to telephone companies and the distribution of telephone directories.

BY adding to
Article – Public Utilities
Section 8–206
Annotated Code of Maryland
(2010 Replacement Volume)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 721 – Senator Pinsky

AN ACT concerning

Prince George's County – Authority to Impose Fees for Use of Disposable ~~Plastic~~ Bags

FOR the purpose of authorizing Prince George's County to impose, by law, a fee on certain retail establishments for use of disposable ~~plastic~~ bags under certain circumstances; defining certain terms; and generally relating to the authority for Prince George's County to impose a fee for use of disposable ~~plastic~~ bags.

BY adding to
The Public Local Laws of Prince George's County
Section 10–283 to be under the new division "Division 16. Fees for Use of Disposable ~~Plastic~~ Bags"
Article 17 – Public Local Laws of Maryland
(2007 Edition, as amended)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 723 – Senator Rosapepe

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 Health and Government Operations.

Senate Bill 740 – Senator Madaleno

AN ACT concerning

State Government – Access to Public Records – Electronic Documents

FOR the purpose of requiring a custodian of a public record to provide certain applicants with a copy of the public record in a certain electronic format under certain circumstances; establishing a certain exception; authorizing a custodian to remove certain metadata from certain documents; providing for the construction of certain provisions of this Act; clarifying that a certain act does not constitute creating~~, compiling, or programming~~ a new public record; authorizing a custodian to charge an applicant a certain fee for producing a copy of a public record in an electronic format under certain circumstances; defining a certain term; providing for the termination of this Act; and generally relating to access to public records.

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–611, 10–620, and 10–621
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 741 – Senators Pugh and Madaleno

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 Economic Matters.

Senate Bill 773 – Senator Conway

AN ACT concerning

Baltimore City – Adult Entertainment – Age

FOR the purpose of requiring a certain licensee or transferee in Baltimore City that offers adult entertainment to prohibit patrons under a certain age on the licensed premises; and generally relating to adult entertainment in Baltimore City.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 12–203
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

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

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 Health and Government Operations.

Senate Bill 787 – Senators Raskin, Forehand, Kelley, Klausmeier, Madaleno, and Manno

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 Judiciary.

Senate Bill 827 – Senator Astle

AN ACT concerning

Environment – Severn River Watershed – Silt and Erosion Control – Certification

FOR the purpose of authorizing professional land surveyors and licensed landscape architects to certify silt and erosion control plans in the Severn River Watershed; and generally relating to certification of silt and erosion control plans in the Severn River Watershed.

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–308
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 830 – Senator Currie

AN ACT concerning

Tax Credits for Qualifying Employees with Disabilities – Sunset ~~Extension~~ Repeal

FOR the purpose of ~~extending~~ repealing certain termination provisions and altering certain dates of applicability for certain tax credits allowed to employers that hire certain qualifying individuals with disabilities; and generally relating to certain tax credits allowed to employers that hire certain qualifying employees facing certain employment barriers.

BY repealing and reenacting, with amendments,
Chapter 112 of the Acts of the General Assembly of 1997, as amended by Chapter 614 of the Acts of the General Assembly of 1998, Chapter 448 of the Acts of the General Assembly of 2000, Chapter 454 of the Acts of the General Assembly of 2003, Chapter 394 of the Acts of the General Assembly of 2006, Chapter 370 of the Acts of the General Assembly of 2007, Chapter 658 of the Acts of the General Assembly of 2008, Chapter 290 of the Acts of the General Assembly of 2009, and Chapter 252 of the Acts of the General Assembly of 2010
Section 4 and 6

BY repealing and reenacting, with amendments,
Chapter 113 of the Acts of the General Assembly of 1997, as amended by Chapter 614 of the Acts of the General Assembly of 1998, Chapter 448 of the Acts of the General Assembly of 2000, Chapter 454 of the Acts of the General Assembly of 2003, Chapter 394 of the Acts of the General Assembly of 2006, Chapter 370 of the Acts of the General Assembly of 2007, Chapter 658 of the Acts of the General Assembly of 2008, Chapter 290 of the Acts of the General Assembly of 2009, and Chapter 252 of the Acts of the General Assembly of 2010
Section 4 and 6

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 836 – Senator McFadden

AN ACT concerning

Baltimore City – 45th District – Alcoholic Beverages – ~~Class C~~ Licenses

FOR the purpose of authorizing the Board of Liquor License Commissioners for Baltimore City to issue a Class C beer, wine and liquor license in the 45th alcoholic beverages district; 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; and generally relating to alcoholic beverages in Baltimore City.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 9–204.1(a), (b), (c), and (d)(1) and 11–503(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–204.1(d)(2), 11–403(a)(3), and 11–503(b)(2)(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 847 – The President (By Request – Administration) and Senator Klausmeier

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 Environmental Matters.

Senate Bill 885 – Senator Garagiola

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 Economic Matters.

Senate Bill 950 – Senator Ramirez

AN ACT concerning

Prince George's County – Secondhand Precious Metal Object Dealers – Precious Metal Objects – Holding Period

FOR the purpose of altering the period of time during which certain secondhand precious metal object dealers in Prince George's County must hold certain precious metal objects; 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 Economic Matters.

Senate Bill 952 – Senator Ramirez

AN ACT concerning

Prince George's County ~~– Bladensburg~~ – Alcoholic Beverages – Development District Licenses and Board of License Commissioners Employees

FOR the purpose of authorizing the Board of License Commissioners for Prince George's County to issue a certain number of Class B–DD licenses in the zoned development district of the City of Bladensburg; authorizing a person to obtain one other Class B license anywhere in Prince George's County for each Class B–DD license the person is issued under certain circumstances; providing that a Class B license issued under this Act for a restaurant located anywhere in Prince George's County shall remain in effect under certain circumstances subject to certain conditions; altering a certain prohibition to provide that an employee of the Board of License Commissioners may own certain real property under certain circumstances; and generally relating to alcoholic beverages licenses in and employees of the Board of License Commissioners of Prince George's County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(r)(15)(vii) ~~and 9–217(f)(7)~~, 9–217(f)(7), and 15–112(r)(4)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 960 – Senator Middleton

AN ACT concerning

Health Care Providers – Investigations – Information Sharing Among State Agencies

FOR the purpose of adding to the list of entities to which the Health Services Cost Review Commission may disclose certain physician information; altering the list of entities that may be medical review committees charged by law to evaluate certain matters relating to health care providers; requiring the Board of Physicians to disclose information contained in a record to the Secretary of Health and Mental Hygiene and certain agencies for a certain purpose; requiring the Board, the Secretary, and the Commission to jointly adopt regulations for the transfer of certain information in a record; providing that certain provisions of this Act may not be construed to alter the authority of the Secretary under certain provisions of law; making a certain technical change; and generally relating to sharing information among State agencies for purposes of investigating health care providers, health care quality, and utilization of health care.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–218
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 1–401 and 14–411(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 14–411(a), (b), and (c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 975 – Senator Edwards

AN ACT concerning

Economic Development – Tri–County Council for Western Maryland – Membership and Leadership

FOR the purpose of altering the membership of the Tri–County Council for Western Maryland; establishing an Executive Committee for the Council and providing for the Executive Committee's officers and terms of office; defining a certain term; providing for the initial membership of the Executive Committee; and generally relating to the membership and leadership of the Tri–County Council for Western Maryland.

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 13–701 and 13–703
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY repealing
Article – Economic Development
Section 13–704
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY adding to
Article – Economic Development
Section 13–704
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 980 – Senator Middleton

AN ACT concerning

Credit Unions – Boards of Directors – Electronically Conducted Elections

FOR the purpose of authorizing the election of the board of directors of a credit union to be conducted electronically under certain circumstances; requiring the secretary of a credit union, for an election of directors conducted electronically, to provide certain information and a certain identification form to certain members of the credit union as provided in regulations adopted by the Commissioner of Financial Regulation; requiring the Commissioner to establish by regulation procedures for conducting an election of directors electronically; making certain conforming and stylistic changes; and generally relating to elections of the board of directors of a credit union.

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 6–329(a), (d), and (f)
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY adding to
Article – Financial Institutions
Section 6–329(i)
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 981 – Senators Mathias and Colburn

AN ACT concerning

Wicomico County – Board of Education – Selection of Members – Straw Ballot

FOR the purpose of requiring that a question be placed on the ballot in Wicomico County at the November general election of 2012 to determine the sense of the voters of the County on the issue of changing the method of selecting members of the Wicomico County Board of Education; providing for carrying out of the straw ballot; and generally relating to the holding of a straw ballot in Wicomico County.

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 993 – ~~Senator Middleton~~ Senators Middleton, Astle, Garagiola, Glassman, Kittleman, Klausmeier, and Pugh

AN ACT concerning

Maryland Automobile Insurance Fund – Employee Compensation

FOR the purpose of providing that employees of the Maryland Automobile Insurance Fund are not subject to certain laws, regulations, or executive orders governing State employee compensation; repealing a requirement for the Executive Director of the Fund to determine the compensation of certain personnel of the Fund in accordance with the State pay plan; requiring the Executive Director to administer the compensation of the personnel of the Fund; repealing a requirement for the Executive Director to submit certain changes to the Fund's salary plan to the Secretary of Budget and Management in a certain manner; repealing a requirement for the Secretary to take certain actions relating to

proposed changes to the Fund's salary plan; and generally relating to the compensation of employees of the Maryland Automobile Insurance Fund.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 20–204
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters and the Committee on Appropriations.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #17

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

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

HB0715/103090/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 715
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike the first comma and substitute "or"; and in lines 3 and 4, strike ", or its authorized dealer".

AMENDMENT NO. 2

On page 2, in line 33, strike "**(1)**"; and in the same line, strike "**AN APPLIANCE NORMALLY**" and substitute "**A REFRIGERATOR, A WASHER, A DRYER, OR A DISHWASHER THAT IS**".

On pages 2 and 3, strike in their entirety the lines beginning with line 35 on page 2 through line 11 on page 3, inclusive.

On page 3, in line 20, strike the second comma and substitute "**OR**"; in the same line, strike "**, OR ITS AUTHORIZED DEALER**"; in line 26, strike the comma and substitute "**OR**"; and in line 27, strike "**, OR ITS AUTHORIZED DEALER**".

On page 4, in line 3, strike the first comma and substitute "**OR**"; in the same line, strike "**, OR ITS AUTHORIZED DEALER**"; and in line 4, strike "**APPLICABLE**" and substitute "**MANUFACTURER'S**".

On page 5, in line 2, strike "**APPLICABLE**" and substitute "**MANUFACTURER'S EXPRESS**"; in line 5, strike the first comma and substitute "**OR**"; in lines 5 and 6, strike "**, OR ITS AUTHORIZED DEALER**"; and in line 15, after "**A**" insert "**MANUFACTURER'S EXPRESS**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 807 – Delegates McHale and Hammen

AN ACT concerning

Labor and Employment – Health Care Personnel Training Fund

HB0807/563195/1
BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 807
(First Reading File Bill)

On page 2, in line 6, strike "**MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND**" and substitute "**MONEY RECEIVED FROM THE FEDERAL GOVERNMENT**"; and in line 9, after "**FUND**" insert "**, EXCEPT STATE MONEY**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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 of Sunset

PG 403–11

HB1005/583691/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1005
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Removal" and substitute "Extension"; in line 10, strike "removing" and substitute "extending to a certain date"; and in line 12, after "Park;" insert "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;".

AMENDMENT NO. 2

On page 3, in lines 3, 5, 8, and 10, in each instance, strike the bracket; in lines 3 and 8, in each instance, strike "3" and substitute "**6**"; in lines 4 and 9, in each instance, strike "2011" and substitute "**2014**"; after line 10, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2013, the Department of Transportation Services in the University of Maryland, College Park, in consultation with the Public Service Commission, shall report to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2–1246 of the State Government Article, on the operations of the

University of Maryland, College Park shuttle bus service and the provision of transportation services for residents of the municipal corporations in which the shuttle bus service operates, including:

(1) local resident ridership levels;

(2) applicable vehicle safety, maintenance, and inspection standards, whether self–imposed or imposed by a third party, including a governmental unit;

(3) incidents arising from shuttle bus service operations that resulted in actual or potential liability for the University or a municipal corporation for which the University provides transportation service;

(4) any indemnification agreements between the University and participating municipal corporations; and

(5) the details of any insurance policies held by the University or self–insurance plans to cover losses arising from the University's shuttle bus operations.";

and in line 11, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1181 – Delegate Braveboy

AN ACT concerning

Real Estate Appraisal Management Companies – Registration and Regulation

HB1181/113891/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1181
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Braveboy" and substitute "Delegates Braveboy and Stifler"; 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**"; in line 20, strike "**THE**" and substitute "**BEGINNING ON JULY 1, 2011, THE**"; and after line 24, insert:

"**(E) THE FEES ESTABLISHED FOR EACH PROFESSION REGULATED UNDER TITLE 16 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE SHALL BE SET SO AS TO PRODUCE FUNDS TO APPROXIMATE THE COST OF REGULATING EACH PROFESSION.**".

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".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1304 – Delegates Hucker, Bobo, Impallaria, W. Miller, Murphy, Myers, and Rudolph

AN ACT concerning

National Human Trafficking Resource Center Hotline Information – Sign Posting Requirements

HB1304/623093/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1304
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rudolph" and substitute "Rudolph, Barkley, Barnes, Braveboy, Burns, Davis, Feldman, Haddaway–Riccio, Harrison, Hershey, Jameson, Kramer, Love, McHale, Minnick, Olszewski, Schuh, Schulz, Stifler, and Vaughn"; in lines 4 and 9, in each instance, before "owner" insert "business"; in line 6, after "information;" insert "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;"; in line 7, strike "an" and substitute "a business"; in line 8, after "penalty" insert ", if certain signs are not posted within a certain period of time after the business owner receives a certain notice"; and in line 13, after "highway;" insert "defining a certain term;".

AMENDMENT NO. 2

On page 2, after line 2, insert:

"**(A) IN THIS SECTION, "TRUCK STOP" MEANS A FACILITY:**

(1) WHOSE PRIMARY PURPOSE IS TO PROVIDE SERVICES TO LONG–HAUL TRUCK DRIVERS; AND

(2) THAT PROVIDES:

(I) SHOWER FACILITIES TO THE TRUCK DRIVERS FOR A FEE; OR

(II) PARKING FOR THE TRUCK DRIVERS' VEHICLES.";

in lines 3 and 12, strike "**(A)**" and "**(B)**", respectively, and substitute "**(B)**" and "**(C)**", respectively; in line 12, strike "**THE**" and substitute "**AN AGENCY THAT ENFORCES THIS SECTION THAT DETERMINES A VIOLATION OF THIS SECTION HAS OCCURRED SHALL NOTIFY THE BUSINESS OWNER OF THE BUS STATION OR TRUCK STOP, OR THE BUSINESS OWNER'S AGENT, OF THE VIOLATION.**

(2) IF THE BUSINESS OWNER OF THE BUS STATION OR TRUCK STOP DOES NOT POST SIGNS AS REQUIRED UNDER THIS SECTION WITHIN 24 HOURS AFTER RECEIVING THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BUSINESS";

strike beginning with "**OF**" in line 12 down through "**SECTION**" in line 13; in line 15, strike "**(2)**" and substitute "**(3)**"; in the same line, strike "**AN**" and substitute "**A BUSINESS**"; and in line 16, after "**THE**" insert "**BUSINESS**".

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 139 Members present.

(See Roll Call No. 655)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #63

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 656)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 657)

The Bill was then sent to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 658)

ADJOURNMENT

At 11:31 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 28, 2011, Calendar Day Wednesday, March 30, 2011.

Annapolis, Maryland
Legislative Day: March 28, 2011
Calendar Day: Wednesday, March 30, 2011

The House met at 10:12 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Kris Valderrama of Prince George's County.

QUORUM CALL

The presiding officer announced a quorum call, showing 132 Members present.

(See Roll Call No. 659)

The Journal of March 27, 2011 was read and approved.

EXCUSES:
Del. Alston – personal – daughter's illness
Del. Branch – late – stuck in traffic
Del. Carr – business
Del. Impallaria – doctor's appointment
Del. Proctor – illness
Del. Rudolph – personal
Del. F. Turner – personal

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 125 – Senator Gladden

AN ACT concerning

Baltimore City – Used Car Dealers – Sunday Operations

FOR the purpose of authorizing in Baltimore City a used car dealer to sell, barter, deliver, give away, show, or offer for sale a motor vehicle or certificate of title for a motor vehicle on Sunday, instead of Saturday, if the dealer notifies the Motor Vehicle Administration in advance that the dealer intends to conduct business on Sunday, instead of Saturday; and generally relating to Sunday operations of used car dealers in Baltimore City.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 18–101
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

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~~

FOR the purpose of ~~decreasing the number of days per month that an inmate serving a term of confinement that includes a consecutive or concurrent sentence for a crime of possession of a regulated firearm by a certain person prohibited from possessing a regulated firearm is allowed as a deduction in advance from the inmate's term of confinement; making stylistic changes; and generally relating to possession of firearms by certain persons and diminution credit eligibility~~ 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.

~~BY repealing and reenacting, with amendments,~~
~~Article – Correctional Services~~
~~Section 3–704~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2010 Supplement)~~

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

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

Senate Bill 204 – Senators Forehand, Garagiola, Jacobs, Montgomery, Muse, Ramirez, Raskin, Shank, Simonaire, and Stone

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 Rules and Executive Nominations.

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

FOR the purpose of requiring a person who receives a traffic citation with a certain notice for a violation that contributed to an accident that resulted in the death of another to comply with the notice to appear in court contained in a certain writ or trial notice by appearance in person; and generally relating to accidents resulting in death and appearance in court for traffic citations.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 26–204
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Senate Bill 331 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Roadside Solicitation of Money or Donations – Permit Program

FOR the purpose of authorizing Frederick County or a municipal corporation in Frederick County under certain conditions to enact a permit program allowing a person to stand in a roadway, median divider, or intersection to solicit money or donations from the occupant of a vehicle; requiring a permit application to include certain information; requiring the county or municipal corporation to approve or deny an application within a certain period; authorizing the county or municipal corporation to impose conditions on the solicitation; and generally relating to a permit program for roadside solicitation of money and donations in Frederick County.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–507(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Transportation
Section 21–507(k)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

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

FOR the purpose of creating the Task Force to Study the Impact of Adjunct Faculty on Graduation Rates at Historically Black Institutions in the State; providing for the membership, duties, compensation, and staffing of the Task Force; requiring

the Task Force to make certain findings and recommendations by a certain date; requiring the Task Force to report to the Governor and certain committees by a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study the Impact of Adjunct Faculty on Graduation Rates at Historically Black Institutions in the State.

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

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

FOR the purpose of establishing the Task Force to Study the Use of Telemedicine in Medically Underserved Populations and Areas; providing for the membership and staffing of the Task Force; requiring the Governor, when making certain appointments, to consult with certain members of the Senate of Maryland; providing for the designation of the chair of the Task Force; prohibiting a member of the Task Force from receiving compensation; authorizing a member of the Task Force to receive certain reimbursement; specifying the duties of the Task Force; requiring the Task Force to make ~~a certain report~~ certain reports to the Governor and certain committees of the General Assembly on or before ~~a certain date~~ certain dates; providing for the termination of this Act; and generally relating to the Task Force to Study the Use of Telemedicine in Medically Underserved Populations and Areas.

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

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

FOR the purpose of altering certain primary election dates; making certain changes to the State election law to comply with the federal Military and Overseas Voter Empowerment (MOVE) Act; altering certain deadlines for the filing of certain certificates of candidacy, petitions, certificates of withdrawal, and certificates of

designation of candidacy; altering the dates by which the State Board of Elections is required to certify the content and arrangement of certain ballots and deliver a copy to each local board; correcting a stylistic error; authorizing the delivery of ballot content by electronic means; and generally relating to primary and general elections and voting.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 5–302, 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 Rules and Executive Nominations.

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~~

FOR the purpose of requiring a certain bidder or offeror to notify a certain unit of State government ~~at a certain~~ within a certain period of time if, after submission of a bid or proposal and before the execution of a certain contract, the bidder or offeror determines that a certain minority business enterprise identified in a certain MBE participation schedule has become or will become unavailable or is determined to be ineligible to perform the work required under the contract; authorizing a certain bidder or offeror to submit a written request to a unit to amend a certain MBE participation schedule under certain circumstances; requiring a certain written request to include certain information; prohibiting an MBE participation schedule from being amended unless the amendment is approved by certain persons; prohibiting an MBE participation schedule from being amended after the date of contract execution unless approved by a certain person and by contract amendment; defining a certain term; ~~continuing until a certain date certain provisions of the State Procurement Law relating to procurement from minority business enterprises; requiring a certain study and a final report on the study by a certain date; providing for the application of certain provisions of this Act; providing for the effective dates of this Act~~ making this Act an emergency measure; and generally relating to minority business enterprise participation in procurement contracts.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement

Section 14–302 ~~and 14–309~~
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Chapter 116 of the Acts of the General Assembly of 1995, as amended by Chapters 495 and 496 of the Acts of the General Assembly of 2000, Chapter 339 of the Acts of the General Assembly of 2001, and Chapter 359 of the Acts of the General Assembly of 2006~~
~~Section 2~~

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

Senate Bill 562 – Senator Pugh

AN ACT concerning

Department of Health and Mental Hygiene – ~~Required Certification of~~ Recovery Homes – Best Practices

FOR the purpose of requiring the Department of Health and Mental Hygiene to ~~adopt regulations for the certification of recovery homes in the State; requiring the regulations to include certain standards, requirements, fees, and procedures; authorizing the regulations to include certain requirements; requiring the certification fee set by the Department to cover certain departmental costs; prohibiting a person from operating a recovery home without certain certification; prohibiting certain programs from referring program participants to a recovery home that is not certified; requiring applicants for certification as a recovery home to submit an application on the form the Department requires; requiring the Department to issue a certificate to an applicant that meets certain certification requirements; requiring the Department to give an applicant an opportunity for a hearing under certain circumstances; providing that a person who operates a recovery home in violation of this Act is subject to a certain penalty~~ 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; and generally relating to ~~the certification of~~ recovery homes.

~~BY adding to~~
~~Article – Health – General~~
~~Section 8–406~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2010 Supplement)~~

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

Senate Bill 572 – Senators Muse, Benson, Rosapepe, and Young

AN ACT concerning

Raymond Scott Brown II Vehicle Towing Act

FOR the purpose of providing for the statewide application of certain provisions of law governing the towing or removal of vehicles from parking lots; requiring a person who undertakes the towing or removal of vehicles from parking lots to provide certain notice to certain police departments~~; altering the time frame within which a tower is required~~ before towing or removing a vehicle from a parking lot; repealing the requirement for a tower to provide certain notice to certain police departments after towing or removing a vehicle from a parking lot; altering the information that a tower is required to provide to certain police departments ~~after~~ before towing or removing a vehicle from a parking lot; ~~establishing certain methods by which a tower may provide certain notice to certain police departments;~~ and generally relating to the towing or removal of vehicles from parking lots.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–10A–01 and 21–10A–04
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–10A–02, 21–10A–03, 21–10A–05, and 21–10A–06
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

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

FOR the purpose of requiring the ~~Biennial Cancer Study conducted by the Department of Health and Mental Hygiene to measure possible environmental causes of certain cancers, including certain chemical agents and toxins~~ 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; and generally relating to cancer clusters and environmental causes of cancer ~~and the Biennial Cancer Study~~.

~~BY repealing and reenacting, without amendments,~~
~~Article – Health – General~~
~~Section 13–1101(a) and (t), 13–1103(a), (b), and (c), and 13–1104~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2010 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Health – General~~
~~Section 13–1103(d)~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2010 Supplement)~~

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

Senate Bill 891 – Senator Edwards

AN ACT concerning

Economic Development – Qualified Distressed Counties

FOR the purpose of altering the definition of "qualified distressed county" for certain purposes, including the Maryland Economic Development Assistance Authority and Fund, the Linked Deposit Program, the One Maryland Economic Development Tax Credit, and the College Readiness Outreach Program; and generally relating to the definition of "qualified distressed county" for certain economic development purposes in the State.

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 1–101(a) and (b)
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 1–101(e)
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

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

Senate Bill 958 – Senator Garagiola

AN ACT concerning

Maryland Clean Energy Incentive Act – Qualified Energy Resources

FOR the purpose of altering the definition of qualified energy resources under a certain credit against the State income tax for certain electricity produced from certain qualified resources; and generally relating to a certain credit against the State income tax for certain electricity produced from certain qualified resources.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–720(a)
Annotated Code of Maryland
(2010 Replacement Volume)

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

Senate Bill 959 – ~~Senator Garagiola~~ Senators Garagiola and Brinkley

AN ACT concerning

Bio–Heating Oil – Income Tax Credit

FOR the purpose of altering the definition of bio–heating oil for purposes of a certain State income tax credit for the purchase of bio–heating oil for certain purposes; extending a certain termination provision and altering certain dates of applicability for a certain State income tax credit for the purchase of certain heating oil for certain uses; and generally relating to a State income tax credit for the purchase of certain heating oil.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–727
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Chapter 140 of the Acts of the General Assembly of 2008
Section 3

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

THE COMMITTEE ON WAYS AND MEANS REPORT #14

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

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 – Development of an Educational Program to Aid Unemployed State Residents

HB0757/605265/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 757
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Maryland Higher Education Commission" and substitute "Governor's Workforce Investment Board"; in the same line, strike "an"; in line 3, strike "Program" and substitute "Programs"; strike beginning with "requiring" in line 4 down through "residents;" in line 6; in lines 6 and 9, in each instance, strike "Commission" and substitute "Governor's Workforce Investment Board"; strike beginning with "requiring" in line 11 down through "funds;" in line 13; in line 13, strike "an"; in line 14, strike "program" and substitute "programs"; in lines 14 and 15, strike "Maryland Higher Education Commission" and substitute "Governor's Workforce Investment Board"; strike in their entirety lines 16 through 20, inclusive; in line 22, strike "Education" and substitute "Labor and Employment"; and in line 23, strike "11–407" and substitute "11–505.1".

AMENDMENT NO. 2

On page 2, in line 1, strike "Education" and substitute "Labor and Employment"; strike in their entirety lines 2 through 18, inclusive; in line 19, strike "**11–407.**" and substitute "**11–505.1.**"; strike beginning with "**THE**" in line 20 down through "**(B)**" in line 25; and in line 25, strike "**COMMISSION**" and substitute "**GOVERNOR'S WORKFORCE INVESTMENT BOARD**".

On page 3, strike beginning with "**ELIGIBILITY**" in line 6 down through "**NEED**" in line 10 and substitute "**A PATHWAYS FOR ACADEMIC CAREER AND EMPLOYMENT PROGRAM TO PROVIDE GRANTS TO COMMUNITY COLLEGES FOR THE DEVELOPMENT OF PROJECTS IN COORDINATION WITH:**

1. INSTITUTIONS OF POSTSECONDARY EDUCATION LOCATED IN THE STATE;

2. THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION;

3. THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT; AND

4. THE GOVERNOR'S WORKFORCE INVESTMENT BOARD";

in lines 13, 26, and 28, in each instance, strike "**COMMISSION**" and substitute "**GOVERNOR'S WORKFORCE INVESTMENT BOARD**"; strike beginning with "**THE**" in line 21 down through "**(VI)**" in line 22; in line 25, strike "**(VII)**" and substitute "**(VI)**"; in line 28, strike "**(C) (1)**" and substitute "**(B)**"; and in line 29, after "**REPORT**" insert "**ON ITS FINDINGS AND RECOMMENDATIONS**".

On page 4, strike in their entirety lines 4 through 15, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Green Technology, Life Science, and Health Information Technology Loan Assistance Repayment Program

HB0758/365269/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 758
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Green" insert "Task Force on Funding a"; in line 4, after the second "the" insert "Task Force on Funding a"; strike beginning with "requiring" in line 5 down through "terms;" in line 17 and substitute "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 in line 17, after "the" insert "Task Force on Funding a".

On page 1 and 2, strike in their entirety the lines beginning with line 20 on page 1 through line 5 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, in line 7, strike "the Laws of Maryland read as follows"; and after line 7, insert:

"(a) There is a Task Force on Funding a Green Technology, Life Science, and Health Information Technology Loan Assistance Repayment Program.

(b) The Task Force consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Labor, Licensing, and Regulation, or the Secretary's designee;

(4) one member of the Governor's Workforce Investment Board, appointed by the Chair of the Board;

(5) one representative of community colleges in the State, appointed by the Governor;

(6) one representative of the biotechnology industry, appointed by the Governor;

(7) one representative from the Maryland Clean Energy Center appointed by the Governor;

(8) one representative from the U.S. Green Building Council: Maryland Chapter, appointed by the Chair of the Board of Directors of the Council;

(9) one representative of the Maryland State and District of Columbia AFL–CIO, appointed by the President of the Union; and

(10) one representative of the SEIU Maryland and District of Columbia State Council, appointed by the President of the Council.

(c) The Task Force members shall designate the chair of the Task Force.

(d) The Governor's Workforce Investment Board shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

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

(f) The Task Force shall study and make recommendations on sources of funding for a green technology, life science, and health information technology loan assistance repayment program that assists graduates who earned a degree in a field relating to green technology, life science, or health information technology from an institution of higher education in the State in the repayment of any federal or State higher education loan.

(g) On or before December 31, 2011, the Task Force shall report its findings and recommendations, 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.".

AMENDMENT NO. 3

On pages 2 through 5, strike in their entirety the lines beginning with line 8 on page 2 through line 5 on page 5, inclusive.

On page 5, in line 7, strike "October" and substitute "June"; and in the same line, after "2011." insert "It shall remain effective for a period of 7 months and, at the end of December 31, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

AMENDED IN THE SENATE

House Bill 70 – The Speaker (By Request – Administration)

Budget Bill

Fiscal Year 2012

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

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE TO THE MARYLAND SENATE – 2011 SESSION – RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION PERTAINING TO HOUSE BILL 70 – THE BUDGET BILL

(See Exhibit K of Appendix II)

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 L of Appendix II)

SENATE BUDGET AND TAXATION COMMITTEE REPRINT TO
HOUSE BILL 70 – THE BUDGET BILL

(See Exhibit M of Appendix II)

The preceding 70 amendments were read and not concurred in.

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 not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0070**
SPONSOR: The Speaker (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 adopted.

