Journal *of* Proceedings

of the

House of Delegates
of
Maryland

2012 Regular Session

Volume III

Compiled and edited by:

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Annapolis, Maryland
Legislative Day: March 18, 2012
Calendar Day: Wednesday, March 21, 2012

The House met at 10:28 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Heather R. Mizeur of Montgomery County.

QUORUM CALL

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

(See Roll Call No. 442)

The Journal of March 17, 2012 was read and approved.

EXCUSES:
Del. Braveboy – left early – personal
Del. Sophocleus – illness
Del. V. Turner – medical

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 635 – Senators Frosh, Madaleno, Manno, Montgomery, and Pinsky

AN ACT concerning

Environment – Water Appropriation or Use ~~Permits – Fees~~ Permit Fees – Workgroup

FOR the purpose of requiring ~~a certain person to pay certain water appropriation or use permit fees under certain circumstances and in a certain manner; requiring the Department of the Environment to set certain fees by regulation and at rates necessary to fund certain costs and activities; requiring certain fees to be paid into the Maryland Clean Water Fund; requiring~~ the Secretary of the Environment to convene a certain workgroup to develop a certain fee structure in a certain manner; requiring the Department of the Environment to report the workgroup's findings and recommendations in a certain manner to certain committees on or before a certain date; ~~defining certain terms;~~ providing for the

termination of this Act; and generally relating to fees for water appropriation or use permits.

~~BY adding to~~
~~Article – Environment~~
~~Section 5–502.1~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2011 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Environment~~
~~Section 9–320 and 9–1008~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2011 Supplement)~~

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

QUORUM CALL

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

(See Roll Call No. 443)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #31

House Bill 57 – Delegates Eckardt, Cane, and Haddaway–Riccio

AN ACT concerning

Dorchester County – Sailwinds ~~Park~~ of Cambridge, Inc. – Service of Alcohol – Wristbands

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

Affirmative – 137 Negative – 0 (See Roll Call No. 444)

The Bill was then sent to the Senate.

House Bill 192 – Delegates Jacobs, Hershey, and Smigiel

AN ACT concerning

Kent County – Alcoholic Beverages – Micro–Brewery Licenses

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

Affirmative – 137 Negative – 0 (See Roll Call No. 445)

The Bill was then sent to the Senate.

House Bill 252 – Delegates Burns, Valentino–Smith, Aumann, Boteler, Minnick, and Weir

AN ACT concerning

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 446)

The Bill was then sent to the Senate.

House Bill 381 – Delegate Clagett

EMERGENCY BILL

AN ACT concerning

Electric Companies – Generation Request for Proposals – Expansion of Area

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

Affirmative – 137 Negative – 0 (See Roll Call No. 447)

The Bill was then sent to the Senate.

House Bill 392 – Delegates Hammen, Clippinger, and McHale

AN ACT concerning

Baltimore City – Alcoholic Beverages Licenses – Memorandum of Understanding

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

Affirmative – 125 Negative – 12 (See Roll Call No. 448)

The Bill was then sent to the Senate.

House Bill 605 – Delegates Oaks, Carter, Clippinger, Hammen, McHale, Mitchell, Rosenberg, Stukes, and Washington

AN ACT concerning

Transportation – Baltimore Corridor Red Line Transit Study

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

Affirmative – 106 Negative – 31 (See Roll Call No. 449)

The Bill was then sent to the Senate.

House Bill 617 – Delegates Hough, Afzali, Hogan, and Schulz

AN ACT concerning

Education – Informal Kinship Care – ~~Documentation Supporting Affidavit – Repeal~~ Enrollment Before Submission of Documentation

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

Affirmative – 136 Negative – 0 (See Roll Call No. 450)

The Bill was then sent to the Senate.

House Bill 644 – Delegates Oaks and Niemann

AN ACT concerning

Environment – Reducing the Incidence of Lead Poisoning

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

Affirmative – 102 Negative – 34 (See Roll Call No. 451)

The Bill was then sent to the Senate.

House Bill 668 – Delegates Schulz, Wood, Aumann, Bates, Clagett, Cluster, Eckardt, Glass, Haddaway–Riccio, Hershey, Hogan, Jacobs, McComas, McDermott, W. Miller, O'Donnell, Otto, Serafini, Smigiel, and Weir

AN ACT concerning

Vehicle Laws – Historic Motor Vehicles – Trucks, Tractors, and Motor Homes

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

Affirmative – 138 Negative – 0 (See Roll Call No. 452)

The Bill was then sent to the Senate.

House Bill 1138 – Delegates Carter, Alston, Anderson, Dumais, Lee, Mitchell, Oaks, Parrott, Smigiel, and Washington

AN ACT concerning

Criminal Procedure – Charging or Arrest of Minor – Notification of Parent or Guardian

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

Affirmative – 139 Negative – 0 (See Roll Call No. 453)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #32

House Bill 215 – Delegates Stukes, Anderson, Boteler, Braveboy, Burns, Carter, Clippinger, Conaway, Glenn, Gutierrez, Hammen, Harrison, Haynes, Howard, McHale, Mitchell, Tarrant, Walker, ~~and Washington~~ Washington, and O'Donnell

AN ACT concerning

Local Government – Investment in Our Youth (IO–YOUth) Programs

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

Affirmative – 137 Negative – 0 (See Roll Call No. 454)

The Bill was then sent to the Senate.

House Bill 228 – Delegates Feldman, Ivey, Afzali, Arora, Barnes, Barve, Beitzel, Bobo, Carr, Cullison, Dumais, Dwyer, Eckardt, Elliott, Frank, Frick, Glass, Harrison, Healey, Holmes, Hough, Howard, Hubbard, Hucker, Kach, Kaiser, A. Kelly, Kipke, Krebs, Lee, Luedtke, McComas, McMillan, A. Miller, Myers, Nathan–Pulliam, Norman, Reznik, Rosenberg, Schulz, Summers, Washington, and Wilson

AN ACT concerning

Consuming Wine ~~Beverages~~ Not Bought on Premises – Restaurants, Clubs, and Hotels

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

Affirmative – 128 Negative – 6 (See Roll Call No. 455)

The Bill was then sent to the Senate.

House Bill 313 – Delegates Stein, Bobo, Carr, Glenn, Hubbard, and S. Robinson

AN ACT concerning

Motor Vehicles – Child ~~Seating and~~ Safety Seats – Requirements ~~and Prohibition~~

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

Affirmative – 127 Negative – 12 (See Roll Call No. 456)

The Bill was then sent to the Senate.

House Bill 379 – Frederick County Delegation

AN ACT concerning

Frederick County – Alcoholic Beverages – Citations Issued by Inspectors

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

Affirmative – 138 Negative – 0 (See Roll Call No. 457)

The Bill was then sent to the Senate.

House Bill 497 – Delegates Myers, Afzali, Glass, McComas, Norman, Parrott, Serafini, ~~and Smigiel~~ Smigiel, Barve, Boteler, Branch, Frick, George, Hixson, Howard, Ivey, Kaiser, Luedtke, A. Miller, Rosenberg, Ross, Stukes, Summers, and F. Turner

AN ACT concerning

Public Schools – Epinephrine Availability and Use – Policy Requirements

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

Affirmative – 138 Negative – 0 (See Roll Call No. 458)

The Bill was then sent to the Senate.

House Bill 529 – Delegates Carr, Bobo, Cane, Hucker, McMillan, Niemann, Reznik, Sophocleus, and Stocksdale

AN ACT concerning

Environment – Local Stormwater Management Charges – State Property

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

Affirmative – 131 Negative – 7 (See Roll Call No. 459)

The Bill was then sent to the Senate.

House Bill 607 – Delegates Hucker, Aumann, Barkley, Bobo, Burns, Carr, Dumais, Elliott, Frush, Gutierrez, Haddaway–Riccio, Impallaria, A. Kelly, Kramer, Krebs, Lafferty, W. Miller, Olszewski, Pendergrass, Reznik, S. Robinson, Rudolph, Szeliga, ~~and Waldstreicher~~ Waldstreicher, Barnes, Braveboy, Davis, Feldman, Harrison, Hershey, Jameson, Love, McHale, Minnick, 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 – 137 Negative – 1 (See Roll Call No. 460)

The Bill was then sent to the Senate.

House Bill 717 – Delegates Hershey, Jacobs, Kipke, McDermott, ~~and Smigiel~~ Smigiel, Wood, Bohanan, and O'Donnell

AN ACT concerning

Alcoholic Beverages – Distilleries – Tours, Samples, and Sales

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

Affirmative – 135 Negative – 1 (See Roll Call No. 461)

The Bill was then sent to the Senate.

House Bill 737 – Chair, Baltimore County Delegation (By Request – Baltimore County Administration)

EMERGENCY BILL

AN ACT concerning

Baltimore County – Alcoholic Beverages Licenses

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

Affirmative – 137 Negative – 1 (See Roll Call No. 462)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #33

House Bill 797 – ~~Delegates Burns, Aumann, Boteler, Bromwell, Cluster, DeBoy, Frank, Kach, Lafferty, Minnick, Morhaim, Nathan-Pulliam, Stein, and Wood~~ Baltimore County Delegation

AN ACT concerning

Baltimore County – Roadside Solicitation of Money or Donations – ~~Prohibition~~ Penalty

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

Affirmative – 132 Negative – 3 (See Roll Call No. 463)

The Bill was then sent to the Senate.

House Bill 901 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Washington Suburban Sanitary Commission – High Performance Buildings PG/MC 110–12

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 910 – Frederick County Delegation

AN ACT concerning

Frederick County – Budgetary Processes

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

Affirmative – 139 Negative – 0 (See Roll Call No. 465)

The Bill was then sent to the Senate.

House Bill 915 – Delegates Jacobs, Afzali, Cluster, Eckardt, Frank, Haddaway–Riccio, Hershey, McDermott, Norman, Otto, Smigiel, Summers, and Weir

AN ACT concerning

Commercial Fishing and Seafood Operations – Nuisance Actions – Exemption

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

Affirmative – 138 Negative – 1 (See Roll Call No. 466)

The Bill was then sent to the Senate.

House Bill 935 – Delegate Stein

AN ACT concerning

Real Property – Commercial Buildings – Energy Usage

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

Affirmative – 129 Negative – 9 (See Roll Call No. 467)

The Bill was then sent to the Senate.

House Bill 940 – Delegates Stein, Bobo, Cane, Carr, Gilchrist, Holmes, Hucker, Morhaim, and Weir

AN ACT concerning

Maryland Building Performance Standards – Hotels – Mandatory Master Control Device

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

Affirmative – 100 Negative – 39 (See Roll Call No. 468)

The Bill was then sent to the Senate.

House Bill 1058 – Delegate Stein

AN ACT concerning

Program Open Space – Local Projects – Funding for Development

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.

House Bill 1093 – Delegates Love and Jameson

AN ACT concerning

Portable Electronics Insurance

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

Affirmative – 138 Negative – 0 (See Roll Call No. 470)

The Bill was then sent to the Senate.

House Bill 1094 – Delegate Rudolph

AN ACT concerning

Insurance – Fraud Violations – Fines and Administrative Penalties

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

Affirmative – 133 Negative – 6 (See Roll Call No. 471)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #34

House Bill 1095 – Delegate Rudolph

AN ACT concerning

Property and Casualty Insurance – Underwriting Period – Discovery of Material Risk Factor

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

Affirmative – 139 Negative – 0 (See Roll Call No. 472)

The Bill was then sent to the Senate.

House Bill 1097 – Delegate Rudolph

AN ACT concerning

Insurance – Suspected Fraud – ~~Reporting Requirement~~ Liability for Reporting or for Furnishing or Receiving Information

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

Affirmative – 139 Negative – 0 (See Roll Call No. 473)

The Bill was then sent to the Senate.

House Bill 1108 – Delegates Weir, Minnick, Olszewski, Aumann, Boteler, Bromwell, Burns, Cardin, Cluster, DeBoy, Frank, Impallaria, Jones, Kach, Lafferty, Malone, McDonough, Morhaim, Nathan–Pulliam, Stein, and Szeliga

AN ACT concerning

Maryland Historical Trust – National Register of Historic ~~Property Designation~~ Places – Essex Skypark

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 1146 – Delegates Dumais, Simmons, Anderson, Arora, Barnes, Clippinger, Glenn, Hough, K. Kelly, Krebs, Lee, McComas, McDermott, Mitchell, and Waldstreicher

AN ACT concerning

Domestically Related Crimes – Reporting

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

Affirmative – 139 Negative – 0 (See Roll Call No. 475)

The Bill was then sent to the Senate.

House Bill 1148 – Delegates Lee, Pena–Melnyk, Gutierrez, Arora, Cane, Carr, Conaway, Cullison, DeBoy, Dumais, Elliott, Glenn, Healey, Jameson, A. Kelly, Luedtke, A. Miller, Nathan–Pulliam, B. Robinson, S. Robinson, Stocksdale, and Valderrama

AN ACT concerning

Courts – Victims of Crime – Interpreters

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

Affirmative – 139 Negative – 0 (See Roll Call No. 476)

The Bill was then sent to the Senate.

House Bill 1201 – Delegates Conway, Beidle, Beitzel, Bohanan, Cane, Clagett, Cluster, DeBoy, Eckardt, Haddaway–Riccio, Hershey, Hogan, Holmes, Jacobs, James, McMillan, Minnick, Norman, O'Donnell, Otto, Rudolph, Vitale, Weir, and Wood

AN ACT concerning

Department of Planning – State Development Plan – Use and Conflicts of Law

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

Affirmative – 133 Negative – 5 (See Roll Call No. 477)

The Bill was then sent to the Senate.

House Bill 1264 – Howard County Delegation (By Request)

AN ACT concerning

Howard County – Massage Establishment, Pawnbroker or Secondhand Dealer Establishment, and Taxicab Licenses – Criminal History Records Checks
Ho. Co. 8–12

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

Affirmative – 135 Negative – 1 (See Roll Call No. 478)

The Bill was then sent to the Senate.

House Bill 1292 – Delegates Carter and Oaks

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 – 95 Negative – 43 (See Roll Call No. 479)

The Bill was then sent to the Senate.

House Bill 1308 – ~~Delegate Fisher~~ Calvert County Delegation

AN ACT concerning

Calvert County – School Buses – Length of Operation

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

Affirmative – 139 Negative – 0 (See Roll Call No. 480)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #35

House Bill 817 – Prince George's County Delegation

AN ACT concerning

Prince George's County – ~~City of Bowie –~~ Alcoholic Beverages ~~Licenses for Supermarkets~~ – Entertainment Permit – Exemptions and Revisions
PG 307–12

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

Affirmative – 137 Negative – 0 (See Roll Call No. 481)

The Bill was then sent to the Senate.

House Bill 822 – Delegate Waldstreicher

AN ACT concerning

Maryland Uniform Transfers to Minors Act – Orphans' Court

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

Affirmative – 137 Negative – 0 (See Roll Call No. 482)

The Bill was then sent to the Senate.

House Bill 896 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

The Washington Suburban Sanitary ~~Commission~~ District Transparency and Rate Relief Act of 2012
PG/MC 107–12

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

Affirmative – 139 Negative – 0 (See Roll Call No. 483)

The Bill was then sent to the Senate.

House Bill 904 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Drug Free School Zones – Hotline Number on Signs
PG 406–12

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 990 – Delegates Frush, Gaines, Healey, Hubbard, Kaiser, Pena–Melnyk, B. Robinson, and Sophocleus

AN ACT concerning

Vehicle Laws – Unattended Motor Vehicle – Exception to Prohibition

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

Affirmative – 134 Negative – 3 (See Roll Call No. 485)

The Bill was then sent to the Senate.

House Bill 1124 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County Metropolitan Commission – Revisions and Corrections

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.

THIRD READING CALENDAR (HOUSE BILLS) #36

House Bill 453 – Delegate Niemann

AN ACT concerning

Courts and Judicial Proceedings – Criminal Injuries Compensation Fund – Court Costs

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

Affirmative – 139 Negative – 0 (See Roll Call No. 487)

The Bill was then sent to the Senate.

House Bill 582 – Delegate Barkley

AN ACT concerning

Vehicle Laws – Vehicles of Public Service Companies – Use of Yellow and Amber Lights

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

Affirmative – 137 Negative – 0 (See Roll Call No. 488)

The Bill was then sent to the Senate.

House Bill 624 – Delegates Simmons, Anderson, and Stukes

AN ACT concerning

Criminal Procedure – Notice of Eligibility for Expungement

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

Affirmative – 125 Negative – 14 (See Roll Call No. 489)

The Bill was then sent to the Senate.

House Bill 651 – Delegate Waldstreicher (By Request – Task Force on Prisoner Reentry) and Delegates Anderson, Barnes, Carter, Clippinger, Dumais, Gaines, Haynes, Hough, Ivey, McIntosh, Pena–Melnyk, Proctor, Rosenberg, Ross, Simmons, V. Turner, Valderrama, and Washington

AN ACT concerning

Child Support – Incarcerated Obligors – Suspension of Payments and Accrual of Arrearages

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

Affirmative – 78 Negative – 61 (See Roll Call No. 490)

The Bill was then sent to the Senate.

House Bill 699 – Delegates Hixson, Barkley, Carr, Kaiser, Kramer, Luedtke, A. Miller, Reznik, S. Robinson, Simmons, ~~and Zucker~~ Zucker, Barve, Bobo, Boteler, Frick, George, Glass, Howard, Ivey, Myers, Rosenberg, Ross, Stukes, Summers, and F. Turner

AN ACT concerning

Home Visiting Accountability Act of 2012

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

Affirmative – 139 Negative – 0 (See Roll Call No. 491)

The Bill was then sent to the Senate.

House Bill 700 – Delegate Feldman

AN ACT concerning

Commercial Law – Uniform Commercial Code – Revisions to Title 1

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

Affirmative – 138 Negative – 0 (See Roll Call No. 492)

The Bill was then sent to the Senate.

House Bill 773 – Delegate Waldstreicher

AN ACT concerning

Estates and Trusts – Allowance for Funeral Expenses

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

Affirmative – 138 Negative – 0 (See Roll Call No. 493)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #37

House Bill 101 – Delegates Pena–Melnyk, Anderson, Costa, and Hubbard

AN ACT concerning

Health – General – Posthumous Use of Donor Sperm and Eggs

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

Affirmative – 97 Negative – 36 (See Roll Call No. 494)

The Bill was then sent to the Senate.

THE COMMITTEE ON APPROPRIATIONS REPORT #6

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

Senate Bill 150 – The President (By Request – Administration)

Budget Bill

(Fiscal Year 2013)

REPORT OF THE HOUSE APPROPRIATIONS COMMITTEE
TO THE MARYLAND HOUSE OF DELEGATES – 2012 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO SENATE BILL 150 – THE BUDGET BILL

(See Exhibit H of Appendix II)

HOUSE APPROPRIATIONS
COMMITTEE REPRINT TO SENATE BILL 150 – THE BUDGET BILL

(See Exhibit I of Appendix II)

HOUSE APPROPRIATIONS COMMITTEE AND
HOUSE WAYS AND MEANS COMMITTEE REPORT ON
SENATE BILL 150 – THE BUDGET BILL;
SENATE BILL 152 – THE BUDGET RECONCILIATION AND FINANCING ACT;
SENATE BILL 523 – STATE AND LOCAL REVENUE ACT; AND
SENATE BILL 848 – MAINTENANCE OF EFFORT

(See Exhibit J of Appendix II)

Delegate Conway moved to make the Bill and Amendments a Special Order for Thursday.

The motion was adopted.

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

Senate Bill 152 – The President (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2012

HOUSE APPROPRIATIONS COMMITTEE AND
HOUSE WAYS AND MEANS COMMITTEE REPORT ON
SENATE BILL 150 – THE BUDGET BILL;
SENATE BILL 152 – THE BUDGET RECONCILIATION AND FINANCING ACT;
SENATE BILL 523 – STATE AND LOCAL REVENUE ACT; AND
SENATE BILL 848 – MAINTENANCE OF EFFORT

(See Exhibit J of Appendix II)

SB0152/534369/1
BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 152
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "funds;" insert "exempting from a certain sales or use tax certain State–owned parking lots and garages; requiring certain appropriations to certain counties;"; strike beginning with "repealing" in line 6 down through "site;" in line 13; in line 20, after "education" insert "in a certain fiscal year; authorizing a county board of education to spend certain funds after approval by the county fiscal authority; requiring the county fiscal authority to approve the amount of certain funds within a certain period of time; providing that failure to take action constitutes approval by the county fiscal authority under certain circumstances"; strike beginning with "requiring" in line 20 down through "amount;" in line 23; and in line 25, after "years;" insert "adding St. Mary's College of Maryland to the list of public senior higher education institutions eligible for money from the Higher Education Investment Fund; clarifying language relating to the Higher Education Investment Fund;".

On page 2, strike beginning with "requiring" in line 3 down through "law;" in line 8 and substitute "requiring the Department of Health and Mental Hygiene to make certain payments to certain managed care organizations that are prevented from operating without restricted enrollment in all jurisdictions of the State under certain circumstances; prohibiting the Department of Health and Mental Hygiene from making certain payments to managed care organizations under certain circumstances;"; in line 13, after "facilities;" insert "repealing a certain provision related to the Injured Workers' Insurance Fund;"; in line 18, after "Fund;" insert "requiring the Department of Budget and Management, in coordination with the Department of General Services, to take certain actions in connection with a certain program of maintenance and repair of public improvements, including establishing certain budgetary procedures and allocating certain costs; requiring the Governor to include in the State budget certain amounts for certain fiscal years in a certain manner; establishing the Facility Maintenance and Repair Fund; requiring the Secretary of Budget and Management and the Secretary of General Services to submit certain annual reports on or before a certain date; requiring the Governor to allocate certain proceeds to the Facility Maintenance and Repair Fund;"; in the same line, strike "requiring" and substitute "providing"; in the same line, after "State" insert ", or

otherwise subject to the direction or control of a State official,"; strike beginning with "multistate–federal" in line 19 down through "claims" in line 20 and substitute "settlement, judgment, or consent decree shall be deposited in the State Treasury, shall"; strike beginning with the semicolon in line 20 down through "transfer" in line 21 and substitute ", and may be transferred"; in line 21, after "amendment" insert "under certain circumstances; requiring certain State officials to request that certain funds be deposited in the General Fund under certain circumstances"; in line 23, strike the first "the" and substitute "certain"; in line 24, strike "for a certain fiscal year"; and in line 39, after "Index;" insert "altering a certain surcharge on a certain motor vehicle registration fee; clarifying certain procedures for collection and payment of certain unpaid tolls; altering procedures for the enforcement of certain violations for nonpayment of tolls; altering certain provisions establishing a certain civil penalty; authorizing reciprocal agreements with other jurisdictions for enforcement of toll violations; prohibiting certain regulations adopted by the Secretary of Health and Mental Hygiene from applying to certain prior calendar years;".

On page 3, strike beginning with "authorizing" in line 22 down through "contingency;" in line 23; strike beginning with "providing" in line 37 down through "amendment;" in line 38; in line 41, after "manner;" insert "authorizing certain counties to reduce a certain education funding requirement in a certain fiscal year under certain circumstances and subject to a certain contingency;"; in line 43, after "severable;" insert "making certain provisions of this Act subject to a certain contingency;"; and after line 45, insert:

"BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–602(a)
Annotated Code of Maryland
(2011 Replacement Volume)".

On page 4, strike in their entirety lines 5 through 14, inclusive; strike in their entirety lines 20 through 24, inclusive; in line 27, after "5–103(c)," insert "5–105(c),"; in the same line, strike "and (i)"; in the same line, after "5–206(f)(2)," insert "15–106.6(a)(3) and (b)(9),"; after line 30, insert:

"BY repealing and reenacting, without amendments,
Article – Education
Section 5–105(a)
Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)";

and in line 33, after "Section" insert "5–105(d),".

On page 5, in line 13, after "Section" insert "4–217(c)(1),"; after line 35, insert:

"BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 3–101
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)";

and in line 38, after "Section" insert "3–612 and".

On page 6, after line 1, insert:

"BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 8–129
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)";

in line 35, strike "and"; and in the same line, after "12–118(e)(2)" insert ", 13–954, 21–1414, and 27–110".

On page 7, in line 2, after "5–415" insert "and 21–1415"; and in line 7, after "Section" insert "2 and".

AMENDMENT NO. 2

On page 7, after line 37, insert:

"9–602.

(a) **(1)** Anne Arundel County may impose, by ordinance, and collect a sales or use tax on:

[(1)**]** **(I)** Fuels and utilities used by commercial and industrial businesses;

[(2)**]** **(II)** Residential, commercial, and industrial telephone service; and

[(3)**]** **(III)** **[**Space**]EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, SPACE** rentals.

(2) STATE–OWNED PARKING LOTS OR GARAGES ARE NOT SUBJECT TO THE SALES OR USE TAX AUTHORIZED UNDER THIS SECTION.".

AMENDMENT NO. 3

On pages 8 through 10, strike in their entirety the lines beginning with line 13 on page 8 through line 12 on page 10, inclusive.

AMENDMENT NO. 4

On page 11, strike in their entirety lines 20 through 31, inclusive.

AMENDMENT NO. 5

On page 15, after line 5, insert:

"15–106.6.

(a) (3) "Public Senior Higher Education Institution" has the meaning stated in § 10–101(m)**[**(1) and (2)**]** of this article.

(b) (9) Money in the Fund may be expended only:

(i) To supplement General Fund appropriations to **[**public senior higher education institutions and**]** research institutes of the University System of Maryland **AND PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS**;

(ii) For capital projects for **[**public senior higher education institutions and**]** research institutes of the University System of Maryland **AND PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS**;

(iii) For workforce development initiatives administered by the Commission; and

(iv) For initiatives to address higher education needs related to the United States Department of Defense Base Realignment and Closure process.".

AMENDMENT NO. 6

On page 16, in lines 3, 9, 15, 21, and 27, strike "**19.3%**", "**18.8%**", "**18.4%**", "**17.9%**", and "**19.7%**", respectively, and substitute "**19.7%**", "**19.7%**", "**19%**", "**19%**", and "**20%**", respectively.

On page 19, in line 36, strike "**59.6%**" and substitute "**61%**".

On page 20, in lines 6, 12, and 18, strike "**58.3%**", "**56.9%**", and "**55.6%**", respectively, and substitute "**61%**", "**58%**", and "**58%**", respectively.

On page 22, in lines 8, 13, 17, and 21, strike "**9.2%**", "**9.0%**", "**8.7%**", and "**8.5%**", respectively, and substitute "**9.4%**", "**9.4%**", "**9%**", and "**9%**", respectively.

On page 23, in line 6, strike "**$38,445,958**" and substitute "**$38,056,175**".

AMENDMENT NO. 7

On pages 27 and 28, strike in their entirety the lines beginning with line 27 on page 27 through line 10 on page 28 and substitute:

"**(A) (1) THE DEPARTMENT SHALL MAKE STATEWIDE RURAL ENROLLMENT SUPPLEMENTAL PAYMENTS UNDER COMAR 10.09.65.19–3 TO A MANAGED CARE ORGANIZATION IF THE MANAGED CARE ORGANIZATION:**

(I) IS PREVENTED FROM OPERATING WITHOUT RESTRICTED ENROLLMENT IN ALL JURISDICTIONS OF THE STATE BECAUSE A PROVIDER WITH A DIRECT OR INDIRECT INTEREST IN ANOTHER MANAGED CARE ORGANIZATION REFUSES TO CONTRACT WITH THE MANAGED CARE ORGANIZATION; AND

(II) HAS MADE A GOOD FAITH EFFORT TO CONTRACT WITH THE PROVIDER THAT REFUSES TO CONTRACT WITH THE MANAGED CARE ORGANIZATION AND OTHER PROVIDERS IN ORDER TO OPERATE WITHOUT RESTRICTED ENROLLMENT IN ALL JURISDICTIONS OF THE STATE.

(2) THE DEPARTMENT SHALL DETERMINE WHETHER A MANAGED CARE ORGANIZATION MEETS THE GOOD FAITH REQUIREMENT OF PARAGRAPH (1)(II) OF THIS SUBSECTION.

(B) THE DEPARTMENT MAY NOT MAKE STATEWIDE RURAL ENROLLMENT SUPPLEMENTAL PAYMENTS UNDER COMAR 10.09.65.19–3 TO A MANAGED CARE ORGANIZATION IF:

(1) A PROVIDER HAS A DIRECT OR INDIRECT INTEREST IN THE MANAGED CARE ORGANIZATION; AND

(2) THE DEPARTMENT DETERMINES THAT THE PROVIDER HAS FAILED TO MAKE A GOOD FAITH EFFORT TO CONTRACT WITH ANOTHER MANAGED CARE ORGANIZATION WHICH HAS RESULTED IN THE MANAGED CARE ORGANIZATION BEING UNABLE TO OPERATE WITHOUT RESTRICTED ENROLLMENT IN ALL JURISDICTIONS OF THE STATE.".

AMENDMENT NO. 8

On page 27, after line 25, insert:

"4–217.

(c) (1) Except as otherwise provided by law:

(i) [The Department shall collect a $12 fee:

1. For each certified or abridged copy of a death, fetal death, marriage, or divorce verification certificate;

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;

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

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**, FETAL DEATH, MARRIAGE, OR BIRTH RESULTING IN STILLBIRTH** certificate;

2. **FOR THE FIRST COPY OF A CERTIFIED OR ABRIDGED DEATH CERTIFICATE ISSUED IN A SINGLE TRANSACTION;**

3. For a report that a search of the birth**, DEATH, FETAL DEATH, OR MARRIAGE** certificate files was made and the requested record is not on file; **[**or**]**

[3.**] 4.** For each change to a birth**, DEATH, FETAL DEATH, OR MARRIAGE** certificate made later than 1 year after the certificate has been registered with the Department**; OR**

5. TO PROCESS AN ADOPTION, A FOREIGN ADOPTION, OR A LEGITIMATION; AND

(II) THE DEPARTMENT SHALL COLLECT A $12 FEE:

1. FOR EACH ADDITIONAL CERTIFIED OR ABRIDGED COPY OF A DEATH CERTIFICATE PROVIDED CONCURRENTLY WITH AN INITIAL REQUESTED DEATH CERTIFICATE; OR

2. FOR EACH DIVORCE VERIFICATION.".

AMENDMENT NO. 9

On page 32, after line 10, insert:

"3–101.

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

(b) "Department" means the Department of Budget and Management.

(c) "Secretary" means the Secretary of Budget and Management.

3–612.

(A) THE GENERAL ASSEMBLY FINDS THAT THE EXISTING FUNDING, PERSONNEL, AND TECHNOLOGY SUPPORTING THE DEPARTMENT OF GENERAL SERVICES FACILITY RENEWAL AND MAINTENANCE PROGRAMS IS INADEQUATE TO EFFICIENTLY AND EFFECTIVELY OPERATE STATE PREVENTIVE MAINTENANCE AND REPAIR PROGRAMS.

(B) TO IMPROVE THE REGULAR MAINTENANCE AND REPAIR OF STATE FACILITIES AND REDUCE THE DETERIORATION OF PUBLIC IMPROVEMENTS THAT RESULTS IN INCREASED REPAIR OR CONSTRUCTION OF ENTIRELY NEW REPLACEMENT FACILITIES, THE DEPARTMENT, IN COORDINATION WITH THE DEPARTMENT OF GENERAL SERVICES, SHALL TAKE THE ACTIONS NECESSARY TO ALLOCATE SUFFICIENT FUNDS AND PERSONNEL TO ADMINISTER A COMPREHENSIVE AND CONTINUING PROGRAM OF MAINTENANCE AND REPAIR OF PUBLIC IMPROVEMENTS SUPPORTED THROUGH THE FACILITY MAINTENANCE AND RENEWAL FUND UNDER SUBSECTION (G) OF THIS SECTION.

(C) TO SUPPORT THE DEPARTMENT OF GENERAL SERVICES FACILITY MAINTENANCE AND RENEWAL PROGRAMS, FOR FISCAL YEAR 2014 AND ANNUALLY THEREAFTER, THE DEPARTMENT SHALL ESTABLISH A STATEWIDE SUBOBJECT FOR THE PURPOSE OF CHARGING BACK TO EACH FUND ACCOUNT OF THE STATE AGENCIES:

(1) THE COST OF ONGOING CRITICAL MAINTENANCE AND FACILITY RENEWAL;

(2) THE PERSONNEL COST FOR A DEPARTMENT OF GENERAL SERVICES FACILITY RENEWAL ASSESSMENT TEAM; AND

(3) THE COST OF PURCHASING AND MAINTAINING A COMPUTERIZED LIFE–CYCLE FACILITY MAINTENANCE MANAGEMENT SYSTEM

OR OTHER COMPUTER SYSTEM UPGRADES DETERMINED TO BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

(D) COSTS SHALL BE ALLOCATED TO EACH AGENCY FOR WHICH THE DEPARTMENT OF GENERAL SERVICES PROVIDES FACILITY MAINTENANCE AND FACILITY RENEWAL SERVICES THROUGH AN ANNUAL SQUARE FOOT ASSESSMENT CHARGE FOR CRITICAL MAINTENANCE AND RENEWAL BASED IN THE CURRENT ANNUAL SQUARE FOOTAGE RENT CALCULATION FOR EACH STATE–OWNED FACILITY.

(E) (1) FOR FISCAL YEAR 2014, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET, THROUGH THE MECHANISM ESTABLISHED IN THIS SECTION, A CHARGE BACK OF NOT LESS THAN $30,000,000 FROM ALL FUND SOURCES.

(2) THE DEPARTMENT SHALL:

(I) ACCOUNT SEPARATELY FOR FUNDS USED FOR THE PURCHASE OF A COMPUTERIZED LIFE–CYCLE ACCOUNTING SYSTEM OR OTHER COMPUTER SYSTEM UPGRADES DETERMINED TO BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION; AND

(II) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, REPORT TO THE BUDGET AND TAXATION COMMITTEE AND APPROPRIATIONS COMMITTEE, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON THE FUNDS USED FOR THE PURCHASE OF A COMPUTERIZED LIFE–CYCLE ACCOUNTING SYSTEM OR OTHER COMPUTER SYSTEM UPGRADES DETERMINED TO BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

(F) FOR FISCAL YEAR 2015 AND ANNUALLY THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET THROUGH THE MECHANISM ESTABLISHED IN THIS SECTION A CHARGE BACK OF NOT LESS THAN $20,000,000 FROM ALL FUND SOURCES TO BE ADJUSTED ANNUALLY FOR INFLATION AS MEASURED BY THE CONSUMER PRICE INDEX.

(G) (1) THERE IS A FACILITY MAINTENANCE AND REPAIR FUND.

(2) THE PURPOSE OF THE FUND IS TO PROVIDE SUPPORT FOR THE PURPOSES DESCRIBED IN SUBSECTION (C) OF THIS SECTION.

(3) THE SECRETARY OF GENERAL SERVICES SHALL ADMINISTER THE FUND.

(4) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THIS ARTICLE.

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

(5) THE FUND CONSISTS OF:

(I) MONEY APPROPRIATED TO THE FUND:

1. IN THE ANNUAL BUDGET; OR

2. IN THE ANNUAL MARYLAND CONSOLIDATED CAPITAL BOND LOAN ACT;

(II) UNSPENT PROCEEDS OF AN ENABLING ACT ALLOCATED TO THE FUND BY THE GOVERNOR UNDER § 8–129 OF THIS ARTICLE; OR

(III) THE AMOUNT OF AN APPROPRIATION IN AN ANNUAL MARYLAND CONSOLIDATED CAPITAL BOND LOAN ACT THAT IS IN EXCESS OF THE AMOUNT NEEDED FOR A PROJECT INCLUDED IN THE ACT AND THAT IS ALLOCATED TO THE FUND.

(6) THE FUND MAY BE USED ONLY FOR FACILITY MAINTENANCE AND FACILITY RENEWAL PROJECTS ADMINISTERED BY THE DEPARTMENT OF GENERAL SERVICES AT STATE–OWNED FACILITIES.

(7) (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 OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

(8) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET OR THE ANNUAL MARYLAND CONSOLIDATED CAPITAL BOND LOAN ACT.

(H) ON OR BEFORE JULY 1, 2013, AND EACH JULY 1 THEREAFTER, THE SECRETARY AND THE SECRETARY OF GENERAL SERVICES SHALL SUBMIT A REPORT, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON:

(1) MONEY APPROPRIATED TO THE FUND;

(2) MONEY AUTHORIZED FOR EXPENDITURE FROM THE FUND; AND

(3) THE BACKLOG OF FACILITY RENEWAL MAINTENANCE AND FACILITY RENEWAL PROJECTS, INCLUDING THE CHANGE IN THE BACKLOG COMPARED TO THE PRIOR FISCAL YEAR.

8–129.

(a) With the approval of the Board, the Governor shall dispose of unspent proceeds of an enabling act within 1 year after the termination of the State debt authorization under § 8–128 of this subtitle.

(b) The Governor shall:

(1) use the proceeds to reduce State debt authorizations, as provided in § 8–126 (b) through (d) of this subtitle;

(2) allocate the proceeds to the Construction Contingency Fund, as provided in § 3–609 of this article; **[**or**]**

(3) order the proceeds to be credited to the Annuity Bond Fund, to pay the outstanding bonded indebtedness of the State**; OR**

(4) ALLOCATE THE PROCEEDS TO THE FACILITY MAINTENANCE AND RENEWAL FUND, AS PROVIDED IN § 3–612 OF THIS SUBTITLE.

(c) The Board shall enforce the provisions of this section.".

AMENDMENT NO. 10

On page 32, in line 12, after "**STATE**" insert "**, OR OTHERWISE SUBJECT TO THE DIRECTION OR CONTROL OF A STATE OFFICIAL,**"; strike beginning with the second "**THE**" in line 12 down through "**CLAIMS**" in line 13 and substitute "**A SETTLEMENT, JUDGMENT, OR CONSENT DECREE MADE OR ENTERED INTO AFTER JANUARY 1, 2012**"; after line 13, insert:

"**(1) SHALL BE DEPOSITED IN THE STATE TREASURY;**";

in lines 14 and 17, strike "**(1)**" and "**(2)**", respectively, and substitute "**(2)**" and "**(3)**", respectively; strike beginning with "**THROUGH**" in line 14 down through "**AUTHORIZED**" in line 15; in line 17, strike "**IS NOT SUBJECT TO TRANSFER**" and substitute "**MAY BE TRANSFERRED**"; after line 17, insert:

"**(B) EXCEPT AS OTHERWISE AUTHORIZED BY LAW, A STATE OFFICIAL NEGOTIATING A SETTLEMENT AGREEMENT SHALL REQUEST THAT ANY FUNDS PAYABLE TO THE STATE BE DEPOSITED IN THE GENERAL FUND OF THE STATE.**";

in line 18, strike "**(B)**" and substitute "**(C)**"; and in line 20, after the first "**THE**" insert "**MULTISTATE–FEDERAL MORTGAGE FORECLOSURE**".

AMENDMENT NO. 11

On page 32, strike in its entirety line 24 and substitute "**(a) (1) A**"; in line 25, strike "5.5%"; in the same line, before the second "of" insert "**5.0%**"; and strike in their entirety lines 27 through 29, inclusive.

AMENDMENT NO. 12

On page 36, in line 19, strike "**2016**" and substitute "**2015**".

On pages 36 and 37, strike in their entirety the lines beginning with line 22 on page 36 through line 12 on page 37, inclusive, and substitute:

"LOCAL EMPLOYER	FISCAL YEAR 2013	FISCAL YEAR 2014	FISCAL YEAR 2015
ALLEGANY	1,487,742	2,175,870	2,838,194
ANNE ARUNDEL	11,493,684	16,809,886	21,926,724
BALTIMORE CITY	12,922,862	18,900,106	24,653,196
BALTIMORE	15,755,802	23,043,371	30,057,650
CALVERT	2,835,938	4,147,651	5,410,174
CAROLINE	793,934	1,161,155	1,514,604
CARROLL	4,005,782	5,858,585	7,641,907
CECIL	2,459,819	3,597,564	4,692,644
CHARLES	3,936,516	5,757,283	7,509,769
DORCHESTER	656,543	960,215	1,252,500
FREDERICK	5,893,461	8,619,378	11,243,071
GARRETT	664,714	972,166	1,268,088
HARFORD	5,529,741	8,087,426	10,549,195
HOWARD	9,821,066	14,363,628	18,735,839
KENT	366,147	535,502	698,506
MONTGOMERY	27,227,553	39,821,180	51,942,533
PRINCE GEORGE'S	19,554,579	28,599,207	37,304,652
QUEEN ANNE'S	1,105,527	1,616,869	2,109,035
ST. MARY'S	2,485,697	3,635,413	4,742,013
SOMERSET	480,124	702,197	915,942
TALBOT	628,456	919,138	1,198,918
WASHINGTON	3,094,113	4,525,240	5,902,699
WICOMICO	2,173,593	3,178,951	4,146,607
WORCESTER	1,271,561	1,859,699	2,425,781".

On page 37, in line 13, strike "**2017**" and substitute "**2016**".

AMENDMENT NO. 13

On page 43, in line 17, strike "**NICKEL**" and substitute "**DIME**"; in line 21, strike "**2010**" and substitute "**2009**"; and in the same line, strike "**2–YEAR**" and substitute "**3–YEAR**".

AMENDMENT NO. 14

On page 43, after line 29, insert:

"13–954.

(a) In this section, "motor vehicle" means a:

(1) Class A (passenger) vehicle;

(2) Class B (for hire) vehicle;

(3) Class C (funeral and ambulance) vehicle;

(4) Class D (motorcycle) vehicle;

(5) Class E (truck) vehicle;

(6) Class F (tractor) vehicle;

(7) Class H (school) vehicle;

(8) Class J (vanpool) vehicle;

(9) Class M (multipurpose) vehicle;

(10) Class P (passenger bus) vehicle;

(11) Class Q (limousine) vehicle;

(12) Class R (low speed) vehicle; or

(13) Vehicle within any other class designated by the Administrator.

(b) (1) In addition to the registration fee otherwise required by this title, the owner of any motor vehicle registered under this title shall pay a surcharge of **[**$13.50**] $15.50** per year for each motor vehicle registered.

(2) $2.50 of the surcharge collected under paragraph (1) of this subsection shall be paid into the Maryland Trauma Physician Services Fund established under § 19–130 of the Health – General Article.".

AMENDMENT NO. 15

On page 43, before line 30, insert:

"21–1414.

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

(2) "AUTHORITY" MEANS THE MARYLAND TRANSPORTATION AUTHORITY.

[(2)**] (3)** "Electronic toll collection" means a system **[**of collecting tolls or charges**] IN A TOLL COLLECTION FACILITY** that is capable of **[**charging an account holder for the appropriate toll by electronic transmission of**] COLLECTING** information **[**between a device on a motor vehicle and a device in a toll lane at a toll collection facility**] FROM A MOTOR VEHICLE FOR USE IN CHARGING TOLLS**.

[(3) "Pay" means paying a toll by cash, by permitting a charge against a valid account with the Maryland Transportation Authority, or by another means of payment approved by the Authority at the time.**]**

(4) "NOTICE OF TOLL DUE" OR "NOTICE" MEANS A WRITTEN ADMINISTRATIVE NOTICE OF AN UNPAID TOLL TRANSACTION.

(5) "RECORDED IMAGE" MEANS AN IMAGE OF A MOTOR VEHICLE PASSING THROUGH A TOLL COLLECTION FACILITY THAT:

(I) IS RECORDED BY A VIDEO MONITORING SYSTEM ON:

1. ONE OR MORE PHOTOGRAPHS, MICROGRAPHS, OR ELECTRONIC IMAGES;

2. VIDEOTAPE; OR

3. ANY OTHER MEDIUM; AND

(II) SHOWS EITHER THE FRONT OR REAR OF THE MOTOR VEHICLE, ON AT LEAST ONE IMAGE OR PORTION OF TAPE, CLEARLY IDENTIFYING THE LICENSE PLATE NUMBER AND STATE OF THE MOTOR VEHICLE.

(6) "REGISTERED OWNER" MEANS, WITH RESPECT TO A MOTOR VEHICLE, THE PERSON OR PERSONS DESIGNATED AS THE REGISTERED OWNER IN THE RECORDS OF THE STATE AGENCY THAT IS RESPONSIBLE FOR MOTOR VEHICLE REGISTRATION.

(7) "TOLL COLLECTION FACILITY" MEANS ANY POINT ON AN AUTHORITY HIGHWAY WHERE A TOLL IS INCURRED AND IS REQUIRED TO BE PAID.

(8) "TOLL VIOLATION" MEANS THE FAILURE TO PAY AN UNPAID TOLL TRANSACTION WITHIN THE TIME PRESCRIBED BY THE AUTHORITY IN A NOTICE OF TOLL DUE.

(9) "UNPAID TOLL TRANSACTION" MEANS ANY TRANSACTION IN WHICH A MOTOR VEHICLE DOES NOT PAY A TOLL AT THE TIME OF PASSAGE THROUGH A TOLL COLLECTION FACILITY.

[(4)**] (10) [**"Video–monitoring system"**] "VIDEO MONITORING SYSTEM"** means a motor vehicle **[**sensor**] DEVICE** installed to work in conjunction with a toll collection facility that **[**automatically**]** produces a **[**photograph, microphotograph, videotape, or other**]** recorded image of the license plate **NUMBER AND STATE** of a motor vehicle when **[**the operator of the motor vehicle fails to pay a toll**] AN UNPAID TOLL TRANSACTION OCCURS**.

(b) (1) If the operator of a motor vehicle fails to pay the prescribed toll at any Authority highway where tolls are collected by means of electronic toll collection, the registered owner of the motor vehicle shall be liable to the [Maryland Transportation] Authority for payment of the **UNPAID** toll [and a civil penalty] **TRANSACTION** as provided for in the regulations of the [Maryland Transportation] Authority.

(2) THE AUTHORITY SHALL SEND TO THE REGISTERED OWNER OF A MOTOR VEHICLE THAT HAS INCURRED AN UNPAID TOLL TRANSACTION A NOTICE OF TOLL DUE.

(3) THE REGISTERED OWNER OF THE MOTOR VEHICLE WHO RECEIVES A NOTICE OF TOLL DUE SHALL HAVE 30 DAYS TO PAY THE AMOUNT DUE.

(C) (1) EXCEPT WHEN OTHERWISE DETERMINED BY THE DISTRICT COURT FOLLOWING A TRIAL TO CONTEST LIABILITY AS PROVIDED IN THIS SECTION, FAILURE OF THE REGISTERED OWNER TO PAY THE AMOUNT DUE UNDER A NOTICE OF TOLL DUE BY THE DATE STATED ON THE NOTICE SHALL CONSTITUTE A TOLL VIOLATION SUBJECT TO CIVIL CITATION AND CIVIL PENALTY AS PROVIDED IN THE REGULATIONS OF THE AUTHORITY.

(2) A registered owner of a vehicle shall not be liable for a civil penalty imposed under this section if the operator of the vehicle has been convicted of failure or refusal to pay a toll under § 21–1413 of this subtitle for the same violation.

[(c)] **(D)** (1) The [Maryland Transportation] Authority or its duly authorized agent shall send a citation via first–class mail, no later than 60 days after the alleged **TOLL** violation, to [each] **THE** person alleged to be liable under this section as a registered owner.

(2) Personal service upon the [registered owner] **PERSON ALLEGED TO BE LIABLE** shall not be required, and a record of mailing kept in the ordinary course of business shall be admissible evidence of the mailing of the **NOTICE OF TOLL DUE AND** citation.

(3) A citation shall contain:

(i) The name and address of the [registered owner] **PERSON** alleged to be liable under this section;

(ii) The [registration] **LICENSE PLATE** number **AND STATE OF REGISTRATION** of the motor vehicle involved in [such violation] **THE UNPAID TOLL TRANSACTION**;

(iii) The location where [such violation] **THE UNPAID TOLL TRANSACTION** took place;

(iv) The date and time of [such violation] **THE UNPAID TOLL TRANSACTION**;

(v) The amount of the [toll not paid] **UNPAID TOLL TRANSACTION AND THE DATE IT WAS DUE**;

(VI) A COPY OF THE RECORDED IMAGE;

(VII) A STATEMENT THAT THE NOTICE OF TOLL DUE WAS NOT PAID BY THE DATE STATED ON THE NOTICE;

[(vi)] **(VIII)** The amount of the civil penalty; and

[(vii)] **(IX)** The date by which the toll and penalty must be paid.

(4) A citation shall also include:

(i) Information advising the person **ALLEGED TO BE** liable under this section of the manner and the time in which liability alleged in the citation may be contested;

(ii) The statutory defenses described in subsection [(f)] **(G)** of this section; and

(iii) A warning that failure to pay the toll and civil [penalty or] **PENALTY,** to contest liability in the manner and time [prescribed] **PRESCRIBED, OR**

TO APPEAR AT A TRIAL REQUESTED is an admission of liability and a waiver of available defenses, and may result in **[**the entry of a default judgment or in**]** the refusal or suspension of the motor vehicle registration **AND REFERRAL FOR COLLECTION**.

(5) A person receiving the citation for a violation under this section may:

(i) Pay the toll and the civil penalty directly to the **[**Maryland Transportation**]** Authority; or

(ii) Elect to stand trial for the alleged violation.

(6) If the **[**registered owner of a motor vehicle who is**] PERSON ALLEGED TO BE** liable under this section fails to **ELECT TO STAND TRIAL OR TO** pay the prescribed toll and civil penalty within 60 days after mailing of the citation, **OR IS ADJUDICATED TO BE LIABLE AFTER TRIAL,** the **[**Maryland Transportation**]** Authority or its duly authorized agent may:

(i) Collect the toll**[**,**] AND** the civil penalty**[**, and administrative expenses by civil action commenced in the District Court for the jurisdiction in which the alleged failure to pay a toll occurred; or**] BY ANY MEANS OF COLLECTION PROVIDED BY LAW; AND**

(ii) Notify the Administration of the failure to pay the toll and civil penalty in accordance with § 27–110 of this article.

(III) NO ADDITIONAL HEARING OR PROCEEDING IS REQUIRED BEFORE THE ADMINISTRATION TAKES ACTION WITH RESPECT TO THE REGISTERED VEHICLE OF THE OWNER UNDER § 27–110 OF THIS ARTICLE.

[(d)**] (E) (1)** A certificate alleging that a **[**failure to pay a**]** toll **VIOLATION** occurred, sworn to or affirmed by a duly authorized agent of the **[**Maryland Transportation**]** Authority, based upon inspection of **[**photographs, videotape, or other electronically recorded images of the license plate of a motor vehicle produced by an electronic toll collection video–monitoring system**] A RECORDED IMAGE, TOLL COLLECTION RECORDS, AND RECORDS OF THE STATE**

AGENCY THAT IS RESPONSIBLE FOR MOTOR VEHICLE REGISTRATION, AND THE CERTIFICATE shall be evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation under this section.

(2) THE CITATION, INCLUDING THE CERTIFICATE, SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF LIABILITY FOR THE TOLL VIOLATION AND CIVIL PENALTY.

[(e)**] (F)** Adjudication of liability under this section:

(1) Shall be based upon a preponderance of evidence;

(2) May not be deemed a conviction of a registered owner of a motor vehicle under the Motor Vehicle Code;

(3) May not be made part of the registered owner's motor vehicle operating record; and

(4) May not be considered in the provision of motor vehicle insurance coverage.

[(f)**] (G)** (1) **[**If a person**] IF THE DISTRICT COURT FINDS THAT AT THE TIME THE TOLL IS INCURRED, THE VEHICLE IS OPERATED BY AN INDIVIDUAL** other than the registered owner **[**of the motor vehicle is adjudicated responsible for the failure to pay the toll**] AND WITHOUT THE EXPRESS OR IMPLIED CONSENT OF THE REGISTERED OWNER**, then the registered owner is not liable under this section.

(2) If the registered owner is a lessor of motor vehicles, and at the time of the **[**failure to pay a toll**] UNPAID TOLL TRANSACTION** the motor vehicle involved was in the possession of a lessee, and the lessor within 30 days of the citation provides the **[**Maryland Transportation**]** Authority or its duly authorized agent with a copy of the lease agreement identifying the lessee, then the lessee shall be liable under this section **AND SHALL BE SENT A NOTICE OF TOLL DUE**.

(3) If the motor vehicle involved in **[**a failure to pay a toll**] AN UNPAID TOLL TRANSACTION** is operated using a dealer or transporter registration plate, and at the time of the **[**violation**] UNPAID TOLL TRANSACTION** the motor vehicle was

under the custody and control of a person other than the **OWNER OF THE** dealer or transporter **REGISTRATION PLATE**, and if the **OWNER OF THE** dealer or transporter **REGISTRATION PLATE** within 30 days of the citation **[**identifies**]** **PROVIDES** to the **[**Maryland Transportation**]** Authority or its duly authorized agent **A COPY OF THE LEASE OR OTHER CONTRACTUAL AGREEMENT INDENTIFYING** the person who had custody and control over the motor vehicle at the time of the **[**violation**]** **UNPAID TOLL TRANSACTION**, then that person and not the **OWNER OF THE** dealer or transporter **REGISTRATION PLATE** shall be liable under this section **AND SHALL BE SENT A NOTICE OF TOLL DUE**.

(4) If a motor vehicle is reported to a law enforcement agency as stolen at the time of the **[**failure to pay a toll, or within a reasonable period of time after the registered owner becomes aware of the theft,**]** **UNPAID TOLL TRANSACTION, AND THE REGISTERED OWNER WITHIN 30 DAYS OF THE CITATION PROVIDES TO THE AUTHORITY OR ITS DULY AUTHORIZED AGENT A COPY OF THE POLICE REPORT SUBSTANTIATING THAT THE MOTOR VEHICLE WAS STOLEN AT THE TIME OF THE UNPAID TOLL TRANSACTION,** then the registered owner of the motor vehicle is not liable under this section.

[(5) (i) If within 30 days of notice of a violation, a registered owner provides to the Maryland Transportation Authority or its duly authorized agent substantial evidence of the identity of the person who was operating the motor vehicle at the time of the violation, then that person shall be subject to liability under this section and shall be sent a citation under subsection (c) of this section.

(ii) If that person subsequently admits to or is adjudicated responsible for failure to pay the toll, then the registered owner is not liable under this section.**]**

21–1415.

(A) THE MARYLAND TRANSPORTATION AUTHORITY IN CONSULTATION WITH THE ADMINISTRATOR MAY ENTER INTO AN AGREEMENT WITH ANOTHER JURISDICTION THAT PROVIDES FOR RECIPROCAL ENFORCEMENT OF TOLL VIOLATIONS BETWEEN THE STATE AND THE OTHER JURISDICTION.

(B) AN AGREEMENT MADE UNDER THIS SECTION SHALL PROVIDE THAT DRIVERS AND VEHICLES LICENSED IN THE STATE, WHILE OPERATING ON THE HIGHWAYS OF ANOTHER JURISDICTION, SHALL RECEIVE BENEFITS, PRIVILEGES, AND EXEMPTIONS OF A SIMILAR KIND OR TO A SIMILAR DEGREE WITH REGARD TO TOLL ENFORCEMENT AS ARE EXTENDED TO DRIVERS AND VEHICLES LICENSED OR REGISTERED IN THE OTHER JURISDICTION WHILE OPERATED IN THE STATE.

(C) A RECIPROCAL AGREEMENT UNDER THIS SECTION MAY PROVIDE FOR ENFORCEMENT OF TOLL VIOLATIONS BY REFUSAL OR SUSPENSION OF THE REGISTRATION OF A MOTOR VEHICLE IN ACCORDANCE WITH § 27–110 OF THIS ARTICLE.

27–110.

(a) The Administration **[**may not register or transfer**] SHALL REFUSE OR SUSPEND** the registration of any **MOTOR** vehicle **[**involved in a failure to pay**] INCURRING** a toll violation under § 21–1414 of this article if:

(1) It is notified by the Maryland Transportation Authority that a registered owner **[**who has received a notice of violation of**] HAS BEEN SERVED WITH A CITATION IN ACCORDANCE WITH** § 21–1414 of this article **[**has failed to either**] AND**:

(i) **[**Pay**] HAS FAILED TO PAY** the toll and the civil penalty for the **[**violation**] CITATION** by the date specified in the **[**notice of violation**] CITATION**; or

(ii) **[**File a notice of intention**] HAS FAILED** to contest liability for the **TOLL** violation **BY THE DATE IDENTIFIED AND IN THE MANNER SPECIFIED IN THE CITATION**; or

(2) It is notified by the District Court that a person who elected to contest liability for a **TOLL** violation of § 21–1414 of this article has failed to appear for trial **OR HAS BEEN DETERMINED TO BE GUILTY OF THE TOLL VIOLATION**.

[(b) Notwithstanding the provisions of subsection (a) of this section, the Administration may suspend the registration of a vehicle involved in a failure to pay a toll violation under § 21–1414 of this article if notified by the Maryland Transportation Authority that the violator is a chronic offender.]

[(c)] **(B)** In conjunction with the Maryland Transportation Authority, the Administration may adopt rules and regulations [to define chronic offender and to] **AND** develop procedures to carry out the [suspension and refusal to register or transfer] **REFUSAL OR SUSPENSION OF A** registration **AS** authorized by this section.

[(d)] **(C)** The procedures specified in this section are in addition to any other penalty provided by law for [the failure to pay a toll or appear for trial for a failure to pay a toll violation] **TOLL VIOLATIONS** under § 21–1414 of this article.

(D) THE PROVISIONS OF THIS SECTION MAY BE APPLIED TO ENFORCE A RECIPROCAL AGREEMENT ENTERED INTO BY THE STATE AND ANOTHER JURISDICTION IN ACCORDANCE WITH § 21–1415 OF THIS ARTICLE.".

AMENDMENT NO. 16

On page 43, after line 30, insert:

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

(a) Prior to making any adjustments to capitation payments for a managed care organization, the Secretary of Health and Mental Hygiene, in consultation with the Maryland Insurance Commissioner, shall adopt regulations to implement the provisions of § 15–605(c)(5) of the Insurance Article.

(b) The regulations adopted under subsection (a) of this section shall:

(1) establish the definition of "loss ratio" for uniform application by all managed care organizations;

(2) establish procedures requiring the Secretary of Health and Mental Hygiene to consider the financial performance of a managed care organization in prior periods;

(3) establish standard data collection and reporting requirements for all managed care organizations;

(4) consistent with the provisions of § 15–605(c)(5) of the Insurance Article, establish a process for allowing a managed care organization to appeal a decision of the Secretary of Health and Mental Hygiene to adjust a managed care organization's capitation payments; and

(5) establish a mechanism for, and conditions under which, an adjustment to the capitation rates of a managed care organization are made.

(c) The Secretary of Health and Mental Hygiene shall adopt any additional regulations necessary to carry out the provisions of § 15–605(c)(5) of the Insurance Article and the goals of the Health Choice Program.

(d) Any regulations adopted by the Secretary of Health and Mental Hygiene, that adjust capitated payments to managed care organizations if the medical loss ratio of a managed care organization is less than 85%, may not apply to a calendar year preceding the calendar year in which the regulations are adopted.".

AMENDMENT NO. 17

On page 60, after line 25, insert:

"$111,063 of the funds in the Maryland Not–For–Profit Development Center Program Fund established under § 5–1204 of the Economic Development Article;".

AMENDMENT NO. 18

On page 60, after line 32, insert:

"$7,775,000 of the funds in the accounts of the University System of Maryland;

$381,000 of the funds in the accounts of Morgan State University;".

AMENDMENT NO. 19

On page 61, before line 1, insert:

"$351,000 of the funds in the special fund established under § 11–401 of the Business Regulation Article;".

AMENDMENT NO. 20

On page 61, in line 37, strike "$209,000" and substitute "$1,867,000".

AMENDMENT NO. 21

On page 62, strike beginning with "Notwithstanding" in line 4 down through "(i)" in line 8; and in line 13, strike "(ii)" and substitute "(2)".

AMENDMENT NO. 22

On page 65, strike in their entirety lines 12 through 17, inclusive.

AMENDMENT NO. 23

On page 65, strike in their entirety lines 29 through 34, inclusive.

AMENDMENT NO. 24

On page 66, after line 31, insert:

"SECTION 21. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that funding be provided in the annual budget to upgrade the Maryland Institute for Emergency Medical Services System communications systems.".

AMENDMENT NO. 25

On page 67, after line 5, insert:

"SECTION 25. AND BE IT FURTHER ENACTED, That the changes made to § 10–127 of the Labor and Employment Article under Section 1 of this Act and Section 9 of this Act shall take effect June 1, 2012, contingent on the taking effect of Chapter ____ (S.B. 745 / H.B. 1017) of the Acts of the General Assembly of 2012, and if Chapter ____ (S.B. 745 / H.B. 1017) does not become effective, the changes made to § 10–127 of the Labor and Employment Article and Section 9 of this Act shall be null and void without the necessity of further action by the General Assembly.".

AMENDMENT NO. 26

On page 8, after line 6, insert:

"**(3) BALTIMORE COUNTY – $3,000,000;**";

in line 7, 8, 9, 10, 11, and 12, strike "**(3)**", "**(4)**", "**(5)**", "**(6)**", "**(7)**", and "**(8)**", respectively, and substitute "**(4)**", "**(5)**", "**(6)**", "**(7)**", "**(8)**", and "**(9)**", respectively; and in line 10, strike "**$7,628,702**" and substitute "**$9,628,702**".

AMENDMENT NO. 27

On page 13, strike in their entirety lines 1 through 24, inclusive.

AMENDMENT NO. 28

On page 13, in line 29, after "**SUBTITLE**" insert "**IN THE FOLLOWING FISCAL YEAR**".