AMENDED IN THE SENATE

House Bill 72 – The Speaker (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2011

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

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 not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0072**
SPONSOR: The Speaker (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 adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 132 Members present.

(See Roll Call No. 660)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #64

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

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

Affirmative – 118 Negative – 15 (See Roll Call No. 661)

The Bill was then sent to the Senate.

House Bill 807 – Delegates McHale and Hammen

AN ACT concerning

Labor and Employment – Health Care Personnel Training Fund

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

Affirmative – 114 Negative – 20 (See Roll Call No. 662)

The Bill was then sent to the Senate.

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

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

Affirmative – 103 Negative – 31 (See Roll Call No. 663)

The Bill was then sent to the Senate.

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

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

Affirmative – 107 Negative – 27 (See Roll Call No. 664)

The Bill was then sent to the Senate.

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

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

Affirmative – 134 Negative – 1 (See Roll Call No. 665)

The Bill was then sent to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 666)

ADJOURNMENT

At 10:53 A.M. on motion of Delegate Barve the House 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

The House met at 10:04 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Shawn Z. Tarrant of Baltimore City.

QUORUM CALL

The presiding officer announced a quorum call, showing 124 Members present.

(See Roll Call No. 667)

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

EXCUSES:
Del. Davis – illness
Del. Hershey – business
Del. McConkey – funeral
Del. Minnick – doctor's appointment
Del. Mizeur – illness

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

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

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 Rules and Executive Nominations.

Senate Bill 568 – Senators Pugh and Kittleman

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 Rules and Executive Nominations.

Senate Bill 570 – ~~Senator Pugh~~ Senators Pugh, Forehand, Gladden, Ramirez, and Raskin

AN ACT concerning

Motor Vehicles – Towing Practices and Procedures

FOR the purpose of establishing a motor vehicle towing, recovery, and storage lien on a towed motor vehicle on behalf of the tower for certain towing, recovery, and storage charges; prohibiting a motor vehicle towing, recovery, and storage lienor from selling the motor vehicle to which the lien is attached under certain circumstances; providing that a motor vehicle towing, recovery, and storage lienor may only sell a motor vehicle to which a lien is attached in a certain manner; requiring a motor vehicle towing, recovery, and storage lienor to return certain motor vehicle registration plates to the Motor Vehicle Administration under certain circumstances; requiring the Motor Vehicle Administration to provide a receipt for the return of certain motor vehicle registration plates; establishing certain notice and publication requirements for the public sale of a towed vehicle; authorizing a court to enter a judgment of restitution for a certain victim under certain circumstances; requiring the Administration to issue a salvage certificate to the purchaser of an abandoned vehicle or a vehicle subject to a motor vehicle towing, recovery, and storage lien under certain circumstances; providing for the application process for a salvage certificate for an abandoned vehicle or a vehicle subject to a motor vehicle towing, recovery, and storage lien; requiring certain motor vehicle towing, recovery, and storage lienors to file a certain court action in a certain manner under certain circumstances; requiring the Motor Vehicle Administration to issue a certificate of title that contains a conspicuous "salvage" notation under certain circumstances; clarifying the application of certain security requirements for tow trucks; altering certain security requirements for tow trucks; altering certain penalties for certain violations related to tow truck vehicle registration; providing for the statewide application of certain provisions of law governing the towing or removal of vehicles from parking lots; altering the content required on certain signage related to the towing, recovery, and storage of vehicles; altering the maximum distance that, and the locations to which, a vehicle towed from a parking lot may be transported for storage, subject to a certain exception; altering certain maximum amounts that a person may charge for towing, recovering, and storing a vehicle under certain circumstances; authorizing a tower to charge certain persons for the actual costs of providing certain notice; altering the time period within which a tower is required to provide certain notice to certain police departments; requiring a tower to provide certain notice to certain persons within a certain time period after towing a vehicle from a parking lot; requiring a tower to provide certain persons with certain itemized costs; requiring a tower to obtain certain photographic evidence from the parking lot owner before towing a vehicle from a parking lot; prohibiting a tower from towing a vehicle for a certain violation within a certain time period; altering the storage facility to which a tower is required to transport a towed vehicle; prohibiting the removal of a towed vehicle from a certain storage facility for a certain time period; clarifying the required opportunity that certain persons must provide for the reclamation of a towed

vehicle; requiring a tower to release a towed vehicle to certain persons under certain circumstances; requiring a storage facility for towed vehicles to accept payment in certain manners under certain circumstances and to make an automatic teller machine available on the premises under certain circumstances; requiring a storage facility that is in possession of a towed vehicle to make the vehicle available to certain persons for certain purposes; altering the persons eligible to seek certain civil damages from a tower under certain circumstances; altering certain penalties for certain towing violations; establishing certain penalties for violations relating to motor vehicle towing, recovery, and storage liens; making a certain stylistic change; making a certain technical correction; altering a certain definition; and generally relating to motor vehicle towing practices and procedures.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 16–202(c) and 16–207
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 16–206
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

<u>BY repealing and reenacting, with amendments,</u>
<u>Article – Criminal Procedure</u>
<u>Section 11–603</u>
<u>Annotated Code of Maryland</u>
<u>(2008 Replacement Volume and 2010 Supplement)</u>

BY repealing and reenacting, with amendments,
Article – Transportation
Section 11–152, 13–506(b), (e), and (f), 13–507(b), 13–920, 21–10A–01 through 21–10A–06, and 27–101(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Transportation
Section 13–506(e)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 13–507(a)(1) and (2) and 27–101(a) and (b)

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

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

Senate Bill 743 – Senator Pugh

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 Rules and Executive Nominations.

Senate Bill 809 – Senator Zirkin

AN ACT concerning

Criminal Procedure – ~~Pretrial Release and~~ Forfeiture of 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~~ refunding 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~~ refund 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~~ forfeiture of 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 Rules and Executive Nominations.

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

FOR the purpose of altering the rate of the sales and use tax imposed on the sale of an alcoholic beverage; ~~requiring the Comptroller to distribute certain revenue from the sales and use tax on the sale of an alcoholic beverage to the General Fund of the State;~~ 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; and generally relating to the sales and use tax imposed on the sale of an alcoholic beverage and a supplementary appropriation.

~~BY repealing and reenacting, with amendments,~~
~~Article – Tax – General~~
~~Section 2–1302.2~~

~~Annotated Code of Maryland~~
~~(2010 Replacement Volume)~~

BY adding to
Article – Tax – General
Section 11–104(g)
Annotated Code of Maryland
(2010 Replacement Volume)

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

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0070**
SPONSOR: The Speaker (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 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 Speaker (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 ordered journalized.

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS REPORT #9

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

Senate Bill 44 – Senator Middleton

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.

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

Senate Bill 84 – The President (By Request – Department of Legislative Services)

AN ACT concerning

Electrology Practice Committee – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 89 – The President (By Request – Department of Legislative Services)

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 90 – The President (By Request – Department of Legislative Services)

AN ACT concerning

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

SB0090/396687/1
BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 90
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "date;" insert "requiring the Board to submit a report to certain committees of the General Assembly on or before a certain date;".

AMENDMENT NO. 2

On page 2, after line 22, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2015, the State Board of Podiatric Medical Examiners shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article, regarding the status of the Board and the regulation of podiatry in the State. The report shall include information for the years fiscal 2011 through fiscal 2015, inclusive, that addresses:

(1) the number of podiatrists licensed by the Board;

(2) whether the Board has implemented any new requirements for the licensure, certification, or registration of individuals who practice or assist in the practice of podiatry, and the number of individuals licensed, certified, or registered as a result of any new requirements implemented by the Board;

(3) the number of complaints received by the Board for individuals who practice or assist in the practice of podiatry and the resolution of the complaints;

(4) a summary of any major legislative or regulatory changes impacting podiatry, including changes to fees charged by the Board; and

(5) an update on the Board's finances including the revenue and expenditures for each fiscal year.";

and in line 23, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 93 – The President (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.

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

Senate Bill 144 – Chair, Finance 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.

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

Senate Bill 202 – Senators Middleton, Kasemeyer, Astle, Currie, Ferguson, King, Madaleno, Manno, Mathias, McFadden, Montgomery, Pugh, Raskin, ~~and Zirkin~~ Zirkin, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, and Muse

AN ACT concerning

Community Services Reimbursement Rate Commission – Termination Date – Extension

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 203 – Senators Montgomery, Benson, Forehand, Garagiola, Glassman, Kasemeyer, Kelley, King, Madaleno, Manno, Middleton, Pinsky, Pugh, Ramirez, Raskin, Robey, and Rosapepe

AN ACT concerning

Health Care Decisions Act – "Medical Orders for Life–Sustaining Treatment" Form

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 255 – Senator Middleton

AN ACT concerning

Life Insurance – Definition and Permitted Riders and Provisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 381 – Senator Pinsky

AN ACT concerning

Health – ~~Residential~~ Youth Camps – ~~Definition~~ Definitions

SB0381/976081/1
BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 381
(Third Reading File Bill)

On page 3, in line 22, strike "(g)(3)" and substitute "**(G)(1)(III)**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

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

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 428 – Senator Klausmeier

AN ACT concerning

Mental Hygiene – Admission Provisions – Definition of "Psychologist"

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 682 – Senators Peters ~~and Montgomery~~, Montgomery, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, Muse, and Pugh

AN ACT concerning

Behavioral Health – Veterans – Coordination and Provision of Services

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #14

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

House Bill 1279 – Delegates Carter, Alston, Anderson, and Rosenberg

AN ACT concerning

Criminal Procedure – Retention of Right to Expungement – Charges Not Resulting in Conviction

HB1279/782019/3
BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1279
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Retention of Right to Expungement –"; in line 3, after "Conviction" insert " – Shielding"; strike beginning with "establishing" in line 4 down through "changes;" in line 8 and substitute "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;"; in line 8, strike "a"; in the same line, strike "correction" and substitute "corrections"; and in line 9, after "expungement" insert "and shielding".

AMENDMENT NO. 2

On page 1, strike beginning with the second comma in line 19 down through "violation," in line 20.

On page 2, in lines 2, 3, and 5, in each instance, strike the brackets; in line 5, strike "**A CONVICTION**"; and strike in their entirety lines 9 through 11, inclusive, and substitute:

"**(C) (1) IN THIS SUBSECTION, "SHIELD" MEANS TO REMOVE INFORMATION FROM A PUBLIC WEB SITE AND PUBLIC COMPUTER TERMINALS MAINTAINED BY THE MARYLAND JUDICIARY.**

(2) A PERSON WHO WAS CONVICTED OF ONE OR MORE CHARGES IN A UNIT MAY FILE A PETITION TO SHIELD INFORMATION REGARDING OTHER

CHARGES IN THE UNIT THAT WERE DISPOSED OF BY ACQUITTAL, DISMISSAL, NOLLE PROSEQUI, OR STET.

(3) A PETITION SHALL BE FILED WITH THE ADMINISTRATIVE OFFICE OF THE COURTS.

(4) A PETITION TO SHIELD INFORMATION RELATING TO A STETTED CHARGE MAY NOT BE FILED UNTIL THE EXPIRATION OF 3 YEARS SINCE THE TIME THE STET WAS ENTERED.

(5) WITHIN 30 DAYS AFTER RECEIPT OF A PETITION FILED IN ACCORDANCE WITH THIS SUBSECTION, THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL SHIELD THE INFORMATION.

(6) THE ADMINISTRATIVE OFFICE OF THE COURTS MAY ASSESS A REASONABLE FEE FOR A PETITION FILED UNDER THIS SUBSECTION TO OFFSET IMPLEMENTATION COSTS.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Public Information Act – Documents Relating to Arrest Warrants

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 66 – Chair, Judicial Proceedings Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Criminal Justice Information System Central Repository – Reportable Events

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 172 – Senators McFadden, Kelley, and Miller

AN ACT concerning

Inmates – Life Imprisonment – Parole Approval

SB0172/192519/1
BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 172
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Parole" insert "and Commutation of Sentence"; in lines 5 and 6, in each instance, after "parole" insert "and commutation of sentence"; in line 8, after "parole" insert "or commutation of sentence"; in line 9, strike "decision" and substitute "parole or commutation of sentence"; in the same line, after "effective;" insert "making a certain conforming change; altering certain definitions;"; and in line 13, strike "and 7–301(d)" and substitute ", 7–101(d) and (e), 7–301(d), and 7–601(b)".

AMENDMENT NO. 2

On page 2, in line 16, after the first "**TO**" insert "**OR RECOMMEND COMMUTATION OF SENTENCE OF**"; in line 23, strike "**180**" and substitute "**90**"; in the same line, strike the second "**DECISION**" and substitute "**PAROLE OR COMMUTATION OF SENTENCE**"; and after line 24, insert:

"7–101.

(d) "Commutation of sentence" means an act of clemency in which **[**the Governor, by order, substitutes**]** a lesser penalty for the grantee's offense **IS**

SUBSTITUTED for the penalty imposed by the court in which the grantee was convicted.

(e) "Conditional commutation of sentence" means a commutation of sentence that is dependent on compliance with conditions precedent or subsequent **[**that the Governor specifies in the**]** **IN A** written order granting the commutation.".

On page 3, in line 8, after the second "**TO**" insert "**OR RECOMMEND COMMUTATION OF SENTENCE OF**"; in line 15, strike "**180**" and substitute "**90**"; in the same line, strike the second "**DECISION**" and substitute "**PAROLE OR COMMUTATION OF SENTENCE**"; after line 16, insert:

"7–601.

(b) (1) **[**A**]** **EXCEPT AS PROVIDED IN § 4–305 OF THIS ARTICLE AND § 7–301 OF THIS TITLE, A** pardon or commutation of sentence shall be evidenced by a written executive order signed by the Governor under the great seal.

(2) An order granting a pardon or conditional pardon shall clearly indicate on its face whether it is a partial or full pardon.";

in line 18, strike "180" and substitute "90"; in line 20, after "for" insert "or commutation of sentence of"; in line 22, after "parole" insert "or commutation of sentence"; and in line 23, strike "decision" and substitute "or commutation of sentence".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 299 – Senators Jennings, Shank, Forehand, Gladden, Kelley, King, Pugh, Ramirez, Raskin, Stone, Young, and Zirkin

AN ACT concerning

Wiretapping and Electronic Surveillance – Investigation of Human Trafficking

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 511 – Senator Stone

AN ACT concerning

Criminal Law – Counterfeiting – Venue

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 673 – Senator Frosh

AN ACT concerning

Estates and Trusts – Payment of Attorney's Fees – Contingency Fee

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #6

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

House Bill 1312 – Delegate Griffith

AN ACT concerning

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

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

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

House Bill 1338 – Delegate Kipke

AN ACT concerning

Health Insurance – Pharmacy Benefits Managers – Contracts, Disclosures, and Audits

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

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

House Bill 1354 – Delegate Cane

EMERGENCY BILL

AN ACT concerning

Environment – Construction of Wells

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

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #A01

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations reported favorably:

GOVERNOR MARTIN O'MALLEY – 2010 RECESS APPOINTMENT
REQUIRING CONFIRMATION BY THE MARYLAND HOUSE OF DELEGATES

(See Exhibit A of Appendix II)

The favorable report of the Committee was adopted by yeas and nays as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 668)

The preceding appointment was confirmed by the House.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 669)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #65

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

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

Affirmative – 109 Negative – 25 (See Roll Call No. 670)

The Bill was then sent to the Senate.

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

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

Affirmative – 117 Negative – 17 (See Roll Call No. 671)

The Bill was then sent to the Senate.

INTRODUCTION OF BILLS

Delegate Jameson moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 133 Negative – 2 (See Roll Call No. 672)

In compliance with the rules, the Bill was introduced.

Delegate Jameson moved to suspend the rules and assign the bill to the committee of jurisdiction.

The motion was adopted by roll call vote as follows:

Affirmative – 134 Negative – 0 (See Roll Call No. 673)

House Bill 1355 – Delegate Jameson

AN ACT concerning

Driving Instructors – Use of Wireless Communication Device

FOR the purpose of prohibiting a driving instructor from using a wireless communication device while a student driver is operating a motor vehicle except to turn off the device; providing that certain violations of this Act may be enforced only as a secondary offense; establishing penalties for certain violations of this Act; establishing a certain exception to the prohibition on use of a wireless communication device by a driving instructor; requiring licensed drivers' schools to display a certain notice in vehicles used for instruction; requiring the Motor Vehicle Administration to specify the form, size, design, and manner required for a certain notice; defining certain terms; and generally relating to drivers' instruction and wireless communication devices.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 15–701 and 15–708
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 15–801(b) and 21–1124(a)(3)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Transportation
Section 21–1124.3
Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 674)

ADJOURNMENT

At 10:39 A.M. on motion of Delegate Barve the House 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

The House met at 11:06 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate C. T. Wilson of Charles County.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 675)

The Journal of March 29, 2011 was read and approved.

EXCUSES:
Del. Alston – business
Del. Minnick – doctor's appointment
Del. Summers – funeral

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 369 – Senator Conway

AN ACT concerning

Education – School Buses – Fire Safety Standards

FOR the purpose of ~~requiring a school bus to meet certain fire safety criteria; requiring the State Department of Education to adopt certain fire safety regulations for school buses that include certain requirements; requiring certain engine components of certain school buses to meet a certain standard~~ 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; defining certain terms; providing for the application of this Act; and generally relating to school bus fire safety standards.

BY adding to

Article – Education
Section 7–808
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 11–153 and 11–154
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Senate Bill 438 – Senator Rosapepe

AN ACT concerning

Maryland–Washington Metropolitan District and Regional District – Boundaries – City of Laurel

FOR the purpose of altering a certain provision of law to provide that the boundaries of the Maryland–Washington Metropolitan District do not include ~~the City of Laurel as its boundaries are defined as of a certain date~~ certain property annexed by the City of Laurel during a certain time period; altering a certain provision of law to provide that the boundaries of the Maryland–Washington Regional District include all of Prince George's County except the City of Laurel as its boundaries are defined as of a certain date and certain property annexed by the City of Laurel during a certain time period; and generally relating to the boundaries of the Maryland–Washington Metropolitan District and the Maryland–Washington Regional District.

BY repealing and reenacting, with amendments,
Article 28 – Maryland–National Capital Park and Planning Commission
Section 3–102(b) and 7–103
Annotated Code of Maryland
(2010 Replacement Volume)

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

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

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 repealing
Article – Agriculture
Section 8–803.5
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)

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

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

FOR the purpose of prohibiting a commissioner of the Board of Liquor License Commissioners for Baltimore City or an employee of the Board from having certain interests in businesses or premises relating to the distribution of alcoholic beverages; requiring the Board to set for its appellate counsel the same compensation and benefits as are set for certain inspectors; specifying that an action of a commissioner or employee of the Board is subject to State requirements for open or public meetings; requiring the Office of Legislative Audits to conduct, during a certain period of time, performance audits of the Board to evaluate the management practices of the Board; requiring the audit to focus on certain operations of the Board; requiring the audits to occur at a certain frequency; authorizing the Office of Legislative Audits to have access to and inspect the records of the Board; requiring audit reports of the Board to be distributed to certain persons; defining a certain term; making certain stylistic and conforming changes; requiring the Office of Legislative Audits to initiate its first audit of the Board on or before a certain date; and generally relating to the Board of Liquor License Commissioners for Baltimore City and audits conducted by the Office of Legislative Audits.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–112(d)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–112(d)(2) and (10)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 2B – Alcoholic Beverages

Section 15–112(d)(15)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article – State Government
Section 2–1220(f)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–1223(a)(3) and 2–1224
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 2–1223(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

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

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 certain manner determined by the Commission and in accordance with a certain principle~~ authorizing the Commission to impose a certain civil ~~penalities on or after a certain date~~ penalty; prohibiting an electric company from recovering the cost of a certain civil penalty from ratepayers; providing that a certain ~~provisions~~ provision relating to ~~corrective action taken~~ penalties imposed 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; 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; defining certain terms; making this Act an emergency measure; and generally relating to electricity safety and 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 Rules and Executive Nominations.

Senate Bill 755 – Senator Pugh

AN ACT concerning

Task Force to Study High School Dropout Rates of Persons in the Criminal Justice System

FOR the purpose of establishing the Task Force to Study High School Dropout Rates of Persons in the Criminal Justice System; providing for the membership and staffing of the Task Force; requiring the Governor to designate the chair of the Task Force; providing that a member of the Task Force may not receive compensation as a member of the Task Force but is entitled to a certain reimbursement; requiring the Task Force to study certain issues, obtain certain data, and make certain recommendations and to ~~make certain reports~~ report its findings and recommendations to the Governor and General Assembly; providing for the termination of this Act; and generally relating to the Task Force to Study High School Dropout Rates of Persons in the Criminal Justice System.

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

Senate Bill 757 – Senators Kittleman and Raskin

AN ACT concerning

Election Law – Electronic Media – Electronic Contributions and Expenditures

FOR the purpose of repealing certain requirements that a campaign finance entity make a disbursement only by check; requiring a campaign finance entity to make a disbursement by certain methods; requiring an electronic method of making a disbursement that the State Board of Elections authorizes by regulation to satisfy certain requirements; repealing a requirement that a contribution in excess of a certain amount be made only by check or credit card; requiring that a contribution be made by certain methods; requiring an electronic method of making a contribution that the State Board authorizes by regulation to satisfy certain requirements; requiring the State Board to adopt regulations governing the application of certain disclosure and retention requirements to campaign material transmitted through electronic media; requiring the regulations adopted by the State Board to satisfy certain requirements; authorizing the regulations adopted by the State Board to modify certain statutory requirements as they relate to electronic media as necessary to

accommodate particular technologies; and generally relating to conforming election law to electronic methods of disseminating campaign material and electronic methods of making contributions and expenditures.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 1–101(k), 13–401, and 13–403
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–220 and 13–226(b)
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article – Election Law
Section 13–234 and 13–404
Annotated Code of Maryland
(2010 Replacement Volume)

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

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

~~FOR the purpose of requiring the State Department of Education, in collaboration with certain organizations and individuals, to develop certain policies and implement a certain program; requiring a certain program to include a certain verification process; requiring county boards of education to provide a certain information sheet to certain individuals; requiring certain individuals to sign certain statements; requiring the Department to create a certain information sheet and acknowledgement statement; requiring the removal from play of certain student–athletes; prohibiting the return to play of certain student–athletes until certain student–athletes receive certain evaluation and clearance; requiring youth sports programs to provide certain information to county boards under certain circumstances; defining certain terms; and~~

~~generally relating to the development of policies and implementation of a program to provide awareness on the nature and risk of 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, 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.

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 Rules and Executive Nominations.

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

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 Rules and Executive Nominations.

Senate Bill 928 – Senators Rosapepe and Reilly

AN ACT concerning

Procurement – Preferences – Blind Industries and Services of Maryland

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

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

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

Senate Bill 937 – ~~Senator Dyson~~ Senators Dyson and Colburn

AN ACT concerning

Natural Resources Police Force – Number of Officers

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

BY adding to
Article – Natural Resources
Section 1–201.2
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Senate Bill 586 – Senators Ramirez and Zirkin

AN ACT concerning

Courts – Service of Process – Motor Vehicle Administration and Insurer as Agent for Driver

FOR the purpose of expanding provisions of law designating the Motor Vehicle Administration as agent with respect to service of process in an action related to a motor vehicle accident or collision to include certain resident drivers under certain circumstances; requiring the Administration to serve as an agent for service of process under certain circumstances, take certain actions, and report certain information annually to the General Assembly; 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; defining a certain term; providing for the application of this Act; and generally relating to service of process on certain drivers under certain circumstances.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 6–313
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 6–314
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 12–104(f)

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

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

MESSAGE FROM THE CHIEF EXECUTIVE

SUPPLEMENTAL BUDGET NO. 1 – FISCAL YEAR 2012

(See Exhibit N of Appendix II)

Read and referred to the Committee on Appropriations.

THE COMMITTEE ON APPROPRIATIONS REPORT #6

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

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

REPORT OF THE HOUSE APPROPRIATIONS COMMITTEE
TO THE MARYLAND HOUSE OF DELEGATES – 2011 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO HOUSE BILL 71 – THE CAPITAL BUDGET

(See Exhibit O of Appendix II)

HOUSE APPROPRIATIONS COMMITTEE REPRINT TO
HOUSE BILL 71 – THE CAPITAL BUDGET

(See Exhibit P of Appendix II)

Delegate Jones moved to make the Bill and Amendments a Special Order for Tuesday.

The motion was adopted.

THE COMMITTEE ON APPROPRIATIONS REPORT #7

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

Senate Bill 81 – Chair, Finance Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Higher Education – Assistance Efforts for Family Investment Program Recipients – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 122 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Qualified Zone Academy Bond

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 199 – Senator Glassman

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 207 – Calvert County Senators

AN ACT concerning

Calvert County – Public Facilities Bonds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 288 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Higher Education – Cultural Diversity Programs – Reporting Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 292 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Institutions of Postsecondary Education – Falsified Transcripts, Diplomas, and Grade Reports – Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 356 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Military Service Credit – Eligibility

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 357 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Administration – Simplification

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 358 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

Audit Responsibilities – ~~Local Education Agencies, Community Colleges, and Public Libraries – Employer Pension Contributions~~ State Department of Education, Maryland Higher Education Commission, and State Retirement Agency

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 359 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 463 – Carroll County Senators

AN ACT concerning

Carroll County – Public Facilities Bonds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 695 – Senators Pinsky, Conway, ~~and Dyson~~ Dyson, and Ferguson

AN ACT concerning

Higher Education – Regulation of Public, Private Nonprofit, and For–Profit Institutions of Higher Education

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 799 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #18

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

House Bill 1202 – Delegates Malone and DeBoy

AN ACT concerning

Alcoholic Beverages – Brewery License – Samples and Sales

HB1202/643091/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1202
(First Reading File Bill)

On page 2, in line 7, strike "**(1)**"; in lines 8, 16, 20, and 23, in each instance, strike the first bracket; in line 8, strike "**] (I)**"; in lines 14 and 28, in each instance, strike "**6**" and substitute "**3**"; in line 15, after "**BEER;**" insert "**AND**"; in line 16, strike "**] (II)**"; in line 20, strike "**] 1.**"; and in line 23, strike "**] 2.**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 67 – Senators Edwards and Mathias

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.

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

Senate Bill 91 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Architects – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 92 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 94 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board for Professional Engineers – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 367 – Chair, Anne Arundel County Senators

AN ACT concerning

Alcoholic Beverages – Anne Arundel County – Entertainment Facility

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 469 – Carroll County Senators

AN ACT concerning

Carroll County – Fortune Telling Ban – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 571 – Senator Pugh

AN ACT concerning

Insurance – Delivery of Notices by Electronic Means – Authorized

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 736 – Cecil County Senators

AN ACT concerning

Cecil County – Alcoholic Beverages – Licensed Establishments – Sunday Sales Hours

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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.

Delegate Dumais moved to make the Bill a Special Order for Tuesday.

The motion was adopted.

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

Senate Bill 975 – Senator Edwards

AN ACT concerning

Economic Development – Tri–County Council for Western Maryland – Membership and Leadership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #17

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

Senate Bill 12 – Senator Stone

EMERGENCY BILL

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety ~~Task Force – Reconstitution~~ Advisory Committee

SB0012/590811/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 12
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Advisory Committee" and substitute "Task Force – Reconstitution"; in line 4, strike "establishing" and substitute "reconstituting"; in lines 5, 6, 7, 8, and 14, in each instance, strike "Advisory Committee" and substitute "Task Force"; in line 9, strike "and" and substitute "; authorizing a member of the Task Force to receive"; and in line 10, after "expenses;" insert "requiring the Task Force to report to the Governor and the General Assembly by a certain date;".

AMENDMENT NO. 2

On pages 3 through 5, strike in their entirety the lines beginning with line 27 on page 3 through line 13 on page 5, inclusive, and substitute:

"(a) There is a Maryland Quiet Vehicles and Pedestrian Safety Task Force.

(b) The Task Force consists of:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House; and

(3) the following members, appointed by the Governor in consultation with the Secretary of Transportation:

(i) one representative from the Department of Transportation;

(ii) one representative from the Department of the Environment;

(iii) two or three individuals who:

1. represent the organized blind community in this State;

2. are legally blind; and

3. have experience or expertise in training blind people to travel safely and independently;

(iv) two or three individuals representing pedestrian organizations in this State; and

(v) one representative of an organization representing the interests of automobile manufacturers.

(c) The Governor shall appoint a chair of the Task Force from its membership.

(d) The Secretary of Transportation shall provide staff support for the Task Force from the Department of Transportation.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

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

(f) The Task Force shall:

(1) study:

(i) the effects of vehicle sound on pedestrian safety; and

(ii) all available technology that may enhance the safety of blind pedestrians;

(2) review all available research regarding the effects of vehicle sound on pedestrian safety;

(3) consult with:

(i) consumer groups representing individuals who are blind, other pedestrians, and cyclists; and

(ii) advocates for the safety of children;

(4) as appropriate, contract for additional research and studies to be conducted;

(5) conduct hearings to accept testimony from:

(i) experts on acoustics, automobile design, environmental quality, orientation and mobility for blind people, pedestrian safety, and other relevant fields; and

(ii) interested members of the public; and

(6) make recommendations concerning:

(i) a minimum sound level and the nature and characteristics of the minimum sound to be required for all new vehicles sold and registered in the State; and

(ii) the use of technology to enhance the safety of blind pedestrians.

(g) The Task Force is not required to specify the method or technology through which automobile manufacturers must implement the recommended sound standard.

(h) On or before June 30, 2013, the Task Force shall report its final findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.".

AMENDMENT NO. 3

On page 5, in line 15, strike "Secretary of Transportation" and substitute "Governor"; in line 16, strike "Advisory Committee" and substitute "Task Force"; and in lines 17 and 18, strike "Maryland Quiet Vehicles and Pedestrian Safety" and substitute "predecessor".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Natural Resources – Oyster Poaching – Hearing

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 253 – Senator Edwards

AN ACT concerning

Garrett County – Vacancy in Office of County Commissioner – Appointment Process

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 306 – Senator Mathias

EMERGENCY BILL

AN ACT concerning

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

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 383 – Senator Mathias

EMERGENCY BILL

AN ACT concerning

Somerset County – Deputy State's Attorney – Private Practice

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 414 – Senator Frosh

AN ACT concerning

Natural Resources – Administrative Procedures – Electronic Citations, Inspections, and Hearings

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 424 – Senators Brochin and Forehand

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.

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

Senate Bill 468 – Carroll County Senators

AN ACT concerning

Carroll County – Deer Hunting on Private Property – Sundays

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 635 – ~~Senator Frosh~~ Senators Frosh and Simonaire

AN ACT concerning

Natural Resources – Authorization to Catch Striped Bass and Crabs – Revocation

SB0635/960112/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 635
(Third Reading File Bill)

On page 2, in line 20, strike "**EXCEEDING**" and substitute "**VIOLATING**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 655 – Senators Pinsky, Conway, Frosh, Manno, Montgomery, ~~and Young~~ Young, and Simonaire

AN ACT concerning

Natural Resources – Commercial Fishing Violations – Enhanced Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #18

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

House Bill 1167 – Delegates Conway, Cane, McDermott, and Rudolph

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – Motor Scooters – Definition

HB1167/800113/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1167
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Motor Scooters – Definition" and substitute "Motorized Passenger Scooter – Use in Ocean City"; strike beginning with "altering" in line 3 down through "Law" in line 4 and substitute "authorizing the use of a "motorized 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"; strike line 5 in its entirety and substitute "the use of a motorized passenger scooter in Ocean City."; strike in their entirety lines 6 through 10, inclusive; in line 13, strike "21–1201(c)" and substitute "21–101(a), (c), (d), and (e)"; and after line 15, insert:

"BY adding to
Article – Transportation
Section 25–102.2
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 19 on page 1 through line 15 on page 2, inclusive, and substitute:

"21–101.

(a) In this title and Title 25 of this article the following words have the meanings indicated.

(c) "Bicycle path" means any travelway designed and designated by signing or signing and marking for bicycle use, located within its own right–of–way or in a shared right–of–way, and physically separated from motor vehicle traffic by berm, shoulder, curb, or other similar device.

(d) (1) "Bicycle way" means:

(i) Any trail, path, part of a highway, surfaced or smooth shoulder, or sidewalk; or

(ii) Any other travelway specifically signed, marked, or otherwise designated for bicycle travel.

(2) "Bicycle way" includes:

(i) Bicycle path; and

(ii) Bike lane.

(e) "Bike lane" means any portion of a roadway or shoulder designated for single directional bicycle flow.

25–102.2.

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

(2) (I) "LICENSED DRIVER" MEANS AN INDIVIDUAL WHO HOLDS A DRIVER'S LICENSE OF ANY CLASS ISSUED BY THE STATE OR, IF THE INDIVIDUAL IS A NONRESIDENT OF THE STATE, ISSUED BY ANOTHER STATE OR COUNTRY.

(II) "LICENSED DRIVER" DOES NOT INCLUDE AN INDIVIDUAL WHO HOLDS A LEARNER'S PERMIT OR A PROVISIONAL LICENSE

ISSUED BY THE STATE OR, IF THE INDIVIDUAL IS A NONRESIDENT OF THE STATE, THE EQUIVALENT LICENSE ISSUED BY ANOTHER STATE OR COUNTRY.

(3) (I) "MOTORIZED PASSENGER SCOOTER" MEANS A NONPEDAL VEHICLE THAT:

1. HAS A COCKPIT CONTAINING A SEAT FOR THE OPERATOR AND A PASSENGER;

2. HAS THREE WHEELS, OF WHICH ONE IS 10 INCHES OR MORE IN DIAMETER;

3. HAS A MOTOR:

A. WITH A RATING OF 2.7 BRAKE HORSEPOWER OR LESS; OR

B. IF THE MOTOR IS AN INTERNAL COMBUSTION ENGINE, WITH A CAPACITY OF 50 CUBIC CENTIMETERS PISTON DISPLACEMENT OR LESS; AND

4. IS EQUIPPED WITH AN AUTOMATIC TRANSMISSION.

(II) "MOTORIZED PASSENGER SCOOTER" DOES NOT INCLUDE A VEHICLE THAT HAS BEEN MANUFACTURED FOR OFF–ROAD USE, INCLUDING A MOTORCYCLE AND AN ALL–TERRAIN VEHICLE.

(B) NOTWITHSTANDING ANY OTHER PROVISIONS OF THE MARYLAND VEHICLE LAW REGARDING THE OPERATION OF A VEHICLE ON A HIGHWAY IN THE STATE, IN THE MUNICIPAL BOUNDARIES OF OCEAN CITY, A LICENSED DRIVER MAY OPERATE A MOTORIZED PASSENGER SCOOTER ON:

(1) A LOCAL HIGHWAY; AND

(2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, ANY PORTION OF A STATE HIGHWAY DESIGNATED BY THE STATE HIGHWAY ADMINISTRATION AS A BICYCLE WAY.

(C) THE STATE HIGHWAY ADMINISTRATION MAY PROHIBIT THE OPERATION OF A MOTORIZED PASSENGER SCOOTER ON A BICYCLE WAY UNDER THE JURISDICTION OF THE STATE HIGHWAY ADMINISTRATION IF IT DETERMINES THAT:

(1) AN OCCUPANT OF A MOTORIZED PASSENGER SCOOTER IS PLACED AT AN UNACCEPTABLE RISK OF INJURY ON THE BICYCLE WAY; OR

(2) THE OPERATION OF A MOTORIZED PASSENGER SCOOTER IS A THREAT TO THE SAFETY OR MOBILITY OF OTHERS ALONG THE BICYCLE WAY.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1246 – Delegates Conway, Arora, Bobo, Braveboy, Cullison, Frush, Kramer, and Niemann

AN ACT concerning

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

HB1246/120518/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1246
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Niemann" and substitute "Niemann, Healey, and Cane"; strike beginning with "Liens –" in line 2 down through "2011"" in line 3 and substitute "Liens"; in line 5, strike "or for"; in the same line, strike "a certain lien" and substitute "the condominium's liens"; in line 6, strike "condominium"; strike beginning with the first comma in line 6 down through the comma in line 7; in lines 7 and 14, in each instance, after "over" insert "the claim of the holder of"; in the same lines, in each instance, after "or" insert "first"; in line 8, before "providing" insert "providing that the portion of a condominium's liens that has a certain priority shall consist of a certain amount of unpaid regular assessments not exceeding a certain amount; requiring the governing body of a condominium to provide certain information to the holder of a first mortgage or first deed of trust under certain circumstances; providing that a certain portion of a condominium's liens does not have priority under certain circumstances;"; in line 12, after "that" insert ", in the case of a foreclosure of a mortgage or deed of trust on a lot in a homeowners association,"; in the same line, strike the second "a" and substitute "the"; in the same line, strike "association" and substitute "association's"; strike beginning with "lien" in line 13 down through the comma in line 14 and substitute "liens on the lot"; strike beginning with "providing" in line 15 down through "contingencies" in line 18 and substitute "providing that the portion of a homeowners association's liens that has a certain priority shall consist of a certain amount of unpaid regular assessments not exceeding a certain amount; requiring the governing body of a homeowners association to provide certain information to the holder of a first mortgage or first deed of trust under certain circumstances; providing that a certain portion of a homeowner association's liens does not have priority under certain circumstances; requiring a statement of lien for certain liens under the Maryland Contract Lien Act to include certain information about regular monthly assessments for common expenses under certain circumstances; providing for the application of this Act"; in line 19, strike "developments with"; and in line 28, after "11–110(d)" insert "and 14–203(j)".

On page 2, in line 5, after "Section" insert "11–110(f) and".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 23 on page 2 through line 3 on page 3, inclusive, and substitute:

"**(F) (1) THIS SUBSECTION DOES NOT LIMIT OR AFFECT THE PRIORITY OF ANY LIEN, SECURED INTEREST, OR OTHER ENCUMBRANCE WITH PRIORITY THAT IS HELD BY OR FOR THE BENEFIT OF, PURCHASED BY, ASSIGNED TO, OR SECURING ANY INDEBTEDNESS TO:**

(I) THE STATE OR ANY COUNTY OR MUNICIPAL CORPORATION IN THE STATE;

(II) ANY UNIT OF STATE GOVERNMENT OR THE GOVERNMENT OF ANY COUNTY OR MUNICIPAL CORPORATION IN THE STATE; OR

(III) AN INSTRUMENTALITY OF THE STATE OR ANY COUNTY OR MUNICIPAL CORPORATION IN THE STATE.

(2) IN THE CASE OF A FORECLOSURE OF A MORTGAGE OR DEED OF TRUST ON A UNIT IN A CONDOMINIUM, A PORTION OF THE CONDOMINIUM'S LIENS ON THE UNIT, AS PRESCRIBED IN PARAGRAPH (3) OF THIS SUBSECTION, SHALL HAVE PRIORITY OVER A CLAIM OF THE HOLDER OF A FIRST MORTGAGE OR A FIRST DEED OF TRUST THAT IS RECORDED AGAINST THE UNIT ON OR AFTER OCTOBER 1, 2011.

(3) THE PORTION OF THE CONDOMINIUM'S LIENS THAT HAS PRIORITY UNDER PARAGRAPH (2) OF THIS SUBSECTION:

(I) SHALL CONSIST SOLELY OF NOT MORE THAN 4 MONTHS, OR THE EQUIVALENT OF 4 MONTHS, OF UNPAID REGULAR ASSESSMENTS FOR COMMON EXPENSES THAT ARE LEVIED BY THE CONDOMINIUM IN ACCORDANCE WITH THE REQUIREMENTS OF THE DECLARATION OR BYLAWS OF THE CONDOMINIUM;

(II) MAY NOT INCLUDE:

1. INTEREST;

2. COSTS OF COLLECTION;

3. LATE CHARGES;

4. FINES;

5. ATTORNEY'S FEES;

6. SPECIAL ASSESSMENTS; OR

7. ANY OTHER COSTS OR SUMS DUE UNDER THE DECLARATION OR BYLAWS OF THE CONDOMINIUM OR AS PROVIDED UNDER ANY CONTRACT, LAW, OR COURT ORDER; AND

(III) MAY NOT EXCEED A MAXIMUM OF $1,200.

(4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AT THE REQUEST OF THE HOLDER OF A FIRST MORTGAGE OR FIRST DEED OF TRUST ON A UNIT IN A CONDOMINIUM, THE GOVERNING BODY SHALL PROVIDE TO THE HOLDER WRITTEN INFORMATION ABOUT THE PORTION OF ANY LIEN FILED UNDER THE MARYLAND CONTRACT LIEN ACT THAT HAS PRIORITY AS PRESCRIBED UNDER PARAGRAPH (3) OF THIS SUBSECTION, INCLUDING INFORMATION THAT IS SUFFICIENT TO ALLOW THE HOLDER TO DETERMINE THE BASIS FOR THE PORTION OF THE LIEN THAT HAS PRIORITY.

(II) AT THE TIME OF MAKING A REQUEST UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE HOLDER SHALL PROVIDE THE GOVERNING BODY OF THE CONDOMINIUM WITH THE WRITTEN CONTACT INFORMATION OF THE HOLDER.

(III) IF THE GOVERNING BODY OF THE CONDOMINIUM FAILS TO PROVIDE WRITTEN INFORMATION TO THE HOLDER UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH WITHIN 30 DAYS AFTER THE FILING OF THE STATEMENT OF LIEN AMONG THE LAND RECORDS OF EACH COUNTY IN WHICH THE CONDOMINIUM IS LOCATED, THE PORTION OF THE CONDOMINIUM'S LIENS DOES NOT HAVE PRIORITY AS PRESCRIBED UNDER PARAGRAPH (2) OF THIS SUBSECTION.".

On page 3, strike in their entirety lines 13 through 32, inclusive, and substitute:

"**(C) (1) THIS SUBSECTION DOES NOT LIMIT OR AFFECT THE PRIORITY OF ANY LIEN, SECURED INTEREST, OR OTHER ENCUMBRANCE WITH PRIORITY**

THAT IS HELD BY OR FOR THE BENEFIT OF, PURCHASED BY, ASSIGNED TO, OR SECURING ANY INDEBTEDNESS TO:

(I) THE STATE OR ANY COUNTY OR MUNICIPAL CORPORATION IN THE STATE;

(II) ANY UNIT OF STATE GOVERNMENT OR THE GOVERNMENT OF ANY COUNTY OR MUNICIPAL CORPORATION IN THE STATE; OR

(III) AN INSTRUMENTALITY OF THE STATE OR ANY COUNTY OR MUNICIPAL CORPORATION IN THE STATE.

(2) IN THE CASE OF A FORECLOSURE OF A MORTGAGE OR DEED OF TRUST ON A LOT IN A HOMEOWNERS ASSOCIATION, A PORTION OF THE HOMEOWNERS ASSOCIATION'S LIENS ON THE LOT, AS PRESCRIBED IN PARAGRAPH (3) OF THIS SUBSECTION, SHALL HAVE PRIORITY OVER A CLAIM OF THE HOLDER OF A FIRST MORTGAGE OR A FIRST DEED OF TRUST THAT IS RECORDED AGAINST THE LOT ON OR AFTER OCTOBER 1, 2011.

(3) THE PORTION OF THE HOMEOWNERS ASSOCIATION'S LIENS THAT HAS PRIORITY UNDER PARAGRAPH (2) OF THIS SUBSECTION:

(I) SHALL CONSIST SOLELY OF NOT MORE THAN 4 MONTHS, OR THE EQUIVALENT OF 4 MONTHS, OF UNPAID REGULAR ASSESSMENTS FOR COMMON EXPENSES THAT ARE LEVIED BY THE HOMEOWNERS ASSOCIATION IN ACCORDANCE WITH THE REQUIREMENTS OF THE DECLARATION OR BYLAWS OF THE HOMEOWNERS ASSOCIATION;

(II) MAY NOT INCLUDE:

1. INTEREST;

2. COSTS OF COLLECTION;

3. LATE CHARGES;

4. FINES;

5. ATTORNEY'S FEES;

6. SPECIAL ASSESSMENTS; OR

7. ANY OTHER COSTS OR SUMS DUE UNDER THE DECLARATION OR BYLAWS OF THE HOMEOWNERS ASSOCIATION OR AS PROVIDED UNDER ANY CONTRACT, LAW, OR COURT ORDER; AND

(III) MAY NOT EXCEED A MAXIMUM OF $1,200.

(4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AT THE REQUEST OF THE HOLDER OF A FIRST MORTGAGE OR FIRST DEED OF TRUST ON A LOT IN A HOMEOWNERS ASSOCIATION, THE GOVERNING BODY SHALL PROVIDE TO THE HOLDER WRITTEN INFORMATION ABOUT THE PORTION OF ANY LIEN FILED UNDER THE MARYLAND CONTRACT LIEN ACT THAT HAS PRIORITY AS PRESCRIBED UNDER PARAGRAPH (3) OF THIS SUBSECTION, INCLUDING INFORMATION THAT IS SUFFICIENT TO ALLOW THE HOLDER TO DETERMINE THE BASIS FOR THE PORTION OF THE LIEN THAT HAS PRIORITY.

(II) AT THE TIME OF MAKING A REQUEST UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE HOLDER SHALL PROVIDE THE GOVERNING BODY OF THE HOMEOWNERS ASSOCIATION WITH THE WRITTEN CONTACT INFORMATION OF THE HOLDER.

(III) IF THE GOVERNING BODY OF THE HOMEOWNERS ASSOCIATION FAILS TO PROVIDE WRITTEN INFORMATION TO THE HOLDER UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH WITHIN 30 DAYS AFTER THE FILING OF THE STATEMENT OF LIEN AMONG THE LAND RECORDS OF EACH COUNTY IN WHICH THE HOMEOWNERS ASSOCIATION IS LOCATED, THE PORTION OF THE HOMEOWNERS ASSOCIATION'S LIENS DOES NOT HAVE PRIORITY AS PRESCRIBED UNDER PARAGRAPH (2) OF THIS SUBSECTION.".

AMENDMENT NO. 3

On page 3, after line 32, insert:

"14–203.

(j) **(1)** [A] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A** statement of lien is sufficient for purposes of this subtitle if it is in substantially the following form:

STATEMENT OF LIEN

This is to certify that the property described as _____ is subject to a lien under Title 14, Subtitle 2 of the Real Property Article, Maryland Annotated Code, in the amount of $_____. The property is owned by _____.

I hereby affirm under the penalty of perjury that notice was given under § 14–203(a) of the Real Property Article, and that the information contained in the foregoing statement of lien is true and correct to the best of my knowledge, information, and belief.

_____

(name of party claiming lien)

(2) (I) THIS PARAGRAPH APPLIES ONLY TO A LIEN THAT IS SUBJECT TO § 11–110(F) OR § 11B–117(C) OF THIS ARTICLE.

(II) IN ADDITION TO SATISFYING THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION, A STATEMENT OF LIEN IS SUFFICIENT FOR PURPOSES OF THIS SUBTITLE IF THE STATEMENT INCLUDES SPECIFIC INFORMATION ABOUT THE AMOUNT OF THE REGULAR MONTHLY ASSESSMENTS, OR THE EQUIVALENT OF THE REGULAR MONTHLY ASSESSMENTS, FOR COMMON EXPENSES IN SUBSTANTIALLY THE FOLLOWING FORM:

THE AMOUNT OF THE REGULAR MONTHLY ASSESSMENTS, OR THE EQUIVALENT OF THE REGULAR MONTHLY ASSESSMENTS, FOR COMMON EXPENSES, THAT IS THE BASIS OF THE PRIORITY PORTION OF THIS LIEN AS PROVIDED IN § 11–110(F) OR § 11B–117(C) OF THE REAL PROPERTY ARTICLE, IS $_____. THIS SUM REPRESENTS _____ MONTHS OF UNPAID REGULAR ASSESSMENTS, AT $_____ PER MONTH.".

AMENDMENT NO. 4

On page 4, strike in their entirety lines 1 through 17, inclusive, and substitute:

"SECTION 3. 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 first mortgage or first deed of trust on a condominium unit or a lot in a homeowners association that is recorded before the effective date of this Act.";

in line 18, strike "5." and substitute "4."; and strike beginning with the second comma in line 18 down through the first comma in line 19.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate McComas moved to make the Bill a Special Order for Tuesday.

The motion was adopted.

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

Senate Bill 191 – Senator Edwards

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 205 – Senator Frosh

AN ACT concerning

Real Property – Residential Property Foreclosure Procedures – Accuracy of Notice of Intent to Foreclose

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 221 – Senator Conway

EMERGENCY BILL

AN ACT concerning

Environment – Decabrominated Diphenyl Ether – Trace Amounts

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 320 – Senators Montgomery, Frosh, Kelley, Madaleno, Manno, Raskin, and Rosapepe

AN ACT concerning

Environment – Phosphorus – Commercial Dishwashing Detergent

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 368 – Senator Stone

AN ACT concerning

Hart–Miller–Pleasure Island Citizens Oversight Committee – Duties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 372 – Senator Conway

AN ACT concerning

Environment – Nitrogen Removal Technology – Evaluation and Ranking

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 542 – Senator Colburn

AN ACT concerning

Housing Authorities – Consolidation or Merger – Talbot County and St. Michaels

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #15

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

House Bill 220 – Delegates McConkey and Schuh

AN ACT concerning

Anne Arundel County Board of Education – Member Reappointment and Terms

HB0220/755860/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 220
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegates McConkey and Schuh" and substitute "Anne Arundel County Delegation"; in line 5, after "for" insert "nomination and"; strike beginning with "prohibiting" in line 6 down through "terms" in line 7 and substitute "clarifying that a certain provision of law provides for the term of a member; making a certain stylistic change"; and after line 9, insert:

"BY repealing and reenacting, without amendments,
Article – Education
Section 3–108(c)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 1, after line 17, insert:

"3–108.

(c) (1) Each member serves for a term of 5 years beginning July 1 after the member's appointment and until a successor is appointed and qualifies.

(2) The Governor shall appoint a new member to fill any vacancy on an appointed board for the remainder of that term and until a successor is appointed and qualifies.

(3) Unless otherwise disqualified under this section, a member of a board is eligible for reappointment. However, an individual may not serve for more than 2 consecutive terms.".

AMENDMENT NO. 3

On page 3, in line 12, strike "continue to"; in line 13, after "term" insert "**, AS PROVIDED IN § 3–108(C) OF THIS SUBTITLE,**"; in line 15, strike "**(I)**"; in the same line, strike the brackets; strike beginning with "**UNLESS**" in line 15 down through "**A**" in line 16; in line 18, after "**FOR**" insert "**NOMINATION AND**"; in line 18, after "**REAPPOINTMENT**" insert "**FOR A SECOND CONSECUTIVE TERM**"; in line 19, after "**OF**" insert "**SUBSECTIONS (A) AND (B) OF**"; and strike in their entirety lines 20 and 21.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

HB0869/445364/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 869
(First Reading File Bill)

AMENDMENT NO. 1

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

AMENDMENT NO. 2

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

On page 3, in line 4, strike "4." and substitute "2.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

HB1073/865868/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1073
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "number" in line 3 down through "lotteries" in line 4 and substitute "annual lottery"; in line 5, after "Fund" insert "a percentage of"; and in lines 6 and 7, in each instance, strike "lotteries;" and substitute "lottery;".

AMENDMENT NO. 2

On page 2, in line 15, after "**TITLE**" insert "**20% OF**"; and in line 27, strike "**TWICE**" and substitute "**ON NOVEMBER 11 OF**".

On page 3, in line 14, strike "**PROFITS DERIVED FROM THE**" and substitute "**PROCEEDS DISTRIBUTED TO THE FUND FROM ANY**"; and in the same line, strike "**LOTTERIES**" and substitute "**LOTTERY**".

AMENDMENT NO. 3

On page 4, in line 5, strike "October" and substitute "July".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 78 – Senator Simonaire

AN ACT concerning

Anne Arundel County Board of Education – Member Reappointment and Terms

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 98 – Senator McFadden

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 330 – Senators Brinkley and Young

AN ACT concerning

Frederick County – ~~Public~~ Nonprofit School Lease – Property Tax Credit

SB0330/405860/1
BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 330
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "purposes;" insert "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;".

AMENDMENT NO. 2

On page 2, in line 4, after "(e)" insert "**(1)**"; in lines 8 and 9, strike "(1)" and "(2)", respectively, and substitute "**(I)**" and "**(II)**", respectively; and after line 9, insert:

"**(2) THE LESSOR OF REAL PROPERTY ELIGIBLE FOR A CREDIT UNDER THIS SUBSECTION SHALL REDUCE THE AMOUNT OF TAXES FOR WHICH A TENANT IS CONTRACTUALLY LIABLE UNDER THE LEASE AGREEMENT BY THE AMOUNT OF ANY CREDIT ALLOWED 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.

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

Senate Bill 493 – Senator Peters

AN ACT concerning

Prince George's County Public Schools – Funding Accountability and Transparency Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 754 – Senators King, Benson, Forehand, Kelley, Madaleno, Montgomery, and Raskin

AN ACT concerning

State Department of Education – Permanent Hearing Aid Loan Bank Program – Establishment and Operation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

Senate Bill 381 – Senator Pinsky

AN ACT concerning

Health – ~~Residential~~ Youth Camps – ~~Definition~~ Definitions

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

Delegate Hubbard moved the Bill be recommitted.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 676)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #66

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

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

Affirmative – 78 Negative – 55 (See Roll Call No. 677)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #3

Senate Bill 44 – Senator Middleton

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 – 136 Negative – 0 (See Roll Call No. 678)

The Bill was then returned to the Senate.

Senate Bill 84 – The President (By Request – Department of Legislative Services)

AN ACT concerning

Electrology Practice Committee – Sunset Extension and Program Evaluation

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

Affirmative – 137 Negative – 0 (See Roll Call No. 679)

The Bill was then returned to the Senate.

Senate Bill 89 – The President (By Request – Department of Legislative Services)

AN ACT concerning

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 680)

The Bill was then returned to the Senate.

Senate Bill 90 – The President (By Request – Department of Legislative Services)

AN ACT concerning

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

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

Affirmative – 136 Negative – 0 (See Roll Call No. 681)

The Bill was then returned to the Senate.

Senate Bill 93 – The President (By Request – Department of Legislative Services)

AN ACT concerning

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 682)

The Bill was then returned to the Senate.

Senate Bill 144 – Chair, Finance Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Mental Hygiene Administration Facilities – Repeal of Provisions that Relate to Closed Facilities

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

Affirmative – 137 Negative – 0 (See Roll Call No. 683)

The Bill was then returned to the Senate.

Senate Bill 202 – Senators Middleton, Kasemeyer, Astle, Currie, Ferguson, King, Madaleno, Manno, Mathias, McFadden, Montgomery, Pugh, Raskin, ~~and Zirkin~~ Zirkin, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, and Muse

AN ACT concerning

Community Services Reimbursement Rate Commission – Termination Date – Extension

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

Affirmative – 137 Negative – 0 (See Roll Call No. 684)

The Bill was then returned to the Senate.

Senate Bill 203 – Senators Montgomery, Benson, Forehand, Garagiola, Glassman, Kasemeyer, Kelley, King, Madaleno, Manno, Middleton, Pinsky, Pugh, Ramirez, Raskin, Robey, and Rosapepe

AN ACT concerning

Health Care Decisions Act – "Medical Orders for Life–Sustaining Treatment" Form

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

Affirmative – 136 Negative – 1 (See Roll Call No. 685)

The Bill was then returned to the Senate.

Senate Bill 255 – Senator Middleton

AN ACT concerning

Life Insurance – Definition and Permitted Riders and Provisions

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

Affirmative – 137 Negative – 0 (See Roll Call No. 686)

The Bill was then returned to the Senate.

Senate Bill 416 – Senators Middleton, Edwards, ~~and Mathias~~ Mathias, Garagiola, Glassman, Kelley, Klausmeier, Muse, and Pugh

AN ACT concerning

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 687)

The Bill was then returned to the Senate.

Senate Bill 428 – Senator Klausmeier

AN ACT concerning

Mental Hygiene – Admission Provisions – Definition of "Psychologist"

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

Affirmative – 138 Negative – 0 (See Roll Call No. 688)

The Bill was then returned to the Senate.

Senate Bill 682 – Senators Peters ~~and Montgomery~~, Montgomery, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, Muse, and Pugh

AN ACT concerning

Behavioral Health – Veterans – Coordination and Provision of Services

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

Affirmative – 138 Negative – 0 (See Roll Call No. 689)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #4

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

AN ACT concerning

Public Information Act – Documents Relating to Arrest Warrants

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

Affirmative – 138 Negative – 0 (See Roll Call No. 690)

The Bill was then returned to the Senate.

Senate Bill 66 – Chair, Judicial Proceedings Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Criminal Justice Information System Central Repository – Reportable Events

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

Affirmative – 138 Negative – 0 (See Roll Call No. 691)

The Bill was then returned to the Senate.

Senate Bill 172 – Senators McFadden, Kelley, and Miller

AN ACT concerning

Inmates – Life Imprisonment – Parole Approval

Delegate Olszewski moved to make the Bill a Special Order for Tuesday.

The motion was adopted.

Senate Bill 299 – Senators Jennings, Shank, Forehand, Gladden, Kelley, King, Pugh, Ramirez, Raskin, Stone, Young, and Zirkin

AN ACT concerning

Wiretapping and Electronic Surveillance – Investigation of Human Trafficking

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

Affirmative – 138 Negative – 0 (See Roll Call No. 692)

The Bill was then returned to the Senate.

Senate Bill 511 – Senator Stone

AN ACT concerning

Criminal Law – Counterfeiting – Venue

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

Affirmative – 137 Negative – 0 (See Roll Call No. 693)

The Bill was then returned to the Senate.

Senate Bill 673 – Senator Frosh

AN ACT concerning

Estates and Trusts – Payment of Attorney's Fees – Contingency Fee

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

Affirmative – 137 Negative – 0 (See Roll Call No. 694)

The Bill was then returned to the Senate.

QUORUM CALL

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

(See Roll Call No. 695)

ADJOURNMENT

At 12:25 P.M. on motion of Delegate Barve the House 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

The House met at 8:08 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Samuel I. Rosenberg of Baltimore City.

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 696)

The Journal of March 30, 2011 was read and approved.

EXCUSES:
Del. Hubbard – illness
Del. James – illness

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 430 – Senator Klausmeier

SECOND PRINTING

AN ACT concerning

Baltimore County – Public School Employees – Collective Bargaining Units ~~and Representation Fees~~

FOR the purpose of ~~specifying that, in Baltimore County, an employee organization that represents certain certificated and noncertificated employees may represent nonmembers only in negotiations;~~ requiring the Board of Education of Baltimore County to ~~negotiate~~ meet and confer with an employee organization that represents certain certificated and noncertificated employees by a certain date regarding a certain matter; ~~certain fees with certain employee organizations representing certain certificated and noncertificated employees to be charged to certain nonmembers hired or promoted into a unit on or before a certain date for certain representation when membership includes a certain~~

~~percentage of those eligible for membership; requiring the Board to negotiate certain fees with certain employee organizations representing certain certificated and noncertificated employees to be charged to certain nonmembers who are hired or promoted into a unit on or after a certain date;~~ and generally relating to collective bargaining units ~~and representation fees~~ for ~~certain~~ certificated and noncertificated school personnel in Baltimore County.