AMENDMENT NO. 29

On page 59, after line 32, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

5–105.

(a) All revenues received by a county board shall be spent by the board in accordance with the major categories of its annual budget as provided under § 5–101 of this subtitle.

(c) **[**Nonlocal**]EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, NONLOCAL** funds received by a county board after the adoption of the annual budget by the county fiscal authority may be spent by the county board if the county fiscal authority is notified and approves of:

(1) The source and amount of the funds; and

(2) The manner of spending the funds.

(D) (1) FUNDS RECEIVED BY THE COUNTY BOARD UNDER § 2–608(A)(1) OF THE TAX – GENERAL ARTICLE AFTER THE ADOPTION OF THE ANNUAL BUDGET BY THE COUNTY FISCAL AUTHORITY MAY BE SPENT BY THE

COUNTY BOARD AFTER APPROVAL BY THE COUNTY FISCAL AUTHORITY UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(2) THE COUNTY FISCAL AUTHORITY SHALL APPROVE THE AMOUNT OF FUNDS RECEIVED BY THE COUNTY BOARD UNDER § 2–608(A)(1) OF THE TAX – GENERAL ARTICLE WITHIN 30 DAYS AFTER THE COMPTROLLER MAKES THE DISTRIBUTION TO THE COUNTY BOARD.

(3) IF THE COUNTY FISCAL AUTHORITY FAILS TO TAKE ACTION WITHIN 30 DAYS AFTER THE DISTRIBUTION BY THE COMPTROLLER, THE FAILURE TO TAKE ACTION CONSTITUTES APPROVAL.".

AMENDMENT NO. 30

On page 65, in line 36, strike "2016" and substitute "2015".

On page 66, strike in their entirety lines 1 through 26, inclusive, and substitute:

"County	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015
Allegany	1,487,742	2,175,870	2,272,982
Anne Arundel	11,493,684	16,809,886	19,219,485
Baltimore City	12,922,862	18,900,106	18,522,464
Baltimore	15,755,802	23,043,371	25,571,286
Calvert	2,835,938	4,147,651	4,882,636
Caroline	793,934	1,161,155	1,219,022
Carroll	4,005,782	5,858,585	6,883,123
Cecil	2,459,819	3,597,564	4,056,774
Charles	3,936,516	5,757,283	6,768,811
Dorchester	656,543	960,215	963,685
Frederick	5,893,461	8,619,378	10,125,066
Garrett	664,714	972,166	986,295
Harford	5,529,741	8,087,426	9,058,054
Howard	9,821,066	14,363,628	17,719,601
Kent	366,147	535,502	549,906
Montgomery	27,227,553	39,821,180	45,600,931
Prince George's	19,554,579	28,599,207	30,547,361
Queen Anne's	1,105,527	1,616,869	1,814,204

St. Mary's	2,485,697	3,635,413	4,128,731
Somerset	480,124	702,197	633,323
Talbot	628,456	919,138	972,589
Washington	3,094,113	4,525,240	4,985,107
Wicomico	2,173,593	3,178,951	3,341,320
Worcester	1,271,561	1,859,699	2,011,770";

in line 27, strike "2017" and substitute "2016"; and in lines 29 and 31, in each instance, strike "2016" and substitute "2015".

AMENDMENT NO. 31

On page 66, after line 40, insert:

"SECTION 24. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for a county that does not meet the maintenance of effort requirement under § 5–202(d) of the Education Article in fiscal year 2012 and approves a county income tax rate of 3.2% before July 1, 2012, the county may reduce by 15% its required fiscal year 2013 maintenance of effort amount, which shall be calculated based on the required maintenance of effort amount for fiscal year 2012, provided that the required fiscal 2013 per pupil amount may not be less than the amount appropriated per pupil in fiscal 2012.".

AMENDMENT NO. 32

On page 67, before line 6, insert:

"SECTION 26. AND BE IT FURTHER ENACTED, That Sections 3 and 24 of this Act are contingent on the taking effect of Chapter__ (S.B. 848) or Chapter__ (H.B. 1412) of the Acts of the General Assembly of 2012, and if Chapter__ (S.B. 848) or Chapter__ (H.B. 1412) does not become effective, Sections 3 and 24 of this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION 27. AND BE IT FURTHER ENACTED, That Section 5 of this Act shall take effect July 1, 2014.".

AMENDMENT NO. 33

On page 60, in lines 1, 4, 6, and 13, strike "3.", "4.", "5.", and "6.", respectively, and substitute "4.", "5.", "6.", and "7.", respectively.

On page 61, in lines 9, 16, and 35, strike "7.", "8.", and "9.", respectively, and substitute "8.", "9.", and "10.", respectively.

On page 62, in lines 3 and 24, strike "10." and "11.", respectively, and substitute "11." and "12.", respectively.

On page 63, in lines 9, 13, and 17, strike "12.", "13.", and "14.", respectively, and substitute "13.", "14.", and "15.", respectively.

On page 64, in line 18, strike "15." and substitute "16.".

On page 65, in line 35, strike "21." and substitute "19.".

On page 66, in lines 27, 32, and 38, strike "22.", "23.", and "24.", respectively, and substitute "20.", "22.", and "23.", respectively; and in line 31, strike "21" and substitute "19".

On page 67, in line 6, strike "25." and substitute "28.".

The preceding 33 amendments were read only.

Delegate Conway moved to make the Bill and Amendments a Special Order for Thursday.

The motion was adopted.

THE COMMITTEE ON APPROPRIATIONS REPORT #7

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

House Bill 19 – Delegate Kach

AN ACT concerning

State Retirement and Pension System – Military Service Credit – Reservists

HB0019/904767/1
BY: Appropriations Committee

AMENDMENT TO HOUSE BILL 19

(First Reading File Bill)

On page 2, in line 32, after "Guard" insert "**OR OF A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES**".

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 162 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Administrative and Operational Expenses – Certifications and Notifications

HB0162/974169/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 162
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first "of" insert "altering the timing of a certain reimbursement to certain accumulation funds for certain administrative and operational expenses of the Board of Trustees for the State Retirement and Pension System and the State Retirement Agency; requiring that certain reimbursements to certain accumulation funds be done in a certain manner; requiring the Board of Trustees to offset certain reimbursements in a certain manner;"; strike beginning with "for" in line 4 down through "System" in line 5; in line 7, strike "certain dates" and substitute "a certain date"; and in line 13, after "Section" insert "21–303(d) and".

AMENDMENT NO. 2

On page 1, after line 18, insert:

"21–303.

(d) (1) 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) 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.

(3) (i) **1.** Notwithstanding paragraph (2) of this subsection, if a budget amendment is approved in any fiscal year for administrative and operational expenses for the Board of Trustees and the State Retirement Agency, the Board of Trustees may transfer the amount approved by budget amendment from the accumulation funds of the State Retirement and Pension System to the expense funds of the State Retirement and Pension System.

[(ii)**]** **2. A. [**Any**] SUBJECT TO ITEM B OF THIS SUBSUBPARAGRAPH, ANY** funds transferred from the accumulation funds under **[**subparagraph (i) of this paragraph**] SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH** shall be reimbursed to the accumulation funds on or before June 30 of the **SECOND** following fiscal year from payments for administrative and operational expenses received by the Board of Trustees under § 21–316 of this subtitle.

B. ANY FUNDS TRANSFERRED FROM THE ACCUMULATION FUNDS UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH RESULTING FROM AN UNDERPAYMENT OF ADMINISTRATIVE AND OPERATIONAL EXPENSES OWED BY THE STATE AND LOCAL EMPLOYERS UNDER § 21–316 OF THIS SUBTITLE, SHALL BE REIMBURSED TO THE ACCUMULATION FUNDS AS PART OF THE ANNUAL OR QUARTERLY ADMINISTRATIVE AND OPERATIONAL EXPENSE REIMBURSEMENTS ON OR BEFORE JUNE 30 OF THE SECOND FOLLOWING FISCAL YEAR FROM PAYMENTS FOR ADMINISTRATIVE AND OPERATIONAL EXPENSES RECEIVED BY THE BOARD OF TRUSTEES UNDER § 21–316 OF THIS SUBTITLE BY THE APPROPRIATE EMPLOYERS.

(II) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, IF THE BOARD OF TRUSTEES AND THE STATE RETIREMENT

AGENCY RECEIVE ADMINISTRATIVE AND OPERATIONAL EXPENSES IN EXCESS OF THE AMOUNT EXPENDED, THE BOARD OF TRUSTEES SHALL OFFSET THE ANNUAL OR QUARTERLY ADMINISTRATIVE AND OPERATIONAL EXPENSE REIMBURSEMENTS OF THE APPROPRIATE EMPLOYERS ON OR BEFORE JUNE 30 OF THE SECOND FOLLOWING FISCAL YEAR BY THE EXCESS AMOUNT OF ADMINISTRATIVE AND OPERATIONAL EXPENSES RECEIVED.".

AMENDMENT NO. 3

On page 2, in line 25, strike the brackets; in the same line, strike "May 1" and substitute "**FEBRUARY 1**"; strike beginning with "**IN**" in line 25 down through "**THE**" in line 26; in line 27, strike the brackets; strike beginning with "**SEND**" in line 27 down through "**CERTIFICATION**" in line 28; and in line 28, strike "**OF**".

On page 3, strike in their entirety lines 1 through 6, inclusive; in lines 7, 11, 14, 17, and 20, in each instance, strike the brackets; and in lines 7, 11, 14, 17, and 20, strike "**(3)**", "**(4)**", "**(5)**", "**(6)**", and "**(7)**", respectively.

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 362 – Delegates Rudolph and James

AN ACT concerning

Northeast Maryland Higher Education Advisory Board

HB0362/224863/1
BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 362
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "date;" insert "declaring the intent of the General Assembly;".

AMENDMENT NO. 2

On page 2, in line 22, strike "**NINE**" and substitute "**10**".

On page 3, in line 3, strike "**AND**"; after line 3, insert:

"**(VI) ONE REPRESENTATIVE OF THE NORTHEAST MARYLAND UNIVERSITY RESEARCH PARK; AND**";

and in line 4, strike "**(VI)**" and substitute "**(VII)**".

AMENDMENT NO. 3

On page 5, after line 19, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Higher Education and Conference Center at HEAT located in Aberdeen, Maryland change its name to the Northeast Maryland Higher Education Center.";

and in line 20, strike "3." and substitute "4.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 630 – Delegates Haynes, Anderson, Barkley, Clagett, DeBoy, Gaines, Guzzone, Hubbard, and James

AN ACT concerning

State Retirement and Pension Systems – Reemployment of Retirees – Parole and Probation Employees

HB0630/614064/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 630
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "employees;" insert "requiring the Secretary of Public Safety and Correctional Services to submit a certain report on certain retirees on or before a certain date;"; in line 16, after "22–406(c)(4)(x)" insert "and (p)"; and in the same line, after "23–407(c)(4)(viii)" insert "and (p)".

AMENDMENT NO. 2

On page 2, in line 20, and on page 3, in line 9, in each instance, after "**BASIS**" insert "**FOR NOT MORE THAN 4 YEARS**".

On page 2, in line 21, and on page 3, in line 10, in each instance, strike "**AS DESCRIBED IN § 6–108**" and substitute "**IN A POSITION AUTHORIZED UNDER TITLE 6, SUBTITLE 1**".

On page 2, after line 22, insert:

"**(P) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL SUBMIT A REPORT IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE TO THE JOINT COMMITTEE ON PENSIONS THAT PROVIDES:**

(1) THE NUMBER OF REHIRED RETIREES UNDER SUBSECTION (C)(4)(X) OF THIS SECTION;

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

(3) THE NUMBER OF PAROLE AND PROBATION EMPLOYEES HIRED WHO ARE NOT RETIREES; AND

(4) THE ANNUAL SALARY OF EACH PAROLE AND PROBATION EMPLOYEE WHO IS HIRED.".

On page 3, after line 11, insert:

"**(P) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL SUBMIT A REPORT IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE TO THE JOINT COMMITTEE ON PENSIONS THAT PROVIDES:**

(1) THE NUMBER OF REHIRED RETIREES UNDER SUBSECTION (C)(4)(VIII) OF THIS SECTION;

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

(3) THE NUMBER OF PAROLE AND PROBATION EMPLOYEES HIRED WHO ARE NOT RETIREES; AND

(4) THE ANNUAL SALARY OF EACH PAROLE AND PROBATION EMPLOYEE WHO IS HIRED.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 801 – Delegates Griffith, Bohanan, Clagett, Haynes, Proctor, B. Robinson, Sophocleus, and Zucker

AN ACT concerning

State Retirement and Pension System – Transfer of Members Between Systems

HB0801/504166/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 801
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "but" in line 8 down through "date;" in line 9 and substitute "and is subject to the same requirements to which an individual who was a member of the subsequent system on a certain date and remains a member on a certain date is subject;".

AMENDMENT NO. 2

On page 1, in line 22, strike "**SERVICE**" and substitute "**EMPLOYMENT**"; and in line 24, after "**INDIVIDUAL**" insert "**:**

(1)".

On page 2, in lines 3, 13, and 34, in each instance, strike "**, BUT**" and substitute "**; AND**

(2)";

in line 3, after the second "**THE**" insert "**SAME**"; strike beginning with "**THAT**" in line 3 down through the second "**REQUIREMENTS**" in line 6 and substitute "**TO WHICH AN INDIVIDUAL WHO WAS A MEMBER OF THE EMPLOYEES' PENSION SYSTEM OR THE TEACHERS' PENSION SYSTEM ON JUNE 30, 2011, AND REMAINS A MEMBER ON JULY 1, 2011, IS SUBJECT**"; in lines 9, 19, and 30, in each instance, strike "**SERVICE**" and substitute "**EMPLOYMENT**"; in lines 11, 21, and 32, in each instance, after "**INDIVIDUAL**" insert "**:**

(1)";

in line 13, after the third "**THE**" insert "**SAME**"; strike beginning with "**THAT**" in line 14 down through the second "**REQUIREMENTS**" in line 16 and substitute "**TO WHICH AN INDIVIDUAL WHO WAS A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM ON JUNE 30, 2011, AND REMAINS A MEMBER ON JULY 1, 2011, IS SUBJECT**"; strike beginning with the comma in line 23 down through "**BUT**" in line 24 and substitute "**; AND**

(2)";

in lines 24 and 35, in each instance, after the first "**THE**" insert "**SAME**"; and strike beginning with "**THAT**" in line 24 down through "**REQUIREMENTS**" in line 27 and substitute "**TO WHICH AN INDIVIDUAL WHO WAS A MEMBER OF THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM ON JUNE 30, 2011, AND REMAINS A MEMBER ON JULY 1, 2011, IS SUBJECT**".

On pages 2 and 3, strike beginning with "**THAT**" in line 35 on page 2 down through "**REQUIREMENTS**" in line 2 on page 3 and substitute "**TO WHICH AN INDIVIDUAL WHO WAS A MEMBER OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM ON JUNE 30, 2011, AND REMAINS A MEMBER ON JULY 1, 2011, IS SUBJECT**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 326 – Senator DeGrange

EMERGENCY BILL

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Anne Arundel County – Benson–Hammond House

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #10

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

House Bill 442 – The Speaker (By Request – Administration) and Delegates Davis, Feldman, Frick, Mizeur, and Washington

AN ACT concerning

Economic Development – Maryland Technology Development Corporation – Maryland Innovation Initiative

HB0442/883695/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 442
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "Initiative;" insert "establishing the Maryland Innovation Initiative Fund; providing that the Fund is a certain special, nonlapsing fund; requiring the State Treasurer to hold the Fund separately and to invest the money in the Fund; requiring the Comptroller to account for the Fund;"; in line 13, after "Maryland" insert "and the Board of Regents of Morgan State University"; in lines 14 and 19, in each instance, strike "Board" and substitute "Boards"; in line 16, after "institution" insert "and Morgan State University"; in line 20, after "information;" insert "providing that a certain requirement that interest and other income be credited to the General Fund does not apply to the Fund;"; and in line 27, strike "10–459" and substitute "10–460".

On page 2, in line 4, after "12–104.1" insert "and 14–104.1"; in line 9, after "12–113" insert "and 14–110"; after line 11, insert:

"BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(1) and (2)(i)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)";

in line 14, after "Section" insert "6–226(a)(2)(ii)62. and 63. and"; and after line 16, insert:

"BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)64.
Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 2, after line 29, insert:

"**(D) "FUND" MEANS THE MARYLAND INNOVATION INITIATIVE FUND ESTABLISHED UNDER § 10–457 OF THIS PART.**";

in line 30, strike "**(D)**" and substitute "**(E)**"; and in line 31, strike "**10–456**" and substitute "**10–455**".

On page 3, in lines 1, 3, 6, and 9, strike "**(E)**", "**(F)**", "**(G)**", and "**(H)**", respectively, and substitute "**(F)**", "**(G)**", "**(H)**", and "**(I)**", respectively; in line 2, strike "**ESTABLISHED UNDER**" and substitute "**DESCRIBED IN**"; in line 15, after "**GOVERNMENT**" insert "**NOT AFFILIATED WITH MARYLAND HIGHER EDUCATION**"; and in line 17, after "**SECTOR**" insert "**NOT AFFILIATED WITH MARYLAND HIGHER EDUCATION**".

On page 4, in line 3, after "**(C)**" insert "**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ONLY THE UNIVERSITIES LISTED UNDER SUBSECTION (B)(3) OF THIS SECTION MAY QUALIFY FOR PARTICIPATION IN THE INITIATIVE.**

(2)";

in line 4, strike "**AT LEAST $250,000**" and substitute "**, AS SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION, A CONTRIBUTION**"; after line 5, insert:

"**(3) (I) TO QUALIFY FOR PARTICIPATION IN THE INITIATIVE, THE FOLLOWING UNIVERSITIES SHALL PAY AN ANNUAL CONTRIBUTION OF AT LEAST $200,000:**

1. JOHNS HOPKINS UNIVERSITY;

2. UNIVERSITY OF MARYLAND, BALTIMORE; AND

3. UNIVERSITY OF MARYLAND, COLLEGE PARK.

(II) TO QUALIFY FOR PARTICIPATION IN THE INITIATIVE, THE FOLLOWING UNIVERSITIES SHALL PAY AN ANNUAL CONTRIBUTION OF AT LEAST $100,000:

1. MORGAN STATE UNIVERSITY; AND

2. UNIVERSITY OF MARYLAND BALTIMORE COUNTY.

(4) A UNIVERSITY LISTED UNDER SUBSECTION (B)(3) OF THIS SECTION MAY ELECT TO WITHDRAW AS A PARTICIPATING MEMBER FOR FUTURE YEARS ON PROVIDING 60 DAYS' WRITTEN NOTICE TO THE CHAIR OR EXECUTIVE DIRECTOR OF THE INITIATIVE.";

in line 13, after "**BUDGET**" insert "**OR UNDER THE APPLICABLE TRAVEL REGULATIONS OF A UNIVERSITY IF THE UNIVERSITY REIMBURSES THE PARTICIPATING MEMBER**"; in line 14, strike "**A**"; and in line 17, strike "**(A)**".

On page 5, after line 3, insert:

"**10–457.**

(A) THERE IS A MARYLAND INNOVATION INITIATIVE FUND.

(B) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING FOR THE PURPOSES DESCRIBED IN § 10–456 OF THIS PART.";

in line 4, strike "**(B)**" and substitute "**(C)**"; in the same line, strike "**INITIATIVE**" and substitute "**FUND**"; strike line 5 in its entirety and substitute:

"**(D) THE FUND CONSISTS OF:**";

in line 7, after "**UNIVERSITIES**" insert "**UNDER § 10–455 OF THIS PART**"; in line 9, strike "**AND**" and substitute:

"**(4) INTEREST OR OTHER INCOME EARNED ON THE INVESTMENT OF MONEY IN THE FUND; AND**";

in line 10, strike "**(4)**" and substitute "**(5)**"; strike line 12 in its entirety and substitute:

"**(E) MONEY IN THE FUND MAY BE USED ONLY TO:**";

after line 15, insert:

"**(F) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

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

(4) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.";

in line 16, strike "**10–457.**" and substitute "**10–458.**"; and in line 22, strike "**GRANT FUNDING**" and substitute "**GRANTS, OTHER FUNDS, AND IN–KIND CONTRIBUTIONS**".

On page 6, in line 1, strike "**MAY**" and substitute "**SHALL**"; in line 14, strike "**10–458.**" and substitute "**10–459.**"; after line 14, insert:

"**(A) ONLY QUALIFYING UNIVERSITIES, AS PROVIDED UNDER § 10–455 OF THIS PART, MAY SUBMIT PROPOSALS FOR GRANT FUNDING FROM THE INITIATIVE.**";

and in lines 15, 18, and 20, strike "**(A)**", "**(B)**", and "**(C)**", respectively and substitute "**(B)**", "**(C)**", and "**(D)**", respectively.

On page 7, in line 1, strike "**(D)**" and substitute "**(E)**"; and in line 3, strike "**10–459.**" and substitute "**10–460.**".

On page 9, strike beginning with "**NOTIFY**" in line 1 down through "**BY**" in line 2 and substitute "**INCLUDE IN THAT PROCESS**"; and in line 17, strike the comma and substitute "**AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE FINANCE COMMITTEE, THE HOUSE ECONOMIC MATTERS COMMITTEE,**".

On page 10, in line 5, strike "**ARTICLE**" and substitute "**SUBTITLE**".

AMENDMENT NO. 3

On page 11, after line 5, insert:

"**14–104.1.**

(A) IN THIS SECTION, "HIGH IMPACT ECONOMIC DEVELOPMENT ACTIVITY" MEANS AN INITIATIVE, TRANSACTION, OR OTHER UNDERTAKING BY MORGAN STATE UNIVERSITY TO CREATE OR FACILITATE:

(1) 20 OR MORE NEW JOBS IN THE STATE;

(2) THE AWARD OR COMPLETION OF AT LEAST $1,000,000 IN EXTERNALLY FUNDED RESEARCH OR OTHER PROJECTS;

(3) THE ESTABLISHMENT OR RELOCATION OF ONE OR MORE NEW COMPANIES TO BE REGISTERED OR INCORPORATED IN THE STATE AND DOING BUSINESS IN THE STATE;

(4) THE PRODUCTION OF AT LEAST $1,000,000 OF ANNUAL GROSS REVENUE;

(5) THE LICENSING AND POTENTIAL COMMERCIALIZATION OF A PROMISING NEW TECHNOLOGY OR OTHER PRODUCT; OR

(6) AN ACADEMIC PROGRAM TO MEET WORKFORCE DEMAND IN A DOCUMENTED LABOR SHORTAGE FIELD.

(B) TO PROMOTE THE ECONOMIC INTERESTS OF THE STATE AS MANDATED IN §§ 10–205(A) AND 15–107 OF THIS ARTICLE, THE MORGAN STATE

UNIVERSITY SHALL UTILIZE ITS POWERS AS A PUBLIC CORPORATION ESTABLISHED IN § 14–104 OF THIS SUBTITLE TO UNDERTAKE HIGH IMPACT ECONOMIC DEVELOPMENT ACTIVITIES THAT SUPPORT:

(1) JOB CREATION AND WORKFORCE DEVELOPMENT;

(2) TECHNOLOGY TRANSFER, COMMERCIALIZATION, AND ENTREPRENEURSHIP; AND

(3) INCREASED SPONSORED RESEARCH FUNDING AND OTHER REVENUES.

(C) IN ORDER FOR AN ACTIVITY TO QUALIFY AS A HIGH IMPACT ECONOMIC DEVELOPMENT ACTIVITY:

(1) THE PRESIDENT OR THE PRESIDENT'S DESIGNEE, SHALL CERTIFY THAT THE ACTIVITY MEETS THE CRITERIA DEFINED IN SUBSECTION (A) OF THIS SECTION; AND

(2) THE PRESIDENT OR THE PRESIDENT'S DESIGNEE, SHALL NOTIFY THE BOARD OF REGENTS AND THE BOARD OF PUBLIC WORKS OF ANY CERTIFIED ACTIVITY FOR REVIEW.

(D) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR ANY HIGH IMPACT ECONOMIC ACTIVITY WITHIN THE SCOPE OF § 5–310 OR § 10–305 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE BOARD OF REGENTS SHALL BE FULLY RESPONSIBLE FOR ADMINISTERING THE REVIEW AND COMMENT PROCESS PRESCRIBED IN THOSE SECTIONS.

(2) IN ADMINISTERING THE REVIEW AND COMMENT PROCESS PRESCRIBED IN §§ 5–310 AND 10–305 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE BOARD OF REGENTS SHALL INCLUDE IN THE PROCESS THE APPROPRIATE LEGISLATIVE COMMITTEES AND UNITS OF STATE GOVERNMENT, WHICH MAY INCLUDE:

(I) COMMITTEES OF THE GENERAL ASSEMBLY;

(II) THE BOARD OF PUBLIC WORKS;

(III) THE MARYLAND HISTORIC TRUST;

(IV) THE DEPARTMENT OF PLANNING;

(V) THE DEPARTMENT OF THE ENVIRONMENT; AND

(VI) THE DEPARTMENT OF NATURAL RESOURCES.

(3) THE BOARD OF REGENTS SHALL ADOPT POLICIES AND PROCEDURES TO ENSURE THAT THE NOTICE AND OPPORTUNITY FOR REVIEW ARE CONDUCTED IN A MANNER THAT PROVIDES A REASONABLE PERIOD TO COMPLETE WHILE NOT IMPAIRING THE INSTITUTION'S CAPACITY FOR THE EXPEDITIOUS AND SUCCESSFUL PURSUIT OF A HIGH IMPACT ECONOMIC DEVELOPMENT ACTIVITY.

(E) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE BOARD OF REGENTS SHALL REPORT TO THE BOARD OF PUBLIC WORKS AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE FINANCE COMMITTEE, THE HOUSE ECONOMIC MATTERS COMMITTEE, THE SENATE BUDGET AND TAXATION COMMITTEE, AND THE HOUSE APPROPRIATIONS COMMITTEE ON THE HIGH IMPACT ECONOMIC DEVELOPMENT ACTIVITIES UNDERTAKEN UNDER THIS SECTION DURING THE PRECEDING FISCAL YEAR.

14–110.

(a) Consistent with § 15–107 of this article and any other applicable law, the Board of Regents may establish, invest in, finance, and operate businesses or business entities when the Board of Regents finds that doing so would further one or more goals of the University and is related to the mission of the University.

(b) (1) A business entity established, invested in, financed, or operated in accordance with this [subsection] **SECTION** may not be considered an agency or instrumentality of the State or a unit of the Executive Branch for any purpose.

(2) A financial obligation or liability of a business entity established, invested in, financed, or operated in accordance with this [subsection] **SECTION** may not be a debt or obligation of the State or the University.

(C) (1) SUBJECT TO THE REQUIREMENTS OF THIS SECTION, THE UNIVERSITY MAY ESTABLISH, INVEST IN, FINANCE, OR OPERATE A CORPORATION, FOUNDATION, CONSORTIUM, OR OTHER ENTITY THAT IS INTENDED TO SUPPORT A HIGH IMPACT ECONOMIC DEVELOPMENT ACTIVITY, AS DEFINED IN § 14–104.1 OF THIS SUBTITLE.

(2) NOTWITHSTANDING THE PROVISIONS OF §§ 15–501 THROUGH 15–504 OF THE STATE GOVERNMENT ARTICLE AND SUBJECT TO § 15–523 OF THE STATE GOVERNMENT ARTICLE, AN OFFICIAL OR EMPLOYEE OF A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY BE A DIRECTOR, OFFICIAL, OR EMPLOYEE OF AN ENTITY INTENDED TO SUPPORT A HIGH IMPACT ECONOMIC DEVELOPMENT ACTIVITY, IF THE INDIVIDUAL'S PARTICIPATION ADVANCES THE INTERESTS OF THE UNIVERSITY.

(3) DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE DOES NOT APPLY TO TRANSACTIONS BETWEEN AN ENTITY ESTABLISHED, FINANCED, OR OPERATED UNDER THIS SUBSECTION AND THE UNIVERSITY THAT ESTABLISHED, FINANCED, OR OPERATED THE ENTITY.

(4) (I) THE BOARD OF REGENTS SHALL ADOPT POLICIES AND PROCEDURES GOVERNING THE ESTABLISHMENT OF HIGH IMPACT ECONOMIC DEVELOPMENT ENTITIES TO ENSURE THAT THE UNIVERSITY'S PARTICIPATION IN THE ENTITY FURTHERS THE INTERESTS OF THE UNIVERSITY AND THE STATE.

(II) THE POLICIES AND PROCEDURES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE REQUIREMENTS FOR:

1. RECOGNITION OF THE ENTITY BY THE BOARD OF REGENTS;

2. AN ANNUAL AUDIT OF THE ENTITY BY AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT; AND

3. ADEQUATE SAFEGUARDS WITH REGARD TO CONFLICTS OF INTEREST, PROPER CONTRACTING PRACTICES, AND OTHER FUNDAMENTAL ETHICAL AND BUSINESS PRACTICE STANDARDS.

[(c)**] (D)** The Board of Regents shall submit to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, an annual report on:

(1) The business entities established in accordance with this section;

(2) Funds invested in, and financing provided to, business entities established in accordance with this section;

(3) Ownership interests in any business entities established in accordance with this section; and

(4) The current status of the business entities.";

in line 24, after "**SERVICES;**" insert "**AND**"; strike beginning with "**PURCHASES**" in line 25 down through "**D.**" in line 27; and in line 28, after "**ARTICLE**" insert "**, EXCEPT FOR DISPOSITIONS OF PERSONAL PROPERTY THAT WAS PURCHASED WITH THE PROCEEDS OF A GENERAL OBLIGATION LOAN**".

AMENDMENT NO. 4

On page 11, after line 6, insert:

"6–226.

(a) (1) Except as otherwise specifically provided by law or by regulation of the Treasurer, the Treasurer shall credit to the General Fund any interest on or other income from State money that the Treasurer invests.