~~BY repealing and reenacting, with amendments,~~
~~Article – Education~~
~~Section 6–504 6–407(a) and 6–509(a)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2010 Supplement)~~

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

Senate Bill 679 – Senators Brinkley, Madaleno, Middleton, Rosapepe, and Young

AN ACT concerning

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

FOR the purpose of authorizing a county board of education, in consultation with a certain local law enforcement agency, to place school bus monitoring cameras on county school buses for the purpose of recording a motor vehicle committing a violation relating to overtaking and passing school vehicles, if authorized by a local law enacted by the governing body of the local jurisdiction; requiring a school bus operator to give a recording of the violation to a certain local law enforcement agency; requiring a recording made by a school bus monitoring camera to include certain images and information; providing that the driver of a motor vehicle recorded committing a certain violation is subject to a certain civil penalty; providing that a civil penalty under this Act may not exceed a certain amount; requiring the District Court to prescribe a certain uniform citation form and civil penalty; requiring a certain local law enforcement agency to mail a certain citation to the owner of a certain motor vehicle within a certain period of time; providing for the contents of a certain citation; authorizing a local law enforcement agency to mail a warning instead of a citation; authorizing a person receiving a certain citation to pay the civil penalty or elect to stand trial; providing that a certain certificate is admissible as evidence in a proceeding concerning a certain violation; providing that a certain adjudication of liability is based on a preponderance of evidence; establishing certain defenses, and requirements for proving the defenses, for a certain violation recorded by a school bus monitoring camera; requiring the District Court to provide certain evidence to a local law enforcement agency under certain circumstances; authorizing a local law enforcement agency to mail a certain notice within a

certain time period after receiving certain evidence; authorizing the Motor Vehicle Administration to refuse to register or reregister a motor vehicle or suspend the registration of a motor vehicle under certain circumstances; ~~establishing that a violation for which a civil penalty may be imposed under this Act is a moving violation for certain purposes, may be treated as a parking violation for certain purposes, and may be considered for certain insurance purposes;~~ requiring the Chief Judge of the District Court, in consultation with certain local law enforcement agencies, to adopt certain procedures; providing that a proceeding for a certain violation recorded by a school bus monitoring camera is under the exclusive original jurisdiction of the District Court; providing that a recorded image of a motor vehicle produced by a school bus monitoring camera is admissible in a certain proceeding under certain circumstances; defining certain terms; and generally relating to the use of school bus monitoring cameras to enforce offenses relating to overtaking and passing school vehicles.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–401(13) and 10–311
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–706
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–706.1
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

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

FOR the purpose of authorizing a certain insurer to exclude a moped and motor scooter from certain insurance benefits; requiring a moped or motor scooter in

the State to be titled and registered by the Motor Vehicle Administration; requiring an owner or prospective owner of a moped or motor scooter to obtain or maintain certain security; requiring an application for the registration of a moped or motor scooter to be submitted electronically; requiring a licensed dealer of mopeds or motor scooters under certain circumstances to obtain a moped or motor scooter registration application from the owner, collect registration fees, and transmit the application and fees in a certain manner within a certain period of time; providing for the registration classification of mopeds and motor scooters; establishing an annual registration fee and surcharge for mopeds and motor scooters; prohibiting an individual from operating or riding on a moped or motor scooter unless the individual is wearing certain protective headgear and a certain eye–protective device; 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; establishing that the failure of certain individuals to wear certain protective headgear or a certain eye–protective device may not be considered certain evidence or diminish the recovery of certain damages; 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; providing that certain vehicle equipment and inspection requirements do not apply to mopeds and motor scooters; altering certain definitions; making certain stylistic changes and technical corrections; and generally relating to mopeds and motor scooters.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 19–505(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 11–134.1, 11–134.5, 13–101.1, 13–402(a)(1), 17–104(a) and (b), 21–1207, 23–101(a), 23–104, 23–107(a)(1), 23–202(a)(1), and 23–206(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 11–135, 11–176, 13–403, 13–954, ~~21–1306,~~ 22–101(e)(1), 23–101(i)(3), and 23–206.2(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Transportation

Section 13–939.3, 21–1306.1, and 23–206.2(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Senate Bill 841 – Senator Pugh

AN ACT concerning

Arts and Entertainment Districts – Artistic Work – Design

FOR the purpose of altering the definition of "artistic work" for the purpose of designating an arts and entertainment district to include original and creative work that falls into the category of original design; and generally relating to the definition of artistic work.

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 4–701(b)(2)(ix)
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

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

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 Rules and Executive Nominations.

THE COMMITTEE ON WAYS AND MEANS REPORT #16

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

House Bill 798 – Delegates McConkey and George

AN ACT concerning

Anne Arundel County – Property Tax Payment Deferral – Eligibility

HB0798/765969/1
BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 798
(First Reading File Bill)

On page 1, in the sponsor line, strike "Delegates McConkey and George" and substitute "Anne Arundel County Delegation".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1214 – Delegates Schuh and Love

AN ACT concerning

Maryland Income Tax Refund – Anne Arundel County – Warrants

HB1214/905360/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1214
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegates Schuh and Love" and substitute "Anne Arundel County Delegation"; in line 5, strike "an individual" and substitute "certain individuals"; in line 13, after "outstanding;" insert "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;"; in the same line, after "of" insert "certain provisions of"; and in line 18, strike "13–938" and substitute "13–939".

AMENDMENT NO. 2

On page 2, in line 7, after "**(C)**" insert "**(1) "WARRANT" MEANS A CRIMINAL ARREST WARRANT.**

(2) "WARRANT" INCLUDES A WARRANT ISSUED FOR OR THAT RESULTS FROM:

(I) A FAILURE TO APPEAR BEFORE A COURT OF THE STATE;

(II) A VIOLATION OF THE MARYLAND VEHICLE LAW THAT IS PUNISHABLE BY A TERM OF CONFINEMENT; OR

(III) A VIOLATION OF PROBATION.

(3)";

in line 11, before "**THIS**" insert "**(A)**"; and after line 14, insert:

"**(B) THIS PART DOES NOT APPLY TO AN INDIVIDUAL:**

(1) WHO IS AN ACTIVE DUTY MEMBER OF THE ARMED FORCES OF THE UNITED STATES; OR

(2) WHO FILES A JOINT MARYLAND INCOME TAX RETURN.".

AMENDMENT NO. 3

On page 3, after line 13, insert:

"**13–939.**

THE COMPTROLLER SHALL WITHHOLD AND PAY ANY AMOUNT REQUIRED UNDER § 10–113(F)(1) OF THE FAMILY LAW ARTICLE BEFORE WITHHOLDING ANY PART OF AN INCOME TAX REFUND UNDER § 13–938 OF THIS PART.".

AMENDMENT NO. 4

On page 3, in line 14, after "That" insert ", on or before December 1, 2012, the Office of the Comptroller shall report to the House Ways and Means Committee and the Senate Budget and Taxation Committee, in accordance with § 2–1246 of the State Government Article, on the implementation of this Act.

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

in line 15, strike "It" and substitute "Section 1 of this Act"; and in line 16, after "Assembly," insert "Section 1 of".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 145 – Chair, Budget and Taxation 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.

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

Senate Bill 398 – Senators King, Garagiola, Manno, Montgomery, Peters, Ramirez, and Robey

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 494 – Senator Edwards

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.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 697)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #67

House Bill 220 – ~~Delegates McConkey and Schuh~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County Board of Education – Member Reappointment and Terms

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

Affirmative – 139 Negative – 0 (See Roll Call No. 698)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 1 (See Roll Call No. 699)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 700)

The Bill was then sent to the Senate.

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

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

Affirmative – 134 Negative – 3 (See Roll Call No. 701)

The Bill was then sent to the Senate.

House Bill 1202 – Delegates Malone and DeBoy

AN ACT concerning

Alcoholic Beverages – Brewery License – Samples and Sales

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

Affirmative – 138 Negative – 1 (See Roll Call No. 702)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #5

Senate Bill 81 – Chair, Finance Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Higher Education – Assistance Efforts for Family Investment Program Recipients – Repeal

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

Affirmative – 138 Negative – 0 (See Roll Call No. 703)

The Bill was then returned to the Senate.

Senate Bill 122 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Qualified Zone Academy Bond

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

Affirmative – 102 Negative – 37 (See Roll Call No. 704)

The Bill was then returned to the Senate.

Senate Bill 199 – Senator Glassman

AN ACT concerning

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 705)

The Bill was then returned to the Senate.

Senate Bill 207 – Calvert County Senators

AN ACT concerning

Calvert County – Public Facilities Bonds

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

Affirmative – 136 Negative – 3 (See Roll Call No. 706)

The Bill was then returned to the Senate.

Senate Bill 288 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Higher Education – Cultural Diversity Programs – Reporting Requirements

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

Affirmative – 132 Negative – 7 (See Roll Call No. 707)

The Bill was then returned to the Senate.

Senate Bill 292 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Institutions of Postsecondary Education – Falsified Transcripts, Diplomas, and Grade Reports – Penalties

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

Affirmative – 139 Negative – 0 (See Roll Call No. 708)

The Bill was then returned to the Senate.

Senate Bill 356 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Military Service Credit – Eligibility

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

Affirmative – 139 Negative – 0 (See Roll Call No. 709)

The Bill was then returned to the Senate.

Senate Bill 357 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Administration – Simplification

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

Affirmative – 139 Negative – 0 (See Roll Call No. 710)

The Bill was then returned to the Senate.

Senate Bill 358 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

Audit Responsibilities – ~~Local Education Agencies, Community Colleges, and Public Libraries – Employer Pension Contributions~~ State Department of Education, Maryland Higher Education Commission, and State Retirement Agency

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

Affirmative – 139 Negative – 0 (See Roll Call No. 711)

The Bill was then returned to the Senate.

Senate Bill 359 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 712)

The Bill was then returned to the Senate.

Senate Bill 403 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Reemployment Earnings Offset – Retiree Health Care Premiums

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

Affirmative – 139 Negative – 0 (See Roll Call No. 713)

The Bill was then returned to the Senate.

Senate Bill 463 – Carroll County Senators

AN ACT concerning

Carroll County – Public Facilities Bonds

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

Affirmative – 136 Negative – 2 (See Roll Call No. 714)

The Bill was then returned to the Senate.

Senate Bill 695 – Senators Pinsky, Conway, ~~and Dyson~~ Dyson, and Ferguson

AN ACT concerning

Higher Education – Regulation of Public, Private Nonprofit, and For–Profit Institutions of Higher Education

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

Affirmative – 136 Negative – 3 (See Roll Call No. 715)

The Bill was then returned to the Senate.

Senate Bill 799 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

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

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

Affirmative – 129 Negative – 9 (See Roll Call No. 716)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #6

Senate Bill 67 – Senators Edwards and Mathias

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 – 139 Negative – 0 (See Roll Call No. 717)

The Bill was then returned to the Senate.

Senate Bill 91 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Architects – Sunset Extension and Program Evaluation

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

Affirmative – 139 Negative – 0 (See Roll Call No. 718)

The Bill was then returned to the Senate.

Senate Bill 92 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors – Sunset Extension and Program Evaluation

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

Affirmative – 139 Negative – 0 (See Roll Call No. 719)

The Bill was then returned to the Senate.

Senate Bill 94 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board for Professional Engineers – Sunset Extension and Program Evaluation

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

Affirmative – 139 Negative – 0 (See Roll Call No. 720)

The Bill was then returned to the Senate.

Senate Bill 367 – Chair, Anne Arundel County Senators

AN ACT concerning

Alcoholic Beverages – Anne Arundel County – Entertainment Facility

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

Affirmative – 132 Negative – 5 (See Roll Call No. 721)

The Bill was then returned to the Senate.

Senate Bill 469 – Carroll County Senators

AN ACT concerning

Carroll County – Fortune Telling Ban – Repeal

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

Affirmative – 128 Negative – 11 (See Roll Call No. 722)

The Bill was then returned to the Senate.

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 – 138 Negative – 0 (See Roll Call No. 723)

The Bill was then returned to the Senate.

Senate Bill 736 – Cecil County Senators

AN ACT concerning

Cecil County – Alcoholic Beverages – Licensed Establishments – Sunday Sales Hours

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

Affirmative – 136 Negative – 1 (See Roll Call No. 724)

The Bill was then returned to the Senate.

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 – 138 Negative – 0 (See Roll Call No. 725)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #7

Senate Bill 12 – Senator Stone

EMERGENCY BILL

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety ~~Task Force – Reconstitution~~ Advisory Committee

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

Affirmative – 136 Negative – 0 (See Roll Call No. 726)

The Bill was then returned to the Senate.

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

AN ACT concerning

Natural Resources – Oyster Poaching – Hearing

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

Affirmative – 126 Negative – 13 (See Roll Call No. 727)

The Bill was then returned to the Senate.

Senate Bill 253 – Senator Edwards

AN ACT concerning

Garrett County – Vacancy in Office of County Commissioner – Appointment Process

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

Affirmative – 138 Negative – 0 (See Roll Call No. 728)

The Bill was then returned to the Senate.

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 – 135 Negative – 4 (See Roll Call No. 729)

The Bill was then returned to the Senate.

Senate Bill 383 – Senator Mathias

EMERGENCY BILL

AN ACT concerning

Somerset County – Deputy State's Attorney – Private Practice

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

Affirmative – 135 Negative – 3 (See Roll Call No. 730)

The Bill was then returned to the Senate.

Senate Bill 414 – Senator Frosh

AN ACT concerning

Natural Resources – Administrative Procedures – Electronic Citations, Inspections, and Hearings

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

Affirmative – 98 Negative – 41 (See Roll Call No. 731)

The Bill was then returned to the Senate.

Senate Bill 424 – Senators Brochin and Forehand

AN ACT concerning

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

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

Affirmative – 114 Negative – 24 (See Roll Call No. 732)

The Bill was then returned to the Senate.

Senate Bill 468 – Carroll County Senators

AN ACT concerning

Carroll County – Deer Hunting on Private Property – Sundays

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

Affirmative – 124 Negative – 12 (See Roll Call No. 733)

The Bill was then returned to the Senate.

Senate Bill 635 – ~~Senator Frosh~~ Senators Frosh and Simonaire

AN ACT concerning

Natural Resources – Authorization to Catch Striped Bass and Crabs – Revocation

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

Affirmative – 121 Negative – 17 (See Roll Call No. 734)

The Bill was then returned to the Senate.

Senate Bill 655 – Senators Pinsky, Conway, Frosh, Manno, Montgomery, ~~and Young~~ Young, and Simonaire

AN ACT concerning

Natural Resources – Commercial Fishing Violations – Enhanced Penalties

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

Affirmative – 97 Negative – 42 (See Roll Call No. 735)

The Bill was then returned to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 736)

RECESS

At 8:44 P.M. on motion of Delegate Barve the House recessed until 10:00 A.M. on Legislative Day March 31, 2011, Calendar Day Tuesday, April 5, 2011.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 31, 2011
Calendar Day: Tuesday, April 5, 2011

At 10:06 A.M. the House resumed its session and pledged Allegiance to the Flag.

Prayer by Delegate Herb McMillan of Anne Arundel County.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 737)

EXCUSES:
Del. Hubbard – late – illness
Del. V. Turner – left early – illness

SPECIAL ORDERS

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

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

REPORT OF THE HOUSE APPROPRIATIONS COMMITTEE
TO THE MARYLAND HOUSE OF DELEGATES – 2011 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO HOUSE BILL 71 – THE CAPITAL BUDGET

(See Exhibit O of Appendix II)

HOUSE APPROPRIATIONS COMMITTEE REPRINT TO
HOUSE BILL 71 – THE CAPITAL BUDGET

(See Exhibit P of Appendix II)

STATUS OF BILL: BILL ON 2ND READING. COMMITTEE AMENDMENTS NOT ADOPTED. FAVORABLE REPORT NOT ADOPTED.

Committee amendment 1 was read and adopted.

Committee amendments 2 through 7 were read and adopted.

Committee amendments 8 through 17 were read and adopted.

Committee amendments 18 through 30 were read only.

Committee amendments 18 through 29 were read and adopted.

Committee amendment 30 was read and adopted.

Committee amendments 31 through 53 were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0071/613721/1
BY: Delegate McDermott

AMENDMENT TO HOUSE BILL 71
(First Reading File Bill – Committee Reprint)

On page 34, after line 11, insert:

"(10) Notwithstanding any other provision of law, each authorization under Section 1(3) of this Act shall be reduced by 5%.".

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

Affirmative – 42 Negative – 92 (See Roll Call No. 738)

FLOOR AMENDMENT

HB0071/253627/1
BY: Delegate Boteler

AMENDMENT TO HOUSE BILL 71
(First Reading File Bill – Committee Reprint)

On page 34, after line 11, insert:

"(10) Notwithstanding any other provision of law, each authorization under Section 1(3) of this Act shall be reduced by 3%.".

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

Affirmative – 43 Negative – 95 (See Roll Call No. 739)

FLOOR AMENDMENT

HB0071/143321/1
BY: Delegate George

AMENDMENT TO HOUSE BILL 71
(First Reading File Bill – Committee Reprint)

On page 34, after line 11, insert:

"(10) Notwithstanding any other provision of law, each authorization under Section 1(3) of this Act shall be reduced by 1%.".

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

Affirmative – 45 Negative – 93 (See Roll Call No. 740)

FLOOR AMENDMENT

HB0071/803720/1
BY: Delegate Smigiel

AMENDMENTS TO HOUSE BILL 71
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, strike beginning with "Nine" in line 7 down through "($947,533,719)" in line 8 and substitute "Nine Hundred Thirty–Two Million, Five Hundred Thirty–Three Thousand, Seven Hundred and Nineteen Dollars ($932,533,719)".

AMENDMENT NO. 2

On page 4, in line 30, strike "$947,533,719" and substitute "$932,533,719".

AMENDMENT NO. 3

On page 21, strike in their entirety lines 10 through 13.

AMENDMENT NO. 4

On pages 21 through 32, strike in their entirety the lines beginning with line 14 on page 21 through line 15 on page 32, inclusive.

AMENDMENT NO. 5

On page 62, in lines 2, 5, 7, and 10, strike "$925,000,000", "947,533,719", "947,533,719", and "925,000,000", respectively, and substitute "$910,000,000", "932,533,719", "932,533,719", and "910,000,000", respectively.

The preceding 5 amendments were read and rejected by a roll call vote as follows:

Affirmative – 41 Negative – 97 (See Roll Call No. 741)

FLOOR AMENDMENT

HB0071/223924/1

BY: Delegate Smigiel

AMENDMENTS TO HOUSE BILL 71

(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 2, in line 11, after "Acts;" insert "making certain provisions of this Act contingent on the failure of certain legislation;".

AMENDMENT NO. 2

On page 61, after line 37, insert:

"SECTION 14A. AND BE IT FURTHER ENACTED, That the authorization under Item KA05(D) of this Act shall be reduced from 28,459,000 to 0 and the 28,459,000 shall be used for public school construction projects in Baltimore City and Prince George's County.".

AMENDMENT NO. 3

On page 62, after line 16, insert:

"SECTION 18A. AND BE IT FURTHER ENACTED, That Section 14A of this Act shall take effect June 1, 2011, contingent on the failure of S.B. 994 during the 2011 Session of the General Assembly. If S.B. 994 is enacted, Section 14A shall be null and void without the necessity of further action by the General Assembly.".

The preceding 3 amendments were withdrawn.

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

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

FOR the purpose of establishing a Task Force on the Establishment of a Statewide Spay/Neuter Fund; specifying the membership, chair, and staff of the Task Force; specifying that a member of the Task Force may not receive compensation, but may receive reimbursement for certain expenses; requiring the Task Force to review certain spay/neuter programs, ~~develop a certain spay/neuter program~~ collect and review certain data concerning spay/neuter services in the State, and make certain recommendations; requiring the Task Force to report its findings and recommendations to the Governor and certain committees of the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force on the Establishment of a Statewide Spay/Neuter Fund.

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

Senate Bill 883 – The President (By Request – Administration) and Senator Forehand

AN ACT concerning

Prescription Drug Monitoring Program

FOR the purpose of establishing the Prescription Drug Monitoring Program in the Department of Health and Mental Hygiene; establishing the mission of the Program; requiring the Program to carry out its mission by monitoring the prescribing and dispensing of certain substances by certain prescribers and dispensers; establishing the powers and duties of the Department and the Secretary of Health and Mental Hygiene under the Program; requiring dispensers to submit electronically certain information to the Program except in certain circumstances; establishing the Advisory Board on Prescription Drug Monitoring to assist in the design, implementation, and evaluation of the Program; establishing the membership, chair, terms of members, staff support, reimbursement, and responsibilities of the Board; specifying the terms of the initial appointed members of the Board; requiring the Secretary by regulation to establish training protocols and guidelines to assist in the interpretation and evaluation of prescription monitoring data; establishing a technical advisory committee to the Program; establishing the membership and duties of the technical advisory committee; providing that prescription monitoring data are confidential and privileged and not subject to certain means of legal compulsion except under certain circumstances; requiring the Program to disclose prescription monitoring data to certain agencies and persons under certain circumstances; requiring the technical advisory committee to review certain information and provide certain guidance before the Program discloses information to certain agencies and persons; authorizing the Program to disclose prescription monitoring data for certain purposes under certain circumstances; authorizing the Office of the Attorney General to seek certain relief to maintain the confidentiality of prescription monitoring data; authorizing the Program to provide prescription monitoring data to another state's prescription drug monitoring program under certain circumstances; authorizing the Program to request, receive, and use prescription monitoring data from another state's prescription drug monitoring program; authorizing the Program to enter into certain agreements with other states' prescription drug monitoring programs; prohibiting prescription monitoring data from being used as the basis for imposing clinical practice standards; establishing immunity from liability for certain agencies and persons relating to the operation and use of the Program; establishing penalties and disciplinary action for violations of the requirements of the Program; providing that the release of prescription monitoring data in a certain manner is not a violation of the requirements of the Program; providing for the termination of certain provisions of this Act and certain regulations, subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act; requiring

a certain evaluation of the Program to be made on or before a certain date; 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; defining certain terms; and generally relating to the establishment and operation of the Prescription Drug Monitoring Program.

BY renumbering
Article – State Government
Section 8–403(b)(54) through (68), respectively
to be Section 8–403(b)(55) through (69), respectively
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Health – General
Section 21–2A–01 through ~~21–2A–09~~ 21–2A–10 to be under the new subtitle "Subtitle 2A. Prescription Drug Monitoring Program"
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)(54)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Senate Bill 947 – Senator Jones–Rodwell

AN ACT concerning

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

FOR the purpose of requiring that certain members or former members of the State Retirement and Pension System complete and submit a certain application

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

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 29–302 and 29–303
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

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

FOR the purpose of altering the period of time within which a prosecution for ~~any~~ a certain 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 Rules and Executive Nominations.

Senate Bill 685 – Senators Astle, Klausmeier, Mathias, Muse, and Pipkin

AN ACT concerning

Unemployment Insurance – Messenger Service Drivers – Delivery

FOR the purpose of authorizing certain messenger service drivers whose work is not covered employment under unemployment insurance law to deliver certain items and use certain methods of delivery; 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; and generally relating to the delivery of certain items by messenger service drivers under unemployment insurance law.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–206(d)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Senate Bill 974 – Senator Astle

AN ACT concerning

Health Insurance – Pharmacy Benefits Managers – ~~Contracts, Disclosures, and Audits~~ Claims

FOR the purpose of ~~requiring each contract between a pharmacy benefits manager and a pharmacy, pharmacist, or retail pharmacy network or agent of a~~

~~pharmacy, pharmacist, or retail pharmacy network to contain at a minimum certain provisions; requiring a pharmacy benefits manager to disclose certain information to certain entities at certain times; requiring a pharmacy benefits manager that, in a certain contract, calculates reimbursement for prescription drugs and other products and supplies in accordance with a certain formula to use a certain price in that calculation; requiring a pharmacy benefit manager to update certain prices at an interval not less than a certain number of business days and to make certain disclosures about certain prices and a certain methodology; prohibiting a pharmacy benefits manager that has a certain management or ownership interest from discriminating or restricting the rights of a beneficiary or offering certain copayments to a beneficiary; altering the requirements for an audit conducted by a pharmacy benefits manager of a pharmacy or pharmacist under contract with the pharmacy benefits manager; requiring that a copy of a certain final audit report be delivered to a plan sponsor within certain periods of time under certain circumstances; requiring a certain recoupment of a certain claims payment to be based only on a certain fee and not on a certain cost; prohibiting a pharmacy benefits manager and a plan sponsor from taking certain actions on the basis of certain errors; making stylistic changes~~ 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 generally relating to pharmacy benefits managers.

BY repealing and reenacting, with amendments,
Article – Insurance
Section ~~15–1628 and~~ 15–1629
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 11	Del. Cardin
HB 49	Del. Haddaway–Riccio
HB 58	Del. Costa
HB 64	The Speaker
HB 89	Del. Kipke

HB 103	Del. Haddaway–Riccio
HB 108	Del. Feldman
HB 111	Ch., Envir. Mat. Com.
HB 117	Del. Beitzel
HB 124	The Speaker
HB 156	Ch. Hlth & Govt Ops
HB 176	Del. Eckardt
HB 183	Del. Nathan–Pulliam
HB 196	Del. Malone
HB 198	Ch., Econ Matters Co.
HB 204	Ch., Econ Matters Co.
HB 210	Ch., Envir. Mat. Com.
HB 214	Ch., Envir. Mat. Com.
HB 215	Ch. Hlth & Govt Ops
HB 217	Ch. Hlth & Govt Ops
HB 226	Del. Cullison
HB 227	Del. Waldstreicher
HB 247	Del. Simmons
HB 253	Ch., Ways and Means
HB 258	Del. Beitzel
HB 262	Frederick County Del.
HB 279	Carroll County Del.
HB 280	Carroll County Del.
HB 281	Del. Beitzel
HB 306	Del. Frush
HB 319	Del. Frush
HB 333	Del. Griffith
HB 335	Del. Griffith
HB 338	Del. Griffith
HB 345	Del. Simmons
HB 366	Del. Niemann
HB 376	Allegany County Del.
HB 377	Ch. Hlth & Govt Ops
HB 378	Del. Nathan–Pulliam
HB 402	Del. Simmons
HB 404	Washington County Del.
HB 407	Del. McComas
HB 408	Del. McComas
HB 413	Washington County Del.
HB 421	Del. Otto
HB 452	Del. Kipke
HB 453	Del. Jameson
HB 461	Allegany County Del.

Read and ordered journalized.

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 479	Frederick County Del.
HB 496	Del. A. Kelly
HB 499	Del. Szeliga
HB 502	Del. Barve
HB 558	Del. Barve
HB 587	Del. Feldman
HB 590	Del. Davis
HB 624	Del. Rosenberg
HB 634	Del. Griffith
HB 653	Del. Niemann
HB 666	Del. Lee
HB 670	Del. Frush
HB 674	Del. Cullison
HB 689	Harford County Del.
HB 703	Harford County Del.
HB 727	Del. Griffith
HB 842	Del. Healey
HB 849	Ch., Envir. Mat. Com.
HB 859	Del. Dumais
HB 877	Ch., Envir. Mat. Com.
HB 879	Del. Sophocleus
HB 888	Del. Kach
HB 900	Carroll County Del.
HB 944	Ch., Econ Matters Co.
HB 947	Caroline County Del.
HB 953	Allegany County Del.
HB 973	Del. Eckardt
HB 1017	Del. O'Donnell
HB 1030	Cecil County Del.
HB 1049	Del. Vaughn
HB 1118	Del. Valderrama
HB 1128	Del. Valderrama
HB 1253	Ch., Envir. Mat. Com.

Read and ordered journalized.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #19

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

House Bill 154 – Delegate Krebs

AN ACT concerning

Unemployment Insurance – Religious Organizations – Disclosure of Exemption from Covered Employment

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1281 – Delegates Stukes, Haynes, and Mitchell

AN ACT concerning

Arts and Entertainment Districts – Artistic Work – Design

HB1281/983991/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1281
(First Reading File Bill)

In the sponsor line, strike "and Mitchell" and substitute "Mitchell, Braveboy, Haddaway–Riccio, Jameson, Love, and McHale".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1314 – Delegate Myers

AN ACT concerning

Public Service Commission – Public Service Company – Definition

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1 – ~~Senator Middleton~~ Senators Middleton, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Muse, and Pugh

AN ACT concerning

Joint Committee on Workers' Compensation Benefit and Insurance Oversight – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 75 – ~~Senator Astle~~ Senators Astle and Muse

AN ACT concerning

Commercial Law – Maryland Consumer Protection Act – Scope

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 103 – Chair, Finance 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

SB0103/573996/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 103

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 23, before "the" insert "the Maryland Judiciary, in consultation with"; and in line 24, before "to" insert a comma.

On pages 1 and 2, strike beginning with "monitor" in line 25 on page 1 down through "determination" in line 1 on page 2 and substitute "study a certain issue".

On page 2, in line 1, strike "certain" and substitute "its".

AMENDMENT NO. 2

On page 10, in line 9, before the first "the" insert "the Maryland Judiciary, in consultation with"; in line 10, before "shall" insert a comma; in line 11, strike "monitor" and substitute "examine"; strike beginning with "the" in line 11 down through "if" in line 12; in line 17, strike "any" and substitute "its"; and strike beginning with "made" in line 17 down through "Judiciary" in line 18.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 108 – Senator Garagiola

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.

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

Senate Bill 132 – Senators Pugh, Currie, Jones–Rodwell, Kelley, Madaleno, Manno, Montgomery, Peters, ~~and Raskin~~ Raskin, and Muse

AN ACT concerning

Job Applicant Fairness Act

SB0132/383098/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 132
(Third Reading File Bill)

On page 2, in line 26, strike "**AN**" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 179 – The President (By Request – Administration) and Senators Klausmeier, Astle, Garagiola, and Rosapepe

AN ACT concerning

Electric Companies – ~~Demand Response~~ Pilot Program for Charging Electric Vehicles

SB0179/763494/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 179
(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.

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

Senate Bill 212 – Senators Klausmeier, Edwards, ~~and Kittleman~~ Kittleman, Middleton, Garagiola, Glassman, Kelley, Mathias, Muse, and Pugh

AN ACT concerning

Workers' Compensation – Death Benefits – Dependency

SB0212/133093/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 212

(Third Reading File Bill)

On page 5, in line 25, strike "(i)" and substitute "**(J)**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 269 – Senators Kittleman ~~and Klausmeier~~, Klausmeier, Astle, Garagiola, Glassman, Kelley, Mathias, Middleton, Muse, and Pugh

AN ACT concerning

Workers' Compensation – Jurisdiction Pending Appeal – Proposed Settlement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 271 – Senator Edwards

AN ACT concerning

Public Utilities – Net Energy Metering – Hydroelectric

SB0271/373691/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 271
(Third Reading File Bill)

On page 2, in line 8, strike "**MUNICIPALITY**" and substitute "**MUNICIPAL CORPORATION**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 370 – Senator Conway

AN ACT concerning

Accountants – Regulation – Preparation of a Compilation of Financial Statements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 557 – Senators Pugh, Garagiola, Montgomery, Rosapepe, ~~and Stone~~ Stone, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, and Muse

AN ACT concerning

Commission on Maryland Cybersecurity Innovation and Excellence

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 693 – Senator Middleton

AN ACT concerning

Injured Workers' Insurance Fund – Employee Compensation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 718 – Senator Garagiola

AN ACT concerning

Telephone Companies – Distribution of Telephone Directories ~~to Residential Customers~~

SB0718/483090/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 718
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike "a customer" and substitute "customers"; in line 8, strike "print"; in the same line, strike the first "the" and substitute "each"; strike beginning with "at" in line 8 down through "State" in line 9; and strike beginning with "requiring" in line 10 down through "date;" in line 13.