(2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

62. Veterans Trust Fund; **[**and**]**

63. Transportation Trust Fund**; AND**

64. MARYLAND INNOVATION INITIATIVE FUND.".

The preceding 4 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 571 – Delegates Frick, Feldman, Barkley, Barve, Bobo, Cardin, George, Guzzone, Hixson, Hucker, Ivey, Kaiser, A. Kelly, Kramer, Lee, Love, Luedtke, A. Miller, W. Miller, Minnick, Mizeur, Murphy, Reznik, Serafini, Stocksdale, Summers, Vaughn, Walker, and Zucker

AN ACT concerning

State Procurement – Banking Services Preference – Lend Local Act of 2012

HB0571/883592/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 571
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Zucker" and substitute "Zucker, Barnes, McHale, and Olszewski"; in line 2, strike "State Procurement – Banking Services Preference" and substitute "Linked Deposit Program for Small Businesses"; strike beginning with "requiring" in line 3 down through "State" in line 9 and substitute "establishing a Linked Deposit Program for Small Businesses in the Department of Housing and Community Development for a certain purpose; specifying

that certain loans qualify under the Program; requiring the Department of Housing and Community Development to confirm with the Department of General Services that certain loans are made to certain businesses; requiring the Department of Housing and Community Development to establish certain procedures for a certain notification; requiring the Department of Housing and Community Development to receive loan applications from small businesses and forward loan applications to lenders; requiring the Department of Housing and Community Development to require small businesses to notify the Department of Housing and Community Development concerning final loan disposition; requiring the Department of Housing and Community Development to report annually to the Governor, the Treasurer, and the General Assembly on the overall performance of the Program; authorizing the Treasurer to establish the Program for investment of deposits in certain financial institutions; authorizing the Treasurer to make certain interest bearing deposits; authorizing the Treasurer to accept a rate that is a certain percent below current market rates or a certain index; authorizing the Treasurer to use up to a certain amount to make certain interest bearing deposits; requiring the Treasurer to reduce a certain loan amount on a certain notification; prohibiting a certain small business from being considered unqualified for certain purposes under certain circumstances; providing that a certain loan is not a debt of the State or a pledge of the credit of the State; providing that the Treasurer and the State are not liable to certain financial institutions for certain payments of a loan assisted by a linked deposit; authorizing the Treasurer and the Department of Housing and Community Development to adopt certain regulations; requiring the Treasurer to meet with representatives from the Maryland banking industry and certain related stakeholders for certain purposes; requiring the Treasurer to report to the General Assembly on or before a certain date; and generally relating to the establishment of a Linked Deposit Program for Small Businesses"; strike in their entirety lines 10 through 19, inclusive, and substitute:

"BY adding to
Article – State Finance and Procurement
Section 6–212
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 23 on page 1 through line 23 on page 3, inclusive, and substitute:

"**6–212.**

(A) (1) THERE IS A LINKED DEPOSIT PROGRAM FOR SMALL BUSINESSES IN THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

(2) THE PURPOSE OF THE LINKED DEPOSIT PROGRAM FOR SMALL BUSINESSES IS TO STIMULATE OPPORTUNITIES FOR SMALL BUSINESSES TO HAVE ACCESS TO CREDIT BY ASSISTING THESE BUSINESSES IN OBTAINING LOANS AT LOWER THAN MARKET INTEREST RATES.

(B) A LOAN QUALIFIES UNDER THE LINKED DEPOSIT PROGRAM FOR SMALL BUSINESSES IF THE LOAN:

(1) SATISFIES THE LENDING CRITERIA OF THE FINANCIAL INSTITUTION;

(2) HAS A TERM NOT EXCEEDING 10 YEARS;

(3) IS MADE TO A SMALL BUSINESS QUALIFIED UNDER TITLE 14, SUBTITLE 5 OF THIS ARTICLE;

(4) HAS AN INTEREST RATE THAT IS 2 PERCENTAGE POINTS BELOW THE INTEREST RATE THE FINANCIAL INSTITUTION WOULD CHARGE FOR A LOAN FOR A SIMILAR PURPOSE AND A SIMILAR TERM; AND

(5) HAS POINTS OR FEES CHARGED AT LOAN CLOSING NOT EXCEEDING 1 PERCENT OF THE LOAN AMOUNT.

(C) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL:

(1) CONFIRM WITH THE DEPARTMENT OF GENERAL SERVICES THAT EACH LOAN UNDER THE LINKED DEPOSIT PROGRAM FOR SMALL BUSINESSES IS MADE TO A BUSINESS THAT QUALIFIES AS A SMALL BUSINESS;

(2) ESTABLISH PROCEDURES FOR NOTIFICATION BY THE DEPARTMENT OF GENERAL SERVICES IF A BUSINESS THAT HAS AN OUTSTANDING BALANCE OF A LOAN UNDER THE LINKED DEPOSIT PROGRAM FOR SMALL BUSINESSES NO LONGER QUALIFIES AS A SMALL BUSINESS;

(3) REQUIRE SMALL BUSINESSES AND LENDERS TO NOTIFY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT CONCERNING FINAL LOAN DISPOSITION; AND

(4) REPORT ANNUALLY TO THE GOVERNOR, THE TREASURER, AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON OVERALL PERFORMANCE OF THE LINKED DEPOSIT PROGRAM FOR SMALL BUSINESSES.

(D) THE TREASURER MAY ESTABLISH THE LINKED DEPOSIT PROGRAM FOR SMALL BUSINESSES FOR INVESTMENT OF DEPOSITS IN ANY FINANCIAL INSTITUTION THAT:

(1) THE TREASURER HAS DESIGNATED AS A DEPOSITORY FOR STATE MONEY; AND

(2) MAKES A LOAN IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

(E) (1) THE TREASURER MAY MAKE ONE OR MORE INTEREST BEARING DEPOSITS THAT ARE EQUAL TO:

(I) THE AMOUNT OF THE LOAN MADE BY THE FINANCIAL INSTITUTION IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION; OR

(II) THE AGGREGATE AMOUNT OF TWO OR MORE LOANS MADE BY ONE OR MORE FINANCIAL INSTITUTIONS IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

(2) IN MAKING AN INTEREST BEARING DEPOSIT UNDER THIS SUBSECTION, THE TREASURER MAY ACCEPT A RATE THAT IS 2 PERCENTAGE

POINTS BELOW CURRENT MARKET RATES OR AN INDEX SELECTED BY THE TREASURER.

(3) THE TREASURER MAY USE UP TO $50,000,000 TO MAKE INTEREST BEARING DEPOSITS IN AN AMOUNT EQUIVALENT TO THE AMOUNT FINANCIAL INSTITUTIONS LOAN TO QUALIFIED SMALL BUSINESSES.

(F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON NOTIFICATION BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT THAT A SMALL BUSINESS PARTICIPATING IN THE LINKED DEPOSIT PROGRAM FOR SMALL BUSINESSES NO LONGER QUALIFIES AS A SMALL BUSINESS UNDER TITLE 14, SUBTITLE 5 OF THIS ARTICLE, THE TREASURER SHALL REDUCE THE AMOUNT OF THE INTEREST BEARING DEPOSIT WITH THE PARTICIPATING FINANCIAL INSTITUTION BY THE OUTSTANDING BALANCE OF THE LOAN MADE UNDER THIS SECTION TO THE SMALL BUSINESS THAT NO LONGER QUALIFIES UNDER TITLE 14, SUBTITLE 5 OF THIS ARTICLE.

(2) A SMALL BUSINESS THAT LOSES ITS QUALIFICATION DUE TO REVENUE OR EMPLOYEE GROWTH MAY NOT BE CONSIDERED UNQUALIFIED FOR PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION.

(G) (1) A LOAN ASSISTED BY A LINKED DEPOSIT IS NOT A DEBT OF THE STATE OR A PLEDGE OF THE CREDIT OF THE STATE.

(2) THE TREASURER AND THE STATE ARE NOT LIABLE TO ANY FINANCIAL INSTITUTION FOR PAYMENT OF THE PRINCIPAL OR INTEREST ON A LOAN ASSISTED BY A LINKED DEPOSIT.

(H) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE TREASURER MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The State Treasurer shall meet with representatives from the Maryland banking industry and any related stakeholders and identify:

(1) impediments to participating in the procurement process for the selection of designated State depositories, including State agency and linked–deposit programs; and

(2) any possible solutions to any impediments identified under item (1) of this subsection.

(b) On or before December 31, 2012, the Treasurer shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the results of the meetings with representatives from the Maryland banking industry and any related stakeholders to the General Assembly.".

On page 3, in line 24, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 713 – Delegate Feldman

AN ACT concerning

Commercial Law – Uniform Commercial Code – Secured Transactions – Revision

HB0713/593899/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 713
(First Reading File Bill)

AMENDMENT NO. 1
On page 2, in line 7, after "9–408(b)," insert "9–502(c),".

AMENDMENT NO. 2
On page 8, after line 19, insert:

"9–502.

(c) A record of a mortgage is effective, from the date of recording, as a financing statement filed as a fixture filing or as a financing statement covering as–extracted collateral or timber to be cut only if:

(1) The record indicates the goods or accounts that it covers;

(2) The goods are or are to become fixtures related to the real property described in the record or the collateral is related to the real property described in the record and is as–extracted collateral or timber to be cut;

(3) The record satisfies the requirements for a financing statement in this section **[**other than an indication**], BUT:**

(I) THE RECORD NEED NOT INDICATE that it is to be recorded in the land records; and

(II) THE RECORD SUFFICIENTLY PROVIDES THE NAME OF A DEBTOR WHO IS AN INDIVIDUAL IF IT PROVIDES THE INDIVIDUAL NAME OF THE DEBTOR OR THE SURNAME AND FIRST PERSONAL NAME OF THE DEBTOR, EVEN IF THE DEBTOR IS AN INDIVIDUAL TO WHOM § 9–503(A)(4) APPLIES; AND

(4) The record is recorded.".

On page 9, in line 13, after the second "**NAME**" insert "**SO**".

On pages 9 and 10, strike in their entirety the lines beginning with line 27 on page 9 through line 4 on page 10, inclusive, and substitute:

"**(4) SUBJECT TO SUBSECTION (G), IF THE DEBTOR IS AN INDIVIDUAL TO WHOM THIS STATE HAS ISSUED A DRIVER'S LICENSE OR AN IDENTIFICATION CARD THAT HAS NOT EXPIRED, ONLY IF IT PROVIDES THE NAME OF THE INDIVIDUAL WHICH IS INDICATED ON THE DRIVER'S LICENSE OR IDENTIFICATION CARD;**

(5) IF THE DEBTOR IS AN INDIVIDUAL TO WHOM PARAGRAPH (4) DOES NOT APPLY, ONLY IF IT PROVIDES THE INDIVIDUAL NAME OF THE DEBTOR OR THE SURNAME AND FIRST PERSONAL NAME OF THE DEBTOR; AND".

On page 10, in line 5, strike "**(5)**" and substitute "**(6)**"; in lines 6 and 8, in each instance, strike the brackets; in lines 6 and 7 and 8 and 9, in each instance, strike "**THE FINANCING STATEMENT**"; and in lines 23 and 24, in each instance, strike "**(A)(4)(C)**" and substitute "**(A)(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 786 – Delegates Olszewski, Frick, Arora, and Clagett

AN ACT concerning

Financial Institutions – Credit Unions and Depository Institutions – Authority to Conduct Savings Promotion Raffles

HB0786/873990/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 786
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "raffles;" insert "requiring a depository institution or credit union offering a savings promotion raffle to post and disclose in certain materials a certain statement;"; and in line 8, after "language;" insert "altering certain definitions;".

On page 2, in line 3, strike "with" and substitute "without"; in line 17, strike "without" and substitute "with".

AMENDMENT NO. 2

On page 4, in line 7, strike "**AS AUTHORIZED**"; strike beginning with the second "customer" in line 17 down through "institution" in line 18; strike beginning with "Maintains" in line 19 down through "(ii)" in line 21; in line 22, strike "(iii)" and substitute "**(II)**"; strike beginning with "for" in line 24 down through "raffle" in line 25; strike beginning with "prize–linked" in line 26 down through "customer" in line 27 and substitute "**CONTEST:**

(I) ASSOCIATED WITH ONE OR MORE QUALIFIED DEPOSIT ACCOUNTS;

(II) CONDUCTED BY A DEPOSITORY INSTITUTION, ALONE OR TOGETHER WITH OTHER BUSINESSES; AND

(III) IN WHICH ELIGIBLE CUSTOMERS ARE OFFERED ONE OR MORE CHANCES TO WIN SPECIFIED PRIZES";

in line 28, strike the brackets; in the same line, strike "**TO THE EXTENT AUTHORIZED BY FEDERAL LAW, A**"; and strike beginning with "for" in line 29 down through "customers" in line 30.

On page 5, in line 1, strike "The sole consideration required" and substitute "**A REQUIREMENT**"; in line 2, strike "is" and substitute "**IS:**

1.";

in line 3, after "account" insert "**ACCORDING TO THE TERMS AND CONDITIONS DEVELOPED FOR THE SAVINGS PROMOTION RAFFLE; OR**

2. THE SUBMISSION OF ANY ENTRY ACCORDING TO THE TERMS AND CONDITIONS DEVELOPED FOR THE SAVINGS PROMOTION RAFFLE WITH NO DEPOSIT OR PURCHASE NECESSARY";

in line 4, strike "ticket or"; after line 11, insert:

"**(2) A DEPOSITORY INSTITUTION OFFERING A SAVINGS PROMOTION RAFFLE UNDER THIS SECTION SHALL POST IN ANY LOCATION WHERE ENTRIES MAY BE SUBMITTED AND DISCLOSE IN ANY MATERIALS**

PROMOTING THE RAFFLE A STATEMENT DESCRIBING THE TERMS AND CONDITIONS OF THE RAFFLING INCLUDING THAT:

(I) NO PURCHASE IS NECESSARY;

(II) MAKING DEPOSITS OR PURCHASING GOODS OR SERVICES WILL NOT IMPROVE THE ODDS OF WINNING; AND

(III) THE ODDS OF WINNING WILL BE DETERMINED BASED ON THE NUMBER OF ENTRIES RECEIVED.";

and in line 12, strike "(2)" and substitute "**(3)**".

AMENDMENT NO. 3

On page 5, strike beginning with "for" in line 29 down through "raffle" in line 30.

On page 6, strike beginning with "prize–linked" in line 1 down through "member" in line 2 and substitute "**CONTEST:**

(I) ASSOCIATED WITH ONE OR MORE QUALIFIED SHARE CERTIFICATE ACCOUNTS;

(II) CONDUCTED BY A CREDIT UNION, ALONE OR TOGETHER WITH OTHER BUSINESSES; AND

(III) IN WHICH ELIGIBLE CREDIT UNION MEMBERS ARE OFFERED ONE OR MORE CHANCES TO WIN SPECIFIED PRIZES".

AMENDMENT NO. 4

On page 6, in line 5, strike "The sole consideration required" and substitute "**A REQUIREMENT**"; in line 6, strike "is" and substitute "**IS:**

1.";

in the same line, strike "the" and substitute "**THE**"; in line 7, after "account" insert "**ACCORDING TO THE TERMS AND CONDITIONS DEVELOPED FOR THE SAVINGS PROMOTION RAFFLE; OR**

2. THE SUBMISSION OF AN ENTRY ACCORDING TO THE TERMS AND CONDITIONS DEVELOPED FOR THE SAVINGS PROMOTION RAFFLE WITH NO DEPOSIT OR PURCHASE NECESSARY";

in line 8, strike "ticket or"; after line 15, insert:

"**(C) A CREDIT UNION OFFERING A SAVINGS PROMOTION RAFFLE UNDER THIS SECTION SHALL POST IN ANY LOCATION WHERE ENTRIES MAY BE SUBMITTED AND DISCLOSE IN ANY MATERIALS PROMOTING THE RAFFLE A STATEMENT DESCRIBING THE TERMS AND CONDITIONS OF THE RAFFLE INCLUDING THAT:**

(1) NO PURCHASE IS NECESSARY;

(2) MAKING DEPOSITS OR PURCHASING GOODS OR SERVICES WILL NOT IMPROVE THE ODDS OF WINNING; AND

(3) THE ODDS OF WINNING WILL BE DETERMINED BASED ON THE NUMBER OF ENTRIES RECEIVED.";

and in line 16, strike "(c)" and substitute "**(D)**".

The preceding 4 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 997 – Delegates Washington, Anderson, Arora, Bobo, Braveboy, Carr, Clippinger, Conaway, Cullison, Davis, Feldman, Frick, Frush, Gaines, Glenn, Howard, Hucker, Jameson, Kaiser, A. Kelly, Luedtke, McIntosh, A. Miller, Mitchell, Mizeur, Morhaim, Murphy,

Nathan–Pulliam, Pena–Melnyk, B. Robinson, S. Robinson, Rosenberg, Summers, Tarrant, Vaughn, Walker, and Zucker

AN ACT concerning

Commercial Law – Rental–Purchase Agreements Best Practices Act

HB0997/323891/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 997
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 3 down through "circumstances;" in line 7; strike beginning with "establishing" in line 8 down through "time;" in line 11; in line 12, after "circumstances;" insert "requiring a certain written receipt to contain certain information;"; strike beginning with "requiring" in line 13 down through "void;" in line 18; strike beginning with "requiring" in line 19 down through "action;" in line 23; in line 24, strike "Office to place certain items on its"; in the same line, after "site" insert "to include a certain sample rental–purchase agreement; requiring certain information to be disclosed by the lessor"; and in line 25, strike "defining certain terms; altering certain definitions;".

On page 2, strike line 3 in its entirety and substitute:

"Section 12–1107 and 12–1112";

strike in their entirety lines 6 through 10, inclusive; in line 13, after "12–1110.1," insert "and"; and in the same line, strike ", and 12–1111.2".

AMENDMENT NO. 2

On pages 2 through 10, strike beginning with "12–1101." in line 19 on page 2 down through "**50%.**" in line 14 on page 10.

On page 10, in line 16, strike "**(A)**"; in the same line, after "**MAINTAIN**" insert "**A COPY OF THE RENTAL–PURCHASE AGREEMENT**"; and in the same line, strike "**4**" and substitute "**3**".

On pages 10 and 11, strike beginning with the comma in line 17 on page 10 down through "**PRICE**" in line 3 on page 11.

On page 11, in line 6, in each instance, strike the brackets; in the same line, strike the comma; in line 7, after "**OR**" insert "**, IF THE PAYMENT IS MADE IN ANY OTHER FORM, ON REQUEST**"; strike beginning with "**ANY**" in line 7 down through "**PAYMENT**" in line 8; and in line 9, after "**(B)**" insert "**THE WRITTEN RECEIPT SHALL CONTAIN THE:**

(1) TOTAL AMOUNT PAID;

(2) TOTAL AMOUNT DUE THAT WEEK OR MONTH; AND

(3) TOTAL REMAINING RENTAL PAYMENTS NECESSARY TO ACQUIRE OWNERSHIP OF THE ITEM.

(C)".

On pages 11 through 13, strike in their entirety the lines beginning with line 11 on page 11 through line 15 on page 13, inclusive.

On page 13, in line 19, strike "**RECEIVED ACTUAL**" and substitute "**BEEN SENT**"; in line 21, strike "**ACTUAL**"; strike beginning with "**ANY**" in line 22 down through "**(D)**" in line 24; and in line 25, after "**AGREEMENT**" insert "**, IF APPLICABLE**".

On pages 13 through 16, strike in their entirety the lines beginning with line 26 on page 13 through line 3 on page 16, inclusive.

On page 16, strike in their entirety lines 5 through 13, inclusive; strike beginning with "**THE**" in line 14 down through "**(B)**" in line 16; in line 16, after "**INCLUDE**" insert "**THE**"; in line 17, strike "**FORMS AND**"; strike beginning with "**AGREEMENTS**" in line 17 down through "**LESSORS**" in line 18 and substitute "**AGREEMENT IN § 12–1111 OF THIS SUBTITLE**"; and strike in their entirety lines 19 through 29, inclusive, and substitute:

"**(B) THE SAMPLE RENTAL–PURCHASE AGREEMENT SHALL INCLUDE A DISCLOSURE THAT REQUIRES THE LESSOR TO STATE:**

(1) THE CASH PRICE OF THE ITEM IF PAID IN FULL AT THE TIME OF PURCHASE;

(2) THE PAYMENT SCHEDULE FOR EITHER THE ITEM OR GROUP OF ITEMS IN THE TRANSACTION; AND

(3) THE TOTAL PURCHASE PRICE IF THE PAYMENT SCHEDULE ESTABLISHED IN ITEM (2) OF THIS SUBSECTION IS COMPLETED ACCORDING TO THE SCHEDULE.".

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 1027 – Delegates Barkley and Vaughn

AN ACT concerning

Credit Regulation – Retail Installment Sales and Closed End Credit – Debt Cancellation Agreements – Definitions

HB1027/583294/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1027
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "include" insert ", under certain circumstances,"; in line 7, after "vehicle" insert "or of certain collateral"; and strike beginning with "other" in line 9 down through "agreement" in line 10 and substitute "deferred payments and the refundable portion of any financed taxes and charges".

AMENDMENT NO. 2

On page 2, in line 6, after "**OR**" insert "**, IF THE BUYER DOES NOT HAVE INSURANCE THAT COVERS THE LOSS,**"; in lines 7 and 26, in each instance, after "**LOSS,**" insert "**DETERMINED**"; in lines 8 and 27, in each instance, strike "**DEBT CANCELLATION**"; in line 25, after "**OR**" insert "**, IF THE BORROWER DOES NOT HAVE INSURANCE THAT COVERS THE LOSS,**"; and in line 26, strike "**MOTOR VEHICLE**" and substitute "**COLLATERAL**".

AMENDMENT NO. 3

On page 2, in lines 11 and 30, in each instance, after "delinquent" insert "**OR DEFERRED**"; after line 15, insert:

"**(6) THE REFUNDABLE PORTION OF ANY FINANCED TAXES OR CHARGES, INCLUDING CHARGES FOR CREDIT LIFE INSURANCE, CREDIT HEALTH INSURANCE, CREDIT INVOLUNTARY UNEMPLOYMENT BENEFIT INSURANCE, AND MECHANICAL REPAIR CONTRACTS; OR**";

in line 16, strike "(6)" and substitute "**(7)**"; and strike beginning with the semicolon in line 17 down through "**AGREEMENT**" in line 19.

On page 3, after line 3, insert:

"**(6) THE REFUNDABLE PORTION OF ANY FINANCED TAXES OR CHARGES, INCLUDING CHARGES FOR CREDIT LIFE INSURANCE, CREDIT HEALTH INSURANCE, CREDIT INVOLUNTARY UNEMPLOYMENT BENEFIT INSURANCE, AND MECHANICAL REPAIR CONTRACTS; OR**";

in line 4, strike "(6)" and substitute "**(7)**"; and strike beginning with the semicolon in line 5 down through "**AGREEMENT**" in line 7.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0422**
SPONSOR: Sens Frosh and Colburn
SUBJECT: Criminal Procedure – Criminal Defendants – Citations and Appearances

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

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

Senator Frosh, Chairman
Senator Brochin
Senator Raskin.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0422**
SPONSOR: Sens Frosh and Colburn
SUBJECT: Criminal Procedure – Criminal Defendants – Citations and Appearances

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Frosh, Chair
Senator Brochin
Senator Raskin

The House appoints:
Delegate Dumais, Chairman

Delegate Anderson, and
Delegate McDermott.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #11

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

House Bill 769 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Unemployment Insurance – Coverage – Victims of Domestic Violence

HB0769/353199/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 769
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 14 and 20, in each instance, strike "immediate family member" and substitute "spouse, minor child, or parent".

AMENDMENT NO. 2

On page 3, in line 4, strike "**IMMEDIATE FAMILY MEMBER**" and substitute "**SPOUSE, MINOR CHILD, OR PARENT**"; and in lines 27 and 28, strike "**AN IMMEDIATE FAMILY MEMBER OF THE CLAIMANT**" and substitute "**THE CLAIMANT'S SPOUSE, MINOR CHILD, OR PARENT**".

AMENDMENT NO. 3

On page 4, in line 30, after "**PROVIDES**" insert "**ONE OF THE FOLLOWING TYPES OF**"; and in line 31, strike "**INCLUDING**".

On page 5, in line 1, after "**ISSUED**" insert "**TEMPORARY PROTECTIVE ORDER UNDER § 4–505 OF THE FAMILY LAW ARTICLE, A**"; in line 2, after "**ARTICLE**" insert a comma; in the same line, after "**OR**" insert "**ANY**"; in line 3, strike "**NONTEMPORARY**"; in the same line, after "**VIOLENCE;**" insert "**OR**"; and strike beginning with "**; OR**" in line 5 down through "**OFFICIAL**" in line 15.

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:

House Bill 835 – Delegate Barnes

AN ACT concerning

Workers' Compensation – Permanent Partial Disability Benefits – Washington Metropolitan Area Transit Authority

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 876 – Delegate Jameson

AN ACT concerning

Property and Casualty Insurance – Commercial Policies – Notices of Premium Increases

HB0876/193390/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 876
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, strike "percentage".

AMENDMENT NO. 2

On page 2, in line 5, strike "**$500**" and substitute "**$1,000**"; and in line 7, strike "**5% OR LESS**" and substitute "**THE LESSER OF 3% OR $300**".

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 1068 – Delegates Burns, Braveboy, Haddaway–Riccio, Harrison, Hucker, Impallaria, Kramer, W. Miller, Minnick, Olszewski, Schuh, Schulz, and Vaughn

AN ACT concerning

Homeowner's Insurance – Limitation on Number of Claims Made – Notice

HB1068/243594/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1068
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "the" in line 5 down through "refuses" in line 6 and substitute "certain claim–related grounds under which the insurer may cancel or refuse"; and strike beginning with "providing" in line 8 down through "statement;" in line 11.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 through 26, inclusive, and substitute:

"**(A) AN INSURER THAT OFFERS HOMEOWNER'S INSURANCE IN THE STATE SHALL PROVIDE A WRITTEN NOTICE TO THE INSURED AT THE TIME OF**

APPLICATION OR ISSUANCE AND AT EACH RENEWAL OF THE POLICY THAT STATES, IN SUBSTANTIALLY SIMILAR LANGUAGE, THAT, IN ADDITION TO THE OTHER ALLOWABLE REASONS FOR CANCELLATION OR REFUSAL TO RENEW UNDER MARYLAND LAW:

(1) THE INSURER MAY CANCEL OR REFUSE TO RENEW COVERAGE ON THE BASIS OF THE NUMBER OF CLAIMS MADE BY THE POLICYHOLDER WITHIN THE PRECEDING 3–YEAR PERIOD; AND

(2) THE INSURER MAY CANCEL OR REFUSE TO RENEW COVERAGE ON THE BASIS OF:

(I) THREE OR MORE WEATHER–RELATED CLAIMS MADE WITHIN THE PRECEDING 3–YEAR PERIOD;

(II) ONE OR MORE WEATHER–RELATED CLAIMS MADE WITHIN THE PRECEDING 3–YEAR PERIOD IF THE INSURER HAS PROVIDED WRITTEN NOTICE TO THE INSURED FOR REASONABLE OR CUSTOMARY REPAIRS OR REPLACEMENT SPECIFIC TO THE INSURED'S PREMISES OR DWELLING THAT:

1. THE INSURED FAILED TO MAKE; AND

2. IF MADE, WOULD HAVE PREVENTED THE LOSS FOR WHICH A CLAIM WAS MADE; AND

(III) A CHANGE IN THE PHYSICAL CONDITION OR CONTENTS OF THE PREMISES THAT:

1. INCREASES THE HAZARD INSURED AGAINST; AND

2. IF PRESENT AND KNOWN TO THE INSURER BEFORE THE ISSUANCE OF THE POLICY, WOULD HAVE CAUSED THE INSURER TO REFUSE TO ISSUE THE POLICY.

(B) IN ORDER TO SUPPORT CANCELLATION OR REFUSAL TO RENEW UNDER SUBSECTION (A)(2)(III) OF THIS SECTION, THE WRITTEN NOTICE:

(1) MUST REFER TO SPECIFIC CONDITIONS KNOWN TO THE INSURER CONCERNING THE INSURED'S SPECIFIC PREMISES OR DWELLING; AND

(2) MAY NOT BE A GENERAL NOTIFICATION OF REPAIRS OR REPLACEMENTS COMMON TO THAT TYPE OF PREMISES OR DWELLING.".

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 1085 – Delegates Schulz, Clagett, Frank, Glass, Hogan, Hough, McComas, and Wood

AN ACT concerning

Workers' Compensation – Emergency Responders – Revisions

HB1085/163295/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1085
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, before "specifying" insert "altering the definition of "volunteer company" to include a volunteer fire police unit;"; in line 10, after "purpose" insert "based on receipt of a certain membership benefit"; and strike in their entirety lines 22 through 26, inclusive.

AMENDMENT NO. 2

On page 3, in line 3, strike "and"; and in line 4, after "squad" insert "**; AND**

(V) A VOLUNTEER FIRE POLICE UNIT".

On page 6, after line 18, insert:

"**(AA) A MEMBER OF A VOLUNTEER COMPANY WHO IS NOT A COVERED EMPLOYEE UNDER THIS SECTION MAY NOT OTHERWISE BE CONSIDERED A COVERED EMPLOYEE FOR RECEIVING AS A MEMBERSHIP BENEFIT A YEARLY STIPEND OF $5,200 OR LESS TO HELP OFFSET OUT–OF–POCKET EXPENSES.**".

On page 7, strike beginning with "**ADVANCED**" in line 28 down through "**SQUAD**" in line 30 and substitute "**COMPANY, AS DEFINED IN § 9–234 OF THIS TITLE,**"; and strike in their entirety lines 33 through 36, inclusive.

On page 8, strike in their entirety lines 1 through 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 Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1105 – Delegates Hucker and Love

AN ACT concerning

Homeowner's Insurance and Private Passenger Motor Vehicle Insurance – Bundling Requirement – Prohibited

HB1105/963197/1
BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1105
(First Reading File Bill)

On page 1, in line 2, after "Homeowner's" insert "or Renter's"; and in lines 4, 10, and 13, in each instance, after "insurance" insert "or renter's insurance".

On page 1, in line 24, and on page 2, in lines 7, 11, and 16, in each instance, after "**INSURANCE**" insert "**OR RENTER'S INSURANCE**".

On page 2, in line 19, after the first "insurance" insert ", renter's insurance,".

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 1280 – Delegates McHale and Malone

AN ACT concerning

Public Utilities – Electric Vehicle Users and Charging Stations – Exclusions

HB1280/513799/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1280
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Malone" and substitute ", Malone, Haddaway–Riccio, and Jameson"; in line 6, before "to" insert "to include certain persons and"; and in line 8, after "station" insert ", with a certain exception".

AMENDMENT NO. 2

On page 3, in line 14, strike "(2)" and substitute "**(2) "RETAIL ELECTRIC CUSTOMER" INCLUDES:**

(I) A PERSON THAT OWNS OR OPERATES EQUIPMENT USED FOR CHARGING ELECTRIC VEHICLES, INCLUDING:

1. AN ELECTRIC VEHICLE CHARGING STATION;

2. ELECTRIC VEHICLE SUPPLY EQUIPMENT; OR

3. AN ELECTRIC VEHICLE CHARGING STATION SERVICE COMPANY OR PROVIDER; AND

(II) A PERSON THAT CHARGES AN ELECTRIC VEHICLE AT AN ELECTRIC VEHICLE CHARGING STATION THAT THE PERSON OWNS OR OPERATES.

(3)";

in the same line, strike "excludes" and substitute "**DOES NOT INCLUDE**"; in line 20, strike "**AND**" and substitute "**OR**"; and in line 21, after "**(III)**" insert "**EXCEPT AS PROVIDED IN PARAGRAPH (2)(II) OF THIS SUBSECTION,**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #10

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

House Bill 292 – Delegates Glenn, Anderson, Beidle, Conaway, Gilchrist, Hammen, McHale, McMillan, Mitchell, Niemann, Otto, B. Robinson, S. Robinson, Stein, Stukes, Tarrant, Vitale, Washington, and Wilson

AN ACT concerning

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

HB0292/570015/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 292
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike "establishing that" and substitute "altering"; strike beginning with "and" in line 7 down through "book" in line 8; and in line 9, strike "do not" and substitute "that".

AMENDMENT NO. 2

On page 3, in lines 4 and 16, in each instance, strike "**AND**"; in lines 5 and 17, in each instance, strike "**A**" and substitute "**:**

1. **A**";

and in lines 8 and 20, in each instance, after "**INSTRUCTION**" insert "**; AND**

2. **AT LEAST 19 HOURS, 3 HOURS OF WHICH MUST OCCUR DURING THE PERIOD BEGINNING 30 MINUTES BEFORE SUNSET AND ENDING 30 MINUTES AFTER SUNRISE, OF BEHIND–THE–WHEEL DRIVING PRACTICE SUPERVISED BY AN INDIVIDUAL WHO:**

A. **HOLDS A VALID DRIVER'S LICENSE;**

B. **IS AT LEAST 21 YEARS OLD; AND**

C. **HAS BEEN LICENSED TO DRIVE FOR AT LEAST 3 YEARS; AND**

(III) **UNLESS THE INDIVIDUAL SUBMITS, IN ACCORDANCE WITH THE ADMINISTRATION'S REGULATIONS, A COMPLETED SKILLS LOG BOOK SIGNED BY EACH SUPERVISING DRIVER WHO CERTIFIES THAT THE INDIVIDUAL HAS SATISFACTORILY DEMONSTRATED A REQUIRED SKILL AND HAS COMPLETED THE DRIVING PRACTICE REQUIREMENTS UNDER THIS PARAGRAPH**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 446 – The Speaker (By Request – Administration) and Delegates Beidle, Bobo, Clippinger, Feldman, Frush, Gaines, Glenn, Hucker, McIntosh, Mitchell, Niemann, S. Robinson, and Rosenberg

AN ACT concerning

Environment – Bay Restoration Fund – Fees

HB0446/790614/2

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 446
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Fees" insert "and Uses"; in line 3, strike "increasing" and substitute "altering"; strike beginning with "providing" in line 5 down through "circumstances" in line 6 and substitute "altering certain Bay Restoration Fees for certain buildings, groups of buildings, or nonresidential users beginning on a certain date; altering the manner in which the Bay Restoration Fee is calculated for certain buildings, groups of buildings, and nonresidential users; authorizing the Bay Restoration Fee to be calculated in a certain manner for a nonresidential user under certain circumstances; prohibiting a change in the manner of determining the Bay Restoration Fee that will reduce the amount of funds available for a certain purpose; requiring a local government or a certain billing authority to establish a certain hardship program, subject to approval by the Maryland Water Quality Financing Administration; establishing a maximum amount of funds that may be transferred to the Maryland Agriculture Water Quality Cost Share Program in the Department of Agriculture for certain activities beginning in a certain fiscal year; requiring certain funds remaining after certain distributions are made to be deposited in a certain account; requiring the Bay Restoration Fund to be used for grants to local governments for a certain purpose and in accordance with certain requirements in certain fiscal years; providing for a delayed effective date for certain provisions of this Act"; in line 7, strike "increasing"; in line 15, after "9–1605.2(b)" insert ", (d), and (i)"; and after line 17, insert:

"BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1605.2(h)

Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)
(As enacted by Chapter 428 of the Acts of the General Assembly of 2004)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1605.2(b)(1)(i)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)
(As enacted by Section 1 of this Act)".

AMENDMENT NO. 2

On page 2, in line 18, after "(1)" insert "**(I)**"; in lines 19, 29, and 31, strike "(i)", "(ii)", and "(iii)", respectively, and substitute "**1.**", "**2.**", and "**3.**", respectively; in line 19, strike the third bracket; in line 20, strike the bracket; in the same line, strike "**USER**"; in line 21, strike the brackets; in the same line, strike "$2.50" and substitute "**$5.00**"; strike beginning with the colon in line 21 down through "**SYSTEM**" in line 28; in line 30, strike "**AND**"; and in line 32, strike the third bracket.

On page 3, in line 1, strike "(iv) Beginning January 1, 2005, for" and substitute "**4. FOR**"; in line 5, strike "3,000" and substitute "**2,000**"; in lines 5 and 10, strike "1." and "3.", respectively, and substitute "**A.**" and "**B.**", respectively; in line 6, strike "$2.50" and substitute "**$5.00**"; in the same line, after "month;" insert "**AND**"; strike in their entirety lines 7 through 9, inclusive; in line 10, strike "5,000" and substitute "**2,000**"; in line 11, strike the bracket; and after line 11, insert:

"**(II) FOR A NONRESIDENTIAL USER, THE BAY RESTORATION FEE MAY BE CALCULATED BASED ON AN ESTIMATE OF EQUIVALENT DWELLING UNITS OF WASTEWATER EFFLUENT GENERATED, IF THE NONRESIDENTIAL USER'S WASTEWATER BILL IS BASED ON WASTEWATER GENERATED AND NOT ON WATER USAGE.**".

AMENDMENT NO. 3

On page 4, in line 10, after "(5)" insert "**(I)**"; after line 11, insert:

"**(II) ANY CHANGE IN THE MANNER OF DETERMINING THE BAY RESTORATION FEE MAY NOT REDUCE THE AMOUNT OF FUNDS AVAILABLE FOR THE PAYMENT OF OUTSTANDING BONDS.**";

and before line 12, insert:

"(d) (1) Subject to the approval of the Administration, a local government or a billing authority for a water or wastewater facility **[**may**]** **SHALL** establish a program to exempt from the requirements of this section a residential dwelling able to demonstrate substantial financial hardship as a result of the restoration fee.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the Bay Restoration Fee shall be collected by the local government or the billing authority for the water or wastewater facility, as appropriate, on behalf of the State.

(ii) For a wastewater facility without a billing authority, the Comptroller may collect the restoration fee from the facility owner.

(3) A local government, billing authority for a water or wastewater facility, or any other authorized collecting agency:

(i) May use all of its existing procedures and authority for collecting a water or sewer bill, an onsite sewage disposal system bill, or a holding tank bill in order to enforce the collection of the Bay Restoration Fee; and

(ii) Shall establish a segregated account for the deposit of funds collected under this section.

(4) (i) In Dorchester County, an unpaid Bay Restoration Fee shall be a lien against the property served by a wastewater facility, onsite sewage disposal system, or holding tank.

(ii) A notice of lien shall be recorded in the land records of Dorchester County.

(5) (i) In Caroline County, an unpaid Bay Restoration Fee shall be a lien against the property served by a wastewater facility, onsite sewage disposal system, or holding tank.

(ii) A notice of lien shall be recorded in the land records of Caroline County.

(h) (1) With regard to the funds collected under subsection **[**(b)(1)(i)**] (B)(1)(I)1**, from users of an onsite sewage disposal system or holding tank that receive a water bill, **[**(ii)**] (I)2**, and **[**(iii)**] (I)3** of this section, beginning in fiscal year 2006, the Comptroller shall:

(i) Establish a separate account within the Bay Restoration Fund; and

(ii) Disburse the funds as provided under paragraph (2) of this subsection.

(2) The Comptroller shall:

(i) Deposit 60% of the funds in the separate account to be used for:

1. Subject to paragraph (3) of this subsection, with priority first given to failing systems and holding tanks located in the Chesapeake and Atlantic Coastal Bays Critical Area and then to failing systems that the Department determines are a threat to public health or water quality, grants or loans for up to 100% of:

A. The costs attributable to upgrading an onsite sewage disposal system to the best available technology for the removal of nitrogen;

B. The cost difference between a conventional onsite sewage disposal system and a system that utilizes the best available technology for the removal of nitrogen;

C. The cost of repairing or replacing a failing onsite sewage disposal system with a system that uses the best available technology for nitrogen removal;

D. The cost, up to the sum of the costs authorized under item 1B of this item for each individual system, of replacing multiple onsite sewage disposal systems located in the same community with a new community sewerage system that is owned by a local government and that meets enhanced nutrient removal standards; or

E. The cost, up to the sum of the costs authorized under item 1C of this item for each individual system, of connecting a property using an onsite sewage disposal system to an existing municipal wastewater facility that is achieving enhanced nutrient removal level treatment.

2. The reasonable costs of the Department, not to exceed 8% of the funds deposited into the separate account, to:

A. Implement an education, outreach, and upgrade program to advise owners of onsite sewage disposal systems and holding tanks on the proper maintenance of the systems and tanks and the availability of grants and loans under item 1 of this item;

B. Review and approve the design and construction of onsite sewage disposal system or holding tank upgrades;

C. Issue grants or loans as provided under item 1 of this item; and

D. Provide technical support for owners of upgraded onsite sewage disposal systems or holding tanks to operate and maintain the upgraded systems; and

(ii) Transfer 40% of the funds to the Maryland Agriculture Water Quality Cost Share Program in the Department of Agriculture in order to fund cover crop activities.

(3) (i) Funding for the costs identified in paragraph (2)(i)1 of this subsection shall be provided in the following order of priority:

1. For owners of all levels of income, the costs identified in paragraph (2)(i)1A and B of this subsection; and

2. For low–income owners, as defined by the Department, the costs identified in paragraph (2)(i)1C of this subsection:

A. First, for best available technologies for nitrogen removal; and

B. Second, for other wastewater treatment systems.

(ii) Funding for the costs identified in paragraph (2)(i)1D of this subsection may be provided if:

1. The environmental impact of the onsite sewage disposal system is documented by the local government and confirmed by the Department;

2. It can be demonstrated that:

A. The replacement of the onsite sewage disposal system with a new community sewerage system is more cost effective for nitrogen removal than upgrading each individual onsite sewage disposal system; or

B. The individual replacement of the onsite sewage disposal system is not feasible; and

3. The new community sewerage system will only serve lots that have received a certificate of occupancy, or equivalent certificate, on or before October 1, 2008.

(iii) Funding for the costs identified in paragraph (2)(i)1E of this subsection may be provided only if all of the following conditions are met:

1. The environmental impact of the onsite sewage disposal system is documented by the local government and confirmed by the Department;

2. It can be demonstrated that:

A. The replacement of the onsite sewage disposal system with service to an existing municipal wastewater facility that is achieving enhanced nutrient removal level treatment is more cost–effective for nitrogen removal than upgrading the individual onsite sewage disposal system; or

B. The individual replacement of the onsite sewage disposal system is not feasible;

3. The project is consistent with the county's comprehensive plan and water and sewer master plan;

4. The onsite sewage disposal system was installed as of October 1, 2008, and the property the system serves is located in a priority funding area, in accordance with § 5–7B–02 of the State Finance and Procurement Article; and

5. The local government has adopted a policy or procedure that will guarantee that any future connection to an existing municipal wastewater facility that is funded under paragraph (2)(i)1E of this subsection will meet all of the requirements under this subparagraph.

(4) The Comptroller, in consultation with the Administration, may establish any other accounts and subaccounts within the Bay Restoration Fund as necessary to:

(i) Effectuate the purposes of this subtitle;

(ii) Comply with the provisions of any bond resolution;

(iii) Meet the requirements of any federal or State law or of any grant or award to the Bay Restoration Fund; and

(iv) Meet any rules or program directives established by the Secretary or the Board.

(i) (1) In this subsection, "eligible costs" means the additional costs that would be attributable to upgrading a wastewater facility from biological nutrient removal to enhanced nutrient removal, as determined by the Department.

(2) Funds in the Bay Restoration Fund shall be used only:

(i) To award grants for up to 100% of eligible costs of projects relating to planning, design, construction, and upgrade of a wastewater facility for flows up to the design capacity of the wastewater facility, as approved by the Department, to achieve enhanced nutrient removal in accordance with paragraph (3) of this subsection;

(ii) 1. In fiscal years 2005 through 2009, inclusive, for a portion of the costs of projects relating to combined sewer overflows abatement, rehabilitation of existing sewers, and upgrading conveyance systems, including pumping stations, not to exceed an annual total of $5,000,000; **[**and**]**

2. In fiscal years 2010 and thereafter, for a portion of the operation and maintenance costs related to the enhanced nutrient removal technology, which may not exceed 10% of the total restoration fee collected from users of wastewater facilities under this section by the Comptroller annually;

3. IN FISCAL YEARS 2018 AND THEREAFTER, AFTER PAYMENT OF OUTSTANDING BONDS AND THE ALLOCATION OF FUNDS TO OTHER REQUIRED USES OF THE BAY RESTORATION FUND FOR FUNDING IN THE FOLLOWING ORDER OF PRIORITY:

A. FOR FUNDING AN UPGRADE OF A WASTEWATER FACILITY TO ENHANCED NUTRIENT REMOVAL AT WASTEWATER FACILITIES WITH A DESIGN CAPACITY OF 500,000 GALLONS OR MORE PER DAY;

B. FOR FUNDING FOR THE MOST COST–EFFECTIVE ENHANCED NUTRIENT REMOVAL UPGRADES AT WASTEWATER FACILITIES WITH A DESIGN CAPACITY OF LESS THAN 500,000 GALLONS PER DAY;

C. FOR COSTS IDENTIFIED UNDER SUBSECTION (H)(2)(I)1 OF THIS SECTION; AND

D. WITH RESPECT TO A LOCAL GOVERNMENT THAT HAS ENACTED AND IMPLEMENTED A SYSTEM OF CHARGES UNDER § 4–204 OF THIS ARTICLE TO FULLY FUND THE IMPLEMENTATION OF A STORMWATER MANAGEMENT PROGRAM, FOR GRANTS TO THE LOCAL GOVERNMENT FOR A PORTION OF THE COSTS OF THE MOST COST–EFFECTIVE AND EFFICIENT STORMWATER CONTROL MEASURES, AS DETERMINED AND APPROVED BY THE DEPARTMENT, FROM THE RESTORATION FEES COLLECTED ANNUALLY BY THE COMPTROLLER FROM USERS OF WASTEWATER FACILITIES UNDER THIS SECTION;

(iii) As a source of revenue or security for the payment of principal and interest on bonds issued by the Administration if the proceeds of the sale of the bonds will be deposited in the Bay Restoration Fund;

(iv) To earn interest on Bay Restoration Fund accounts;

(v) For the reasonable costs of administering the Bay Restoration Fund, which may not exceed 1.5% of the total restoration fees imposed on users of wastewater facilities that are collected by the Comptroller annually;

(vi) For the reasonable administrative costs incurred by a local government or a billing authority for a water or wastewater facility collecting the restoration fees, in an amount not to exceed 5% of the total restoration fees collected by that local government or billing authority;

(vii) For future upgrades of wastewater facilities to achieve additional nutrient removal or water quality improvement, in accordance with paragraphs (6) and (7) of this subsection;

(viii) For costs associated with the issuance of bonds; and

(ix) Subject to the allocation of funds and the conditions under subsection (h) of this section, for projects related to the removal of nitrogen from onsite sewage disposal systems and cover crop activities.

(3) The grant agreement and State discharge permit, if applicable, shall require an owner of a wastewater facility to operate the enhanced nutrient removal facility in a manner that optimizes the nutrient removal capability of the facility in order to achieve enhanced nutrient removal performance levels.

(4) The grant agreement shall require a grantee to demonstrate, to the satisfaction of the Department, that steps were taken to include small business enterprises, minority business enterprises, and women's business enterprises by:

(i) Placing qualified small business enterprises, minority business enterprises, and women's business enterprises on solicitation lists;

(ii) Assuring that small business enterprises, minority business enterprises, and women's business enterprises are solicited whenever they are potential sources;

(iii) Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of small business enterprises, minority business enterprises, and women's business enterprises;

(iv) Establishing delivery schedules, where the requirement permits, that encourage participation by small business enterprises, minority business enterprises, and women's business enterprises; and

(v) Using the services and assistance of the Maryland Department of Transportation and the Governor's Office of Minority Affairs in identifying and soliciting small business enterprises, minority business enterprises, and women's business enterprises.

(5) If the steps required under paragraph (4) of this subsection are not demonstrated to the satisfaction of the Department, the Department may withhold financial assistance for the project.

(6) (i) All wastewater facilities serving Maryland users that have contributed to the Bay Restoration Fund are eligible for grants under this section, including the Blue Plains Wastewater Treatment Plant in the District of Columbia.

(ii) Grants issued under paragraph (2)(i) of this subsection for upgrades to the Blue Plains Wastewater Treatment Plant may be awarded only if each party to the Blue Plains Intermunicipal Agreement of 1985 contributes a proportional share of the upgrade costs in accordance with the Blue Plains Intermunicipal Agreement of 1985, as revised and updated.

(7) Priority for funding an upgrade of a wastewater facility shall be given to enhanced nutrient removal upgrades at wastewater facilities with a design capacity of 500,000 gallons or more per day.

(8) (i) The eligibility and priority ranking of a project shall be determined by the Department based on criteria established in regulations adopted by the Department, in accordance with subsection (k) of this section.

(ii) The criteria adopted by the Department shall include, as appropriate, consideration of:

1. The cost–effectiveness in providing water quality benefit;

2. The water quality benefit to a body of water identified by the Department as impaired under Section 303(d) of the Clean Water Act;

3. The readiness of a wastewater facility to proceed to construction; and

4. The nitrogen and phosphorus loads discharged by a wastewater facility.

(9) A wastewater facility that has not been offered or has not received funds from the Department under this section or from any other fund in the Department may not be required to upgrade to enhanced nutrient removal levels, except as otherwise required under federal or State law.".

AMENDMENT NO. 4

On page 4, in lines 12 and 13, strike "this Act shall take effect July 1, 2012" and substitute "the Laws of Maryland read as follows:

Article – Environment

9–1605.2.

(b) (1) (i) Beginning on **[**July 1, 2012**]** **JULY 1, 2030**, the Bay Restoration Fee is:

1. For each residential dwelling that receives an individual sewer bill and each user of an onsite sewage disposal system or a holding tank that receives a water bill, **[**$5.00**]** **$2.50** per month;

2. For each user of an onsite sewage disposal system that does not receive a water bill, **[**$60**]** **$30** per year;

3. For each user of a sewage holding tank that does not receive a water bill, [$60] **$30** per year; and

4. For a building or group of buildings under single ownership or management that receives a sewer bill and that contains multiple residential dwellings that do not receive an individual sewer bill or for a nonresidential user:

A. For each equivalent dwelling unit not exceeding [2,000] **3,000** equivalent dwelling units, [$5.00] **$2.50** per month; [and]

B. FOR EACH EQUIVALENT DWELLING UNIT EXCEEDING 3,000 EQUIVALENT DWELLING UNITS AND NOT EXCEEDING 5,000 EQUIVALENT DWELLING UNITS, $1.25 PER MONTH; AND

[B.]**C.** For each equivalent dwelling unit exceeding [2,000] **5,000** equivalent dwelling units, zero.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect July 1, 2012.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2030".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

House Bill 825 – Delegate Malone

AN ACT concerning

Vehicle Laws – Registration Plates for Motorcycles – Individuals with Disabilities

HB0825/690115/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 825
(First Reading File Bill)

On page 1, in the sponsor line, strike "Delegate Malone" and substitute "Delegates Malone and Glenn".

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 987 – Delegates Hucker, Bobo, Carr, Frush, Gilchrist, Glenn, Gutierrez, Holmes, Kramer, Lafferty, Luedtke, Niemann, S. Robinson, Waldstreicher, and Zucker

AN ACT concerning

Stormwater Management – Watershed Protection and Restoration Program

HB0987/320618/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 987
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 3, 10, 13, 14, 16, 25, and 27, in each instance, strike "each" and substitute "a"; in lines 3, 10, 13, 14, 16, 26, and 27, in each instance, strike "and" and substitute "or"; and in line 3, after "municipality" insert "subject to a certain municipal stormwater permit".

AMENDMENT NO. 2

On page 3, strike beginning with "**ON**" in line 8 down through "**(B)**" in line 11 and substitute "**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION APPLIES TO A COUNTY OR MUNICIPALITY THAT IS**

SUBJECT TO A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PHASE I MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT.

(2)";

and after line 16, insert:

"**(B) ON OR BEFORE JULY 1, 2013, A COUNTY OR MUNICIPALITY SHALL ADOPT AND IMPLEMENT LOCAL LAWS OR ORDINANCES NECESSARY TO ESTABLISH A WATERSHED PROTECTION AND RESTORATION PROGRAM.**".

AMENDMENT NO. 3

On page 3 in line 21, on page 4 in lines 1 and 10, on page 5 in lines 24, 27, and 30, and on page 6 in line 11, in each instance, strike "**EACH**" and substitute "**A**".

On page 3 in lines 21 and 30, on page 4 in lines 1 and 10, on page 5 in lines 24, 27, and 30, and on page 6 in line 11, in each instance, strike "**AND**" and substitute "**OR**".

On page 3, in line 30, strike "**EACH**" and substitute and "**A**".

AMENDMENT NO. 4

On page 4, in line 27, strike "**IN ACCORDANCE WITH**" and substitute "**A COUNTY OR MUNICIPALITY MAY ESTABLISH**"; in line 28, strike "**ESTABLISHED BY A COUNTY OR MUNICIPALITY AND**" and substitute a comma; and in line 29, strike "**A COUNTY OR MUNICIPALITY MAY**" and substitute "**TO**".

AMENDMENT NO. 5

On page 5, in line 8, after "**REDUCTION**" insert "**, INCLUDING GUIDELINES:**

1. RELATING TO PROPERTIES WITH EXISTING ADVANCED STORMWATER BEST MANAGEMENT PRACTICES;

2. RELATING TO AGRICULTURAL ACTIVITIES OR FACILITIES THAT ARE OTHERWISE EXEMPTED FROM STORMWATER MANAGEMENT REQUIREMENTS BY THE COUNTY OR MUNICIPALITY; AND

3. THAT ACCOUNT FOR THE COSTS OF, AND THE LEVEL OF TREATMENT PROVIDED BY, STORMWATER MANAGEMENT FACILITIES THAT ARE FUNDED AND MAINTAINED BY A PROPERTY OWNER".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

House Bill 1279 – Delegates Malone and McHale

AN ACT concerning

Motor Vehicle Administration – Plug–In Vehicles – Disclosure of Personal Information

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 1431 – Delegates O'Donnell, Bohanan, Fisher, Jameson, Vallario, Wilson, and Wood

EMERGENCY BILL

AN ACT concerning

Calvert, Charles, and St. Mary's Counties – Turkey Hunting on Private Property – Sundays

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 70 – Delegate Kach

AN ACT concerning

State Board of Morticians and Funeral Directors – Examinations of Applicants and Licensees

HB0070/456686/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 70
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "requiring" and substitute "authorizing"; strike beginning with "providing" in line 6 down through "circumstances;" in line 8; in line 9, strike "or testimony"; strike beginning with "providing" in line 10 down through "finding;" in line 13; in line 14, strike "licensees" and substitute "the Board"; and in line 19, after "7–208" insert "and 7–319(h)".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 through 15, inclusive, and substitute:

"**(A) THE BOARD MAY REQUIRE AN APPLICANT OR LICENSEE TO SUBMIT TO A MENTAL OR PHYSICAL EXAMINATION BY A HEALTH CARE PRACTITIONER DESIGNATED BY THE BOARD, IF:**

(1) WHEN INVESTIGATING AN ALLEGATION BROUGHT AGAINST AN APPLICANT OR LICENSEE UNDER THIS TITLE, THE BOARD FINDS REASONABLE EVIDENCE INDICATING THAT THE APPLICANT OR LICENSEE CANNOT PRACTICE MORTUARY SCIENCE OR FUNERAL DIRECTION COMPETENTLY;

(2) THE BOARD:

(I) MAKES A WRITTEN REQUEST FOR THE APPLICANT OR LICENSEE TO SUBMIT TO THE EXAMINATION;

(II) PROVIDES THE APPLICANT OR LICENSEE WITH A LIST OF THREE HEALTH CARE PRACTITIONERS FROM WHICH THE APPLICANT MAY CHOOSE A HEALTH CARE PRACTITIONER TO CONDUCT THE EXAMINATION; AND

(III) PAYS THE COST OF THE EXAMINATION IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION; AND

(3) THE APPLICANT OR LICENSEE:

(I) CONSENTS TO SUBMIT TO THE EXAMINATION; AND

(II) WAIVES ANY CLAIM OR PRIVILEGE AS TO THE EXAMINATION REPORT.";

in lines 16 and 26, strike "**(C)**" and "**(E)**", respectively, and substitute "**(B)**" and "**(C)**", respectively.

AMENDMENT NO. 3

On page 2, in line 16, strike "**A REPORT OR TESTIMONY REGARDING A REPORT**" and substitute "**AN EVALUATION REPORT**"; strike in their entirety lines 20 through 25, inclusive; in line 26, strike "**AN**" and substitute "**(1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN**"; in the same line, strike "**OR A LICENSEE**" and substitute "**WHO DOES NOT HOLD A VALID LICENSE WITH THE BOARD**"; after line 27, insert:

"**(II) IF THE APPLICANT IS DEEMED COMPETENT TO PRACTICE MORTUARY SCIENCE OR FUNERAL DIRECTION AS A RESULT OF THE EVALUATION, THE BOARD SHALL REIMBURSE THE APPLICANT FOR THE REASONABLE COST OF THE EVALUATION THAT WAS PERFORMED.**

(2) THE BOARD SHALL PAY THE REASONABLE COST OF AN EXAMINATION MADE UNDER THIS SECTION FOR A LICENSEE OF THE BOARD.

7–319.

(H) IF THE BOARD ORDERS THE SUSPENSION OF A LICENSE IN ACCORDANCE WITH § 10–226(C)(2) OF THE STATE GOVERNMENT ARTICLE, THE BOARD SHALL NOTIFY THE LICENSEE OF THE SUSPENSION WITHIN 48 HOURS AFTER THE BOARD MAKES THE DETERMINATION TO ORDER THE SUSPENSION.".

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 456 – Delegates Reznik, Mizeur, Kipke, Donoghue, A. Kelly, and Ready

AN ACT concerning

Small Business Reserve Program – Definition of Small Business – Revision

HB0456/466787/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 456
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "Program;" insert "requiring the Department of General Services to report to certain committees of the General Assembly on or before a certain date; providing for the termination of this Act;".

On page 1, after line 18, insert:

"Preamble

WHEREAS, Maryland small businesses are an integral component and driving force for job creation and economic security; and

WHEREAS, The Maryland Small Business Reserve Program plays a key role in supporting Maryland small businesses, creating a forum for fostering increased competitive opportunities for growth; and

WHEREAS, The Maryland Small Business Reserve Program is also an important race–neutral program intended to reduce the impact of discrimination against minority– and women–owned businesses, especially those businesses seeking to become prime contractors, and to promote the development of competitive and economically viable minority– and women–owned businesses; and

WHEREAS, Increasing opportunities for more small business through increased participation in the Small Business Reserve Program is in the best interest of Maryland; and

WHEREAS, In order to meet its objectives, the structure, composition, and requirements of participation in the Small Business Reserve Program must be accessible and fair, and structured to create a fair competitive environment for all potential program participants; now, therefore,".

AMENDMENT NO. 2

On page 3, after line 12, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2013, the Department of General Services, in consultation with the Governor's Office of Minority Affairs and the Maryland Department of Transportation, shall study the Small Business Reserve Program to evaluate the Program's structure, composition, and requirements for participation and its impact and shall report to the Senate Education, Health, and Environments Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article, on recommendations concerning the changes enacted by this Act to the requirements for participation in the Program, including the Program's financial and employment guidelines, and additional legislation to implement any recommended changes.";

in line 13, strike "2." and substitute "3."; and in line 14, after "2012." insert "It shall remain effective for a period of 2 years and, at the end of September 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 465 – Delegate Hammen

AN ACT concerning

Health Insurance – Health Benefit Plan Premium Rate Review

HB0465/416386/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 465
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "at" in line 7 down through "time" in line 14 and substitute "in accordance with certain provisions of law and certain regulations applicable to certain carriers"; in line 16, after "factors" insert "in a certain manner"; in line 19, after "inspection;" insert "authorizing a carrier to request a certain finding by the Commissioner;"; and in line 22, after "not" insert "inadequate, unfairly discriminatory, or".

On page 2, in line 12, after "14–126(a)" insert "and (b)(3)".

AMENDMENT NO. 2

On page 5, in line 13, strike "**(I)**".

On pages 5 and 6, strike beginning with "**AT**" in line 15 on page 5 down through "**(3)**" in line 3 on page 6 and substitute "**:**

(I) FOR INSURERS, IN ACCORDANCE WITH § 12–203 OF THIS ARTICLE AND REGULATIONS ADOPTED UNDER TITLE 31, SUBTITLE 10 OF THE CODE OF MARYLAND REGULATIONS;

(II) FOR NONPROFIT HEALTH SERVICE PLANS, IN ACCORDANCE WITH § 14–126 OF THIS ARTICLE; AND

(III) FOR HEALTH MAINTENANCE ORGANIZATIONS, IN ACCORDANCE WITH § 19–713 OF THE HEALTH – GENERAL ARTICLE AND REGULATIONS ADOPTED UNDER TITLE 31, SUBTITLE 12 OF THE CODE OF MARYLAND REGULATIONS.

(2)".

On page 6, in line 6, before "**EXCESSIVE**" insert "**INADEQUATE, UNFAIRLY DISCRIMINATORY, OR**"; in line 9, after "**CONSIDER**" insert "**, TO THE EXTENT APPROPRIATE**"; strike beginning with the comma in line 12 down through "**APPROPRIATE**" in line 13; in line 19, strike "**(4)**" and substitute "**(3)**"; after line 21, insert:

"**(II) A CARRIER MAY REQUEST A FINDING BY THE COMMISSIONER THAT CERTAIN INFORMATION FILED WITH THE COMMISSIONER BE CONSIDERED CONFIDENTIAL COMMERCIAL INFORMATION UNDER § 10–617 (D) OF THE STATE GOVERNMENT ARTICLE AND NOT SUBJECT TO PUBLIC INSPECTION.**";

in line 22, strike "**(II)**" and substitute "**(III)**"; in line 29, strike "**(C)(3)**" and substitute "**(C)(2)**"; and in line 30, after "**NOT**" insert "**INADEQUATE, UNFAIRLY DISCRIMINATORY, OR**".

On page 7, strike beginning with "**ESTABLISHED**" in line 1 down through "**SECTION**" in line 2; in line 4, after "**ARE**" insert "**INADEQUATE, UNFAIRLY DISCRIMINATORY, OR**"; in lines 4 and 8, in each instance, strike "**(C)(3)**" and substitute "**(C)(2)**"; and in line 8, strike "**WAS NOT APPROVED**" and substitute "**IS INADEQUATE, UNFAIRLY DISCRIMINATORY, OR EXCESSIVE IN RELATION TO BENEFITS**".