AMENDMENT NO. 2

On page 2, in line 9, strike "**PRINT**"; in the same line, strike "**A**" and substitute "**EACH**"; in the same line, strike "**AT AN ADDRESS IN THE STATE**"; in line 10, strike the second "**THE**" and substitute "**A**"; in line 18, after "**YEAR;**" insert "**AND**"; in line 19, strike "**TELEPHONE**"; strike beginning with the semicolon in line 19 down through "**2016**" in line 23; and in line 25, strike "**PRINT TELEPHONE**".

On pages 2 and 3 strike in their entirety the lines beginning with line 27 on page 2 through line 7 on page 3, inclusive.

On page 3, in line 8, strike "3." and substitute "2.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #20

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

House Bill 1023 – Delegates Glenn, Anderson, Conaway, Harrison, Haynes, McHale, B. Robinson, Stukes, and Tarrant

AN ACT concerning

Baltimore City – Liquor Stores – Premises Near Churches or Schools

HB1023/823293/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1023
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "City –" insert "45th Legislative District –"; in the same line, strike "Churches" and substitute "Places of Worship"; in line 3, after "in" insert "the 45th Legislative District in"; and in lines 4 and 5, in each instance, strike "churches" and substitute "places of worship"; in line 4, after "schools;" insert "providing for the application of this Act;"; and in line 5, after "schools" insert "in the 45th Legislative District in Baltimore City".

AMENDMENT NO. 2

On page 1, in line 15, strike "In" and substitute "**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IN**"; in line 16, strike the brackets; in the same line, strike "**500**"; and after line 19, insert:

"**(2) IN THE 45TH LEGISLATIVE DISTRICT IN BALTIMORE CITY, A NEW CLASS A LICENSE OF ANY TYPE MAY NOT BE ISSUED FOR THE SALE OF ALCOHOLIC BEVERAGES IN A BUILDING LOCATED WITHIN 500 FEET OF THE NEAREST POINT OF THE BUILDING OF A PLACE OF WORSHIP OR SCHOOL.**".

In line 20, after "distance" insert "**IN SUBSECTION (A)(1) OF THIS SECTION**"; in line 21, strike the brackets; and in the same line, strike "**500**".

On page 2, after line 9, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any Class A alcoholic beverages license issued in the 45th Legislative District in Baltimore City before the effective date of this Act.".

On page 2, in line 10, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1127 – Delegates Glenn, Carr, Conaway, Harrison, McHale, Olszewski, B. Robinson, and Stukes

AN ACT concerning

Alcoholic Beverages – Landlords – Premises That Violate Minimum Distance Requirement from Schools or Churches

HB1127/673695/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1127
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Alcoholic" insert "Baltimore City – 45th Legislative District –"; in the same line, after "Landlords –" insert "Licensed"; strike beginning with "That" in line 2 down through "Churches" in line 3; in line 4, after "misdemeanor" insert "in the 45th Legislative District in Baltimore City"; in line 5, after "beverages" insert "by a holder of a Class A alcoholic beverages license"; in line 7, strike "church" and substitute "place of worship"; in the same line, after "school;" insert "providing for the application of this Act;"; and in line 8, after "beverages" insert "in the 45th Legislative District in Baltimore City".

AMENDMENT NO. 2

On page 1, in line 18, strike "**A**" and substitute "**IN THE 45TH LEGISLATIVE DISTRICT IN BALTIMORE CITY, A**"; in the same line, after "**OUT**" insert "**TO A HOLDER OF A CLASS A ALCOHOLIC BEVERAGES LICENSE OF ANY TYPE**"; in line 22, strike "**CHURCH**" and substitute "**PLACE OF WORSHIP**".

On page 2, after line 3, 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 premises rented out to be used for the sale of alcoholic beverages in the 45th Legislative District of Baltimore City before the effective date of this Act.";

and in line 4, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 366 – Senator Edwards

AN ACT concerning

Allegany County – Alcoholic Beverages – Eligibility for Class B–BT (Buffet Theater) License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 467 – Carroll County Senators

AN ACT concerning

Carroll County – Alcoholic Beverages – Liquor Tasting

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 541 – Senator Colburn

AN ACT concerning

Dorchester County Liquor Act of 2011

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 580 – Senator Edwards

EMERGENCY BILL

AN ACT concerning

Allegany County – Alcoholic Beverages – ~~Music Promoter~~ 1–Day Special License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 821 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Winery Special Event Permits – Farmers' Markets

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 926 – Senators Glassman, Jacobs, and Jennings

AN ACT concerning

Harford County – Alcoholic Beverages – Continuing Care Facility for Aged – Beer, Wine and Liquor License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #15

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

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

AN ACT concerning

Juvenile and Education Records – Disclosure Between Departments of Education and Juvenile Services

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 169 – Senator Ramirez

AN ACT concerning

Bankruptcy – Homestead Exemption – Debtor's Residence

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 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

SB0174/592819/1
BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 174
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Use" in line 2 down through "Felony" in line 3 and substitute "Restrictions Against Use and Possession of Firearms"; strike

beginning with "prohibiting" in line 4 down through "felonies;" in line 5 and substitute "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 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; providing that each violation of a certain provision of law is a separate crime;"; strike beginning with the first "of" in line 6 down through "felonies" in line 7 and substitute "and possession of firearms"; and after line 12, insert:

"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)".

AMENDMENT NO. 2

On page 2, after line 20, insert:

"Article – Public Safety

5–133.

(c) (1) A person may not possess a regulated firearm if the person was previously convicted of:

(i) a crime of violence; or

(ii) a violation of § 5–602, § 5–603, § 5–604, § 5–605, **[**§ 5–606, § 5–607, § 5–608, § 5–609,**]** § 5–612, § 5–613, or § 5–614 of the Criminal Law Article.

(2) **(I)** **[**A**]** **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A** person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment for not less than 5 years**[**, no part of which may be suspended.

(3) A person sentenced under paragraph (1) of this subsection may not be eligible for parole**]** **AND NOT EXCEEDING 15 YEARS.**

(II) THE COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY MINIMUM SENTENCE OF 5 YEARS.

(III) EXCEPT AS OTHERWISE PROVIDED IN § 4–305 OF THE CORRECTIONAL SERVICES ARTICLE, THE PERSON IS NOT ELIGIBLE FOR PAROLE DURING THE MANDATORY MINIMUM SENTENCE.

(3) AT THE TIME OF THE COMMISSION OF THE OFFENSE, IF A PERIOD OF MORE THAN 5 YEARS HAS ELAPSED SINCE THE PERSON COMPLETED SERVING THE SENTENCE FOR THE MOST RECENT CONVICTION UNDER SUBSECTION (C)(1)(I) OR (II) OF THIS SECTION, INCLUDING ALL IMPRISONMENT, MANDATORY SUPERVISION, PROBATION, AND PAROLE:

(I) THE IMPOSITION OF THE MANDATORY MINIMUM SENTENCE IS WITHIN THE DISCRETION OF THE COURT; AND

(II) THE MANDATORY MINIMUM SENTENCE MAY NOT BE IMPOSED UNLESS THE STATE'S ATTORNEY NOTIFIES THE PERSON IN WRITING

AT LEAST 30 DAYS BEFORE TRIAL OF THE STATE'S INTENTION TO SEEK THE MANDATORY MINIMUM SENTENCE.

(4) Each violation of this subsection is a separate crime.

5–143.

(a) Except as otherwise provided in this subtitle, a dealer or other person may not knowingly participate in the illegal sale, rental, transfer, purchase, possession, or receipt of a regulated firearm in violation of this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(c) Each violation of this section is a separate crime.

5–206.

(A) A PERSON MAY NOT POSSESS A RIFLE OR SHOTGUN IF THE PERSON WAS PREVIOUSLY CONVICTED OF:

(1) A CRIME OF VIOLENCE; OR

(2) A VIOLATION OF § 5–602, § 5–603, § 5–604, § 5–605, § 5–612, § 5–613, OR § 5–614 OF THE CRIMINAL LAW ARTICLE.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS.

(C) EACH VIOLATION OF THIS SUBSECTION IS A SEPARATE CRIME.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 178 – The President (By Request – Administration) and Senators King, Benson, DeGrange, Forehand, Garagiola, Madaleno, Manno, Mathias, McFadden, Montgomery, Peters, Ramirez, Raskin, Stone, Young, and Zirkin

AN ACT concerning

Criminal Law – Child Neglect ~~– Penalties~~

SB0178/742715/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 178
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, after line 13, insert:

"**(4) "MENTAL INJURY" MEANS THE SUBSTANTIAL IMPAIRMENT OF A MINOR'S MENTAL OR PSYCHOLOGICAL ABILITY TO FUNCTION.**";

in line 14, strike "**(4)**" and substitute "**(5)**"; in lines 16 and 26, in each instance, strike "**FOR THE SAFETY**" and substitute "**MENTAL HEALTH**"; and in line 23, strike "**OR MENTAL HEALTH**" and substitute "**HEALTH OR A SUBSTANTIAL RISK OF MENTAL INJURY TO THE MINOR**".

On page 3, in line 5, strike "**10**" and substitute "**5**"; and in line 6, strike "**$10,000**" and substitute "**$5,000**".

AMENDMENT NO. 2

On page 8, in lines 17 and 22, in each instance, strike "**OR NEGLECT**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 218 – Senator Shank

AN ACT concerning

Public Safety – Law Enforcement Officers' Bill of Rights – Internal Investigation Unit

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 278 – Senator Colburn

AN ACT concerning

Juvenile Law – Truancy Reduction Pilot Program – Talbot County

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 333 – Senator Garagiola

AN ACT concerning

Children in Need of Assistance – Hearings – Written Findings

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 342 – Senators Ramirez and Forehand

AN ACT concerning

Peace Orders – Extension of Duration

SB0342/892715/1
BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 342
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "extending the maximum duration of a final peace order" and substitute "authorizing a judge to extend the term of a final peace order under certain circumstances after certain notice and a hearing"; in line 5, strike "with" and substitute "without"; and strike in their entirety lines 10 through 14, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–1506(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 2, in line 2, strike the brackets; in the same line, strike "**1 YEAR**"; and strike in their entirety lines 3 through 7, inclusive, and substitute:

"3–1506.

(a) **(1)** A peace order may be modified or rescinded during the term of the peace order after:

[(1)**](I)** Giving notice to the petitioner and the respondent; and

[(2)**](II)** A hearing.

(2) FOR GOOD CAUSE SHOWN, A JUDGE MAY EXTEND THE TERM OF THE PEACE ORDER FOR 6 MONTHS BEYOND THE PERIOD SPECIFIED IN § 3–1505(F) OF THIS SUBTITLE, AFTER:

(I) GIVING NOTICE TO THE PETITIONER AND THE RESPONDENT; AND

(II) A HEARING.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 362 – Senators Raskin and Ramirez

AN ACT concerning

Correctional Services – Division of Parole and Probation – Supervision Fee

SB0362/132916/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 362
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 3 down through "requirement;" in line 5.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 27 through 31, inclusive, and substitute:

"(f) (1) If a supervisee does not comply with the fee requirement:

(i) the Division of Parole and Probation shall notify the Commission; and

(ii) the Commission may revoke parole or mandatory supervision.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 457 – Senator Forehand

AN ACT concerning

Lawyers – Bar Admission Requirement – Exception for Rent Escrow Proceedings

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 480 – Senators Forehand and Ramirez

AN ACT concerning

Courts – Peace Orders – Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 500 – Senator Getty

AN ACT concerning

Criminal Law – Identity Fraud – Assumption of Identity of Fictitious Person

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Maryland General and Limited Power of Attorney Act – Modifications

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 652 – Senator Ramirez

AN ACT concerning

Public Safety – Use of Electronic Control Devices – Reports

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 768 – Senators Ramirez and Frosh

AN ACT concerning

Child Abuse – Out of Court Statements of Child Victims

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 1246 – Delegates Conway, Arora, Bobo, Braveboy, Cullison, Frush, Kramer, and Niemann

AN ACT concerning

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

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

FLOOR AMENDMENT

HB1246/773620/1
BY: Delegate McComas

AMENDMENTS TO HOUSE BILL 1246, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike the Environmental Matters Committee Amendments (HB1246/120518/1) in their entirety.

AMENDMENT NO. 2

On page 1, in line 2, after the first dash insert "Task Force to Study the"; strike beginning with the second dash in line 2 down through "2011"" in line 3 and substitute "Regarding Common Ownership Communities"; strike beginning with "providing" in line 4 down through "changes;" in line 18 and substitute "establishing the Task Force to Study the Priority of Liens Regarding Common Ownership Communities; specifying the membership, chair, and staff of the Task Force; specifying that a member of the Task Force may not receive compensation, but may receive reimbursement for certain expenses; requiring the Task Force to study certain issues and make certain recommendations; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act;"; in line 18, strike "liens" and substitute "the Task Force to Study the Priority of Liens Regarding Common Ownership Communities"; and strike in their entirety lines 20 through 28, inclusive.

On page 2, strike in their entirety lines 1 through 12, inclusive, and substitute:

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

AMENDMENT NO. 3

On pages 2 through 4, strike the lines beginning with line 13 on page 2 through line 17 on page 4, inclusive, and substitute:

"(a) There is a Task Force to Study the Priority of Liens Regarding Common Ownership Communities.

(b) The Task Force consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Attorney General of Maryland, or the Attorney General's designee;

(4) the Commissioner of Financial Regulation, or the Commissioner's designee;

(5) the Maryland Insurance Commissioner, or the Commissioner's designee;

(6) the Secretary of Housing and Community Development, or the Secretary's designee;

(7) the President of the Maryland Land Title Association, or the President's designee;

(8) the President of the American Land Title Association, or the President's designee;

(9) the President of the Maryland Coalition of Title Insurers, or the President's designee;

(10) the President of the Greater Baltimore Board of Realtors, or the President's designee;

(11) the President of the Maryland Association of Realtors, or the President's designee;

(12) the President of the Maryland Association of Mortgage Professionals, or the President's designee;

(13) the President of the Maryland Bankers Association, or the President's designee;

(14) the President of the Maryland Mortgage Bankers Association, or the President's designee;

(15) the President of the Maryland Bankruptcy Bar Association, or the President's designee;

(16) the President of the Home Builders Association of Maryland, or the President's designee;

(17) the President of the Maryland Homeowners' Association, or the President's designee;

(18) one member of the Real Estate Section of the Maryland State Bar Association, appointed by President of the Maryland State Bar Association; and

(19) the following members of the general public, appointed by the Governor:

(i) one attorney or representative of a management company that represents a condominium, homeowners association, or community association; and

(ii) one representative of a debt collection company;

(c) The Task Force shall elect a chair from among its members.

(d) The Department of Housing and Community Development shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

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

(f) The Task Force shall study:

(1) the impact of altering the priority of liens so that an amount of up to 6 months of unpaid assessments and related interest and fees takes precedence over the claim of the holder of a first mortgage deed of trust on:

(i) the banking industry;

(ii) the title insurance industry;

(iii) the real estate industry;

(iv) the construction industry;

(v) common ownership communities;

(vi) the liability to mortgage companies; and

(vii) the sale of real property in Maryland;

(2) the effectiveness of State legislation to alter the priority of liens on addressing the concerns of common ownership communities related to unpaid assessments including the possibility that alternative methods, including federal legislation, may more appropriately address the issue; and

(3) funding mechanisms in addition to assessments that are available to common ownership communities to pay for capital expenses in common areas.

(g) The Task Force shall make recommendations on:

(1) ways to reduce any negative impact from altering the priority of liens; and

(2) alternative methods of addressing the concerns of common ownership communities related to unpaid assessments.

(h) On or before December 31, 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.".

AMENDMENT NO. 4

On page 4, in line 18, strike "5." and substitute "2."; strike beginning with the second comma in line 18 down through the first comma in line 19; and in line 19, after the period insert "It shall remain effective for a period of 1 year and 7 months and, at the end of April 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 4 amendments were read and rejected by a roll call vote as follows:

Affirmative – 42 Negative – 93 (See Roll Call No. 742)

FLOOR AMENDMENT

HB1246/243523/1
BY: Delegate McComas

AMENDMENTS TO HOUSE BILL 1246
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, after "changes;" insert "providing for a delayed effective date;".

AMENDMENT NO. 2

On page 4, in line 19, strike "2011" and substitute "2012".

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

Affirmative – 36 Negative – 99 (See Roll Call No. 743)

Delegate Niemann moved to make the Bill a Special Order for the end of today's business.

The motion was adopted.

Senate Bill 885 – Senator Garagiola

AN ACT concerning

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

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

Read the second time and ordered prepared for Third Reading.

Senate Bill 172 – Senators McFadden, Kelley, and Miller

AN ACT concerning

Inmates – Life Imprisonment – Parole Approval

STATUS OF BILL: BILL ON 3RD READING.

FLOOR AMENDMENT

SB0172/443822/1
BY: Delegates Olszewski and Kach

AMENDMENTS TO SENATE BILL 172
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 6 and 8, in each instance, strike "disapprove" and substitute "approve"; and in line 9, strike "becomes effective" and substitute "is rejected".

AMENDMENT NO. 2

On page 2, in lines 20 and 22, in each instance, strike "**DISAPPROVE**" and substitute "**APPROVE**"; and in lines 23 and 24, strike "**BECOMES EFFECTIVE**" and substitute "**IS REJECTED**".

AMENDMENT NO. 3

On page 3, in lines 12 and 14, in each instance, strike "**DISAPPROVE**" and substitute "**APPROVE**"; in lines 15 and 16, strike "**BECOMES EFFECTIVE**" and substitute "**IS REJECTED**"; in line 20, strike "disapprove" and substitute "approve"; and in line 23, strike "becomes effective" and substitute "is rejected".

The preceding 3 amendments were read and adopted by a roll call vote as follows:

Affirmative – 67 Negative – 66 (See Roll Call No. 744)

FLOOR AMENDMENT

SB0172/983722/1
BY: Delegate O'Donnell

AMENDMENTS TO SENATE BILL 172, AS AMENDED

AMENDMENT NO. 1

On page 1 of the House Judiciary Committee Amendments (SB0172/192519/1), in line 1 of Amendment No. 1, strike "and Commutation of Sentence"; in line 2, strike "and commutation of sentence"; in lines 3 and 4, in each instance, strike "or commutation of sentence"; in line 5, strike beginning with "making" through "definitions;"; in line 6, strike ", 7–101(d) and (e),," and substitute "and"; and in the same line, strike ", and 7–601(b)".

AMENDMENT NO. 2

On page 1 of the House Judiciary Committee Amendments, in Amendment No. 2, strike beginning with "**OR**" in line 1 down through the second "**OF**" in line 2; strike beginning with "**OR**" in line 3 down through "**SENTENCE**" in line 4; strike beginning with "7–101." in line 5 down through "commutation." in line 12; and strike beginning with "**OR**" in line 13 down through the second "**OF**" in line 14.

On page 2 of the House Judiciary Committee Amendments, in Amendment No. 2, strike beginning with "**OR**" in line 1 down through "**SENTENCE**" in line 2; strike beginning with "7–601." in line 3 down through "pardon." in line 8; strike beginning with "or" in line 9 down through the second "of" in line 10; strike beginning with "or" in line 10 down through "sentence" in line 11; and strike beginning with "or" in line 11 down through "sentence" in line 12.

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

Affirmative – 58 Negative – 73 (See Roll Call No. 745)

Delegate Vaughn moved to reconsider the vote by which the floor amendment by Del. Olszewski #443822/1 was adopted.

Delegate Anderson moved to make the Bill and the motion a Special Order for Wednesday.

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

Affirmative – 83 Negative – 56 (See Roll Call No. 746)

House Bill 1246 – Delegates Conway, Arora, Bobo, Braveboy, Cullison, Frush, Kramer, and Niemann

AN ACT concerning

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

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

FLOOR AMENDMENT

HB1246/400110/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1246, AS AMENDED

On page 4 of the Environmental Matters Committee Amendments (HB1246/120518/1), in line 22 of Amendment No. 2, strike "**ANY**" and substitute "**:**

(I) A HOMEOWNERS ASSOCIATION'S LIEN PROVIDED FIRST PRIORITY OVER A DEED OF TRUST OR MORTGAGE BY THE HOMEOWNERS ASSOCIATION'S DECLARATION OR BYLAWS; OR

(II) ANY".

On page 5 of the Environmental Matters Committee Amendments, in lines 1,3, and 5 of Amendment No. 2, strike "**(I)**", "**(II)**", and "**(III)**", respectively, and substitute "**1.**", "**2.**", and "**3.**", respectively.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 747)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #8

Senate Bill 191 – Senator Edwards

AN ACT concerning

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 748)

The Bill was then returned to the Senate.

Senate Bill 205 – Senator Frosh

AN ACT concerning

Real Property – Residential Property Foreclosure Procedures – Accuracy of Notice of Intent to Foreclose

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

Affirmative – 139 Negative – 0 (See Roll Call No. 749)

The Bill was then returned to the Senate.

Senate Bill 221 – Senator Conway

EMERGENCY BILL

AN ACT concerning

Environment – Decabrominated Diphenyl Ether – Trace Amounts

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

Affirmative – 138 Negative – 0 (See Roll Call No. 750)

The Bill was then returned to the Senate.

Senate Bill 320 – Senators Montgomery, Frosh, Kelley, Madaleno, Manno, Raskin, and Rosapepe

AN ACT concerning

Environment – Phosphorus – Commercial Dishwashing Detergent

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

Affirmative – 133 Negative – 4 (See Roll Call No. 751)

The Bill was then returned to the Senate.

Senate Bill 368 – Senator Stone

AN ACT concerning

Hart–Miller–Pleasure Island Citizens Oversight Committee – Duties

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

Affirmative – 139 Negative – 0 (See Roll Call No. 752)

The Bill was then returned to the Senate.

Senate Bill 372 – Senator Conway

AN ACT concerning

Environment – Nitrogen Removal Technology – Evaluation and Ranking

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

Affirmative – 136 Negative – 3 (See Roll Call No. 753)

The Bill was then returned to the Senate.

Senate Bill 542 – Senator Colburn

AN ACT concerning

Housing Authorities – Consolidation or Merger – Talbot County and St. Michaels

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

Affirmative – 139 Negative – 0 (See Roll Call No. 754)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #9

Senate Bill 78 – Senator Simonaire

AN ACT concerning

Anne Arundel County Board of Education – Member Reappointment and Terms

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

Affirmative – 139 Negative – 0 (See Roll Call No. 755)

The Bill was then returned to the Senate.

Senate Bill 98 – Senator McFadden

AN ACT concerning

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

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

Affirmative – 138 Negative – 1 (See Roll Call No. 756)

The Bill was then returned to the Senate.

Senate Bill 330 – Senators Brinkley and Young

AN ACT concerning

Frederick County – ~~Public~~ Nonprofit School Lease – Property Tax Credit

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

Affirmative – 139 Negative – 0 (See Roll Call No. 757)

The Bill was then returned to the Senate.

Senate Bill 493 – Senator Peters

AN ACT concerning

Prince George's County Public Schools – Funding Accountability and Transparency Act

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

Affirmative – 139 Negative – 0 (See Roll Call No. 758)

The Bill was then returned to the Senate.

Senate Bill 754 – Senators King, Benson, Forehand, Kelley, Madaleno, Montgomery, and Raskin

AN ACT concerning

State Department of Education – Permanent Hearing Aid Loan Bank Program – Establishment and Operation

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

Affirmative – 139 Negative – 0 (See Roll Call No. 759)

The Bill was then returned to the Senate.

MESSAGE FROM THE CHIEF EXECUTIVE

EXECUTIVE ORDER NO. 01.01.2011.04
PROCLAIMING AN EXTENDED SESSION OF
THE MARYLAND GENERAL ASSEMBLY

(Exhibit Q of Appendix II)

Read and ordered journalized.

QUORUM CALL

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

(See Roll Call No. 760)

ADJOURNMENT

At 1:11 P.M. on motion of Delegate Barve the House adjourned until 5:30 P.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

The House met at 5:56 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Anne Healey of Prince George's County.

QUORUM CALL

The presiding officer announced a quorum call, showing 126 Members present.

(See Roll Call No. 761)

The Journal of March 31, 2011 was read and approved.

EXCUSES:
Del. Cardin – business
Del. V. Turner – illness

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 12	Del. Beitzel
HB 104	Ch., Ways and Means
HB 105	Ch., Judiciary Com.
HB 110	Ch., Envir. Mat. Com.
HB 112	Ch., Envir. Mat. Com.
HB 133	Ch., Judiciary Com.
HB 136	Ch., Judiciary Com.
HB 208	Ch., Envir. Mat. Com.
HB 263	Frederick County Del.
HB 289	Del. Pena–Melnyk
HB 349	Del. Simmons
HB 355	Del. Schulz

HB 466	Del. Tarrant
HB 486	Del. Conway
HB 505	St. Mary's County Del.
HB 523	Del. Rosenberg
HB 581	Ch., Appropriations
HB 602	Del. Summers
HB 630	Del. Beidle
HB 643	Del. Carr
HB 667	Del. Lee
HB 671	The Speaker
HB 751	Del. Luedtke
HB 831	Del. S. Robinson
HB 876	Ch., Judiciary Com.
HB 890	Del. Kach
HB 966	Del. O'Donnell
HB 1193	Ch. Hlth & Govt Ops
HB 1208	Del. Wilson
HB 1212	St. Mary's County Del.

Read and ordered journalized.

QUORUM CALL

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

(See Roll Call No. 762)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #68

House Bill 798 – ~~Delegates McConkey and George~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Property Tax Payment Deferral – Eligibility

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

Affirmative – 137 Negative – 0 (See Roll Call No. 763)

The Bill was then sent to the Senate.

House Bill 1214 – ~~Delegates Schuh and Love~~ Anne Arundel County Delegation

AN ACT concerning

Maryland Income Tax Refund – Anne Arundel County – Warrants

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

Affirmative – 134 Negative – 0 (See Roll Call No. 764)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #69

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

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

Affirmative – 98 Negative – 41 (See Roll Call No. 765)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #70

House Bill 1246 – Delegates Conway, Arora, Bobo, Braveboy, Cullison, Frush, Kramer, and Niemann

AN ACT concerning

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

Delegate Niemann moved to reconsider the vote by which **House Bill 1246** was ordered printed for Third Reading.

The motion was adopted.

FLOOR AMENDMENT

HB1246/310011/1
BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1246
(Bill as Printed for Third Reading)

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

"**(I) A LIEN FOR THE ANNUAL CHARGE PROVIDED FIRST PRIORITY OVER A DEED OF TRUST OR MORTGAGE BY THE DEED, AGREEMENT, AND DECLARATION OF COVENANTS, EASEMENTS, CHARGES, AND LIENS DATED DECEMBER 13, 1966, AND RECORDED IN THE LAND RECORDS OF HOWARD COUNTY (THE COLUMBIA ASSOCIATION DECLARATION); OR**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 766)

ADJOURNMENT

At 6:42 P.M. on motion of Delegate Barve the House 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

The House met at 10:14 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Eric M. Bromwell of Baltimore County.

QUORUM CALL

The presiding officer announced a quorum call, showing 128 Members present.

(See Roll Call No. 767)

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

EXCUSES:
Del. Donoghue – illness
Del. Glenn – illness
Del. James – illness
Del. Kipke – illness

THE COMMITTEE ON ECONOMIC MATTERS REPORT #21

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

House Bill 1121 – Delegate McHale

AN ACT concerning

Renewable Energy Portfolio – Waste–to–Energy

HB1121/333892/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1121
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Waste–to–Energy" insert ", Refuse–Derived Fuel, and Small Hydroelectric Power Plants"; in line 4, after "waste–to–energy" insert "and refuse–derived fuel"; in line 5, after the semicolon insert "providing that a Tier 1 source using waste–to–energy, refuse–derived fuel, or certain small hydroelectric power plants is eligible for inclusion in meeting a certain standard only if the source is connected with the distribution grid serving Maryland;"; in the same line, after the second "waste–to–energy" insert ", refuse–derived fuel, small hydroelectric power plants,"; and in line 9, after "(m)" insert "and 7–704(a) and (f)".

AMENDMENT NO. 2

On page 2, in line 13, strike "**AND**"; and in line 14, after "**WASTE–TO–ENERGY**" insert "**; AND**

(11) REFUSE–DERIVED FUEL".

On page 3, after line 16, insert:

"7–704.

(a) (1) Energy from a Tier 1 renewable source:

(i) is eligible for inclusion in meeting the renewable energy portfolio standard regardless of when the generating system or facility was placed in service; and

(ii) may be applied to the percentage requirements of the standard for either Tier 1 renewable sources or Tier 2 renewable sources.

(2) (i) 1. Except as provided in subsubparagraph 2 of this subparagraph, energy from a Tier 1 renewable source under § 7–701(l)(1)**, (8), [**or**]** (9)**, (10), OR (11)** of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard only if the source is connected with the electric distribution grid serving Maryland.

2. On or before December 31, 2011, energy from a Tier 1 renewable source under § 7–701(l)(1) of this subtitle that is not connected with the electric distribution grid serving Maryland is eligible for inclusion in meeting the renewable energy portfolio standard only if offers for solar credits from Maryland grid

sources are not made to the electricity supplier that would satisfy requirements under the standard and only to the extent that such offers are not made.

(ii) If the owner of a solar generating system in this State chooses to sell solar renewable energy credits from that system, the owner must first offer the credits for sale to an electricity supplier or electric company that shall apply them toward compliance with the renewable energy portfolio standard under § 7–703 of this subtitle.

(3) Energy from a Tier 1 renewable source under § 7–701(l)(8) of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard if it is generated at a dam that existed as of January 1, 2004, even if a system or facility that is capable of generating electricity did not exist on that date.

(4) Energy from a Tier 2 renewable source under § 7–701(m)**[**(1) or (2)**]** of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard through 2018 if it is generated at a system or facility that existed and was operational as of January 1, 2004, even if the facility or system was not capable of generating electricity on that date.

(f) (1) In order to create a renewable energy credit, a Tier 1 renewable source or Tier 2 renewable source must substantially comply with all applicable environmental and administrative requirements, including air quality, water quality, solid waste, and right–to–know provisions, permit conditions, and administrative orders.

(2) (i) This paragraph applies to Tier **[**2**] 1** renewable sources that incinerate solid waste.

(ii) At least 80% of the solid waste incinerated at a Tier **[**2**] 1** renewable source facility shall be collected from:

1. for areas in Maryland, jurisdictions that achieve the recycling rates required under § 9–505 of the Environment Article; and

2. for other states, jurisdictions for which the electricity supplier demonstrates recycling substantially comparable to that required under § 9–505 of the Environment Article, in accordance with regulations of the Commission.