On page 8, after line 10, insert:

"(b) (3) (i) The Commissioner shall disapprove or modify the proposed change if:

1. the table of rates appears by statistical analysis and reasonable assumptions to be **INADEQUATE, UNFAIRLY DISCRIMINATORY, OR** excessive in relation to benefits; or

2. the form contains provisions that are unjust, unfair, inequitable, inadequate, misleading, or deceptive or encourage misrepresentations of the coverage.

(ii) In determining whether to disapprove or modify the form or table of rates, the Commissioner shall consider**, TO THE EXTENT APPROPRIATE**:

1. past and prospective loss experience within and outside the State;

2. underwriting practice and judgment **[**to the extent appropriate**]**;

3. a reasonable margin for reserve needs;

4. past and prospective expenses, both countrywide and those specifically applicable to the State; and

5. any other relevant factors within and outside the State.";

and in line 28, after the comma, insert "That this Act shall apply to all health benefit plan rate filings received by the Maryland Insurance Commissioner on or after the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED,".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 470 – Delegates Tarrant, Cullison, Hubbard, Krebs, Morhaim, Murphy, Nathan–Pulliam, and Reznik

AN ACT concerning

Maryland Health Care Commission – Preauthorization of Medical Services and Pharmaceuticals – Standards

HB0470/126481/3

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 470
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "Medical Services and Pharmaceuticals – Standards" and substitute "Health Care Services – Benchmarks"; strike beginning with "adopt" in line 4 down through "penalties;" in line 8 and substitute "work with payors and providers to attain benchmarks for standardizing and automating the process required by payors for preauthorizing health care services; requiring the benchmarks to include, on or before certain dates, establishment or utilization of certain features; providing that the benchmarks do not apply to certain preauthorizations; requiring the Commission to establish by regulation a process through which a payor or provider may be waived from attaining the benchmarks for certain extenuating circumstances; requiring the Commission, on or before a certain date, to reconvene a certain workgroup for a certain purpose; requiring payors to report to the Commission on or before certain dates on their attainment and plans for attainment of certain benchmarks; requiring the Commission, on or before certain dates, to report to the Governor and the General Assembly on the progress in attaining the benchmarks and, taking into account the recommendations of the workgroup, any adjustment needed to certain benchmark dates; authorizing the Commission to adopt certain regulations; defining certain terms;"; and in lines 9 and 10, strike "certain preauthorization standards" and substitute "benchmarks for preauthorization of health care services".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 5 and 6, inclusive, and substitute:

"**(2) "HEALTH CARE SERVICE" HAS THE MEANING STATED IN § 15–10A–01 OF THE INSURANCE ARTICLE.**";

in lines 7 and 8, strike "**HAS THE MEANING STATED IN § 19–111 OF THIS SUBTITLE**" and substitute "**MEANS:**

(I) AN INSURER OR NONPROFIT HEALTH SERVICE PLAN THAT PROVIDES HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS ON AN EXPENSE–INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE;

(II) A HEALTH MAINTENANCE ORGANIZATION THAT PROVIDES HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; OR

(III) A PHARMACY BENEFITS MANAGER THAT IS REGISTERED WITH THE MARYLAND INSURANCE COMMISSIONER";

strike in their entirety lines 9 and 10, inclusive; and in line 11, strike "**(5)**" and substitute "**(4)**".

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 13 on page 2 through line 5 on page 3, inclusive, and substitute:

"**(B) IN ADDITION TO THE DUTIES STATED ELSEWHERE IN THIS SUBTITLE, THE COMMISSION SHALL WORK WITH PAYORS AND PROVIDERS TO ATTAIN BENCHMARKS FOR STANDARDIZING AND AUTOMATING THE PROCESS REQUIRED BY PAYORS FOR PREAUTHORIZING HEALTH CARE SERVICES.**

(C) THE BENCHMARKS DESCRIBED IN SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:

(1) ON OR BEFORE OCTOBER 1, 2012 ("PHASE 1"), ESTABLISHMENT OF ONLINE ACCESS FOR PROVIDERS TO EACH PAYOR'S:

(I) LIST OF HEALTH CARE SERVICES THAT REQUIRE PREAUTHORIZATION; AND

(II) KEY CRITERIA FOR MAKING A DETERMINATION ON A PREAUTHORIZATION REQUEST;

(2) ON OR BEFORE MARCH 1, 2013 ("PHASE 2"), ESTABLISHMENT BY EACH PAYOR OF AN ONLINE PROCESS FOR:

(I) ACCEPTING ELECTRONICALLY A PREAUTHORIZATION REQUEST FROM A PROVIDER; AND

(II) ASSIGNING TO A PREAUTHORIZATION REQUEST A UNIQUE ELECTRONIC IDENTIFICATION NUMBER THAT A PROVIDER MAY USE TO TRACK THE REQUEST DURING THE PREAUTHORIZATION PROCESS, WHETHER OR NOT THE REQUEST IS TRACKED ELECTRONICALLY, THROUGH A CALL CENTER, OR BY FAX;

(3) ON OR BEFORE JULY 1, 2013 ("PHASE 3"), ESTABLISHMENT BY EACH PAYOR OF AN ONLINE PREAUTHORIZATION SYSTEM TO APPROVE:

(I) IN REAL TIME, ELECTRONIC PREAUTHORIZATION REQUESTS FOR PHARMACEUTICAL SERVICES:

1. FOR WHICH NO ADDITIONAL INFORMATION IS NEEDED BY THE PAYOR TO PROCESS THE PREAUTHORIZATION REQUEST; AND

2. THAT MEET THE PAYOR'S CRITERIA FOR APPROVAL;

(II) WITHIN 1 BUSINESS DAY AFTER RECEIVING ALL PERTINENT INFORMATION ON REQUESTS NOT APPROVED IN REAL TIME, ELECTRONIC PREAUTHORIZATION REQUESTS FOR PHARMACEUTICAL SERVICES THAT:

1. ARE NOT URGENT; AND

2. DO NOT MEET THE STANDARDS FOR REAL–TIME APPROVAL UNDER ITEM (I) OF THIS ITEM; AND

(III) WITHIN 2 BUSINESS DAYS AFTER RECEIVING ALL PERTINENT INFORMATION, ELECTRONIC PREAUTHORIZATION REQUESTS FOR HEALTH CARE SERVICES, EXCEPT PHARMACEUTICAL SERVICES, THAT ARE NOT URGENT; AND

(4) ON OR BEFORE JULY 1, 2015, UTILIZATION BY PROVIDERS OF:

(I) THE ONLINE PREAUTHORIZATION SYSTEM ESTABLISHED BY PAYORS; OR

(II) IF A NATIONAL TRANSACTION STANDARD HAS BEEN ESTABLISHED AND ADOPTED BY THE HEALTH CARE INDUSTRY, AS DETERMINED BY THE COMMISSION, THE PROVIDER'S PRACTICE MANAGEMENT, ELECTRONIC HEALTH RECORD, OR E–PRESCRIBING SYSTEM.

(D) THE BENCHMARKS DESCRIBED IN SUBSECTIONS (B) AND (C) OF THIS SECTION DO NOT APPLY TO PREAUTHORIZATIONS OF HEALTH CARE SERVICES REQUESTED BY PROVIDERS EMPLOYED BY A GROUP MODEL HEALTH MAINTENANCE ORGANIZATION AS DEFINED IN § 19–713.6 OF THIS TITLE.

(E) THE ONLINE PREAUTHORIZATION SYSTEM DESCRIBED IN SUBSECTION (C)(3) OF THIS SECTION SHALL:

(1) PROVIDE REAL–TIME NOTICE TO PROVIDERS ABOUT PREAUTHORIZATION REQUESTS APPROVED IN REAL TIME; AND

(2) PROVIDE NOTICE TO PROVIDERS, WITHIN THE TIME FRAMES SPECIFIED IN SUBSECTION (C)(3)(II) AND (III) OF THIS SECTION AND IN A MANNER THAT IS ABLE TO BE TRACKED BY PROVIDERS, ABOUT PREAUTHORIZATION REQUESTS NOT APPROVED IN REAL TIME.

(F) (1) THE COMMISSION SHALL ESTABLISH BY REGULATION A PROCESS THROUGH WHICH A PAYOR OR PROVIDER MAY BE WAIVED FROM ATTAINING THE BENCHMARKS DESCRIBED IN SUBSECTIONS (B) AND (C) OF THIS SECTION FOR EXTENUATING CIRCUMSTANCES.

(2) FOR A PROVIDER, THE EXTENUATING CIRCUMSTANCES MAY INCLUDE:

(I) THE LACK OF BROADBAND INTERNET ACCESS;

(II) LOW PATIENT VOLUME; OR

(III) NOT MAKING MEDICAL REFERRALS OR PRESCRIBING PHARMACEUTICALS.

(3) FOR A PAYOR, THE EXTENUATING CIRCUMSTANCES MAY INCLUDE:

(I) LOW PREMIUM VOLUME; OR

(II) FOR A GROUP MODEL HEALTH MAINTENANCE ORGANIZATION, AS DEFINED IN § 19–713.6 OF THIS TITLE, PREAUTHORIZATIONS OF HEALTH CARE SERVICES REQUESTED BY PROVIDERS NOT EMPLOYED BY THE GROUP MODEL HEALTH MAINTENANCE ORGANIZATION.

(G) (1) ON OR BEFORE OCTOBER 1, 2012, THE COMMISSION SHALL RECONVENE THE MULTISTAKEHOLDER WORKGROUP WHOSE COLLABORATION RESULTED IN THE 2011 REPORT "RECOMMENDATIONS FOR IMPLEMENTING ELECTRONIC PRIOR AUTHORIZATIONS".

(2) THE WORKGROUP SHALL:

(I) REVIEW THE PROGRESS TO DATE IN ATTAINING THE BENCHMARKS DESCRIBED IN SUBSECTIONS (B) AND (C) OF THIS SECTION; AND

(II) MAKE RECOMMENDATIONS TO THE COMMISSION FOR ADJUSTMENTS TO THE BENCHMARK DATES.

(H) (1) PAYORS SHALL REPORT TO THE COMMISSION:

(I) ON OR BEFORE MARCH 1, 2013, ON:

1. THE STATUS OF THEIR ATTAINMENT OF THE PHASE 1 AND PHASE 2 BENCHMARKS; AND

2. AN OUTLINE OF THEIR PLANS FOR ATTAINING THE PHASE 3 BENCHMARKS; AND

(II) ON OR BEFORE DECEMBER 1, 2013, ON THEIR ATTAINMENT OF THE PHASE 3 BENCHMARKS.

(2) THE COMMISSION SHALL SPECIFY THE CRITERIA PAYORS MUST USE IN REPORTING ON THEIR ATTAINMENT AND PLANS.

(I) (1) ON OR BEFORE MARCH 31, 2013, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON:

(I) THE PROGRESS IN ATTAINING THE BENCHMARKS FOR STANDARDIZING AND AUTOMATING THE PROCESS REQUIRED BY PAYORS FOR PREAUTHORIZING HEALTH CARE SERVICES; AND

(II) TAKING INTO ACCOUNT THE RECOMMENDATIONS OF THE MULTISTAKEHOLDER WORKGROUP UNDER SUBSECTION (G) OF THIS SECTION, ANY ADJUSTMENT NEEDED TO THE PHASE 2 OR PHASE 3 BENCHMARK DATES.

(2) ON OR BEFORE DECEMBER 31, 2013, AND ON OR BEFORE DECEMBER 31 IN EACH SUCCEEDING YEAR THROUGH 2016, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE

ATTAINMENT OF THE BENCHMARKS FOR STANDARDIZING AND AUTOMATING THE PROCESS REQUIRED BY PAYORS FOR PREAUTHORIZING HEALTH CARE SERVICES.

(J) IF NECESSARY TO ATTAIN THE BENCHMARKS, THE COMMISSION MAY ADOPT REGULATIONS TO:

(1) ADJUST THE PHASE 2 OR PHASE 3 BENCHMARK DATES;

(2) REQUIRE PAYORS AND PROVIDERS TO COMPLY WITH THE BENCHMARKS; AND

(3) ESTABLISH PENALTIES FOR NONCOMPLIANCE.".

AMENDMENT NO. 4

On page 3, in line 7, strike "October" and substitute "June".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 511 – Chair, Environmental Matters Committee

AN ACT concerning

State Board of Environmental Health Specialists – Transfer of Responsibilities

HB0511/766184/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 511

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "Committee" insert "and Delegate Hubbard"; in line 19, after "testimony;" insert "establishing a State Board of Environmental Health Specialists Fund as a continuing, nonlapsing fund that is not subject to certain provisions of law; authorizing the Board to set certain fees for certain purposes; requiring certain fees to be set so as to approximate the cost of maintaining the Board; requiring certain funds to be generated by certain fees; requiring the Board to remit certain fees to the Comptroller; requiring the Comptroller to distribute certain fees to the Fund; requiring the Fund to be used to cover certain costs; prohibiting the transfer or reversion of certain unspent portions of the Fund to the General Fund; prohibiting other State money to be used to support the Fund; requiring a designee of the Board to administer the Fund; requiring the legislative auditor to audit certain accounts and transactions of the Fund in accordance with certain provisions of law; altering the list of persons employed in certain job classifications that are not required to be licensed under this Act;".

On page 2, strike beginning with "expressing" in line 1 down through "year" in line 4 and substitute "requiring the Department of Health and Mental Hygiene to ensure adequate funding for the Board during a certain fiscal year; authorizing the Department of Health and Mental Hygiene to transfer certain funds to the Board from certain other boards under certain circumstances"; after line 13, insert:

"BY repealing and reenacting, with amendments,
Article – Environment
Section 1–406
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)";

in line 28, strike "21–205" and substitute "21–206"; and in line 38, strike "21–206,".

AMENDMENT NO. 2

On page 3, after line 11, insert:

"Article – Environment

1–406.

The following units, among other units, are included in the Department:

(1) Air Quality Control Advisory Council;

(2) Environmental Noise Advisory Council;

(3) Hazardous Substances Advisory Council;

(4) Radiation Control Advisory Board;

(5) Science and Health Advisory Group;

(6) **[**Board of Environmental Sanitarians;

(7)**]** Board of Waterworks and Waste System Operators;

[(8)**] (7)** Board of Well Drillers; and

[(9)**] (8)** Hazardous Waste Facilities Siting Board.".

AMENDMENT NO. 3

On page 8, after line 25, insert:

"**(A) IN THIS SECTION, "FUND" MEANS THE STATE BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS FUND.**

(B) THERE IS A STATE BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS FUND.";

in line 26, strike "(a)" and substitute "**(C) (1)**"; in the same line, strike beginning with "Except" through the second "the" and substitute "**THE**"; after line 27, insert:

"**(2) THE FEES CHARGED SHALL BE SET SO AS TO APPROXIMATE THE COST OF MAINTAINING THE BOARD.**

(3) FUNDS TO COVER THE COMPENSATION AND EXPENSES OF THE BOARD MEMBERS SHALL BE GENERATED BY FEES SET UNDER THIS SECTION.";

strike in their entirety, lines 28 and 29 and substitute:

"(D) (1) THE BOARD SHALL REMIT ALL FEES COLLECTED UNDER THIS TITLE TO THE COMPTROLLER.

(2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE FUND.

(E) (1) THE FUND SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE BOARD AS PROVIDED UNDER THIS ARTICLE.

(2) THE FUND IS A CONTINUING, NONLAPSING FUND AND IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(3) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THIS ARTICLE.

(4) NO OTHER STATE MONEY MAY BE USED TO SUPPORT THE FUND.

(F) (1) A DESIGNEE OF THE BOARD SHALL ADMINISTER THE FUND.

(2) MONEY IN THE FUND MAY BE EXPENDED ONLY FOR ANY LAWFUL PURPOSE AUTHORIZED UNDER THIS ARTICLE.

(G) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND TRANSACTIONS OF THE FUND AS PROVIDED IN § 2–1220 OF THE STATE GOVERNMENT ARTICLE.".

AMENDMENT NO. 4

On page 10, in line 18, strike "erosion" and substitute ":

1. EROSION";

strike beginning with "(xviii)" in line 21 down through "motor" in line 23 and substitute:

"**2. MOTOR**";

in line 25, after "Article;" insert "**OR**

3. SEWAGE SLUDGE, WATER POLLUTION CONTROL, OR DRINKING WATER UNDER TITLE 9 OF THE ENVIRONMENT ARTICLE;

(XVIII) PERSONS EMPLOYED BY THE DEPARTMENT OF THE ENVIRONMENT AND CLASSIFIED AS EITHER:

1. A REGULATORY AND COMPLIANCE ENGINEER OR ARCHITECT; OR

2. AN ENVIRONMENTAL COMPLIANCE SPECIALIST;".

AMENDMENT NO. 5

On page 23, strike beginning with "it" in line 19 down through "necessary" in line 23 and substitute ", notwithstanding the provisions of § 21–206(d)(4) of the Health Occupations Article, as enacted by Section 2 of this Act, the Department of Health and Mental Hygiene shall ensure adequate funding for the State Board of Environmental Health Specialists during fiscal year 2013, and may transfer funds to the Board from another board with adequate reserve funds as determined by and at the discretion of the Secretary of Health and Mental Hygiene, to be repaid in full during fiscal year 2014".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 556 – Delegates Hubbard, Cluster, Boteler, Bromwell, Kach, Krebs, and V. Turner

AN ACT concerning

Continuing Care Retirement Communities – Regulation

HB0556/876181/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 556
(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, Elliott, Frank, A. Kelly, Kipke, McDonough, Morhaim, Murphy, Oaks, Pena–Melnyk, Reznik, and Tarrant"; in line 5, strike "on or after" and substitute "beginning on"; and strike beginning with "requiring" in line 28 down through "dates;" in line 30.

AMENDMENT NO. 2

On page 2, in line 23, strike "**ON OR AFTER**" and substitute "**BEGINNING**"; and in line 33, strike "**INCLUDE**" and substitute "**BE**".

On page 12, in line 32, after "**FOLLOWING**" insert "**MODEL**"; and in the same line, after "**STATEMENTS**" insert "**OR A SUBSTANTIALLY SIMILAR STATEMENT**".

On page 13, in line 3, strike "**USE ONLY**" and substitute "**ONLY USE**".

On page 14, in line 27, after "**LAW**" insert "**IDENTIFIED BY THE DEPARTMENT IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH**".

AMENDMENT NO. 3

On page 16, strike in their entirety lines 19 through 33, inclusive; and in line 34, strike "3." and substitute "2.".

On page 17, in line 5, strike "4." and substitute "3.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 584 – Delegates Tarrant, Cullison, Kach, Krebs, Murphy, Reznik, and V. Turner

AN ACT concerning

Health Occupations – Physician Assistants – Patient's Access to Supervising Physician

HB0584/976780/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 584
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 4 down through "circumstances;" in line 5 and substitute "repealing a requirement that certain patients be seen by certain physicians who supervise certain physician assistants under certain circumstances; requiring certain delegation agreements to contain a certain statement;"; in line 10, after "15–301" insert "and 15–302(b)"; and after line 12, insert:

"BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 15–302(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 26 through 32, inclusive; and after line 32, insert:

"15–302.

(a) A physician may delegate medical acts to a physician assistant only after:

(1) A delegation agreement has been executed and filed with the Board; and

(2) Any advanced duties have been authorized as required under subsection (c) of this section.

(b) The delegation agreement shall contain:

(1) A description of the qualifications of the primary supervising physician and physician assistant;

(2) A description of the settings in which the physician assistant will practice;

(3) A description of the continuous physician supervision mechanisms that are reasonable and appropriate to the practice setting;

(4) A description of the delegated medical acts that are within the primary or alternate supervising physician's scope of practice and require specialized education or training that is consistent with accepted medical practice;

(5) An attestation that all medical acts to be delegated to the physician assistant are within the scope of practice of the primary or alternate supervising physician and appropriate to the physician assistant's education, training, and level of competence;

(6) An attestation of continuous supervision of the physician assistant by the primary supervising physician through the mechanisms described in the delegation agreement;

(7) An attestation by the primary supervising physician of the physician's acceptance of responsibility for any care given by the physician assistant;

(8) A description prepared by the primary supervising physician of the process by which the physician assistant's practice is reviewed appropriate to the practice setting and consistent with current standards of acceptable medical practice;

(9) An attestation by the primary supervising physician that the physician will respond in a timely manner when contacted by the physician assistant; **[**and**]**

(10) THE FOLLOWING STATEMENT: "THE PRIMARY SUPERVISING PHYSICIAN AND THE PHYSICIAN ASSISTANT ATTEST THAT:

(I) THEY WILL ESTABLISH A PLAN FOR THE TYPES OF CASES THAT REQUIRE A PHYSICIAN PLAN OF CARE OR REQUIRE THAT THE PATIENT INITIALLY OR PERIODICALLY BE SEEN BY THE SUPERVISING PHYSICIAN; AND

(II) THE PATIENT WILL BE PROVIDED ACCESS TO THE SUPERVISING PHYSICIAN ON REQUEST"; AND

[(10)**] (11)** Any other information deemed necessary by the Board to carry out the provisions 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 Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 641 – Delegates Nathan–Pulliam, Branch, Braveboy, Burns, Costa, Elliott, Gaines, Gutierrez, Howard, Hubbard, Ivey, Jones, Kipke, Krebs, Morhaim, Murphy, Oaks, B. Robinson, Tarrant, and V. Turner

AN ACT concerning

Hepatitis B and Hepatitis C Viruses – Public Awareness, Treatment, and Outreach

HB0641/586888/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 641
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and V. Turner" and substitute "V. Turner, Lee, Pena–Melnyk, Kach, Reznik, A. Kelly, and Cullison"; and in line 9, strike "activate" and substitute "develop".

AMENDMENT NO. 2

On page 3, in line 31, strike "**AND ACTIVATE**".

AMENDMENT NO. 3

On page 4, in line 2, after "**OF**" insert "**HIGH RISK POPULATIONS AND**"; in line 5, strike "**AND**"; in line 6, strike "**PROVISION**"; and in line 14, strike "**COMPLICATIONS ASSOCIATED WITH MEDICATIONS USED FOR**".

AMENDMENT NO. 4

On page 4, in line 30, after "examine" insert "existing"; strike beginning with "make" in line 31 down through the first "for" in line 32 and substitute "collect recommended"; in line 32, after "C" insert "from experts in the field"; and strike beginning with "and" in line 34 down through "recommendations" in line 35.

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 753 – Delegate Kach

AN ACT concerning

Maryland State Board of Morticians and Funeral Directors – Permits and Registration Required to Remove and Transport Human Remains

HB0753/846086/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 753
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 6 down through "holders;" in line 7; in line 10, after "inspectors;" insert "requiring certain permit holders to employ only certain registered transporters for certain purposes;"; and in line 21, after "penalties;" insert "requiring the Board to adopt certain regulations;".

On page 2, in line 9, strike "7–606" and substitute "7–607".

AMENDMENT NO. 2

On page 3, in line 11, after "**INCLUDE**" strike "**A**" and substitute "**:**

(I) **A**";

in line 13, after "**REMAINS**" insert "**; OR**

(II) **A CEMETERY OR EMPLOYEE OF A CEMETERY THAT REMOVES OR TRANSPORTS HUMAN REMAINS WITHIN THE BOUNDARIES OF THE CEMETERY**";

in line 27, strike "**(1)**"; and strike in their entirety lines 30 and 31.

AMENDMENT NO. 3

On page 4, strike beginning with "**HOLDS**" in line 7 down through "**BOND**" in line 8 and substitute "**IS BONDED AND CARRIES LIABILITY INSURANCE THAT COVERS EACH REGISTERED TRANSPORTER EMPLOYED BY THE MORTUARY TRANSPORT SERVICE**"; in line 21, after "**(D)**" insert "**(1)**"; and after line 23, insert:

"**(2)** **A PERMIT HOLDER SHALL EMPLOY ONLY REGISTERED TRANSPORTERS TO REMOVE AND TRANSPORT HUMAN REMAINS.**".

AMENDMENT NO. 4

On page 5, in line 18, strike "**A REGISTRATION FEE SET BY THE BOARD;**" and substitute "**A CRIMINAL HISTORY RECORDS CHECK; AND**"; strike beginning with "**; AND**" in line 20 down through "**INSURANCE**" in line 22; and in line 24, strike "**MARYLAND**".

AMENDMENT NO. 5

On page 8, strike in their entirety lines 28 through 30, inclusive.

On page 9, in lines 1, 5, and 8, strike "**(28)**", "**(29)**", and "**(30)**", respectively, and substitute "**(27)**", "**(28)**", and "**(29)**", respectively.

AMENDMENT NO. 6

On page 10, strike in their entirety lines 4 through 9, inclusive; and after line 13, insert:

"**7–607.**

THE BOARD SHALL ADOPT REGULATIONS TO:

(1) IMPLEMENT THIS SUBTITLE; AND

(2) ESTABLISH REQUIREMENTS FOR REMOVING AND TRANSPORTING HUMAN REMAINS.".

The preceding 6 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 Vallario, Proctor, Alston, Bohanan, Braveboy, Davis, Elliott, Frush, Gaines, Healey, Hershey, Holmes, Hough, Howard, Hubbard, Ivey, K. Kelly, Lee, McDermott, Niemann, Summers, V. Turner, Valderrama, Valentino–Smith, Vaughn, Walker, and Wilson

AN ACT concerning

State Government – Commemorative Days – Crime Victims and Advocates

HB0766/666486/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 766

(First Reading File Bill)

On page 1, in the sponsor line, strike "and Wilson" and substitute "Wilson, Hammen, Pendergrass, Bromwell, Costa, Cullison, Frank, Kach, A. Kelly, Kipke, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Ready, Reznik, and Tarrant".

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 982 – Delegate Davis

AN ACT concerning

Health Insurance – Fees for Administrative Services Provided by Insurance Producers – Authorized

HB0982/946680/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 982
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "services" in line 5 down through "plan" in line 6 and substitute "an administrative service"; strike beginning with "and" in line 6 down through "employer" in line 7; and in line 13, after "Commissioner;" insert "defining a certain term;".

AMENDMENT NO. 2

On page 2, in line 7, after "**(1)**" insert "**IN THIS SUBSECTION, "ADMINISTRATIVE SERVICE" MEANS A SERVICE, OTHER THAN A SERVICE RELATED TO THE SALE, SOLICITATION, NEGOTIATION, OR SERVICING OF A HEALTH BENEFIT PLAN, THAT AN INSURANCE PRODUCER PROVIDES TO ASSIST AN EMPLOYER IN:**

(I) COMPLYING WITH A STATUTORY OR REGULATORY REQUIREMENT;

(II) PROVIDING AN EMPLOYEE BENEFIT ON BEHALF OF THE EMPLOYER; OR

(III) PERFORMING FUNCTIONS RELATED TO THE MANAGEMENT OF EMPLOYEES OF THE EMPLOYER.

(2)";

strike beginning with "**SERVICES**" in line 10 down through "**1.**" in line 12 and substitute "**AN ADMINISTRATIVE SERVICE THAT**"; strike beginning with the semicolon in line 13 down through "**EMPLOYER**" in line 15; in line 18, strike "**SIMILAR**" and substitute "**OTHER COMPENSATION**"; in line 19, strike "**REMUNERATION**"; in lines 19 and 20, strike "**FOR THE SALE OF**" and substitute "**, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION RELATED TO**"; in line 20, strike "**TO**" and substitute "**OF**"; in line 24, strike "**(2)**" and substitute "**(3)**"; in line 25, strike "**APPROVED**" and substitute "**ADOPTED**"; in the same line, after "**COMMISSIONER**" insert "**BY REGULATION**"; and in lines 27 and 28 and 29 and 30, in each instance, strike "**OR GROUP OF ADMINISTRATIVE SERVICES**".

On page 3, in line 1, after "**(III)**" insert "**IF THE INSURANCE PRODUCER SELLS A HEALTH BENEFIT PLAN TO THE EMPLOYER,**"; in the same line, strike "**SIMILAR**" and substitute "**OTHER**"; in line 2, strike the second "**THE**" and substitute "**AN**"; in line 3, after "**INSURER**" insert "**, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION**"; in the same line, strike "**FOR THE SALE OF THE HEALTH BENEFIT PLAN TO THE EMPLOYER**" and substitute "**RELATED TO THE HEALTH BENEFIT PLAN**"; in line 4, strike "**(3)**" and substitute "**(4)**"; and in the same line, 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:

House Bill 1009 – Delegate Hubbard

AN ACT concerning

State Board of Professional Counselors and Therapists – Alcohol and Drug Counselor Trainees – Registry and Code of Ethics Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1196 – Delegates Ready and Pena–Melnyk

AN ACT concerning

Participation in Procurement – Conflict of Interest – Exemption

HB1196/956388/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1196
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 3 down through "circumstances;" in line 8 and substitute "providing that assisting in the drafting of certain specifications, invitations for bids, or requests for proposals does not include submitting certain oral comments on certain specifications; providing that assisting in the drafting of certain specifications, invitations for bids, or requests for proposals for certain procurements of health, human, social or educational services does not include certain comments solicited from certain persons as part of certain requests for information; requiring certain units that receive certain comments to retain certain written comments and certain records of certain oral comments;".

AMENDMENT NO. 2

On page 1, in line 19, strike the brackets; in the same line, strike "**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN**".

On page 2, in line 10, after "written" insert "**OR ORAL**"; in line 26, strike "or"; in line 28, after "Article" insert "**; OR**

(6) FOR A PROCUREMENT OF HEALTH, HUMAN, SOCIAL OR EDUCATIONAL SERVICES, COMMENTS SOLICITED FROM TWO OR MORE PERSONS AS PART OF A REQUEST FOR INFORMATION, INCLUDING WRITTEN OR ORAL COMMENTS ON A DRAFT SPECIFICATION, INVITATION FOR BIDS, OR REQUEST FOR PROPOSALS".

On pages 2 and 3, strike in their entirety the lines beginning with line 29 on page 2 through line 5 on page 3 and substitute:

"**(C) A UNIT THAT RECEIVES COMMENTS AS DESCRIBED IN SUBSECTION (B)(2) AND (6) OF THIS SECTION SHALL RETAIN:**

(1) ANY WRITTEN COMMENTS; AND

(2) A RECORD OF ANY ORAL COMMENTS.".

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 1207 – Delegates Pendergrass, Hammen, Carr, K. Kelly, McHale, Pena–Melnyk, and B. Robinson

AN ACT concerning

State Board of Professional Counselors and Therapists – Licensure of Clinical Professional Art Therapists

HB1207/346289/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1207
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and B. Robinson" and substitute "B. Robinson, Hubbard, and Morhaim"; strike beginning with "to" in line 5 down through "therapists" in line 6; and in line 30, strike "certain members" and substitute "a certain member".

On pages 1 and 2, strike beginning with "requiring" in line 30 on page 1 down through "Board;" in line 2 on page 2.