(iii) An electricity supplier may report credits received under this paragraph based on compliance by the facility with the percentage requirement of subparagraph (ii) of this paragraph during the year immediately preceding the year in which the electricity supplier receives the credit to apply to the standard.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

House Bill 1130 – Delegates Hucker, Barkley, Feldman, and McHale

AN ACT concerning

Maryland Wage and Hour Law – Prohibited Acts of Employers – Adverse Action

HB1130/303592/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1130
(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 24, 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.

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

The motion was adopted.

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

Senate Bill 58 – Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)

EMERGENCY BILL

AN ACT concerning

Unemployment Insurance – Judicial Review of Board of Appeals Decision – Passage of Order

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 60 – Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Unemployment Insurance – Administration of Claims – Changes to Withholding Status

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 82 – Chair, Finance Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Commercial Law – Sales of Unpackaged Cigarettes – Prohibitions and Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 101 – Senator Edwards

AN ACT concerning

Business Regulation – Motor Fuel Advertising Signs – Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 143 – Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Home Inspectors – Records – Retention Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 147 – Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Commission of Real Estate Appraisers and Home Inspectors – Home Inspectors – Continuing Professional Competency

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 147
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "basis;" insert "providing that certain educational hours from courses offered by certain entities satisfy the continuing professional competency requirement under certain circumstances;".

AMENDMENT NO. 2

On page 2, in line 23, strike "**(5)**" and substitute "**(6)**".

On page 3, after line 6, insert:

"**(6) EDUCATIONAL HOURS FROM A CONTINUING PROFESSIONAL COMPETENCY COURSE SATISFY THE REQUIREMENT OF PARAGRAPH (1) OF THIS SUBSECTION IF:**

(I) THE COURSE IS OFFERED BY:

1. THE AMERICAN SOCIETY OF HOME INSPECTORS; OR

2. THE NATIONAL ASSOCIATION OF HOME INSPECTORS; AND

(II) THE COMMISSION DETERMINES THAT THE COURSE INCREASES THE LICENSEE'S KNOWLEDGE OF THE PROVISION OF HOME INSPECTION SERVICES, INCLUDING ONE OR MORE COMPONENTS OF AN EXISTING RESIDENTIAL BUILDING.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 234 – Chair, Education, Health, and Environmental Affairs Committee

AN ACT concerning

State Real Estate Commission – Sunset Extension and Program Evaluation

SB0234/943691/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 234
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "Fund;" insert "prohibiting a certain settlement offered to a licensee by the Commission from including a certain provision;"; and after line 22, insert:

"BY adding to
Article – Business Occupations and Professions
Section 17–413
Annotated Code of Maryland
(2010 Replacement Volume)".

AMENDMENT NO. 2

On page 3, after line 5, insert:

"**17–413.**

IF THE COMMISSION OFFERS A LICENSEE A SETTLEMENT TO REDUCE A FINE IMPOSED FOR A VIOLATION OF THIS TITLE, THE SETTLEMENT MAY NOT INCLUDE A PROVISION REQUIRING THE LICENSEE TO WAIVE THE LICENSEE'S RIGHT TO CONTEST A GUARANTY FUND CLAIM AGAINST THE LICENSEE.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 235 – Chair, Education, Health, and Environmental Affairs Committee

AN ACT concerning

~~Department of Labor, Licensing, and Regulation –~~ State Board of Master Electricians – Sunset Extension~~, Revision, and Report~~ and Revision

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 236 – Chair, Education, Health, and Environmental Affairs Committee

AN ACT concerning

Maryland Home Improvement Commission – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 244 – Senators Pugh ~~and Stone~~, Stone, Jones–Rodwell, Garagiola, Klausmeier, and Mathias

AN ACT concerning

Public Service Commission – Customer Education on Customer Choice

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

Senate Bill 256 – Senators Middleton and Kelley

AN ACT concerning

Business Regulation – Definition of Home Builder

SB0256/953798/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 256
(Third Reading File Bill)

On page 2, in line 10, strike "**WHO**" and substitute "**THAT**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 283 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation) and Senator Middleton

AN ACT concerning

State Board of Architects – Retired Status Licenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

Senate Bill 484 – Senators King, Forehand, Garagiola, Montgomery, Peters, and Robey

AN ACT concerning

Counties and Municipal Corporations – Direct Deposit of Wages

SB0484/683395/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 484
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "authorizing" insert "counties and"; strike beginning with "and" in line 4 down through "employment" in line 5; strike beginning with "who" in line 7 down through "manner" in line 10 and substitute "unless the employee was hired after a certain date, received certain notice, and has not requested an exemption from direct deposit"; in line 12, after "requiring" insert "counties and"; and in line 20, strike "number".

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 21 down through "**1.**" in line 22; strike beginning with the semicolon in line 23 down through "**EMPLOYMENT**" in line 25; and in line 27, after "**EMPLOYEE**" insert "**UNLESS THE EMPLOYEE**".

On pages 2 and 3, strike in their entirety the lines beginning with line 28 on page 2 through line 7 on page 3, inclusive, and substitute:

"**1. WAS HIRED AFTER SEPTEMBER 30, 2011;**

2. RECEIVED NOTICE OF THE EMPLOYEE'S RIGHT TO REQUEST AN EXEMPTION FROM THE PAYMENT OF WAGES BY DIRECT DEPOSIT; AND

3. HAS NOT REQUESTED AN EXEMPTION FROM THE PAYMENT OF WAGES BY DIRECT DEPOSIT.".

On page 3, in line 20, strike "**OF THE EMPLOYEE THAT IS**"; and in line 29, strike "**OF**" and substitute "**SELECTED BY**".

On page 4, in line 13, strike "**AUTOMATIC CLEARINGHOUSE**" and substitute "**AUTOMATED CLEARING HOUSE**"; and in line 15, 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.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 687 – Senator Peters

AN ACT concerning

Militia – Employment for Military Spouses – Teachers, Health Care Practitioners, and Individuals in Business Occupations and Professions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

Senate Bill 741 – Senators Pugh and Madaleno

AN ACT concerning

Commercial Law – Debt Settlement Services

SB0741/773797/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 741
(Third Reading File Bill)

On pages 12 and 13, strike in their entirety the lines beginning with line 23 on page 12 through line 3 on page 13, inclusive, and substitute:

"**(E) (1) A REGISTRANT MAY NOT CHARGE A DEBT SETTLEMENT SERVICES FEE THAT EXCEEDS:**

(I) WITH RESPECT TO EACH INDIVIDUAL DEBT, 30% OF THE EXCESS OF THE PRINCIPAL AMOUNT OF THE DEBT OVER THE AMOUNT PAID TO THE CREDITOR OR DEBT COLLECTOR TO SETTLE THE INDIVIDUAL DEBT; OR

(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, WITH RESPECT TO THE TOTAL DEBT, 20% OF THE PRINCIPAL AMOUNT OF THE TOTAL DEBT.

(2) THE AMOUNT OF A DEBT SETTLEMENT SERVICES FEE UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION FOR EACH INDIVIDUAL DEBT:

(I) MUST BEAR THE SAME PROPORTIONAL RELATIONSHIP TO THE DEBT SETTLEMENT SERVICES FEE FOR THE TOTAL DEBT AS THE INDIVIDUAL DEBT BEARS TO THE TOTAL DEBT; AND

(II) MAY NOT EXCEED THE AMOUNT BY WHICH THE CONSUMER'S DEBT IS REDUCED.".

On page 16, in line 5, strike "**AN**" and substitute "**THE**"; in the same line, strike "**NOT LESS THAN**" and substitute "**OF**"; and strike beginning with "**AT**" in line 5 down through "**FILED**" in line 6.

On page 18, in line 11, strike "2014" and substitute "2013"; and strike beginning with "in" in line 21 down through "industry" in line 22.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #19

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

Senate Bill 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

SB0019/770310/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 19
(Third Reading File Bill)

On page 8, in line 6, strike "**8–101(J)**" and substitute "**10–601(C)**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 80 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Tree Expert License – Application and Renewal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 83 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Housing and Community Development)

AN ACT concerning

Affordable Housing Programs – Authority of Local Governments to Support Programs – Sunset Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 188 – Senators Kittleman, Astle, Brinkley, Brochin, Colburn, Conway, Dyson, Edwards, Garagiola, Getty, Glassman, Jacobs, Jennings, McFadden, Middleton, Peters, Pipkin, Raskin, Reilly, Shank, Simonaire, and Young

AN ACT concerning

Recreational Fishing Licenses – Exemption ~~for Disabled Armed Forces Members~~

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 226 – Senator Dyson

AN ACT concerning

Bicycle and Pedestrian Advisory Committee – Meetings

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 334 – Senators Kelley and Frosh

AN ACT concerning

Real Property – Deposits on New Homes – Escrow Accounts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

Senate Bill 393 – Calvert County Senators

AN ACT concerning

Calvert County – Regulation of Roads

SB0393/790718/1
BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 393
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "law;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 2, in line 5, after "**(A)**" insert "**THIS SECTION DOES NOT APPLY TO A PRIVATELY OWNED ROAD IN CALVERT COUNTY THAT HAS BEEN CONSTRUCTED ON OR BEFORE SEPTEMBER 30, 2011.**

(B)";

in line 8, after the second "**AND**" insert "**NEW**"; and in line 18, after the first "**A**" insert "**NEW**".

On page 3, in lines 1 and 5, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C)**" and "**(D)**", respectively.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

Senate Bill 410 – Senator Raskin

AN ACT concerning

State Highway Administration – Unauthorized Signs on Highway Rights–of–Way

SB0410/550219/1
BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 410
(Third Reading File Bill)

AMENDMENT NO. 1
On page 1, in line 17, after "erected;" insert "repealing a certain obsolete reporting requirement;".

AMENDMENT NO. 2
On page 3, strike in their entirety lines 24 through 27, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

Senate Bill 516 – Senators Forehand, Kelley, Madaleno, Ramirez, and Raskin

AN ACT concerning

Foreclosed Residential Property – Tenants – Collection of Rent Payments – Prior Notice

SB0516/400213/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 516
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "requirements" insert "subject to a certain exception".

AMENDMENT NO. 2

On page 3, in line 1, after "**UNDER**" insert "**MARYLAND**"; in line 2, strike "**OF THE MARYLAND RULES**"; in line 11, after the first "**THE**" insert "**PURCHASER OR THE**"; and in line 14, after "**THE**" insert "**PURCHASER OR THE**".

AMENDMENT NO. 3

On page 3, in line 15, after "**(C)**" insert "**(1)**"; in the same line, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**"; and after line 18, insert:

"**(2) A FORECLOSURE SALE PURCHASER DOES NOT WAIVE ANY CLAIM TO RENT DUE AND PAYABLE FOR USE OF THE RESIDENTIAL PROPERTY FOR THE 15 DAYS IMMEDIATELY PRIOR TO THE DATE THAT THE PURCHASER SATISFIED THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION.**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 689 – Senator Middleton

AN ACT concerning

Motor Vehicle Dealers – Issuance of Temporary Registration Plate – Lapsed Security – Registration

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 720 – Senator Mathias

AN ACT concerning

Commercial Fishing Apprenticeship Permit – Eligibility

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

Senate Bill 751 – Senator Manno

AN ACT concerning

Environment – Dishwashing Detergent Containing Phosphorus – Penalties

SB0751/450814/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 751
(Third Reading File Bill)

On page 3, in line 3, after "**FINE**" insert "**OF NOT LESS THAN $1,000 AND**"; and in line 4, strike "**$50,000**" and substitute "**$25,000**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 763 – Senator Kittleman

AN ACT concerning

Hunting Licenses – Exemption for Disabled Armed Forces Members

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS REPORT #10

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1163 – Delegate Love

AN ACT concerning

Family Law – Family Child Care – Large Family Child Care Homes

HB1163/206387/3

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1163
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "certain" and substitute "large"; in line 4, after "children;" insert "requiring the State Department of Education to adopt certain

regulations; providing that, in a large family child care home, there may not be more than a certain number of children in certain care at certain times, and there shall be a limit on the number of children under a specified age and an adult to child ratio that comply with certain regulations; making certain requirements of law that apply to family child care homes applicable to large family child care homes;"; in line 5, after "size;" insert "authorizing certain grants to certain child care homes under certain circumstances; requiring the Department to adopt certain regulations on or before a certain date;"; in line 6, strike "defining certain terms" and substitute "altering certain definitions"; in line 7, after "Code;" insert "providing for a delayed effective date for certain provisions of this Act;"; in line 8, after "to" insert "family child care and large"; in line 11, strike the third comma and substitute "and"; in the same line, strike the fourth comma and substitute a semicolon; in line 14, strike "(d), 5–559.5(b)," and substitute "(d), and 5–559.5(b) to be under the amended part "Part V. Family Child Care Homes and Large Family Child Care Homes"; and"; in line 16, after the second comma insert "and"; and in the same line, strike ", and 14–202(a)(3)".

AMENDMENT NO. 2

On page 4, in line 8, strike "Department" and substitute "**STATE DEPARTMENT OF EDUCATION**"; in line 25, after the second comma insert "**LARGE FAMILY CHILD CARE HOMES,**"; after line 26, insert:

"Part V. Family [Day] **CHILD** Care Homes **AND LARGE FAMILY CHILD CARE HOMES**.";

in line 31, strike "no more than eight"; in the same line, strike "day" and substitute "**CHILD**"; and in the same line, after "home" insert "**OR A REGISTERED LARGE FAMILY CHILD CARE HOME**".

On page 5, in lines 3, 4, 7, 12, 13, and 16, in each instance, after "homes" insert "**AND LARGE FAMILY CHILD CARE HOMES**".

On page 6, in line 2, after "home" insert "**, LARGE FAMILY CHILD CARE HOME,**"; in lines 17 and 20, in each instance, after "home" insert "**AND LARGE FAMILY CHILD CARE HOME**"; in lines 24 and 28, in each instance, after "home" insert "**OR LARGE FAMILY CHILD CARE HOME**"; in lines 26 and 30, in each instance, after "home" insert "**, LARGE FAMILY CHILD CARE HOME,**"; and in line 30, strike the second "day" and substitute "**CHILD**".

On page 7, in lines 6, 7, 11, 13, and 27, in each instance, after "home" insert "**OR LARGE FAMILY CHILD CARE HOME**"; and in lines 9, 15, 18, 19, and 21, in each instance, after "home's" insert "**OR LARGE FAMILY CHILD CARE HOME'S**".

On page 8, in lines 9 and 18, in each instance, after "home" insert "**OR LARGE FAMILY CHILD CARE HOME**"; in line 16, strike "Administration" and substitute "**DEPARTMENT OF HUMAN RESOURCES**"; in the same line, after "department" insert "**OF SOCIAL SERVICES**"; and in line 17, after "home" insert "**, LARGE FAMILY CHILD CARE HOME,**".

AMENDMENT NO. 3

On pages 8 and 9, strike in their entirety the lines beginning with line 26 on page 8 through line 2 on page 9, inclusive.

On page 9, after line 2, insert:

"**(B) (1) IN A FAMILY CHILD CARE HOME:**

(I) THERE MAY NOT BE MORE THAN:

1. 8 CHILDREN IN CARE AT ANY GIVEN TIME; AND

2. 4 CHILDREN UNDER THE AGE OF 2 YEARS; AND

(II) THERE SHALL BE AN ADULT TO CHILD RATIO OF AT LEAST 1 ADULT TO EVERY 2 CHILDREN UNDER THE AGE OF 2 YEARS.

(2) IN A LARGE FAMILY CHILD CARE HOME:

(I) THERE MAY NOT BE MORE THAN 12 CHILDREN IN CARE AT ANY GIVEN TIME; AND

(II) THERE SHALL BE A LIMIT ON THE NUMBER OF CHILDREN UNDER THE AGE OF 2 YEARS AND AN ADULT TO CHILD RATIO THAT COMPLY WITH REGULATIONS ADOPTED BY THE DEPARTMENT UNDER § 5–551 OF THIS PART V OF THIS SUBTITLE.";

in lines 4 and 6, in each instance, after "home" insert "**OR LARGE FAMILY CHILD CARE HOME**"; and in line 32, after "the" insert "**UNREGISTERED**".

On page 10, in line 6, after "homes" insert "**AND LARGE FAMILY CHILD CARE HOMES**"; and in lines 17, 21, 24, and 25, in each instance, after "home" insert "**OR LARGE FAMILY CHILD CARE HOME**".

On page 12, in lines 6, 11, 18, and 22, in each instance, after "home" insert "**OR LARGE FAMILY CHILD CARE HOME**".

On page 15, in line 17, after "homes" insert "**AND LARGE FAMILY CHILD CARE HOMES**".

AMENDMENT NO. 4

On pages 15 and 16, strike in their entirety the lines beginning with line 29 on page 15 through line 4 on page 16, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2012, the State Department of Education shall adopt regulations that relate to the registration of large family child care homes, as required under § 5–551(a) of the Family Law Article, as enacted by Section 1 of this Act.".

On page 16, in lines 5 and 9, strike "2." and "3.", respectively, and substitute "3." and "5.", respectively; in line 6, after "Code" insert ", in consultation with and subject to the approval of the Department of Legislative Services,"; in the same line, strike "reference" and substitute "references"; in line 7, after "care"" insert ", "family day care home" to be "family child care home", and "day care provider" to be "child care provider","; after line 8, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That Sections 1 and 3 of this Act shall take effect January 1, 2012.";

in line 9, after "That" insert ", except as provided in Section 4 of this Act,"; and in line 10, strike "October" and substitute "July".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1229 – The Speaker (By Request – Administration)

AN ACT concerning

Prescription Drug Monitoring Program

HB1229/466284/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1229
(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.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 56 – Chair, Finance Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Health Insurance – Evaluation of Quality of Care and Performance of Health Benefit Plans

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 59 – Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance – Company Action Level Events – Health Insurers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 117 – Senators Glassman and Rosapepe

AN ACT concerning

State Board of Podiatric Medical Examiners – Unannounced Inspections

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 217 – Senator Kelley

AN ACT concerning

Life Insurance and Annuities – Retained Asset Accounts – Beneficiaries' Bill of Rights

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 227 – Senators Dyson and Middleton

AN ACT concerning

Charlotte Hall Veterans Home – Gifts and Grants – Authority to Accept and Spend

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 371 – Senator Conway

AN ACT concerning

Health Occupations Boards – Discipline of Health Care Practitioners – Failure to Comply with Governor's Order

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

Senate Bill 479 – Senators Conway, Manno, Raskin, Benson, Ferguson, Frosh, Garagiola, Gladden, Glassman, Pinsky, Pugh, Young, and Zirkin

AN ACT concerning

Transportation – Procurement for MARC Train Service – Disclosure Requirements Regarding Involvement in Deportations

SB0479/136583/1
BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 479
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Train"; strike beginning with "– Disclosure" in line 2 down through "Deportations" in line 3; strike beginning with "requiring" in line 4 down through "service." in line 14, and substitute "prohibiting certain entities from being considered a responsible bidder or offeror for certain contracts to provide Maryland Area Regional Commuter (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."; and in line 17, strike "12–504" and substitute "12–511".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 12 and 13, inclusive; in lines 14 and 19, strike "**(C)**" and "**(D)**", respectively, and substitute "**(B)**" and "**(C)**", respectively; in lines 14, 23, and 25, in each instance, after "**INVOLVEMENT**" insert "**IN THE DEPORTATION OF VICTIMS**"; in line 15, strike "**DEPORTED**" and substitute "**TRANSPORTED**"; in line 18, strike "**JANUARY 1, 1942**" and substitute "**SEPTEMBER 1, 1939**"; in the same line, strike "**DECEMBER 31, 1944**" and substitute "**SEPTEMBER 2, 1945**"; in line 21, after "**ORGANIZATION**" insert "**OR A SUCCESSOR IN INTEREST OF THE CORPORATION, AFFILIATE, OR SIMILAR ORGANIZATION**"; in lines 22 and 25, in each instance, strike "**HAS**" and substitute "**HAD**"; after line 25, insert:

"**(D) "MARC" MEANS THE MARYLAND AREA REGIONAL COMMUTER.**";

and strike beginning with "**OF**" in line 27 down through "**1944**" in line 30.

On page 3, after line 4, insert:

"**(F) "PROCESS OF ASSEMBLING THE RECORDS" MEANS TO:**

(1) ORGANIZE, DIGITIZE, AND MAKE RECORDS AVAILABLE TO THE PUBLIC IN AN INTERNET ACCESSIBLE, ELECTRONIC FORMAT THAT IS SEARCHABLE AND ANALYZABLE; AND

(2) PREPARE TO SUBMIT THE INFORMATION DESCRIBED IN § 12–507 OF THIS SUBTITLE TO THE STATE ARCHIVIST.";

in line 5, strike "**(F)**" and substitute:

"**(G) (1) "RECORDS" MEANS MATERIAL RELATING TO THE DEPORTATION OF VICTIMS.**

(2)";

in lines 6, 7, 8, 9, 10, 11, 12, and 13, strike "**(1)**", "**(2)**", "**(3)**", "**(4)**", "**(5)**", "**(6)**", "**(7)**", and "**(8)**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", "**(VI)**", "**(VII)**", and "**(VIII)**", respectively;

and after line 14, insert:

"**(H) "VICTIM" MEANS AN INDIVIDUAL WHO WAS ON AN ENTITY'S TRAIN FOR THE PURPOSE OF BEING TRANSPORTED TO AN EXTERMINATION CAMP, DEATH CAMP, OR A FACILITY USED TO TRANSITION INDIVIDUALS TO EXTERMINATION CAMPS OR DEATH CAMPS DURING THE PERIOD BEGINNING ON SEPTEMBER 1, 1939 AND ENDING ON SEPTEMBER 2, 1945.**".

AMENDMENT NO. 3

On page 4, in lines 6 and 16, in each instance, strike "**HAS**" and substitute "**HAD**"; in lines 6 and 16, in each instance, after "**INVOLVEMENT**" insert "**IN THE DEPORTATION OF VICTIMS**"; in line 7, after "**BID**" insert "**OR OFFER TO A UNIT OF STATE OR LOCAL GOVERNMENT**"; strike beginning with "**WITH**" in line 7 down through "**GOVERNMENT**" in line 9; in lines 9 and 14, in each instance, strike "**TRAIN**"; after line 10, insert:

"**12–504.**

AN ENTITY MAY NOT BE CONSIDERED A RESPONSIBLE BIDDER OR OFFEROR FOR A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE UNLESS THE ENTITY COMPLIES WITH THE REQUIREMENTS OF §§ 12–505 THROUGH 12–507 OF THIS SUBTITLE.";

in line 11, strike "**12–504.**" and substitute "**12–505.**"; in line 12, strike "**BEFORE SUBMITTING**" and substitute "**IN CONJUNCTION WITH THE SUBMISSION OF**"; in the same line, strike "**FORMAL**"; in the same line, after "**BID**" insert "**OR OFFER**"; in line 13, strike "**THE DEPARTMENT OR OTHER UNIT OF THE**" and substitute "**A UNIT OF**"; in line 14, after "**SHALL**" insert "**SUBMIT TO THE UNIT**"; in line 15, strike "**CERTIFY TO THE DEPARTMENT OR UNIT WHETHER**" and substitute "**A STATEMENT THAT**"; strike beginning with "**DISCLOSE**" in line 17 down through "**SECTION**" in line 18 and substitute "**AN ESTIMATED DATE FOR COMPLETING THE PROCESS OF ASSEMBLING THE RECORDS AND PROVIDING INFORMATION TO THE STATE ARCHIVIST IN ACCORDANCE WITH §§ 12–506 AND 12–507 OF THIS SUBTITLE**"; after line 18, insert:

"**(B) THE ENTITY SHALL NOTIFY THE UNIT OF ANY CHANGE IN THE ESTIMATED DATE THAT WAS SUBMITTED TO THE UNIT IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

12–506.

(A) BEFORE A UNIT OF STATE OR LOCAL GOVERNMENT MAY AWARD A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE TO AN ENTITY SUBJECT TO THIS SUBTITLE, THE ENTITY SHALL COMPLY WITH THE PROVISIONS OF THIS SECTION FOR THE PROCESS OF ASSEMBLING THE RECORDS RELATED TO THE DEPORTATION OF VICTIMS.

(B) (1) AN ENTITY SHALL CONTRACT WITH AN ARCHIVIST AND A HISTORIAN TO CONDUCT AN INITIAL ANALYSIS OF THE RECORDS.

(2) THE ARCHIVIST AND HISTORIAN THAT CONDUCT THE INITIAL ANALYSIS SHALL:

(I) BE APPROVED BY THE STATE ARCHIVIST;

(II) BE INDEPENDENT OF THE ENTITY; AND

(III) CONDUCT THE ANALYSIS IN ACCORDANCE WITH THE STANDARDS OF THE SOCIETY OF AMERICAN ARCHIVISTS AND THE COUNCIL OF STATE ARCHIVISTS.

(3) THE INITIAL ANALYSIS SHALL INCLUDE:

(I) AN INSPECTION OF EACH LOCATION IN WHICH THE ENTITY MAINTAINS RECORDS THAT MAY BE RELATED TO THE DEPORTATION OF VICTIMS; AND

(II) A REPORT SUBMITTED TO THE STATE ARCHIVIST.

(4) THE INITIAL REPORT SUBMITTED TO THE STATE ARCHIVIST SHALL INCLUDE:

(I) A LIST OF EACH LOCATION INSPECTED AND AN ASSESSMENT OF WHETHER THE LOCATION MAINTAINS ANY RECORDS;

(II) AN OUTLINE AND ASSESSMENT OF THE QUALITY OF THE RECORDS;

(III) A TIMELINE FOR THE PROCESS TO ASSEMBLE THE RECORDS; AND

(IV) AN ESTIMATED COST TO ASSEMBLE THE RECORDS.

(C) (1) AFTER THE INITIAL ANALYSIS IS CONCLUDED AND THE STATE ARCHIVIST HAS APPROVED THE INITIAL REPORT IN ACCORDANCE WITH § 12–508(A)(2)(I) OF THIS SUBTITLE, THE ENTITY SHALL CONTRACT WITH AN ARCHIVIST AND A HISTORIAN TO ENSURE THAT THE PROCESS OF ASSEMBLING THE RECORDS IS COMPLETED IN A MANNER CONSISTENT WITH:

(I) THE INITIAL REPORT; AND

(II) THE STANDARDS OF THE SOCIETY OF AMERICAN ARCHIVISTS AND THE COUNCIL OF STATE ARCHIVISTS.

(2) THE ARCHIVIST AND HISTORIAN CONTRACTED WITH TO CARRY OUT PARAGRAPH (1) OF THIS SUBSECTION:

(I) SHALL BE APPROVED BY THE STATE ARCHIVIST; AND

(II) MAY BE THE ARCHIVIST AND HISTORIAN THAT CONDUCTED THE INITIAL ANALYSIS OR ANOTHER ARCHIVIST AND HISTORIAN APPROVED BY THE STATE ARCHIVIST.

(D) AFTER THE PROCESS OF ASSEMBLING THE RECORDS IS COMPLETE, THE ENTITY SHALL PROVIDE THE INFORMATION REQUIRED UNDER § 12–507 OF THIS SUBTITLE TO THE STATE ARCHIVIST.";

in line 19, strike "**(B) AN**" and substitute:

"**12–507.**

BEFORE A UNIT OF STATE OR LOCAL GOVERNMENT MAY AWARD A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE TO AN";

in the same line, after "**SUBTITLE**" insert "**, THE ENTITY**"; strike beginning with "**STATE**" in line 19 down through "**1944**" in line 23 and substitute "**PROVIDE THE STATE ARCHIVIST WITH THE FOLLOWING INFORMATION AS IT RELATES TO THE DEPORTATION OF VICTIMS**"; in line 24, after "**(1)**" insert "**A WRITTEN STATEMENT PROVIDING:**"; in the same line, strike "**HAS ANY**" and substitute "**POSSESSES, HAS CUSTODY OF, OR CONTROLS**"; in line 25, strike "**DEPORTATIONS IN ITS POSSESSION, CUSTODY, OR CONTROL**" and substitute "**THE DEPORTATION OF VICTIMS**"; in line 26, strike "**THE**" and substitute "**EACH**"; and in line 28, strike "**ANY**" and substitute "**EACH**".

AMENDMENT NO. 4

On page 5, in line 5, strike "**IN CONNECTION WITH THE DEPORTATIONS**" and substitute "**FROM EACH VICTIM**"; in lines 7 and 8, strike "**IN CONNECTION WITH**

THE DEPORTATIONS" and substitute "**FROM EACH VICTIM, A WRITTEN DESCRIPTION OF**"; in line 18, after "**ACTIVITY;**" insert "**AND**"; strike beginning with "**IF**" in line 19 down through "**(5)**" in line 23 and substitute "**A WRITTEN STATEMENT CONCERNING**"; in line 25, strike "**REPORT**" and substitute "**DESCRIPTION**"; in the same line, after "**RESTITUTION**" insert "**OR REPARATIONS**"; in line 26, strike "**INDIVIDUALS DEPORTED BY THE ENTITY**" and substitute "**THE DEPORTATION OF EACH VICTIM**"; after line 26, insert:

"**12–508.**

(A) THE STATE ARCHIVIST SHALL:

(1) APPROVE AN ARCHIVIST AND HISTORIAN TO CONDUCT THE INITIAL ANALYSIS REQUIRED UNDER § 12–506(B) OF THIS SUBTITLE;

(2) WITHIN 14 DAYS AFTER RECEIVING THE INITIAL REPORT SUBMITTED IN ACCORDANCE WITH § 12–506(B) OF THIS SUBTITLE:

(I) REVIEW THE REPORT AND DETERMINE WHETHER, IN THE PROFESSIONAL OPINION OF THE STATE ARCHIVIST, THE REPORT IS CONSISTENT WITH THE STANDARDS OF THE SOCIETY OF AMERICAN ARCHIVISTS AND THE COUNCIL OF STATE ARCHIVISTS; AND

(II) APPROVE AN ARCHIVIST AND HISTORIAN THAT WILL ENSURE THAT THE PROCESS OF ASSEMBLING THE RECORDS IS COMPLETED IN A MANNER CONSISTENT WITH:

1. THE INITIAL REPORT; AND

2. THE STANDARDS OF THE SOCIETY OF AMERICAN ARCHIVISTS AND THE COUNCIL OF STATE ARCHIVISTS;

(3) AS NEEDED, PROVIDE GUIDANCE FOR AND OVERSIGHT OF THE PROCESS OF ASSEMBLING THE RECORDS;

(4) AFTER RECEIVING FROM AN ENTITY THE INFORMATION REQUIRED UNDER § 12–507 OF THIS SUBTITLE, DETERMINE WHETHER, IN THE PROFESSIONAL OPINION OF THE STATE ARCHIVIST:

(I) THE PROCESS OF ASSEMBLING THE RECORDS IS COMPLETE;

(II) THE PROCESS OF ASSEMBLING THE RECORDS WAS COMPLETED IN A MANNER CONSISTENT WITH:

1. THE INITIAL REPORT SUBMITTED IN ACCORDANCE WITH § 12–506(B) OF THIS SUBTITLE; AND

2. THE STANDARDS OF THE SOCIETY OF AMERICAN ARCHIVISTS AND THE COUNCIL OF STATE ARCHIVISTS; AND

(III) THE INFORMATION SUBMITTED UNDER § 12–507 OF THIS SUBTITLE IS AS COMPLETE AND ACCURATE AS POSSIBLE; AND

(5) PROVIDE WRITTEN NOTICE OF THE DETERMINATION MADE UNDER ITEM (4) OF THIS SUBSECTION TO:

(I) THE ENTITY; AND

(II) IF THE STATE ARCHIVIST DETERMINES THAT THE ENTITY MET THE REQUIREMENTS SET FORTH IN ITEM (4)(I), (II), AND (III) OF THIS SUBSECTION, TO THE UNIT OF STATE OR LOCAL GOVERNMENT AWARDING THE PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE.