AMENDMENT NO. 2

On page 7, in lines 19 and 21, in each instance, strike the brackets; in the same lines, in each instance, strike "**11**"; in line 22, strike "**THREE**" and substitute "**FOUR**"; in line 24, strike the brackets; in the same line, strike "**TWO**"; in line 26, strike the brackets; in the same line, strike "**TWO**"; in line 28, strike "**TWO**" and substitute "**ONE**"; in the same line, after "**AS**" insert "**A**"; and in line 29, strike "**THERAPISTS**" and substitute "**THERAPIST**".

AMENDMENT NO. 3

On page 9, in line 9, strike "**(1)**"; in line 11, after "therapy," insert "**CLINICAL PROFESSIONAL ART THERAPY,**"; and strike in their entirety lines 13 through 15, inclusive.

AMENDMENT NO. 4

On page 10, in line 9, after "**ASSOCIATION**" insert "**AND APPROVED BY THE BOARD**"; in line 17, after "**ASSOCIATION**" insert "**AND APPROVED BY THE BOARD**"; in line 24, after "**PROGRAM**" insert "**THAT IS**"; and in line 25, after "**ASSOCIATION**" insert "**, APPROVED BY THE BOARD, AND INCLUDES TRAINING IN:**

(1) PERSONALITY DEVELOPMENT;

(2) DIAGNOSIS AND TREATMENT OF MENTAL AND EMOTIONAL DISORDERS;

(3) PSYCHOPATHOLOGY;

(4) PSYCHOTHERAPY;

(5) MARRIAGE AND FAMILY THERAPY;

(6) ADDICTIONS; AND

(7) LIFESTYLE AND CAREER DEVELOPMENT".

AMENDMENT NO. 5

On page 11, strike in their entirety lines 1 through 8, inclusive, and substitute:

"**THE BOARD SHALL WAIVE THE REQUIREMENTS FOR THE PRACTICE OF LICENSED CLINICAL PROFESSIONAL ART THERAPY UNDER § 17–304.1(D) THROUGH (G) OF THIS SUBTITLE IF, ON OR BEFORE OCTOBER 1, 2014, THE APPLICANT PROVIDES THE BOARD WITH DOCUMENTATION SHOWING:**

(1) CURRENT CERTIFICATION BY THE ART THERAPY CREDENTIALS BOARD, INC., AND

(2) COMPLETION OF 3 YEARS OF FULL–TIME EXPERIENCE PROVIDING ART THERAPY.".

AMENDMENT NO. 6

On page 17, strike beginning with "**OR**" in line 36 down through "**L.C.P.A.T**" in line 37 and substitute "**OR "L.C.P.A.T.**".

On page 18, strike beginning with "**OR**" in line 15 down through "**L.G.P.A.T**" in line 16 and substitute "**OR "L.G.P.A.T.**"; in line 24, strike the colon; in line 25, strike "(1)"; in the same line, strike "two"; in the same line, strike "members" and substitute "member"; and in line 28, strike "two vacancies" and substitute "vacancy".

On pages 18 and 19, strike beginning with the comma in line 29 on page 18 down through "Act" in line 2 on page 19.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB1207/836783/1
BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 1207, AS AMENDED

On page 1 of the Health and Government Operations Committee Amendments (HB1207/346289/1), in line 2 of Amendment No. 1, strike "and Morhaim" and substitute "Morhaim, and Clippinger".

The preceding amendment was read and 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:

House Bill 573 – Delegates K. Kelly, Cluster, Hough, McDermott, Smigiel, and Valentino–Smith

AN ACT concerning

Criminal Procedure – Bail Bondsman Solicitation – Penalty

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 589 – Delegates A. Miller, McComas, Stein, Beidle, Arora, Hixson, Howard, Ivey, Lee, Luedtke, S. Robinson, Stukes, and Waldstreicher

AN ACT concerning

Criminal Law – Controlled Dangerous Substances – Mephedrone

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 664 – Delegates Simmons, Dumais, K. Kelly, Kramer, and Krebs

AN ACT concerning

Crimes – Committing a Crime of Violence in the Presence of a Minor – Penalties

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 666 – Delegates Smigiel, Dwyer, George, McComas, McConkey, McDermott, and Ready

AN ACT concerning

Criminal Procedure – Victims' Rights – Remedy and Priority of Restitution

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 823 – Delegate Waldstreicher

AN ACT concerning

Orphans' Court – Minor – Guardianship of the Person

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 942 – Delegates Vallario, Alston, Dumais, Simmons, Valentino–Smith, Waldstreicher, and Wilson

AN ACT concerning

Criminal Procedure – Sex Offender Registration Requirements – Kidnapping

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 1334 – Delegates McDermott and Cluster

AN ACT concerning

Life–Threatening Injury by Motor Vehicle or Vessel While Impaired by a Controlled Dangerous Substance – Penalty

(Ava's Law)

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #6

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

House Bill 1412 – Delegates Bohanan, Kaiser, Jones, Conway, Hixson, Branch, Guzzone, Luedtke, and Morhaim

EMERGENCY BILL

AN ACT concerning

Education – Maintenance of Effort

HB1412/465067/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1412
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the second "purpose" insert "and"; in line 7, strike "a" and substitute "the"; strike beginning with "requiring" in line 11 down through "law;" in line 15; and in line 27, after "request;" insert "requiring the Department to consult with certain State agencies when making certain calculations;".

On page 2, in line 2, after "waiver;" insert "requiring the Comptroller to withhold from a county a certain amount under certain circumstances and distribute the amount to the county board;"; strike beginning with "requiring" in line 4 down through "circumstances" in line 7 and substitute "waiving the penalty for not meeting the maintenance of effort requirement in a certain year"; in line 8, after "year" insert "for certain counties"; strike beginning with "establishing" in line 9 down through "year;" in line 10 and substitute "requiring the Superintendent to make a certain report annually;"; after line 18, insert:

"BY adding to
Article – Education
Section 5–213.1
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)";

in line 26, strike "and 10–106"; strike in their entirety lines 29 through 33, inclusive; and in line 39, strike "3" and substitute "2".

AMENDMENT NO. 2

On page 4, in line 9, strike "**A COUNTY THAT USES THE AUTHORITY**" and substitute "**ON OR BEFORE DECEMBER 31 OF ANY YEAR IN WHICH A COUNTY SETS A PROPERTY TAX RATE AS**"; in line 10, after "**SUBSECTION**" insert "**, THE COUNTY**"; strike beginning with "**ON**" in line 11 down through "**USED**" in line 12; in line 13, after the first "**THE**" insert "**ADDITIONAL**"; in the same line, after "**GENERATED**" insert a comma; strike beginning with "**BY**" in line 13 down through "**TAX**" in line 14; and in lines 14 and 15, strike "**FUNDS IN ACCORDANCE WITH THIS SUBSECTION**" and substitute "**ADDITIONAL REVENUES**".

On pages 4 through 7, strike in their entirety the lines beginning with line 18 on page 4 through line 20 on page 7, inclusive.

On page 9, in line 13, after the second "county" insert "**REQUESTS AND**".

On page 13, in line 30, strike "**BOARD**" and substitute "**BOARD**".

On page 14, in line 5, strike "**PARAGRAPHS (8) OR**" and substitute "**PARAGRAPH**".

On page 15, after line 34, insert:

"Article – Tax – General

2–604.

From the income tax revenue from individuals, the Comptroller shall distribute the amount necessary to pay refunds relating to income tax from individuals to the income tax refund account.

2–605.

(a) After making the distribution required under § 2–604 of this subtitle, from the remaining income tax revenue from individuals, the Comptroller shall distribute the cost of administering the income tax laws to an administrative cost account.

2–606.

(a) After making the distributions required under §§ 2–604 and 2–605 of this subtitle, from the remaining income tax revenue from individuals, the Comptroller shall distribute to an unallocated individual revenue account the income tax revenue:

(1) with respect to which an income tax return is not filed; and

(2) that is attributable to:

(i) income tax withheld from salary, wages, or other compensation for personal services under Title 10 of this article; or

(ii) estimated income tax payments by individuals.

2–607.

(a) After making the distributions required under §§ 2–604 through 2–606 of this subtitle, from the remaining income tax revenue from individuals, the Comptroller shall distribute to each special taxing district that received an income tax revenue distribution in fiscal year 1977 and to each municipal corporation an amount that, based on the certification of the Comptroller as to State income tax liability and county income tax liability of the residents of the district or municipal corporation, equals the greater of:

(1) subject to subsection (b) of this section, 17% of the county income tax liability of those residents; or

(2) 0.37% of the Maryland taxable income of those residents.

2–608.

(a) **(1) AFTER MAKING THE DISTRIBUTIONS REQUIRED UNDER §§ 2–604 THROUGH 2–607 OF THIS SUBTITLE, IF IT IS DETERMINED THAT A COUNTY HAS NOT MET THE LOCAL FUNDING REQUIREMENTS FOR EDUCATION UNDER § 5–202(D) OF THE EDUCATION ARTICLE, THE COMPTROLLER SHALL DISTRIBUTE TO THE COUNTY BOARD OF EDUCATION AN AMOUNT EQUAL TO THE AMOUNT CALCULATED UNDER § 5–213 OR § 5–213.1 OF THE EDUCATION ARTICLE.**

(2) After making the distributions required under §§ 2–604 through 2–607 of this subtitle **AND PARAGRAPH (1) OF THIS SUBSECTION**, the Comptroller shall distribute to each county the remaining income tax revenue from individuals attributable to the county income tax for that county.".

On page 16, in line 1, strike "4." and substitute "3."; in line 9, strike "**ITEM**" and substitute "**SUBSUBPARAGRAPH**"; and in line 14, strike "**IF**" and substitute "**IN EACH FISCAL YEAR IF**".

AMENDMENT NO. 3

On page 10, in line 22, strike "**AND**"; and in line 24, after "**YEARS**" insert "**; AND**

9. THE HISTORY OF COMPENSATION ADJUSTMENTS FOR EMPLOYEES OF THE COUNTY BOARD AND COUNTY GOVERNMENT".

AMENDMENT NO. 4

On page 11, in line 9, after "**(II)**" insert "**1.**"; in line 10, strike "**A**" and substitute "**THE**"; and after line 11, insert:

"**2. IF THE REDUCTION IN RECURRING COSTS INCLUDES REDUCTIONS IN PERSONNEL OR PERSONNEL COSTS, THEN THE STATE BOARD SHALL GRANT A WAIVER REQUEST IN THE AMOUNT THAT HAS BEEN MUTUALLY AGREED ON BY THE COUNTY, COUNTY BOARD, AND EXCLUSIVE EMPLOYEE REPRESENTATIVE.**".

AMENDMENT NO. 5

On page 14, after line 6, insert:

"**(11) IN MAKING THE CALCULATIONS REQUIRED UNDER THIS SUBSECTION, THE DEPARTMENT SHALL CONSULT WITH THE DEPARTMENT OF BUDGET AND MANAGEMENT AND THE DEPARTMENT OF LEGISLATIVE SERVICES.**

(12) (I) A COUNTY SHALL SUBMIT TO THE SUPERINTENDENT THE COUNTY'S APPROVED BUDGET NO LATER THAN 7 DAYS AFTER APPROVAL OF THE BUDGET OR JUNE 30, WHICHEVER IS EARLIER.

(II) NO LATER THAN 15 DAYS AFTER RECEIPT OF THE COUNTY'S APPROVED BUDGET THE SUPERINTENDENT SHALL CERTIFY WHETHER THE COUNTY HAS MET THE FUNDING REQUIREMENTS ESTABLISHED UNDER THIS SUBSECTION AND SHALL NOTIFY THE COUNTY AND COUNTY BOARD OF THAT CERTIFICATION.

(13) ON OR BEFORE DECEMBER 31 OF EACH YEAR THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON ALL WAIVER REQUESTS, MAINTENANCE OF EFFORT CALCULATIONS MADE BY THE DEPARTMENT AND THE COUNTY, THE DEPARTMENT'S DECISIONS REGARDING WAIVER REQUESTS, THE DEPARTMENT'S CERTIFICATION OF WHETHER A COUNTY HAS MET THE REQUIREMENT, AND ANY OTHER INFORMATION RELATING TO A COUNTY'S REQUEST FOR A WAIVER AND THE DEPARTMENT'S MAINTENANCE OF EFFORT DECISIONS.".

On page 15, in line 1, strike "**30**" and substitute "**15**"; in line 5, strike "**ON**" and substitute "**WITHIN 15 DAYS OF**"; in line 20, strike "**30**" and substitute "**15**"; and in line 24, strike "**ON**" and substitute "**WITHIN 15 DAYS OF**".

AMENDMENT NO. 6

On pages 16 and 17, strike in their entirety the lines beginning with line 24 on page 16 through line 7 on page 17, inclusive, and substitute:

"SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, no penalty shall be applied to any county that did not meet the maintenance of effort requirement in fiscal 2012.

SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for a county that does not meet the maintenance of effort funding requirement under § 5–202(d) of the Education Article in fiscal year 2012 and has a county income tax rate of 3.2%, the maintenance of effort funding requirement for fiscal year 2013 shall be based on the local funds appropriated to the school operating budget for fiscal year 2012.

SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in Section 5 of this Act, the required fiscal year 2013 maintenance of effort amount under § 5–202(d) of the Education Article for a county that did not meet the maintenance of effort requirement in fiscal year 2012 shall be calculated based on the per pupil amount required for the county to meet maintenance of effort in fiscal year 2012.".

On page 17, in line 8, strike "8." and substitute "7."; strike in their entirety lines 10 and 11; in line 12, strike "10." and substitute "8."; in the same line, strike "4" and substitute "3"; in line 14, strike "11." and substitute "9."; and in line 18, strike "10" and substitute "8".

The preceding 6 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:

Senate Bill 523 – Senator Manno

AN ACT concerning

~~Income Tax – Repeal of the 1997 Income Tax Reduction~~
State and Local Revenue and Financing Act of 2012

HOUSE APPROPRIATIONS COMMITTEE AND
HOUSE WAYS AND MEANS COMMITTEE REPORT ON
SENATE BILL 150 – THE BUDGET BILL;
SENATE BILL 152 – THE BUDGET RECONCILIATION AND FINANCING ACT;
SENATE BILL 523 – STATE AND LOCAL REVENUE ACT; AND
SENATE BILL 848 – MAINTENANCE OF EFFORT

(See Exhibit J of Appendix II)

SB0523/725662/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 523
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "individuals;" insert "altering the amount allowed as a deduction for certain exemptions under the Maryland income tax under certain circumstances; modifying a fiduciary's adjusted gross income to add back that portion of an electing small business trust consisting of stock of one or more S corporations that is subject to special taxing rules under certain provisions of the Internal Revenue Code;"; strike beginning with "altering" in line 6 down through "proof;" in line 15; and strike beginning with "altering" in line 21 down through "circumstances;" in line 25.

On page 2, in line 2, after "charge;" insert "repealing a certain exemption to the sales and use tax for certain sales of direct mail advertising literature and mail order catalogues that will be distributed outside the State;"; in line 16, strike beginning with "2–609," through "11–701(b)" and substitute "10–105(a), 10–211(b), 11–215(d)"; in line 21, strike "10–704(a)" and substitute "10–204(a) and 10–211(a)"; in line 26, strike "2–608.2 and 11–701.1" and substitute "10–204(j)"; and strike in their entirety lines 34 through 40, inclusive.

AMENDMENT NO. 2

On page 3, in line 14, strike beginning with "Except" through "for"; in line 15, before the first "an" insert "**FOR**"; in line 20, strike the brackets; in the same line, strike "**4.9%**"; in line 21, strike "**$25,000**" and substitute "**$100,000**"; strike beginning with "**4.95%**" in line 22 down through "**(VI)**" in line 24; in line 24, strike "**$75,001**" and substitute "**$100,001**"; in lines 26 and 28, strike "**(VII)**" and "**(VIII)**", respectively, and substitute "**(VI)**" and "**(VII)**", respectively; in line 27, strike "**AND**"; and in line 29, after "$500,000" insert "**; AND**

(VIII) 5.75% OF MARYLAND TAXABLE INCOME IN EXCESS OF $500,000".

On page 4, in line 1, strike beginning with "Except" through "for"; in line 2, before "spouses" insert "**FOR**"; in line 7, strike the brackets; in the same line, strike "**4.9%**"; in line 8, strike "**$50,000**" and substitute "**$150,000**"; strike beginning with "**4.95%**" in line 9 down through "**(VI)**" in line 11; in line 11, strike "**$100,001**" and substitute "**$150,001**"; in lines 13 and 15, strike "**(VII)**" and "**(VIII)**", respectively, and substitute "**(VI)**" and "**(VII)**", respectively; in line 14, strike "**AND**"; and in line 16, after "$500,000" insert "**; AND**

(VIII) 5.75% OF MARYLAND TAXABLE INCOME IN EXCESS OF $500,000".

On page 5, strike beginning with "**(3)**" in line 1 down through "**TITLE.**" in line 24.

AMENDMENT NO. 3

On page 5, after line 24, insert:

"10–204.

(a) To the extent excluded from federal adjusted gross income, the amounts under this section are added to the federal adjusted gross income of a resident to determine Maryland adjusted gross income.

(J) THE ADDITION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES THE AMOUNT OF INCOME OF AN ELECTING SMALL BUSINESS TRUST, AS DEFINED UNDER § 1361(E)(1) OF THE INTERNAL REVENUE CODE, THAT IS SUBJECT TO

THE SPECIAL TAXING RULES UNDER § 641(C) OF THE INTERNAL REVENUE CODE.".

AMENDMENT NO. 4

On page 5, before line 25, insert:

"10–211.

(a) Except as provided in subsection (b) of this section, whether or not a federal return is filed, to determine Maryland taxable income, an individual other than a fiduciary may deduct as an exemption:

(1) $3,200 for each exemption that the individual may deduct in the taxable year to determine federal taxable income under § 151 of the Internal Revenue Code;

(2) an additional $3,200 for each dependent, as defined in § 152 of the Internal Revenue Code, who is at least 65 years old on the last day of the taxable year;

(3) an additional $1,000 if the individual, on the last day of the taxable year, is at least 65 years old; and

(4) an additional $1,000 if the individual, on the last day of the taxable year, is a blind individual, as described in § 10–208(c) of this subtitle.

(b) (1) If an individual other than one described in paragraph (2) of this subsection has federal adjusted gross income for the taxable year greater than $100,000, the amount allowed for each exemption under subsection (a)(1) or (2) of this section is limited to:

(i) **[**$2,400**] $1,600** if federal adjusted gross income for the taxable year does not exceed $125,000;

(ii) **[**$1,800**] $800** if federal adjusted gross income for the taxable year is greater than $125,000 but not greater than $150,000; **AND**

(iii) **[**$1,200**] $0** if federal adjusted gross income for the taxable year is greater than $150,000 **[**but not greater than $200,000; and

(iv) $600 if federal adjusted gross income for the taxable year is greater than $200,000**]**.

(2) If a married couple filing a joint return or an individual described in § 2 of the Internal Revenue Code as a head of household or as a surviving spouse has federal adjusted gross income for the taxable year greater than $150,000, the amount allowed for each exemption under subsection (a)(1) or (2) of this section is limited to:

(i) **[**$2,400**] $1,600** if federal adjusted gross income for the taxable year does not exceed $175,000;

(ii) **[**$1,800**] $800** if federal adjusted gross income for the taxable year is greater than $175,000 but not greater than $200,000; **AND**

(iii) **[**$1,200**] $0** if federal adjusted gross income for the taxable year is greater than $200,000 **[**but not greater than $250,000; and

(iv) $600 if federal adjusted gross income for the taxable year is greater than $250,000**]**.".

AMENDMENT NO. 5

On pages 5 and 6, strike in their entirety the lines beginning with line 25 on page 5 through line 22 on page 6, inclusive.

On pages 6 through 8, strike in their entirety the lines beginning with line 26 on page 6 through line 2 on page 8, inclusive.

AMENDMENT NO. 6

On page 8, in line 5, strike "**20%**" and substitute "**50%**"; and in line 12, strike "**20%**" and substitute "**15%**".

AMENDMENT NO. 7

On pages 9 and 10, strike in their entirety the lines beginning with line 8 on page 9 through line 10 on page 10, inclusive.

On pages 10 and 11, strike in their entirety the lines beginning with line 20 on page 10 through line 9 on page 11, inclusive.

AMENDMENT NO. 8

On page 6, after line 25, insert:

"11–215.

(d) The sales and use tax does not apply to[:

(1) a sale of direct mail advertising literature and mail order catalogues that will be distributed outside the State, and a sale of computerized mailing lists to the extent used for the purpose of providing addresses to which direct mail advertising literature and mail order catalogues will be distributed outside the State; or

(2)] a sale of government documents, publications, records, or copies by the federal or State or a local government or an instrumentality of the federal or State or local government.".

AMENDMENT NO. 9

On page 11, strike in their entirety lines 29 through 34, inclusive; and in line 35, strike "11." and substitute "10.".

On page 12, in line 1, strike "12." and substitute "11."; and in line 4, strike "13." and substitute "12.".

The preceding 9 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 and Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 848 – Senator King

EMERGENCY BILL

AN ACT concerning

Education – Maintenance of Effort ~~– Waivers~~

HOUSE APPROPRIATIONS COMMITTEE AND
HOUSE WAYS AND MEANS COMMITTEE REPORT ON
SENATE BILL 150 – THE BUDGET BILL;
SENATE BILL 152 – THE BUDGET RECONCILIATION AND FINANCING ACT;
SENATE BILL 523 – STATE AND LOCAL REVENUE ACT; AND
SENATE BILL 848 – MAINTENANCE OF EFFORT

(See Exhibit J of Appendix II)

Favorable report adopted.

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

The motion was adopted.

SPECIAL ORDERS

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

House Bill 193 – Delegate Walker

AN ACT concerning

Consumer Protection – Home Appliances – Warranty Enforcement

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

Read the second time and ordered prepared for Third Reading.

House Bill 731 – Delegate Lafferty

AN ACT concerning

Housing and Community Development – Neighborhood and Community Assistance Program – Project Proposals

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

Delegate McIntosh moved the Bill be recommitted.

The motion was adopted.

House Bill 1031 – Delegates Alston and Vallario

AN ACT concerning

Criminal Procedure – Right of Appeal from Final Judgments – Conditional Guilty Plea

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

Read the second time and ordered prepared for Third Reading.

House Bill 1103 – Delegates Cardin and Summers

AN ACT concerning

Election Law – Campaign Contributors – Occupation and Employer

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

FLOOR AMENDMENT

HB1103/113926/2
BY: Delegate Morhaim

AMENDMENTS TO HOUSE BILL 1103
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "amount;" insert "requiring the State Board of Elections to provide certain notice to a treasurer of a campaign finance entity if a contributor makes cumulative contributions exceeding a certain amount during a certain period; requiring the State Board to require a certain standard response that a treasurer shall include in a campaign finance report if a contributor does not provide certain information to the treasurer;".

AMENDMENT NO. 2

On page 2, in line 6, after "**(3)**" insert "**(I)**"; and after line 10, insert:

"**(II) THE STATE BOARD SHALL:**

1. PROMPTLY PROVIDE NOTICE TO THE TREASURER OF A CAMPAIGN FINANCE ENTITY IF A CONTRIBUTOR INCLUDED ON A CAMPAIGN FINANCE REPORT SUBMITTED BY THE TREASURER HAS MADE CONTRIBUTIONS

TO THE CAMPAIGN FINANCE ENTITY IN A CUMULATIVE AMOUNT OF $500 OR MORE DURING THE ELECTION CYCLE; AND

2. REQUIRE A STANDARD RESPONSE THAT A TREASURER SHALL INCLUDE IN THE CAMPAIGN FINANCE REPORT IF A CONTRIBUTOR DOES NOT SUPPLY THE INFORMATION REQUIRED CONCERNING THE CONTRIBUTOR'S OCCUPATION AND EMPLOYER.".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 1275 – Delegates Cardin, George, and Summers

AN ACT concerning

Election Law – Petition Fund Reports – Available Online

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

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 40 – ~~Senator Astle~~ Senators Astle and Garagiola

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 and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 130 – Senators Ferguson ~~and Gladden~~, Gladden, and Jones–Rodwell

AN ACT concerning

Baltimore City – Nuisance Abatement and Local Code Enforcement – Community Associations

FOR the purpose of altering the definition of "community association" under certain provisions of law relating to the standing of certain community associations in Baltimore City to seek judicial relief for abatement of certain nuisances; altering the definition of "nuisance" to repeal a certain requirement that a local code violation must diminish the value of neighboring property; altering the definition of "local code violation" to correct references to certain provisions of the Baltimore City Code; prohibiting a community association from filing an action if the community association receives certain information from a certain department regarding an active code enforcement plan; repealing a certain requirement that a community association must file a bond with the court before seeking nuisance abatement; repealing a certain provision that a community association may not be construed to have standing to pursue a nuisance action concerning a vacant dwelling that is boarded up, free from trash and debris, and secure against entry; and generally relating to the right of community associations in Baltimore City to seek judicial abatement of certain nuisances.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 14–123
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Senate Bill 188 – Senators Shank, Edwards, and Young

AN ACT concerning

Washington County – Distribution of Amounts to Town of Williamsport – Payments in Lieu of Property Taxes on Electricity Generation Facilities

FOR the purpose of altering the requirement that Washington County distribute certain proceeds of certain payments in lieu of property taxes under certain

circumstances; providing for the application of this Act; and generally relating to the distribution of certain proceeds in Washington County.

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 7–514(c)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 7–514(e)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 265 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Tax Sales – Auctioneer's Fees

FOR the purpose of setting the amount of the auctioneer's fee allowed in Frederick County as an expense relating to certain tax sales to be the lowest responsive bid for each property sold; and generally relating to tax sales in Frederick County.

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 14–813(e)(1)(iv)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 14–813(e)(2)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 291 – Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation) and Senators Garagiola, Kelley, Muse, and Pugh

AN ACT concerning

Unemployment Insurance – Coverage – Victims of Domestic Violence

FOR the purpose of providing that certain information provided to the Secretary of Labor, Licensing, and Regulation related to whether a claimant for unemployment insurance left employment as a result of domestic violence is confidential and not subject to disclosure except under certain circumstances; authorizing the Secretary to notify an employing unit in general terms that a claimant has left employment as a result of domestic violence; prohibiting the Secretary from disclosing certain information to an employing unit unless the employing unit provides certain information; requiring the Secretary to take certain action before disclosing certain information to an employing unit; prohibiting an employing unit from disseminating certain information; specifying that certain information related to the status of a claimant or a claimant's ~~immediate family member~~ spouse, minor child, or parent as a victim of domestic violence is not public information subject to certain disclosure; authorizing the Secretary to adopt certain regulations; prohibiting the Secretary from charging certain unemployment insurance benefits against the earned rating record of an employing unit; authorizing the Secretary to find that a cause of voluntarily leaving employment is good cause if it is directly attributable to the individual or individual's ~~immediate family member~~ spouse, minor child, or parent being a victim of domestic violence and the individual has a certain reasonable belief and provides certain information; providing for the application of this Act; and generally relating to unemployment insurance coverage for victims of domestic violence.

BY adding to
Article – Labor and Employment
Section 8–105.1
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–611(e) and 8–1001
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Senate Bill 353 – Senator Forehand

AN ACT concerning

Estates – Small Estate Administration – Eligibility Thresholds

FOR the purpose of altering the maximum value of property of certain decedents that may be eligible to be administered as a small estate; altering the value of property discovered after filing a certain petition that requires removing an estate from small estate administration; altering the fee schedule for certain small estates; clarifying language; making stylistic changes; providing for the application of this Act; and generally relating to small estate administration.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 5–601, 5–605, and 5–606
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

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

Senate Bill 396 – Senator Forehand

AN ACT concerning

Maryland Uniform Transfers to Minors Act – Orphans' Court

FOR the purpose of altering the definition of the term "court" to include an orphans' court or a court exercising the jurisdiction of an orphans' court for the purposes of the Maryland Uniform Transfers to Minors Act; and generally relating to the Maryland Uniform Transfers to Minors Act.

BY repealing and reenacting, without amendments,
Article – Estates and Trusts
Section 13–301(a), 13–306, 13–309, 13–312(a), 13–314(c) and (d), 13–318(d) and (f), 13–319, and 3–324
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 13–301(e)
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

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

Senate Bill 401 – Senators Pugh, Gladden, and Ramirez

AN ACT concerning

Motor Vehicles – Towing Practices and Procedures

FOR the purpose of ~~establishing a motor vehicle towing, recovery, and storage lien on a towed motor vehicle on behalf of the tower for certain towing, recovery, and storage charges; prohibiting a motor vehicle towing, recovery, and storage lienor from selling the motor vehicle to which the lien is attached under certain circumstances; providing that a motor vehicle towing, recovery, and storage lienor may only sell a motor vehicle to which a lien is attached in a certain manner; requiring a motor vehicle towing, recovery, and storage lienor to return certain motor vehicle registration plates to the Motor Vehicle Administration under certain circumstances; requiring the Motor Vehicle Administration to provide a receipt for the return of certain motor vehicle registration plates; establishing certain notice and publication requirements for the public sale of a towed vehicle; requiring the Administration to issue a salvage certificate to the purchaser of an abandoned vehicle or a vehicle subject to a motor vehicle towing, recovery, and storage lien under certain circumstances; providing for the application process for a salvage certificate for an abandoned vehicle or a vehicle subject to a motor vehicle towing, recovery, and storage lien; requiring certain motor vehicle towing, recovery, and storage lienors to file a certain court action in a certain manner under certain circumstances; requiring the Motor Vehicle Administration to issue a certificate of title that contains a conspicuous "salvage" notation under certain circumstances;~~ clarifying the application of certain security requirements for tow trucks; altering certain security requirements for tow trucks; altering certain penalties for certain violations related to tow truck vehicle registration; providing for the statewide application of certain provisions of law governing the towing or removal of vehicles from parking lots; repealing a certain provision exempting abandoned vehicles from the application of certain provisions relating to the towing and 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 2011 Supplement)~~

~~BY repealing and reenacting, without amendments,~~
~~Article – Commercial Law~~
~~Section 16–206~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2011 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Transportation
Section ~~11–152, 13–506(b), (c), 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 2011 Supplement)

~~BY adding to~~
~~Article – Transportation~~
~~Section 13–506(e)~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2011 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 2011 Supplement)

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

Senate Bill 404 – Senators Brinkley, Colburn, Currie, Glassman, King, Kittleman, Klausmeier, Montgomery, Stone, Young, and Zirkin

AN ACT concerning

Sales and Use Tax – Exemption – Home Wheelchair Lifts and Stairlifts

FOR the purpose of exempting from the sales and use tax the sale of home wheelchair lifts and stairlifts; and generally relating to a sales and use tax exemption for certain physical aids.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11–211(b)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 425 – Harford County Senators

AN ACT concerning

Harford County – Tax Sales – Auctioneer Fees

FOR the purpose of altering the auctioneer's fee in Harford County allowed as an expense relating to certain tax sales of property; and generally relating to tax sales of property in Harford County.