(B) THE STATE ARCHIVIST MAY USE A DESIGNEE TO CARRY OUT ANY PROVISION OF THIS SECTION.

12–509.

(A) AT LEAST 30 DAYS BEFORE AWARDING A PROCUREMENT CONTRACT ON WHICH AN ENTITY SUBJECT TO THIS SUBTITLE SUBMITTED A BID OR OFFER,

A UNIT OF STATE OR LOCAL GOVERNMENT SHALL PUBLISH NOTICE OF ITS INTENT TO AWARD THE PROCUREMENT CONTRACT.

(B) A UNIT OF STATE OR LOCAL GOVERNMENT MAY NOT AWARD A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE TO AN ENTITY THAT DOES NOT COMPLY WITH §§ 12–505 THROUGH 12–507 OF THIS SUBTITLE.

(C) A UNIT OF STATE OR LOCAL GOVERNMENT MAY AWARD A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE TO AN ENTITY ONLY AFTER THE UNIT RECEIVES THE NOTICE FROM THE STATE ARCHIVIST IN ACCORDANCE WITH § 12–508(A)(5) OF THIS SUBTITLE.

(D) NOTWITHSTANDING THE REQUIREMENTS OF THIS SUBTITLE, A UNIT OF STATE OR LOCAL GOVERNMENT MAY AWARD A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE TO A BIDDER OR OFFEROR THAT IS NOT AN ENTITY SUBJECT TO THE REQUIREMENTS OF THIS SUBTITLE.

12–510.

AN ENTITY AWARDED A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE IN ACCORDANCE WITH § 12–509(C) OF THIS SUBTITLE IS CONSIDERED TO HAVE SATISFIED THE REQUIREMENTS OF §§ 12–505 THROUGH 12–507 OF THIS SUBTITLE FOR ALL FUTURE PROCUREMENT CONTRACTS TO PROVIDE MARC SERVICE.

12–511.

THE ENTITY OR ANY OTHER BIDDER OR OFFEROR FOR A PROCUREMENT CONTRACT TO PROVIDE MARC SERVICE MAY NOT SUBMIT A PROTEST UNDER § 15–217 OF THIS ARTICLE RELATING TO THE REQUIREMENTS OF THIS SUBTITLE.";

in line 29, after "ADMINISTRATION" insert "ON A PROCUREMENT CONTRACT"; and strike beginning with "TRAIN" in line 30 down through "REGION" in line 31 and substitute "SERVICE THAT IS FUNDED IN WHOLE OR IN PART BY PUBLIC FUNDS".

On page 6, in line 2, strike "October 1, 2011" and substitute "June 1, 2011".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

Senate Bill 578 – Senators Muse, Benson, Colburn, Currie, Edwards, Forehand, Montgomery, Pugh, Raskin, Rosapepe, ~~and Young~~ Young, Dyson, Klausmeier, and Pinsky

AN ACT concerning

~~Health Occupations – Temporary Volunteer Dentist's License, Temporary Volunteer Dental Hygienist's License, and Temporary Dental Clinic Permit~~
State Board of Dental Examiners – Dentists and Dental Hygienists – Licenses, Temporary Volunteer Licenses, and Temporary Dental Clinic Permits

SB0578/686780/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 578
(Third Reading File Bill)

On page 9, in line 5, strike "**PASSED**"; in line 6, strike "**THE**" and substitute "**PASSED THE**"; and in line 8, strike "**HAS SUBMITTED**" and substitute "**SUBMITTED**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 701 – Senator Klausmeier

AN ACT concerning

Health Insurance – Prescription Eye Drops – Refills

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 702 – Senator Klausmeier

AN ACT concerning

Health Insurance – Coverage of Hearing Aids

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 705 – Senators Klausmeier, Astle, ~~and Pipkin~~ Pipkin, Garagiola, Kittleman, Mathias, and Pugh

AN ACT concerning

Health Insurance – Dental Provider Contracts – Prohibited Provision

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

Senate Bill 722 – ~~Senator Rosapepe~~ Senators Rosapepe, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Middleton, and Pugh

AN ACT concerning

Electronic Health Records – Incentives for Health Care Providers – Regulations

SB0722/136986/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 722
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "provider;" insert "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;"; and in line 18, strike "Maryland Health Care".

AMENDMENT NO. 2

On page 6, in line 8, strike "**MAY**" and substitute "**:**

(I) MAY";

and in line 13, after "**ORGANIZATION**" insert "**; AND**

(II) SHALL ALLOW A STATE–REGULATED PAYOR TO:

1. REQUEST INFORMATION FROM A HEALTH CARE PROVIDER TO VALIDATE THE HEALTH CARE PROVIDER'S INCENTIVE CLAIM; AND

2. IF THE STATE–REGULATED PAYOR DETERMINES THAT A DUPLICATE INCENTIVE PAYMENT OR AN OVERPAYMENT HAS BEEN MADE, REDUCE THE INCENTIVE AMOUNT.

(6) THE COMMISSION MAY:

(I) AUDIT THE STATE–REGULATED PAYOR OR THE HEALTH CARE PROVIDER FOR COMPLIANCE WITH THE REGULATIONS ADOPTED UNDER THIS SUBSECTION; AND

(II) IF IT FINDS NONCOMPLIANCE, REQUEST CORRECTIVE ACTION".

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 JUDICIARY REPORT #16

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

Senate Bill 599 – Senators Raskin, Frosh, Manno, Miller, Ramirez, and Zirkin

AN ACT concerning

Courts and Judicial Proceedings – Prelitigation Discovery – Insurance Coverage

SB0599/222216/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 599
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, strike "and" and substitute "or a certain waiver of certain terms, conditions, or rights; providing that certain documentation".

AMENDMENT NO. 2

On page 2, in line 28, strike "**WITH**" and substitute "**TO**"; and in line 29, strike "**LIABILITY**".

AMENDMENT NO. 3

On page 3, in line 23, strike "**INCURRED**".

AMENDMENT NO. 4

On page 5, in line 11, strike "**AN**" and substitute "**:**

(1) **AN**";

and in line 13, after "**TORTFEASOR**" insert "**; OR**

(2) A WAIVER OF ANY TERM OR CONDITION OF THE APPLICABLE AGREEMENT BETWEEN THE INSURER AND THE ALLEGED TORTFEASOR OR ANY RIGHT OF THE INSURER, INCLUDING ANY POTENTIAL DEFENSE CONCERNING COVERAGE OR LIABILITY".

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 WAYS AND MEANS REPORT #17

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 173 – The Speaker (By Request – Administration) and Delegates Hixson, Alston, Barve, Bohanan, Branch, Cardin, Davis, Feldman, Frick, Gaines, Healey, Howard, Ivey, Mizeur, Reznik, Rosenberg, Ross, Summers, Vallario, Walker, and Zucker

AN ACT concerning

Business and Economic Development – Invest Maryland Program

HB0173/295064/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 173
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Walker, and Zucker" and substitute "Walker, Zucker, Lee, A. Miller, and Stukes"; in line 4, strike "Capital" and substitute "Fund"; in line 7, after "fund", insert "qualified"; in line 8, strike "qualified"; in line 13, after "purposes;" insert "authorizing the Authority to enter into certain written agreements subject to the approval of the Department; prohibiting a member of the Authority from having a certain financial interest;"; in line 16, after "Fund" insert

"and the Comptroller"; in the same line, after "procedures;" insert "requiring the Comptroller to distribute certain funds to the General Fund within a certain time;"; in line 20, strike "purchase" and substitute "purchaser"; in line 22, strike "and renewal"; strike beginning with "procedures," in line 23 down through "fees" in line 24 and substitute "procedures"; in line 28, strike "qualified businesses in"; and in the same line, strike "within a certain period".

On page 2, strike beginning with "requiring" in line 4 down through "Authority;" in line 5; strike beginning with "requiring" in line 9 down through "purposes;" in line 11; in line 15, after "and" insert "certain committees of the"; in line 16, strike "Capital" and substitute "Fund"; strike beginning with "prepare" in line 17 down through "report" in line 18 and substitute "disclose certain information"; in line 19, strike "an"; strike beginning with "credit" in line 19 down through the first "investments" in line 20 and substitute "credits, qualified investments,"; in line 20, strike "in certain companies making investments in"; in line 21, strike "State" and substitute "State,"; and in line 24, strike "6–529" and substitute "6–528".

AMENDMENT NO. 2

On page 4, strike beginning with "**BY**" in line 22 down through "**AUTHORITY**" in line 23; in line 26, strike the second "**THE**" and substitute "**AN**"; and strike beginning with "**FROM**" in line 26 down through "**AUTHORITY**" in line 27.

On page 5, strike beginning with the colon in line 22 down through "**FIRM,**" in line 24; in line 25, strike "**RECEIVED BY**" and substitute "**ALLOCATED TO**"; and strike beginning with the semicolon in line 25 down through "**INVESTMENTS**" in line 29.

On page 6, in line 5, after "**THE**" insert "**DIRECT OR INDIRECT**"; in line 6, strike "**BY A VENTURE FIRM, OR DIRECTLY OR INDIRECTLY**"; in line 7, strike the comma; strike in their entirety lines 14 through 20, inclusive, and substitute:

"**(2) A QUALIFIED INVESTMENT INCLUDES THE DIRECT OR INDIRECT INVESTMENT OF CASH BY A VENTURE FIRM BASED ON THE INVESTMENT CRITERIA SET FORTH IN THIS SUBTITLE.**";

and in line 24, strike "**6–517**" and substitute "**6–518**".

AMENDMENT NO. 3

On page 7, strike in their entirety lines 4 through 15, inclusive, and substitute:

"(A) THE AUTHORITY CONSISTS OF THE FOLLOWING NINE MEMBERS:

(1) SEVEN MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE;

(2) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE; AND

(3) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE.

(B) (1) OF THE SEVEN MEMBERS APPOINTED BY THE GOVERNOR:

(I) 1. AT LEAST FOUR SHALL HAVE EXPERIENCE IN WORKING WITH COMPANIES THAT HAVE RAISED INVESTMENT CAPITAL FOR SEED–STAGE TO VENTURE–STAGE COMPANIES OR IN PROVIDING PROFESSIONAL SERVICES TO THE VENTURE CAPITAL INDUSTRY; AND

2. ONE OF THE FOUR MEMBERS SELECTED UNDER THIS SUBPARAGRAPH SHALL HAVE EXPERIENCE IN HIGHER EDUCATION RESEARCH AND DEVELOPMENT AND TECHNOLOGY TRANSFER PROJECTS;

(II) AT LEAST ONE SHALL HAVE EXPERIENCE AS A SMALL BUSINESS OWNER; AND

(III) AT LEAST ONE SHALL HAVE EXPERIENCE AS A BUSINESS EXECUTIVE THAT HAS RAISED VENTURE CAPITAL INVESTMENTS.

(2) THE GOVERNOR SHALL CONSIDER THE GEOGRAPHIC DIVERSITY OF THE STATE WHEN APPOINTING MEMBERS.

(C) THE MEMBERS APPOINTED BY THE PRESIDENT AND THE SPEAKER:

(1) MAY NOT BE ELECTED OFFICIALS; AND

(2) SHALL HAVE EXPERIENCE AND EXPERTISE IN VENTURE CAPITAL INVESTMENTS.

(D) EACH MEMBER SHALL BE A RESIDENT OF THE STATE.";

in line 16, strike "**(B)**" and substitute "**(E)**"; strike beginning with "**THE**" in line 22 down through "**CAUSE**" in line 23 and substitute "**A MEMBER APPOINTED BY THE GOVERNOR MAY BE REMOVED BY THE GOVERNOR WITH OR WITHOUT CAUSE**"; and after line 25, insert:

"**(F) A MEMBER OF THE AUTHORITY MAY NOT HAVE ANY FINANCIAL INTEREST IN A PURCHASER, QUALIFIED BUSINESS, OR VENTURE FIRM.**".

On page 8, in line 4, strike "**A MAJORITY OF THE MEMBERS THEN SERVING IS**" and substitute "**FIVE MEMBERS OF THE AUTHORITY ARE**".

AMENDMENT NO. 4

On page 8, in line 15, after "**ADVICE**" insert "**TO**"; in the same line, strike "**COUNSEL TO**" and substitute "**CONSULT WITH**"; in lines 23 and 24, strike "**IN QUALIFIED BUSINESSES**"; line 27, strike "**50%**", and substitute "**67%**"; and in line 28, strike "**IN QUALIFIED BUSINESSES**" and substitute "**BASED ON THE CRITERIA SET FORTH IN THIS SUBTITLE**".

On page 9, in line 1, strike "**50%**" and substitute "**33%**"; in line 4, after "**FUND**", insert "**UNDER TITLE 5, SUBTITLE 6 OF THIS ARTICLE**"; in line 7, after "**AUTHORITY**" insert "**UNDER TITLE 5, SUBTITLE 5 OF THIS ARTICLE**"; in line 24, after "**ON**" insert "**THE**"; in the same line, after "**DATES**" insert "**SPECIFIED IN § 6–513(A) OF THIS SUBTITLE**"; and strike beginning with the second "**THE**" in line 24 down through "**SPECIFIES**" in line 25.

On page 10, in line 8, strike "**DECEMBER 1, 2011**" and substitute "**FEBRUARY 1, 2012**"; in line 10, strike "**FEBRUARY**" and substitute "**MARCH**"; in line 15, strike "**$142,000,000**", and substitute "**$100,000,000**"; and in line 19, strike "**JANUARY**" and substitute "**APRIL**".

On page 12, in line 5, after "**(6)**" insert "**(I)**"; after line 8, insert:

"**(II) THE DEPARTMENT SHALL DISCLOSE ANY PURCHASE OF INSURANCE OR OTHER SIMILAR FINANCIAL ARRANGEMENT UNDER THIS PARAGRAPH IN THE ANNUAL REPORT REQUIRED UNDER § 6–529 OF THIS SUBTITLE.**";

strike in their entirety lines 9 and 10; in line 23, after "**BE**" insert "**:**

(I)";

and in line 24, after "**USED**" insert "**; AND**

(II) USED BY THE PURCHASER WITHOUT RESTRICTION DURING ANY CALENDAR YEAR AFTER 2019".

AMENDMENT NO. 5

On page 13, strike in their entirety lines 12 through 15, inclusive, and substitute:

"**PART IV. VENTURE FIRMS AND INVESTMENTS.**

6–517.

(A) SUBJECT TO THE APPROVAL OF THE DEPARTMENT, THE AUTHORITY SHALL OBTAIN THE SERVICES OF AN INDEPENDENT THIRD PARTY TO:

(1) ESTABLISH APPLICATION PROCEDURES FOR AN ENTITY TO BE CERTIFIED AS A VENTURE FIRM; AND

(2) REVIEW AND EVALUATE APPLICATIONS FOR VENTURE FIRM CERTIFICATION UNDER THIS SECTION.

(B) THE INDEPENDENT THIRD PARTY SELECTED BY THE AUTHORITY SHALL:

(1) REVIEW AND EVALUATE THE APPLICATION, ORGANIZATIONAL DOCUMENTS, AND BUSINESS HISTORY OF EACH APPLICANT;

(2) EVALUATE WHETHER THE APPLICANT IS LIKELY TO ACHIEVE THE INVESTMENT CRITERIA SET FORTH IN THIS SUBTITLE; AND

(3) RECOMMEND TO THE AUTHORITY WHICH VENTURE FIRMS SHOULD RECEIVE ALLOCATIONS OF DESIGNATED CAPITAL UNDER THE PROGRAM.

(C) (1) ON RECEIVING THE RECOMMENDATIONS OF THE INDEPENDENT THIRD PARTY SELECTED UNDER SUBSECTION (A) OF THIS SECTION AND SUBJECT TO § 6–517 OF THIS SUBTITLE, THE AUTHORITY SHALL SELECT VENTURE FIRMS TO RECEIVE ALLOCATIONS OF DESIGNATED CAPITAL THAT ARE CONSISTENT WITH THE INVESTMENT CRITERIA SET FORTH IN THIS SUBTITLE.

(2) THE AUTHORITY SHALL ENSURE THAT THE VENTURE FIRMS RECEIVING DESIGNATED CAPITAL FOR INVESTMENT UNDER THIS SUBTITLE MAKE INVESTMENTS IN THE STATE THAT EQUAL OR EXCEED THE AMOUNT OF DESIGNATED CAPITAL RECEIVED UNDER THIS SUBTITLE.

(3) SUBJECT TO THE APPROVAL OF THE DEPARTMENT, THE AUTHORITY MAY ENTER INTO WRITTEN AGREEMENTS, INCLUDING PARTNERSHIP AGREEMENTS AND SIDE AGREEMENTS, THAT ARE NECESSARY TO CARRY OUT THE PURPOSES OF THIS SUBTITLE.

6–518.

(A) IN SELECTING APPLICANTS FOR VENTURE FIRM CERTIFICATION, THE AUTHORITY SHALL CONSIDER:

(1) THE MANAGEMENT STRUCTURE OF THE APPLICANT, INCLUDING:

(I) THE INVESTMENT EXPERIENCE OF THE PRINCIPALS;

(II) THE APPLICANT'S REPUTATION IN THE VENTURE FIRM INDUSTRY AND THE APPLICANT'S ABILITY TO ATTRACT CO–INVESTMENT CAPITAL AND SYNDICATE INVESTMENTS IN QUALIFIED BUSINESSES IN THE STATE;

(III) THE KNOWLEDGE, EXPERIENCE, AND CAPABILITIES OF THE APPLICANT IN SUBJECT AREAS RELEVANT TO VENTURE–STAGE BUSINESSES IN THE STATE; AND

(IV) THE TENURE AND TURNOVER HISTORY OF PRINCIPALS AND SENIOR INVESTMENT PROFESSIONALS OF THE APPLICANT;

(2) THE APPLICANT'S INVESTMENT STRATEGY, INCLUDING:

(I) THE APPLICANT'S TRACK RECORD OF INVESTING IN VENTURE–STAGE BUSINESSES;

(II) THE APPLICANT'S HISTORY OF ATTRACTING CO–INVESTMENT CAPITAL AND SYNDICATE INVESTMENTS;

(III) THE SOUNDNESS OF THE APPLICANT'S INVESTMENT STRATEGY AND THE COMPATIBILITY OF THAT STRATEGY WITH BUSINESS OPPORTUNITIES IN THE STATE; AND

(IV) THE APPLICANT'S HISTORY OF JOB CREATION THROUGH INVESTMENT;

(3) THE APPLICANT'S COMMITMENT TO MAKING INVESTMENTS, THAT TO THE FULLEST EXTENT POSSIBLE:

(I) CREATE EMPLOYMENT OPPORTUNITIES IN THE STATE;

(II) LEAD TO THE GROWTH OF THE STATE ECONOMY AND QUALIFIED BUSINESSES IN THE STATE;

(III) COMPLEMENT THE RESEARCH AND DEVELOPMENT PROJECTS OF STATE ACADEMIC INSTITUTIONS; AND

(IV) FOSTER THE DEVELOPMENT OF TECHNOLOGIES AND INDUSTRIES THAT PRESENT OPPORTUNITIES FOR THE GROWTH OF QUALIFIED BUSINESSES IN THE STATE; AND

(4) THE APPLICANT'S COMMITMENT TO THE STATE INCLUDING:

(I) THE APPLICANT'S PRESENCE IN THE STATE THROUGH PERMANENT LOCAL OFFICES OR AFFILIATION WITH LOCAL INVESTMENT FIRMS;

(II) THE LOCAL PRESENCE OF SENIOR INVESTMENT PROFESSIONALS;

(III) THE APPLICANT'S HISTORY OF INVESTING IN VENTURE–STAGE BUSINESSES IN THE STATE;

(IV) THE APPLICANT'S ABILITY TO IDENTIFY INVESTMENT OPPORTUNITIES THROUGH WORKING RELATIONSHIPS WITH STATE RESEARCH AND DEVELOPMENT INSTITUTIONS AND STATE–BASED BUSINESSES;

(V) THE APPLICANT'S RELATIONSHIP WITH OTHER VENTURE FIRMS IN THE REGION;

(VI) THE APPLICANT'S HISTORY OF INVESTING IN AREAS RELEVANT TO VENTURE–STAGE BUSINESSES IN THE STATE; AND

(VII) THE APPLICANT'S COMMITMENT TO INVESTING A SIMILAR OR GREATER AMOUNT OF DESIGNATED CAPITAL RECEIVED UNDER THIS SUBTITLE IN STATE–BASED VENTURES AND QUALIFIED BUSINESSES.".

AMENDMENT NO. 6

On page 13, in line 16, after "**APPLICATION**" insert "**WITH THE DEPARTMENT**"; strike beginning with "**DEPARTMENT,**" in line 17 down through "**$7,500**" in line 18 and substitute "**DEPARTMENT**"; strike beginning with "**AN**" in line

19 down through "**ACCOUNTANT**" in line 22 and substitute "**THE APPLICANT'S MOST RECENT FINANCIAL STATEMENTS**"; after line 22, insert:

"**(3) THE DEPARTMENT SHALL BEGIN ACCEPTING APPLICATIONS FOR CERTIFICATION ON OR BEFORE JANUARY 1, 2012.**

(4) AN APPLICATION FOR CERTIFICATION MAY NOT BE ACCEPTED AFTER MAY 1, 2012.";

in line 25, strike "**CAPITALIZATION**" and substitute "**CAPITALIZATION, NET ASSETS, OR WRITTEN COMMITMENTS**"; in line 26, after "**EQUIVALENTS;**" insert "**AND**"; and in line 30, strike "**; AND**" and substitute a period.

On page 14, strike in their entirety lines 1 through 16, inclusive; in line 17, strike "**(F)**" and substitute "**(D)**"; in the same line, strike "**45**" and substitute "**90**"; in line 18, after "**SHALL**" insert "**EITHER**"; strike beginning with "**REFUSAL,**" in line 21 down through "**GROUNDS**" in line 22 and substitute "**REFUSAL**"; and strike in their entirety lines 23 through 31, inclusive.

On page 15, in line 1, strike "**6–518.**" and substitute "**6–519.**"; strike in their entirety lines 2 through 16, inclusive; in line 17, strike "**(C)**" and substitute "**(A)**"; in line 27, strike "**A**" and substitute "**WITH RESPECT TO AN INVESTMENT BY THE ENTERPRISE FUND OR THE FINANCING AUTHORITY, A**"; and strike in their entirety lines 31 through 35, inclusive.

On page 16, strike in their entirety lines 1 through 15, inclusive; in line 16, strike "**(G)**" and substitute "**(B)**"; in the same line, strike the colon; in line 17, strike "**(1)**"; strike beginning with "**IN**" in line 18 down through "**BUSINESS**" in line 19; and strike beginning with the semicolon in line 19 down through "**DEPARTMENT**" in line 22.

On pages 16 and 17, strike in their entirety the lines beginning with line 23 on page 16 through line 5 on page 17, inclusive.

On page 17, strike in their entirety lines 19 through 27, inclusive; and in line 28, strike "**(B)**" and substitute "**(A)**".

On page 18, strike beginning with "**THAT**" in line 3 down through "**HAS**" in line 4; in lines 5 and 10, in each instance, strike "**QUALIFIED**"; in line 8, strike "**BUSINESS**" and substitute "**INVESTMENT**"; in line 9, strike "**AN INVESTMENT**" and substitute "**A POSITION**"; in line 19, strike "**AN INTEREST IN A QUALIFIED BUSINESS**" and substitute "**A QUALIFIED INVESTMENT**"; and strike in their entirety lines 23 through 31, inclusive.

AMENDMENT NO. 7

On page 19, strike beginning with "**HAVE**" in line 4 down through "**ALL**" in line 5 and substitute "**PAY TO THE COMPTROLLER THE TOTAL AMOUNT**"; in line 10, strike "**DEPARTMENT**" and substitute "**COMPTROLLER**"; strike beginning with "**ALL**" in line 12 down through "**FUND**" in line 13 and substitute "**THE COMPTROLLER SHALL DISTRIBUTE ALL PAYMENTS RECEIVED UNDER THIS SECTION TO THE GENERAL FUND WITHIN 30 DAYS OF RECEIPT**"; and strike in their entirety lines 14 through 22, inclusive.

AMENDMENT NO. 8

On page 21, strike beginning with "**TO**" in line 4 down through "**ASSEMBLY**" in line 5 and substitute "**THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE WAYS AND MEANS COMMITTEE**"; and strike in their entirety lines 7 through 18, inclusive, and substitute:

"**(1) WITH RESPECT TO EACH PURCHASER OF PREMIUM TAX CREDITS UNDER THE PROGRAM:**

(I) THE NAME OF THE PURCHASER OF PREMIUM TAX CREDITS;

(II) THE AMOUNT OF PREMIUM TAX CREDITS ALLOCATED TO THE PURCHASER;

(III) THE AMOUNT OF DESIGNATED CAPITAL THE PURCHASER CONTRIBUTED FOR THE ISSUANCE OF THE TAX CREDIT CERTIFICATE; AND

(IV) THE AMOUNT OF ANY TAX CREDITS THAT HAVE BEEN TRANSFERRED UNDER § 6–514 OF THIS SUBTITLE;

(2) WITH RESPECT TO EACH VENTURE FIRM THAT HAS RECEIVED AN ALLOCATION OF DESIGNATED CAPITAL:

(I) THE NAME AND ADDRESS OF THE VENTURE FIRM;

(II) THE NAMES OF THE INDIVIDUALS MAKING QUALIFIED INVESTMENTS UNDER THE PROGRAM;

(III) THE AMOUNT OF DESIGNATED CAPITAL RECEIVED DURING THE PREVIOUS YEAR;

(IV) THE CUMULATIVE AMOUNT OF DESIGNATED CAPITAL RECEIVED;

(V) THE AMOUNT OF DESIGNATED CAPITAL REMAINING UNINVESTED AT THE END OF THE PREVIOUS CALENDAR YEAR;

(VI) THE NAMES OF QUALIFIED BUSINESSES RECEIVING DESIGNATED CAPITAL AND THE AMOUNT OF EACH QUALIFIED INVESTMENT;

(VII) THE ANNUAL PERFORMANCE OF EACH QUALIFIED INVESTMENT INCLUDING THE INVESTMENT'S FAIR MARKET VALUE AS CALCULATED ACCORDING TO GENERALLY ACCEPTED ACCOUNTING PRINCIPLES; AND

(VIII) THE AMOUNT OF ANY QUALIFIED DISTRIBUTION OR NONQUALIFIED DISTRIBUTION TAKEN DURING THE PRIOR YEAR, INCLUDING ANY MANAGEMENT FEE;

(3) WITH RESPECT TO THE ENTERPRISE FUND:

(I) THE AMOUNT OF DESIGNATED CAPITAL RECEIVED DURING THE PREVIOUS YEAR;

(II) THE CUMULATIVE AMOUNT OF DESIGNATED CAPITAL RECEIVED;

(III) THE AMOUNT OF DESIGNATED CAPITAL REMAINING UNINVESTED AT THE END OF THE PRECEDING CALENDAR YEAR;

(IV) THE NAMES OF QUALIFIED BUSINESSES RECEIVING DESIGNATED CAPITAL AND THE AMOUNT OF EACH QUALIFIED INVESTMENT; AND

(V) THE ANNUAL PERFORMANCE OF EACH QUALIFIED INVESTMENT INCLUDING THE INVESTMENT'S FAIR MARKET VALUE AS CALCULATED UNDER FINANCIAL ACCOUNTING STANDARD 157 OF THE FINANCIAL ACCOUNTING STANDARDS BOARD;

(4) WITH RESPECT TO THE FINANCING AUTHORITY:

(I) THE AMOUNT OF DESIGNATED CAPITAL RECEIVED DURING THE PREVIOUS YEAR AND THE AMOUNT ALLOCATED TO THE EQUITY PARTICIPATION INVESTMENT PROGRAM;

(II) THE CUMULATIVE AMOUNT OF DESIGNATED CAPITAL RECEIVED;

(III) THE AMOUNT OF DESIGNATED CAPITAL REMAINING UNINVESTED AT THE END OF THE PRECEDING CALENDAR YEAR;

(IV) THE NAMES OF QUALIFIED BUSINESSES RECEIVING DESIGNATED CAPITAL AND THE AMOUNT OF EACH QUALIFIED INVESTMENT; AND

(V) THE ANNUAL PERFORMANCE OF EACH QUALIFIED INVESTMENT INCLUDING THE INVESTMENT'S FAIR MARKET VALUE AS CALCULATED UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES; AND";

in line 19, strike "**(6)**" and substitute "**(5)**"; in line 27, strike "**; AND**" and substitute a period; and strike in their entirety lines 28 and 29.

AMENDMENT NO. 9

On page 3, in line 18, strike "**INVESTMENT**"; and in line 20, strike "**CAPITAL**" and substitute "**FUND**".

On page 6, in line 11, strike "**AND**" and substitute "**OR**".

On page 6 in line 27 and on page 7 in line 1, in each instance, strike "**CAPITAL**" and substitute "**FUND**".

On page 19, in lines 23, 24, and 26, strike "**6–524**", "**6–525**", and "**6–526**", respectively, and substitute "**6–523**", "**6–524**", and "**6–525**", respectively.

On page 20, in lines 14, 29, and 32, strike "**6–527**", "**6–528**", and "**6–529**", respectively, and substitute "**6–526**", "**6–527**", and "**6–528**", respectively.

On page 22, in line 6, strike "Capital" and substitute "Fund".

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate O'Donnell moved to make the Bill a Special Order for Thursday.

The motion was adopted.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 470 – Delegates Hixson, Alston, Anderson, Arora, Barkley, Barnes, Barve, Bobo, Braveboy, Cane, Carr, Carter, Conaway, Cullison, Dumais, Feldman, Frush, Gaines, Gilchrist, Gutierrez, Harrison, Haynes, Healey, Howard, Hubbard, Hucker, Ivey, Jones, Kaiser, A. Kelly, Kramer, Lee, Love, Luedtke, McIntosh, A. Miller, Mizeur, Murphy, Nathan–Pulliam, Niemann, Oaks, Pena–Melnyk, Proctor, Reznik, B. Robinson, S. Robinson, Rosenberg, Ross, Stukes, Summers, Tarrant, F. Turner, V. Turner, Valderrama, Vallario, Waldstreicher, Washington, and Zucker

AN ACT concerning

Higher Education – Tuition Charges – Maryland High School Students

HB0470/415165/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 470
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute:

"Public Institutions of Higher Education – Tuition Rates – Exemptions";

in line 3, after the first "of" insert "extending the time period within which an honorably discharged veteran must present certain evidence in order to qualify for a certain tuition rate;"; strike beginning with ", other" in line 3 down through "individuals," in line 4; strike beginning with "the" in line 4 down through "rate" in line 5 and substitute "certain tuition rates and shall be eligible to pay certain tuition rates"; in line 7, after "regarding" insert "certain"; in the same line, after "withholding" insert "or filing at certain times; requiring certain individuals, as a condition of being exempt from paying the out–of–state tuition rate, to provide to a community college certain documentation of registration with the Selective Service System; requiring certain information collected as part of certain students' registration to remain confidential; requiring community colleges and public senior higher education institutions that admit certain students to keep a record of the number of individuals paying tuition rates in accordance with this Act and to report certain information to the Maryland Higher Education Commission; requiring the Commission to submit a certain report to the General Assembly each year;"; in line 8, after "policies;" insert "providing that certain students may not be counted as in–State students for certain purposes; defining a certain term;"; in line 9, strike "charges" and substitute "rates"; and after line 10, insert:

"BY repealing and reenacting, with amendments,
Article – Education
Section 15–106.4(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)".

AMENDMENT NO. 2

On page 1, after line 18, insert:

"15–106.4.

(b) Notwithstanding any other provision of this article, an individual described in subsection (a) of this section who attends a public institution of higher education in the State is exempt from paying nonresident tuition at a public institution of higher education in this State if:

(1) The active duty member referred to in subsection (a) of this section:

(i) Is stationed in this State;

(ii) Resides in this State; or

(iii) Is domiciled in this State;

(2) The honorably discharged veteran presents the following documentation within **[**1 year**]** **4 YEARS** after the veteran's discharge:

(i) Evidence that the veteran attended a public or private secondary school in this State for at least 3 years; and

(ii) Documentation that the veteran graduated from a public or private secondary school in this State or received the equivalent of a high school diploma in this State; or

(3) The National Guard member described in subsection (a)(5) of this section is a member of the Maryland National Guard and joined or subsequently serves in the Maryland National Guard to:

(i) Provide a Critical Military Occupational Skill; or

(ii) Be a member of the Air Force Critical Specialty Code as determined by the National Guard.";

and after line 19, insert:

"**(A) IN THIS SECTION, "INDIVIDUAL":**

(1) INCLUDES AN UNDOCUMENTED IMMIGRANT INDIVIDUAL; AND

(2) DOES NOT INCLUDE A NONIMMIGRANT ALIEN WITHIN THE MEANING OF 8 U.S.C. § 1101(A)(15).".

On page 2, in line 1, strike "**(A)**" and substitute "**(B)**"; strike beginning with "**, OTHER**" in line 2 down through the comma in line 3; in line 3, strike "**NONRESIDENT**" and substitute "**OUT–OF–STATE**"; strike beginning with "**PUBLIC**" in line 4 down through "**RESIDENCY**" in line 5 and substitute "**COMMUNITY COLLEGE IN THE STATE,**"; in line 6, strike "**ATTENDED**" and substitute "**BEGINNING WITH THE 2005–2006 SCHOOL YEAR, ATTENDED**"; in line 7, strike "**2**" and substitute "**3**"; in lines 7, 9, 10, 12, 25, 27, and 28, in each instance, strike "**THIS**" and substitute "**THE**"; in line 8, strike "**GRADUATED**" and substitute "**BEGINNING WITH THE 2007–2008 SCHOOL YEAR, GRADUATED**"; in lines 11 and 12, strike "**PUBLIC INSTITUTION OF HIGHER EDUCATION**" and substitute "**COMMUNITY COLLEGE**"; in lines 14 and 15, strike "**PUBLIC INSTITUTION OF HIGHER EDUCATION**" and substitute "**COMMUNITY COLLEGE**"; in line 16, after "**OR**" insert "**LEGAL**"; in the same line, after "**WITHHELD**" insert "**OR HAS FILED A MARYLAND INCOME TAX RETURN:**

(I) ANNUALLY FOR THE 3 YEARS WHILE THE INDIVIDUAL ATTENDED A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE STATE IN ACCORDANCE WITH ITEM (1) OF THIS SUBSECTION;

(II) ANNUALLY DURING THE PERIOD, IF ANY, BETWEEN GRADUATION FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE STATE AND REGISTRATION AT A COMMUNITY COLLEGE IN THE STATE; AND

(III) ANNUALLY DURING THE PERIOD OF ATTENDANCE AT THE COMMUNITY COLLEGE";

strike beginning with "**DURING**" in line 16 down through "**STATE**" in line 18; in line 20, strike "**PUBLIC INSTITUTION OF HIGHER EDUCATION**" and substitute "**COMMUNITY COLLEGE**"; in line 23, strike "**AND**"; after line 23, insert:

"**(6) IN THE CASE OF AN INDIVIDUAL WHO IS REQUIRED TO REGISTER WITH THE SELECTIVE SERVICE SYSTEM, PROVIDES TO THE COMMUNITY COLLEGE DOCUMENTATION THAT THE INDIVIDUAL HAS COMPLIED WITH THE REGISTRATION REQUIREMENT; AND**";

in line 24, strike "**(6)**" and substitute "**(7)**"; strike beginning with "**MAKES**" in line 24 down through "**EDUCATION**" in line 25 and substitute "**REGISTERS IN A COMMUNITY COLLEGE**"; in line 25, strike "**3**" and substitute "**4**"; after line 28, insert:

"**(C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE AND SUBJECT TO SUBSECTION (H) OF THIS SECTION, AN INDIVIDUAL SHALL BE ELIGIBLE TO PAY A RATE THAT IS EQUIVALENT TO THE RESIDENT TUITION RATE AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION, IF THE INDIVIDUAL:**

(1) ATTENDED A COMMUNITY COLLEGE NOT EARLIER THAN THE 2010 FALL SEMESTER AND MET THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION, EXCEPT FOR THE REQUIREMENT SET FORTH IN SUBSECTION (B)(3) OF THIS SECTION;

(2) WAS AWARDED AN ASSOCIATE'S DEGREE BY OR ACHIEVED 60 CREDITS AT A COMMUNITY COLLEGE IN THE STATE;

(3) PROVIDES THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION A COPY OF THE AFFIDAVIT SUBMITTED UNDER SUBSECTION (B)(5) OF THIS SECTION;

(4) PROVIDES TO THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION DOCUMENTATION THAT THE INDIVIDUAL OR THE INDIVIDUAL'S PARENT OR LEGAL GUARDIAN HAS HAD MARYLAND INCOME TAX WITHHELD OR HAS FILED A MARYLAND INCOME TAX RETURN:

(I) ANNUALLY WHILE THE INDIVIDUAL ATTENDED A COMMUNITY COLLEGE IN THE STATE;

(II) ANNUALLY DURING THE PERIOD, IF ANY, BETWEEN GRADUATION FROM OR ACHIEVING 60 CREDITS AT A COMMUNITY COLLEGE IN THE STATE AND REGISTRATION AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IN THE STATE; AND

(III) ANNUALLY DURING THE PERIOD OF ATTENDANCE AT THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION; AND

(5) REGISTERS AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IN THE STATE NOT LATER THAN 4 YEARS AFTER GRADUATING FROM OR ACHIEVING 60 CREDITS AT A COMMUNITY COLLEGE IN THE STATE.

(D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN INDIVIDUAL SHALL BE ELIGIBLE TO PAY A RATE THAT IS EQUIVALENT TO THE IN–COUNTY TUITION RATE AT A COMMUNITY COLLEGE IN THE STATE IF THE INDIVIDUAL:

(1) MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION; AND

(2) ATTENDS A COMMUNITY COLLEGE SUPPORTED BY THE COUNTY IN WHICH:

(I) THE SECONDARY SCHOOL FROM WHICH THE INDIVIDUAL GRADUATED IS LOCATED; OR

(II) IN THE CASE OF AN INDIVIDUAL WHO RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THE STATE, THE SECONDARY SCHOOL MOST RECENTLY ATTENDED BY THE INDIVIDUAL IS LOCATED.

(E) INFORMATION COLLECTED UNDER THIS SECTION AS PART OF A STUDENT'S REGISTRATION SHALL REMAIN CONFIDENTIAL.";

in line 29, strike "**(B)**" and substitute "**(F) (1) A COMMUNITY COLLEGE OR PUBLIC SENIOR HIGHER EDUCATION INSTITUTION THAT ADMITS AN INDIVIDUAL WHO QUALIFIES FOR THE TUITION RATE UNDER THIS SECTION SHALL:**

(I) KEEP A RECORD OF THE NUMBER OF INDIVIDUALS WHO PAY THE TUITION RATE IN ACCORDANCE WITH THE REQUIREMENTS UNDER SUBSECTION (B), (C), OR (D) OF THIS SECTION; AND

(II) REPORT THE INFORMATION REQUIRED IN ITEM (I) OF THIS PARAGRAPH TO THE COMMISSION EACH YEAR.

(2) THE COMMISSION SHALL SUBMIT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, AN ANNUAL REPORT CONSISTING OF A COMPILATION OF THE REPORTS SUBMITTED TO THE COMMISSION UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(G)";

and after line 31, insert:

"**(H) THE STUDENTS THAT ARE RECEIVING THE TUITION RATE IN SUBSECTION (C) OF THIS SECTION MAY NOT BE COUNTED AS IN–STATE STUDENTS FOR THE PURPOSES OF DETERMINING THE NUMBER OF MARYLAND UNDERGRADUATE STUDENTS ENROLLED AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Hixson moved to make the Bill a Special Order for Thursday.

The motion was adopted.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 646 – Delegates Braveboy and Pena–Melnyk

AN ACT concerning

Task Force to Study High School Dropout Rates of Persons in the Criminal Justice System

HB0646/125167/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 646
(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.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 55 – Chair, Budget and Taxation Committee (By Request – Departmental – Property Tax Assessment Appeals Board)

AN ACT concerning

Property Tax Assessment Appeal Boards – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

Senate Bill 104 – Senators King, Benson, DeGrange, Ferguson, Forehand, Kasemeyer, Madaleno, Montgomery, Peters, Pinsky, Rosapepe, Stone, and Young

AN ACT concerning

Judith P. Hoyer Early Child Care and Education Enhancement Program – Annual Report

SB0104/415363/1

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 104
(Third Reading File Bill)

On page 1, in line 7, after "programs;" insert "altering the date on or before which the report is to be submitted;".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

Senate Bill 167 – Senators Ramirez, Madaleno, Manno, Benson, Conway, Currie, Ferguson, Forehand, Garagiola, Gladden, Jones–Rodwell, Kelley, King, ~~Manno,~~ Montgomery, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

~~Higher Education – Tuition Charges – Maryland High School Students~~
Public Institutions of Higher Education – Tuition Rates – Exemptions

SB0167/345069/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 167
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "rates" insert "and shall be eligible to pay certain tuition rates"; in line 10, after the semicolon insert "requiring certain individuals, as a condition of being exempt from paying the out–of–state tuition rate, to provide to a community college certain documentation of registration with the Selective Service System;"; in line 14, strike "resident tuition charges" and substitute "tuition rates";

and in line 18, after "policies;" insert "providing that certain students may not be counted as in–State students for certain purposes;".

AMENDMENT NO. 2

On page 4, in line 9, strike "**AND**"; after line 9, insert:

"**(6) IN THE CASE OF AN INDIVIDUAL WHO IS REQUIRED TO REGISTER WITH THE SELECTIVE SERVICE SYSTEM, PROVIDES TO THE COMMUNITY COLLEGE DOCUMENTATION THAT THE INDIVIDUAL HAS COMPLIED WITH THE REGISTRATION REQUIREMENT; AND**";

and in line 10, strike "**(6)**" and substitute "**(7)**"; in line 15, after "**ARTICLE**" insert "**AND SUBJECT TO SUBSECTION (H) OF THIS SECTION**"; in line 16, strike "**EXEMPT FROM PAYING THE NONRESIDENT**" and substitute "**ELIGIBLE TO PAY A RATE THAT IS EQUIVALENT TO THE RESIDENT**"; in line 18, strike "**UNDER**" and substitute "**NOT EARLIER THAN THE 2010 FALL SEMESTER AND MET**"; in line 19, after "**SECTION**" insert "**, EXCEPT FOR THE REQUIREMENT SET FORTH IN SUBSECTION (B)(3) OF THIS SECTION**"; and in line 32, after "**FROM**" insert "**OR ACHIEVING 60 CREDITS AT**".

On page 5, in line 3, after "**FROM**" insert "**OR ACHIEVING 60 CREDITS AT**"; in line 5, strike "**EXEMPT FROM PAYING THE OUT–OF–COUNTY**" and substitute "**ELIGIBLE TO PAY A RATE THAT IS EQUIVALENT TO THE IN–COUNTY**"; in lines 20 and 22, in each instance, strike "**RESIDENT TUITION CHARGES**" and substitute "**THE TUITION RATE**"; and in line 23, strike "**OR (C)**" and substitute "**, (C), OR (D)**".

On page 6, after line 3, insert:

"**(H) THE STUDENTS THAT ARE RECEIVING THE TUITION RATE IN SUBSECTION (C) OF THIS SECTION MAY NOT BE COUNTED AS IN–STATE STUDENTS FOR THE PURPOSES OF DETERMINING THE NUMBER OF MARYLAND UNDERGRADUATE STUDENTS ENROLLED AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Hixson moved to make the Bill a Special Order for Thursday.

The motion was adopted.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 192 – Harford County Senators

AN ACT concerning

Harford County – Board of Elections – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 272 – Senator Edwards

AN ACT concerning

Garrett County – Tax Sales – Auctioneer's Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 279 – Senator Colburn

AN ACT concerning

Dorchester County – Tax Sales – Advertisement and Auctioneer Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 284 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Education)

AN ACT concerning

Education – High School Graduation Records – Collection, Maintenance, Analysis, and Reporting

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 328 – Senator Kasemeyer

AN ACT concerning

Estates and Trusts – Transfers – Recordation and Transfer Taxes

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 346 – Senator Zirkin

AN ACT concerning

Income Tax – Subtraction Modification – Maryland Defense Force

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

Senate Bill 373 – Senators Kasemeyer and DeGrange

EMERGENCY BILL

AN ACT concerning

Video Lottery Operation Licensees – Noninterference

SB0373/745566/1
BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 373

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "provisions" insert "; providing for the application of this Act".

AMENDMENT NO. 2

On page 3, after line 2, 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 apply to any action taken before the effective date of this Act.";

and in line 3, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

Senate Bill 431 – Senator Klausmeier (By Request – Baltimore County Administration)

AN ACT concerning

Baltimore County – Tax Sales – Notification

SB0431/885866/1
BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 431
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "increasing" in line 6 down through "County;" in line 7 and substitute "including among the allowable expenses relating to certain tax sales in Baltimore County, a fee that may be established by the County Executive

and subject to review by the County Council of Baltimore County for legal services, administrative costs, and mailing expenses, not to exceed actual costs, to be collected and paid into the general fund of Baltimore County;".

AMENDMENT NO. 2

On page 3, in line 1, in each instance, strike the brackets; in the same line, strike "**(V)**"; in the same line, strike "**(VI)**"; in lines 8 and 10, in each instance, strike the bracket; strike beginning with "where" in line 8 down through "$7.50" in line 9 and substitute "**A FEE, THAT MAY BE ESTABLISHED BY THE COUNTY EXECUTIVE AND SUBJECT TO REVIEW BY THE COUNTY COUNCIL FOR LEGAL SERVICES, ADMINISTRATIVE COSTS, AND MAILING EXPENSES RELATING TO THE SALE FOR EACH PROPERTY, NOT TO EXCEED ACTUAL COSTS, TO BE COLLECTED AND PAID INTO THE GENERAL FUND OF BALTIMORE COUNTY**";

in line 14, strike the brackets; in the same line, strike "**(VI)**"; in the same line, strike "**AND BALTIMORE COUNTY**"; strike beginning with "**OR**" in line 16 down through "**APPLICABLE**" in line 17; in line 18, strike "**OR BALTIMORE COUNTY, AS APPLICABLE**"; in lines 21 and 25, in each instance, strike the brackets; and in lines 21 and 25, strike "**(VII)**" and "**(VIII)**", respectively.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 436 – Senator Rosapepe

AN ACT concerning

Prince George's County – Municipal Corporations – Tax Credit for Revitalization Districts

PG 415–11

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 491 – Senator Peters

AN ACT concerning

Horse Racing – Bowie Race Course Training Center – Ownership Transfer

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 513 – Senator Middleton

AN ACT concerning

Maryland Estate Tax – Payment Deferral for Qualified Agricultural Property – ~~Waiver~~ Extension of Payment ~~Requirement~~ Deferral

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

Senate Bill 534 – Senators Shank, Edwards, and Young

AN ACT concerning

Washington County – Board of Elections – Membership and Compensation

SB0534/505569/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 534
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "providing" in line 11 down through "office;" in line 12.

AMENDMENT NO. 2

On page 4, strike in their entirety lines 10 through 15, inclusive; and in line 16, strike "3." and substitute "2.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

Senate Bill 765 – Senators Young, King, Madaleno, ~~and Rosapepe~~ Rosapepe, Montgomery, Forehand, Colburn, Manno, and Ferguson

AN ACT concerning

Election Law – Voter Registration – Exchange of Information

SB0765/945866/1
BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 765
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after "lists;" insert "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;".

AMENDMENT NO. 2

On page 3, after line 29, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) In this section, "fully automated voter registration system" means a voter registration system at the Motor Vehicle Administration that:

(1) eliminates the use of paper voter registration forms by requiring each applicant who wishes to register to vote or update a voter registration record during a driver's license or identification card transaction or other transaction to electronically submit all the information required to register or update the applicant's registration at the time of the transaction; and

(2) transmits the information submitted under item (1) of this subsection electronically directly to elections officials.

(b) The State Board of Elections and the Motor Vehicle Administration shall jointly submit a report to the House Committee on Ways and Means, Senate Education, Health, and Environmental Affairs Committee, House Appropriations Committee, and Senate Budget and Taxation Committee by October 1, 2011, concerning actions taken and plans made to implement a fully automated voter registration system at the Motor Vehicle Administration.

(c) The report submitted under this section shall include:

(1) a detailed timeline for complete implementation of a fully automated voter registration system at the Motor Vehicle Administration;

(2) a detailed estimate of the fiscal impact of implementing a fully automated voter registration system; and

(3) any other issues relating to the implementation of a fully automated voter registration system that the State Board of Elections and the Motor Vehicle Administration consider relevant.";

and in line 30, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

Senate Bill 913 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County – Board of Elections – Membership and Compensation

SB0913/785565/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 913
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "providing" in line 7 down through "office;" in line 9.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 8 through 14, inclusive; and in line 15, strike "3." and substitute "2.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 768)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #71

House Bill 154 – Delegate Krebs

AN ACT concerning

Unemployment Insurance – Religious Organizations – Disclosure of Exemption from Covered Employment

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 769)

The Bill was then sent to the Senate.

House Bill 1023 – Delegates Glenn, Anderson, Conaway, Harrison, Haynes, McHale, B. Robinson, Stukes, and Tarrant

AN ACT concerning

Baltimore City – 45th Legislative District – Liquor Stores – Premises Near ~~Churches~~ Places of Worship or Schools

Read the third time and passed by yeas and nays as follows:

Affirmative – 110 Negative – 26 (See Roll Call No. 770)

The Bill was then sent to the Senate.

House Bill 1127 – Delegates Glenn, Carr, Conaway, Harrison, McHale, Olszewski, B. Robinson, and Stukes

AN ACT concerning

Baltimore City – 45th Legislative District – Alcoholic Beverages – Landlords – Licensed Premises ~~That Violate Minimum Distance Requirement from Schools or Churches~~

Read the third time and passed by yeas and nays as follows:

Affirmative – 109 Negative – 26 (See Roll Call No. 771)

The Bill was then sent to the Senate.

House Bill 1281 – Delegates Stukes, Haynes, ~~and Mitchell~~ Mitchell, Braveboy, Haddaway–Riccio, Jameson, Love, and McHale

AN ACT concerning

Arts and Entertainment Districts – Artistic Work – Design

Read the third time and passed by yeas and nays as follows:

Affirmative – 132 Negative – 4 (See Roll Call No. 772)

The Bill was then sent to the Senate.

House Bill 1314 – Delegate Myers

AN ACT concerning

Public Service Commission – Public Service Company – Definition

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 773)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #72

House Bill 1246 – Delegates Conway, Arora, Bobo, Braveboy, Cullison, Frush, Kramer, ~~and Niemann~~ Niemann, Healey, and Cane

SECOND PRINTING

AN ACT concerning

Condominiums and Homeowners Associations – Priority of ~~Liens – "The Residential Association Sustainability Act of 2011"~~ Liens

Read the third time and passed by yeas and nays as follows:

Affirmative – 91 Negative – 43 (See Roll Call No. 774)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #10

Senate Bill 145 – Chair, Budget and Taxation Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Motor Fuel Tax – Personal Liability – ~~Corporations,~~ Limited Liability Companies~~,~~ and Limited Liability Partnerships

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 775)

The Bill was then returned to the Senate.

Senate Bill 398 – Senators King, Garagiola, Manno, Montgomery, Peters, Ramirez, and Robey

AN ACT concerning

Sales and Use Tax – Sale of Electricity Generated by Solar Energy and Residential Wind Energy Equipment – Exemption

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 776)

The Bill was then returned to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 777)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #11

Senate Bill 1 – ~~Senator Middleton~~ Senators Middleton, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Muse, and Pugh

AN ACT concerning

Joint Committee on Workers' Compensation Benefit and Insurance Oversight – Membership

Read the third time and passed by yeas and nays as follows:

Affirmative – 128 Negative – 8 (See Roll Call No. 778)

The Bill was then returned to the Senate.

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 – 108 Negative – 29 (See Roll Call No. 779)

The Bill was then returned to the Senate.

Senate Bill 103 – Chair, Finance 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

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 780)

The Bill was then returned to the Senate.

Senate Bill 108 – Senator Garagiola

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 – 124 Negative – 11 (See Roll Call No. 781)

The Bill was then returned to the Senate.

Senate Bill 132 – Senators Pugh, Currie, Jones–Rodwell, Kelley, Madaleno, Manno, Montgomery, Peters, ~~and Raskin~~ Raskin, and Muse

AN ACT concerning

Job Applicant Fairness Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 90 Negative – 46 (See Roll Call No. 782)

The Bill was then returned to the Senate.

Senate Bill 179 – The President (By Request – Administration) and Senators Klausmeier, Astle, Garagiola, and Rosapepe

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 – 124 Negative – 12 (See Roll Call No. 783)

The Bill was then returned to the Senate.

Senate Bill 212 – Senators Klausmeier, Edwards, ~~and Kittleman~~ Kittleman, Middleton, Garagiola, Glassman, Kelley, Mathias, Muse, and Pugh

AN ACT concerning

Workers' Compensation – Death Benefits – Dependency

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 784)

The Bill was then returned to the Senate.

Senate Bill 269 – Senators Kittleman ~~and Klausmeier~~, Klausmeier, Astle, Garagiola, Glassman, Kelley, Mathias, Middleton, Muse, and Pugh

AN ACT concerning

Workers' Compensation – Jurisdiction Pending Appeal – Proposed Settlement

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 785)

The Bill was then returned to the Senate.

Senate Bill 271 – Senator Edwards

AN ACT concerning

Public Utilities – Net Energy Metering – Hydroelectric

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 786)

The Bill was then returned to the Senate.

Senate Bill 370 – Senator Conway

AN ACT concerning

Accountants – Regulation – Preparation of a Compilation of Financial Statements

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 787)

The Bill was then returned to the Senate.

Senate Bill 557 – Senators Pugh, Garagiola, Montgomery, Rosapepe, ~~and Stone~~ Stone, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, and Muse

AN ACT concerning

Commission on Maryland Cybersecurity Innovation and Excellence

Read the third time and passed by yeas and nays as follows:

Affirmative – 102 Negative – 35 (See Roll Call No. 788)

The Bill was then returned to the Senate.

Senate Bill 693 – Senator Middleton

AN ACT concerning

Injured Workers' Insurance Fund – Employee Compensation

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 789)

The Bill was then returned to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 790)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #12

Senate Bill 366 – Senator Edwards

AN ACT concerning

Allegany County – Alcoholic Beverages – Eligibility for Class B–BT (Buffet Theater) License

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 791)

The Bill was then returned to the Senate.

Senate Bill 467 – Carroll County Senators

AN ACT concerning

Carroll County – Alcoholic Beverages – Liquor Tasting

Read the third time and passed by yeas and nays as follows:

Affirmative – 133 Negative – 1 (See Roll Call No. 792)

The Bill was then returned to the Senate.

Senate Bill 541 – Senator Colburn

AN ACT concerning

Dorchester County Liquor Act of 2011

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 0 (See Roll Call No. 793)

The Bill was then returned to the Senate.

Senate Bill 580 – Senator Edwards

EMERGENCY BILL

AN ACT concerning

Allegany County – Alcoholic Beverages – ~~Music Promoter~~ 1–Day Special License

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 794)

The Bill was then returned to the Senate.

Senate Bill 821 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Winery Special Event Permits – Farmers' Markets

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 795)

The Bill was then returned to the Senate.

Senate Bill 875 – Senator Klausmeier (By Request – Baltimore County Administration)

AN ACT concerning

Alcoholic Beverages – Baltimore County ~~Executive and County Council of Baltimore County~~ – License Fees

Read the third time and passed by yeas and nays as follows:

Affirmative – 111 Negative – 24 (See Roll Call No. 796)

The Bill was then returned to the Senate.

Senate Bill 926 – Senators Glassman, Jacobs, and Jennings

AN ACT concerning

Harford County – Alcoholic Beverages – Continuing Care Facility for Aged – Beer, Wine and Liquor License

Read the third time and passed by yeas and nays as follows:

Affirmative – 132 Negative – 2 (See Roll Call No. 797)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #13

Senate Bill 62 – Chair, Judicial Proceedings Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile and Education Records – Disclosure Between Departments of Education and Juvenile Services

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 798)

The Bill was then returned to the Senate.

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 – 136 Negative – 0 (See Roll Call No. 799)

The Bill was then returned to the Senate.

Senate Bill 169 – Senator Ramirez

AN ACT concerning

Bankruptcy – Homestead Exemption – Debtor's Residence

Read the third time and passed by yeas and nays as follows:

Affirmative – 105 Negative – 30 (See Roll Call No. 800)

The Bill was then returned to the Senate.

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 – 135 Negative – 2 (See Roll Call No. 801)

The Bill was then returned to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 802)

The Bill was then returned to the Senate.

Senate Bill 218 – Senator Shank

AN ACT concerning

Public Safety – Law Enforcement Officers' Bill of Rights – Internal Investigation Unit

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 803)

The Bill was then returned to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 804)

The Bill was then returned to the Senate.

Senate Bill 333 – Senator Garagiola

AN ACT concerning

Children in Need of Assistance – Hearings – Written Findings

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 805)

The Bill was then returned to the Senate.

Senate Bill 342 – Senators Ramirez and Forehand

AN ACT concerning

Peace Orders – Extension of Duration

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 806)

The Bill was then returned to the Senate.

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 – 110 Negative – 27 (See Roll Call No. 807)

The Bill was then returned to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 808)

The Bill was then returned to the Senate.

Senate Bill 480 – Senators Forehand and Ramirez

AN ACT concerning

Courts – Peace Orders – Penalties

Read the third time and passed by yeas and nays as follows:

Affirmative – 130 Negative – 6 (See Roll Call No. 809)

The Bill was then returned to the Senate.

Senate Bill 500 – Senator Getty

AN ACT concerning

Criminal Law – Identity Fraud – Assumption of Identity of Fictitious Person

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 810)

The Bill was then returned to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 811)

The Bill was then returned to the Senate.

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 – 89 Negative – 47 (See Roll Call No. 812)

The Bill was then returned to the Senate.

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 – 135 Negative – 1 (See Roll Call No. 813)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #14

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 – 136 Negative – 1 (See Roll Call No. 814)

The Bill was then returned to the Senate.

CONCURRENCE CALENDAR #1

AMENDED IN THE SENATE

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

Delegate Vallario moved that the House concur in the Senate amendments.

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 concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 89 Negative – 47 (See Roll Call No. 815)

AMENDED IN THE SENATE

House Bill 921 – Delegate Simmons

AN ACT concerning

Courts and Judicial Proceedings – Prelitigation Discovery – Insurance Coverage

Delegate Vallario moved that the House concur in the Senate amendments.

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 concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 102 Negative – 35 (See Roll Call No. 816)

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 817)

ADJOURNMENT

At 12:13 P.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Legislative Day April 3, 2011, Calendar Day Thursday, April 7, 2011.