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 14–813(e)(1)(iv)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 14–813(e)(2)(i) and (ix)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 512 – Senators Frosh, Conway, Forehand, Gladden, Kelley, Madaleno, Manno, Montgomery, Ramirez, Raskin, and Rosapepe

AN ACT concerning

Regulated Firearms – Database – Applications for Dealer's License – Record Keeping and Reporting Requirements

FOR the purpose of ~~authorizing the Criminal Justice System Central Repository in the Department of Public Safety and Correctional Services to disseminate certain reportable events to the Department of State Police; authorizing the Department of State Police to make certain information available to local law enforcement agencies to aid the investigation of individuals who possess a firearm despite being prohibited from possessing a firearm;~~ requiring the Secretary of State Police or the Secretary's designee to disapprove an application for a State–regulated firearms dealer's license if the Secretary or designee determines that the applicant intends a certain person to participate or hold a certain interest in the management or operation of the business for which the license is sought; requiring that the Secretary or designee suspend a dealer's license if the licensee is not in compliance with certain record keeping and reporting requirements; requiring that a licensed dealer keep records of all receipts, sales, and other dispositions of firearms affected in connection with the licensed dealer's business; requiring the Secretary or designee to adopt certain regulations specifying certain information; requiring that the records that licensed dealers maintain include certain information; specifying certain record keeping requirements to be met when a firearms business is discontinued; requiring that a licensee respond in a certain way after receipt from the Secretary or designee for certain information; authorizing the Secretary or designee to implement a system by which a certain person may request certain information; requiring the Secretary or designee to inspect the inventory and records of a licensed dealer under certain circumstances; authorizing the Secretary or designee to conduct a certain inspection during a certain time; providing certain penalties; and generally relating to regulated firearms dealers and applicants for a regulated firearms dealer's license.

~~BY repealing and reenacting, with amendments,~~
~~Article – Criminal Procedure~~
~~Section 10–219(a)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2011 Supplement)~~

~~BY adding to~~
~~Article – Criminal Procedure~~
~~Section 10–219(e)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2011 Supplement)~~

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 5–101(a) and (s)
Annotated Code of Maryland
(2003 Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety

Section 5–110(a), 5–114(a), and 5–115
Annotated Code of Maryland
(2003 Volume and 2011 Supplement)

BY adding to
Article – Public Safety
Section 5–144
Annotated Code of Maryland
(2003 Volume and 2011 Supplement)

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

Senate Bill 514 – Senator Shank

AN ACT concerning

Public Safety – Law Enforcement Handgun Disposal – Deceased Officers

FOR the purpose of authorizing a law enforcement agency to transfer the handgun of a law enforcement officer who is killed or dies in the performance of duty to ~~certain members of the deceased officer's family or to the deceased officer's estate; authorizing a law enforcement agency to render the handgun of a deceased officer inoperable before transfer~~ the next of kin of the deceased officer under certain circumstances; and generally relating to the disposal of handguns by law enforcement agencies.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–501
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 521 – Senators Shank, Brochin, Colburn, Jacobs, and Stone

AN ACT concerning

Justice's Law

FOR the purpose of expanding the list of persons who can be convicted of first–degree child abuse under certain circumstances; increasing the maximum penalty for first–degree child abuse resulting in death of the victim; increasing the maximum penalty for a subsequent conviction of child abuse resulting in death of the victim; and generally relating to child abuse.

BY repealing and reenacting, with amendments,

Article – Criminal Law
Section 3–601
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

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

Senate Bill 557 – Senator Getty

AN ACT concerning

~~Education – Maryland Interscholastic Athletic Association – Establishment~~
Open Meetings Act – Public Body – Definition

~~FOR the purpose of establishing the Maryland Interscholastic Athletic Association in the State Department of Education; providing that the Association is governed by a Board of Directors established under this Act; specifying the purposes of the Association; providing for the membership of the Board; requiring the Governor to consider certain factors in determining whether to appoint an individual to the Board; prohibiting a school district or nonpublic school from having more than one representative serving as a member on the Board; prohibiting certain individuals from being appointed to the Board as public members; providing for the terms of the initial members of the Board and for the terms of the members of the Board thereafter; providing that a member of the Board is deemed to have resigned from the Board under certain circumstances; specifying that a vote of a member appointed in violation of a certain provision of this Act is void; providing certain compensation for a member of the Board; specifying the circumstances under which the Board can take action; requiring the Board annually to elect certain officers; requiring an election to be held at a certain time if there is a vacancy in office; requiring the Board to meet at certain times and places; requiring copies of minutes of certain meetings to be maintained by the Association at the Department; requiring the Board to adopt certain regulations and issue a certain decision within a certain number of days after a certain hearing; authorizing the Board to adopt certain regulations; specifying the duties of the Board; providing for the hiring of staff for the Board; establishing the Secondary Interscholastic Athletic Fund; requiring the Board to decide certain controversies; authorizing a certain party to appeal a certain decision of the Board to the State Board of Education under certain circumstances; requiring the State Board to adopt certain regulations; prohibiting the State Board from reversing a decision made by the Board under certain circumstances; specifying that a certain decision of the State Board is final and not subject to further review; requiring the Board to make a certain record; requiring that the cost of preparing a certain transcript be paid by the person requesting the transcript; specifying the intent of the General Assembly; making a conforming change; defining certain terms; and generally relating to the Maryland Interscholastic Athletic Association.~~

FOR the purpose of altering the definition of a "public body" for the purposes of the Open Meetings Act to include an entity that is created by a memorandum of understanding or a master agreement to which a majority of the county boards of education and the State Department of Education are signatories; requiring the State Department of Education to report on or before a certain date to certain committees regarding the activities and decisions of the Maryland Public Secondary Schools Athletic Association; and generally relating to public bodies under the Open Meetings Act.

~~BY adding to~~
~~Article – Education~~
~~Section 2–401 through 2–411 to be under the new subtitle "Subtitle 4. Maryland Interscholastic Athletic Association"~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2011 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Education~~
~~Section 7–433(b)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2011 Supplement)~~

BY repealing and reenacting, without amendments,
Article – State Government
Section 10–502(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–502(h)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 562 – Senators Forehand, Colburn, Jacobs, Kelley, King, Klausmeier, Manno, Ramirez, ~~and Stone~~ Stone, Brochin, and Raskin

AN ACT concerning

Juvenile Sex Crime Victims' Rights Act

FOR the purpose of requiring the Department of Juvenile Services to disclose to a victim or victim's representative the home address, school, or place of employment of a child respondent on probation under certain circumstances;

requiring a certain confinement unit to disclose to a victim or victim's representative the home address, school, or place of employment of a child respondent under certain circumstances; specifying that certain provisions of law concerning the confidentiality of juvenile records do not prohibit the disclosures authorized by this Act; and generally relating to victims' rights.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–27
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–507 and 11–508
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Senate Bill 565 – Senators Raskin, Frosh, Gladden, ~~and Miller~~ Miller, and Forehand

AN ACT concerning

Criminal Procedure – Sex Offender Registration Requirements – Kidnapping

FOR the purpose of altering the offenses for which a person can be required to register on a certain registry; providing for the application of this Act; and generally relating to sex offender registration requirements and the crime of kidnapping.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–701(q)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Senate Bill 576 – Senator Astle

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Video Lottery Facility – Licenses and Hours for Sale and Consumption

FOR the purpose of altering the hours for the sale and consumption of alcoholic beverages at a video lottery facility in Anne Arundel County to match the hours of operation for a video lottery facility; prohibiting the holder of an entertainment facility license or an entertainment concessionaire license, or an employee of the license holder from knowingly allowing a person to consume alcoholic beverages on the licensed premises of a video lottery facility except during the hours of operation of the facility established by law; providing that a subsidiary of a certain entity may be issued an entertainment facility license; and generally relating to entertainment facility licenses and the hours for the sale and consumption of alcoholic beverages at a video lottery facility in Anne Arundel County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 8–202(a), 11–304(a)(1), and 11–502(a)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–202(k) and 11–304(c)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article 2B – Alcoholic Beverages
Section 11–502(j)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–1A–23(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 606 – Senator DeGrange

AN ACT concerning

Finance and Procurement – State Treasury – Collateral

FOR the purpose of clarifying the types of collateral that may be used under certain provisions of law to include a certain letter of credit if the letter meets certain

requirements of the State Treasurer's office; correcting a certain reference; and generally relating to letters of credit used as collateral.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–202
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 612 – Senators Raskin, Jacobs, Forehand, Getty, Ramirez, Stone, and Zirkin

AN ACT concerning

Criminal Law – First Degree Assault – Strangulation

FOR the purpose of prohibiting a person from committing an assault by applying pressure on the throat or neck of another person in a certain manner; establishing that a person who violates this Act is guilty of the felony of assault in the first degree and on conviction is subject to a certain penalty; and generally relating to the crime of assault in the first degree.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–202
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

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

Senate Bill 666 – Carroll County Senators

AN ACT concerning

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

FOR the purpose of authorizing the governing body of Carroll County or of a municipal corporation in Carroll County to grant, by law, a tax credit against the county or municipal corporation property tax imposed on certain housing units at independent living retirement communities; authorizing the governing body of Carroll County or of a municipal corporation in Carroll County to provide, by law, for certain provisions necessary to carry out the tax credit; specifying that the full benefit of the tax credit be assigned to certain residents; providing for the application of this Act; defining a certain term; and generally relating to a

property tax credit in Carroll County for certain housing units in certain independent living retirement communities.

BY adding to
Article – Tax – Property
Section 9–308(f)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 668 – Senators Mathias, Colburn, Middleton, and Pipkin

AN ACT concerning

Corporations and Associations – Electric Cooperatives – Electronic Notices and Voting

FOR the purpose of authorizing a certain electric cooperative to provide notice of each meeting of its members by electronic transmission under certain circumstances; authorizing a certain person to waive notice of a meeting of the members of an electric cooperative by electronic transmission under certain circumstances; authorizing voting by members of an electric cooperative by electronic transmission under certain circumstances; requiring, under certain circumstances, the bylaws of an electric cooperative to establish the conditions under which voting by electronic transmission is allowed; and generally relating to electric cooperatives.

BY repealing and reenacting, without amendments,
Article – Corporations and Associations
Section 1–101(a) and (m)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 5–617 and 5–619
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

Senate Bill 689 – Senator Shank

AN ACT concerning

Education – Maryland Advisory Council for Virtual Learning – Establishment

FOR the purpose of establishing the Maryland Advisory Council for Virtual Learning within the Department of Education; requiring the Department to provide staff for the Council; establishing the mission of the Council; identifying the membership of the Council; establishing the membership term; requiring the State Superintendent or the Governor to appoint a member in the event of a vacancy; requiring the Council members to elect the Council chair; prohibiting a member from receiving compensation except under certain circumstances; establishing a quorum of the Council; requiring the Council to meet for a certain number of times; establishing the responsibilities of the Council; requiring the Council to submit a certain report by a certain time; defining a certain term; and generally relating to the Maryland Advisory Council for Virtual Learning.

BY adding to
Article – Education
Section 7–10B–01 through 7–10B–06 to be under the new subtitle "Subtitle 10B. Maryland Advisory Council for Virtual Learning"
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 711 – Senator Forehand

AN ACT concerning

Maryland General and Limited Power of Attorney Act

FOR the purpose of ~~specifying requirements to establish the legal sufficiency of certain statutory forms for a~~ clarifying the form of document that may be used to create a certain statutory form power of attorney; requiring certain coagents to act together unanimously unless otherwise provided in a power of attorney; providing for the designation of coagents in certain statutory forms for a power of attorney; altering certain provisions in certain statutory forms for a power of attorney relating to authority to make gifts to certain persons, to create or change a beneficiary designation in certain retirement plans, and to nominate a person for appointment as a guardian of property or a guardian of the person; and generally relating to the Maryland General and Limited Power of Attorney Act.

BY repealing and reenacting, without amendments,
Article – Estates and Trusts
Section 17–101(a) and (g)
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Estates and Trusts
Section 17–108(d), 17–201, 17–202, and 17–203
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

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

Senate Bill 799 – Chair, Judicial Proceedings Committee (By Request – Sexual Offender Advisory Board)

AN ACT concerning

Criminal Law – Sex Offenders – Statutory Sex Offense

FOR the purpose of altering the age difference required between a victim and an offender for the crime of third degree sex offense; prohibiting certain persons from engaging in certain sexual acts with a person who is a certain age; providing for penalties for a violation of this Act; requiring a certain person convicted of engaging in certain sexual acts with a person who is a certain age to register on the State sex offender registry; requiring the Department of Public Safety and Correctional Services to maintain a certain nonpublic registry database for certain persons convicted of a certain crime; establishing the purpose of a certain registry database; ~~establishing the term of registration for certain nonpublic registrants;~~ altering the duties of the Department for the registration of certain sex offenders; ~~requiring a certain registrant to appear in person at a certain location at certain times and to provide certain information;~~ making conforming changes; defining certain terms; and generally relating to sex offenders.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–106(z)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–307 and 3–308
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

BY adding to
Article – Criminal Law
Section 3–308.1
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–701 and 11–713
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – Criminal Procedure
Section 11–704.3
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Senate Bill 804 – Senators Brinkley, Colburn, Glassman, Jennings, Robey, and Stone

AN ACT concerning

Human Services – Service Animal Trainers – Nondiscrimination

FOR the purpose of altering certain provisions of law establishing certain rights and privileges for individuals with disabilities to include certain service animal trainers; altering certain provisions of law relating to the use of service animals by individuals with disabilities to include service animal trainers; altering a certain definition; and generally relating to nondiscrimination against service animal trainers.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 7–701(h) and 7–704
Annotated Code of Maryland
(2007 Volume and 2011 Supplement)

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

Senate Bill 811 – ~~Senator Astle~~ Senators Astle, Garagiola, Glassman, Kelley, Klausmeier, Middleton, Pugh, and Muse

AN ACT concerning

Insurance – Fraud Violations – Fines and Administrative Penalties

FOR the purpose of requiring the Fraud Division of the Maryland Insurance Administration to investigate certain allegations and to impose certain penalties under certain circumstances; providing that a certain fine imposed for

certain insurance fraud violations is mandatory and not subject to suspension; authorizing the Maryland Insurance Commissioner to impose an administrative penalty, not exceeding a certain amount, for certain insurance fraud violations under certain circumstances; authorizing the Commissioner, for certain insurance fraud violations, to order restitution to certain insurers or self–insured employers of certain proceeds paid; requiring the Commissioner to consider certain factors in determining the amount of a certain administrative penalty; providing that the Commissioner may bring a civil action for the nonpayment of a certain administrative penalty under certain circumstances; providing for the effect of this Act; and generally relating to the authority of the Maryland Insurance Commissioner to impose fines and administrative penalties and order restitution for insurance fraud violations.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 2–405 and 27–408
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 843 – Senators Pinsky, Ferguson, Madaleno, ~~and Montgomery~~ Montgomery, and Rosapepe

AN ACT concerning

Institutions of Postsecondary Education – Fully Online Distance Education Programs – Registration

FOR the purpose of requiring certain institutions of postsecondary education that enroll certain students in certain online distance education programs to register with the Maryland Higher Education Commission before commencing or continuing to operate, do business, or function in the State within a certain period of time under certain circumstances; prohibiting certain institutions from commencing or continuing to operate, doing business, or functioning in the State; requiring the Commission to give certain institutions certain notice under certain circumstances within a certain period of time; authorizing certain institutions to request a certain hearing under certain circumstances; requiring the Commission to render a certain decision within a certain period of time; providing certain institutions a certain right to judicial review; providing for a certain exception from the requirement for registration; requiring certain institutions to be accredited, submit certain information to the Commission, notify the Commission of certain changes, comply with certain principles of good practice, make public and publish certain information on the institution's Web site, comply with a certain refund policy and procedures, and be subject to certain complaint investigation; requiring the Commission to establish certain refund policies and procedures; requiring the payment of certain fees to be used

for certain purposes; requiring the Commission to make public and post on its Web site the names of certain institutions under certain circumstances; requiring the Commission to submit certain reports to the Governor and the General Assembly; authorizing the Commission to require certain institutions to furnish certain bonds or other financial guarantees under certain circumstances; authorizing the Commission to create a certain guaranty fund; providing for the use of a certain fund; authorizing certain students to make certain claims against a certain fund under certain circumstances; requiring certain institutions to pay a certain fee into a certain fund subject to a certain ~~exceptions~~ exception; prohibiting the Commission from issuing a certain registration and requiring the Commission to revoke a certain registration under certain circumstances; authorizing the Commission to impose a certain penalty on certain institutions under certain circumstances; requiring the Commission to deposit certain monetary penalties into a certain fund; subjecting certain institutions to revocation of registration under certain circumstances; prohibiting certain institutions from enrolling certain students under certain circumstances; authorizing certain students to complete certain online distance education programs under certain circumstances; providing that certain persons are guilty of a misdemeanor and subject to certain fines and imprisonment for a certain period of time under certain circumstances; requiring certain institutions to submit certain data to the Maryland Longitudinal Data System; providing for the construction of this Act; defining certain terms; and generally relating to institutions of postsecondary education that offer fully online distance education programs in the State.

BY repealing and reenacting, with amendments,
Article – Education
Section 11–202, 11–203, 11–204, and 24–707
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – Education
Section 11–202.2
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Senate Bill 853 – Senator Klausmeier

AN ACT concerning

Baltimore County – Public School Employees – Collective Bargaining Units

FOR the purpose of altering the definition of "public school employee" as it relates to collective bargaining units of employees in Baltimore County; altering the

composition of a certain unit of certain employees in Baltimore County; ~~establishing a certain unit of certain employees~~ including a unit of certain supervisory employees among certain units authorized in Baltimore County; providing for a delayed effective date; and generally relating to collective bargaining units for public school employees in Baltimore County.

BY repealing and reenacting, with amendments,
Article – Education
Section 6–401(e), 6–404(c), and 6–505(c)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 855 – Senator Raskin

AN ACT concerning

Corporations and Associations – Limited Liability Act – Revisions

FOR the purpose of establishing that certain statutory provisions relating to limited liability companies apply unless otherwise agreed on in the limited liability company's articles of organization, in the operating agreement, or by unanimous consent; repealing the requirement that the purposes for which a limited liability company is formed be set forth in the articles of organization; altering the requirements for a certain resident agent; authorizing the conversion of a partnership to a limited liability company to be abandoned by a certain vote or agreement; repealing provisions relating to a member's authority regarding abandoning the business; authorizing an operating agreement to contain procedures related to meetings and voting; prohibiting a member from taking certain actions without the consent of certain members holding at least a certain amount of the interest in profits of a limited liability company; prohibiting a member from taking certain actions without the unanimous consent of the members; authorizing a meeting of the members to be called by written request of certain members holding a certain amount of the interests in the profits of a limited liability company; authorizing members of a limited liability company to participate in a meeting by certain means of communication if certain requirements are met; authorizing electronic transmission of certain required notices, consents, or communications; authorizing a member to use certain means to authorize a certain person to act as a proxy; providing that a certain proxy is revocable under certain circumstances; clarifying certain standards governing the right to inspect and copy certain records; authorizing a limited liability company to keep certain information confidential for a certain time period, unless a certain agreement is executed; requiring a demand for certain protected information to be in writing and state the purpose of the demand; clarifying that only a certain economic interest may be assigned; clarifying that a certain assignment of an economic

interest does not include the exercise of certain noneconomic interests; providing that assignment of all of a certain economic interest in a limited liability company forfeits certain noneconomic interests; providing that the pledge or grant of a security interest, lien, or encumbrance in or against a member's economic interest does not affect a member's noneconomic interest; authorizing a member to withdraw from a limited liability company prior to the dissolution and winding up of the limited liability company by giving a certain notice; authorizing the operating agreement to provide that a member may not withdraw or place certain limits on the ability of a member to withdraw; providing that assignment of all of a certain economic interest in a limited liability company causes a person to no longer be a member of the limited liability company; providing that a charging order applies to a certain economic interest of a certain debtor and only requires the limited liability company to pay to a certain creditor certain distributions; providing that a certain noneconomic interest of a certain debtor is not subject to a charging order; altering the circumstances under which a foreclosure of certain economic interests may be ordered; authorizing certain members to consent to the redemption of an economic interest with certain property before a foreclosure; repealing the requirement of unanimous consent for abandoning a certain proposed merger; providing that abandonment of a proposed merger requires the consent of certain members; making certain technical, stylistic, clarifying, and conforming changes; defining certain terms; and generally relating to limited liability companies.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 1–101(t), 4A–101, 4A–102, 4A–203, 4A–204, 4A–209, 4A–210(a) and (c), 4A–211, 4A–401 through 4A–403, 4A–405, 4A–406, 4A–502 through 4A–505, 4A–601 through 4A–601.1, 4A–607, 4A–701, 4A–702, 4A–704 through 4A–706, 4A–709(c), 4A–801, 4A–902, 4A–904, 4A–906, 4A–918, 4A–1103, and 4A–1104
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Corporations and Associations
Section 4A–802
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY adding to
Article – Corporations and Associations
Section 4A–403.1 and 4A–403.2
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

Senate Bill 856 – ~~**Senator Raskin**~~ **Senators Raskin, Forehand, Getty, Gladden, Jacobs, Ramirez, Shank, and Stone**

AN ACT concerning

Courts and Judicial Proceedings – Maryland Mediation Confidentiality Act

FOR the purpose of establishing that certain communications made in the course of and relating to certain mediations may not be disclosed by the mediators, parties to the mediations, or certain persons who participate in or are present for the mediations, under certain circumstances; establishing certain exceptions for certain communications; providing for the application of this Act; defining certain terms; providing that this Act may be cited as the Maryland Mediation Confidentiality Act; and generally relating to confidentiality of mediation communications.

BY adding to
Article – Courts and Judicial Proceedings
Section 3–1801 through 3–1806 to be under the new subtitle "Subtitle 18. Maryland Mediation Confidentiality Act"
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

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

Senate Bill 877 – ~~**Senator Glassman**~~ **Senators Glassman and Simonaire**

AN ACT concerning

Environment – Water Pollution Control – Reporting and Penalties

FOR the purpose of requiring the Department of the Environment to publish annually on its Web site the total amount of sewage overflow into the Chesapeake Bay and its tributaries and the total amount of fines collected by the Department as a result of sewage overflows into the Chesapeake Bay and its tributaries; altering certain civil and administrative penalties for violations of certain provisions relating to water pollution control; and generally relating to water pollution control.

BY adding to
Article – Environment
Section 9–317
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment
Section 9–342
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

Senate Bill 994 – Senator Brinkley

AN ACT concerning

Environment – Temporary Dewatering Devices and Well Drilling – Notification to Municipalities

FOR the purpose of requiring a person that installs a temporary dewatering device to notify a municipality under certain circumstances; requiring a well driller, when applying for a permit to drill a well, to notify a municipality under certain circumstances; and generally relating to drilling wells and providing notification to municipalities.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1306 and 9–1307
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

QUORUM CALL

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

(See Roll Call No. 495)

ADJOURNMENT

At 12:55 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 19, 2012, Calendar Day Thursday, March 22, 2012.

Annapolis, Maryland
Legislative Day: March 19, 2012
Calendar Day: Thursday, March 22, 2012

The House met at 10:11 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Michael G. Summers of Prince George's County.

QUORUM CALL

The presiding officer announced a quorum call, showing 129 Members present.

(See Roll Call No. 496)

The Journal of March 18, 2012 was read and approved.

EXCUSES:
Del. Afzali – left early – personal business
Del. Cane – left briefly – legislative business
Del. Davis – left early – medical
Del. Dwyer – left early – personal emergency
Del. Harrison – left early – illness
Del. Sophocleus – illness
Del. V. Turner – medical
Del. Walker – late – personal emergency
Del. Wilson – left briefly – personal

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #13

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations reported favorably:

House Bill 475 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Redistricting Board – Revisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #14

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

House Bill 1469 – Delegate McConkey

EMERGENCY BILL

AN ACT concerning

Criminal Law – Aggravated Animal Cruelty – Bait Dogs

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

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

House Bill 1474 – Allegany County Delegation

AN ACT concerning

Allegany County – Sheriff's Office Employees – Labor Organizations

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

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

House Bill 1476 – Delegate Rudolph

EMERGENCY BILL

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Cecil County – Lower Susquehanna Heritage Greenway

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

QUORUM CALL

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

(See Roll Call No. 497)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #38

House Bill 19 – Delegate Kach

AN ACT concerning

State Retirement and Pension System – Military Service Credit – Reservists

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

Affirmative – 133 Negative – 0 (See Roll Call No. 498)

The Bill was then sent to the Senate.

House Bill 193 – Delegate Walker

AN ACT concerning

Consumer Protection – Home Appliances – Warranty Enforcement

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

Affirmative – 107 Negative – 29 (See Roll Call No. 499)

The Bill was then sent to the Senate.

House Bill 292 – Delegates Glenn, Anderson, Beidle, Conaway, Gilchrist, Hammen, McHale, McMillan, Mitchell, Niemann, Otto, B. Robinson, S. Robinson, Stein, Stukes, Tarrant, Vitale, Washington, and Wilson

AN ACT concerning

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

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

Affirmative – 136 Negative – 0 (See Roll Call No. 500)

The Bill was then sent to the Senate.

House Bill 362 – Delegates Rudolph and James

AN ACT concerning

Northeast Maryland Higher Education Advisory Board

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 589 – Delegates A. Miller, McComas, Stein, Beidle, Arora, Hixson, Howard, Ivey, Lee, Luedtke, S. Robinson, Stukes, and Waldstreicher

AN ACT concerning

Criminal Law – Controlled Dangerous Substances – Mephedrone

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 630 – Delegates Haynes, Anderson, Barkley, Clagett, DeBoy, Gaines, Guzzone, Hubbard, and James

AN ACT concerning

State Retirement and Pension Systems – Reemployment of Retirees – Parole and Probation Employees

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

Affirmative – 136 Negative – 0 (See Roll Call No. 503)

The Bill was then sent to the Senate.

House Bill 664 – Delegates Simmons, Dumais, K. Kelly, Kramer, and Krebs

AN ACT concerning

Crimes – Committing a Crime of Violence in the Presence of a Minor – Penalties

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

Affirmative – 137 Negative – 0 (See Roll Call No. 504)

The Bill was then sent to the Senate.

House Bill 666 – Delegates Smigiel, Dwyer, George, McComas, McConkey, McDermott, and Ready

AN ACT concerning

Criminal Procedure – Victims' Rights – Remedy and Priority of Restitution

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

Affirmative – 135 Negative – 0 (See Roll Call No. 505)

The Bill was then sent to the Senate.

House Bill 753 – Delegate Kach

AN ACT concerning

Maryland State Board of Morticians and Funeral Directors – Permits and Registration Required to Remove and Transport Human Remains

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

Affirmative – 136 Negative – 0 (See Roll Call No. 506)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #39

House Bill 801 – Delegates Griffith, Bohanan, Clagett, Haynes, Proctor, B. Robinson, Sophocleus, and Zucker

AN ACT concerning

State Retirement and Pension System – Transfer of Members Between Systems

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

Affirmative – 136 Negative – 0 (See Roll Call No. 507)

The Bill was then sent to the Senate.

House Bill 823 – Delegate Waldstreicher

AN ACT concerning

Orphans' Court – Minor – Guardianship of the Person

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

Affirmative – 136 Negative – 0 (See Roll Call No. 508)

The Bill was then sent to the Senate.

House Bill 825 – ~~Delegate Malone~~ Delegates Malone and Glenn

AN ACT concerning

Vehicle Laws – Registration Plates for Motorcycles – Individuals with Disabilities

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 835 – Delegate Barnes

AN ACT concerning

Workers' Compensation – Permanent Partial Disability Benefits – Washington Metropolitan Area Transit Authority

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

Affirmative – 132 Negative – 0 (See Roll Call No. 510)

The Bill was then sent to the Senate.

House Bill 1027 – Delegates Barkley and Vaughn

AN ACT concerning

Credit Regulation – Retail Installment Sales and Closed End Credit – Debt Cancellation Agreements – Definitions

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

Affirmative – 136 Negative – 0 (See Roll Call No. 511)

The Bill was then sent to the Senate.

House Bill 1031 – Delegates Alston and Vallario

AN ACT concerning

Criminal Procedure – Right of Appeal from Final Judgments – Conditional Guilty Plea

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

Affirmative – 79 Negative – 57 (See Roll Call No. 512)

The Bill was then sent to the Senate.

House Bill 1085 – Delegates Schulz, Clagett, Frank, Glass, Hogan, Hough, McComas, and Wood

AN ACT concerning

Workers' Compensation – Emergency Responders – Revisions

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

Affirmative – 135 Negative – 0 (See Roll Call No. 513)

The Bill was then sent to the Senate.

House Bill 1105 – Delegates Hucker and Love

AN ACT concerning

Homeowner's or Renter's Insurance and Private Passenger Motor Vehicle Insurance – Bundling Requirement – Prohibited

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

Affirmative – 137 Negative – 0 (See Roll Call No. 514)

The Bill was then sent to the Senate.

House Bill 1279 – Delegates Malone and McHale

AN ACT concerning

Motor Vehicle Administration – Plug–In Vehicles – Disclosure of Personal Information

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

Affirmative – 107 Negative – 30 (See Roll Call No. 515)

The Bill was then sent to the Senate.

House Bill 1431 – Delegates O'Donnell, Bohanan, Fisher, Jameson, Vallario, Wilson, and Wood

EMERGENCY BILL

AN ACT concerning

Calvert, Charles, and St. Mary's Counties – Turkey Hunting on Private Property – Sundays

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

Affirmative – 124 Negative – 10 (See Roll Call No. 516)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #6

Senate Bill 326 – Senator DeGrange

EMERGENCY BILL

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Anne Arundel County – Benson–Hammond House

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

Affirmative – 133 Negative – 3 (See Roll Call No. 517)

The Bill was then returned to the Senate.

SPECIAL ORDERS

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

Senate Bill 150 – The President (By Request – Administration)

Budget Bill

(Fiscal Year 2013)

REPORT OF THE HOUSE APPROPRIATIONS COMMITTEE
TO THE MARYLAND HOUSE OF DELEGATES – 2012 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO SENATE BILL 150 – THE BUDGET BILL

(See Exhibit H of Appendix II)

HOUSE APPROPRIATIONS
COMMITTEE REPRINT TO SENATE BILL 150 – THE BUDGET BILL

(See Exhibit I of Appendix II)

HOUSE APPROPRIATIONS COMMITTEE AND
HOUSE WAYS AND MEANS COMMITTEE REPORT ON
SENATE BILL 150 – THE BUDGET BILL;
SENATE BILL 152 – THE BUDGET RECONCILIATION AND FINANCING ACT;
SENATE BILL 523 – STATE AND LOCAL REVENUE ACT; AND
SENATE BILL 848 – MAINTENANCE OF EFFORT

(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 8 were read and adopted.

Committee amendment 9.

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

Affirmative – 73 Negative – 61 (See Roll Call No. 518)

Committee amendments 10 through 14 were read and adopted.

Committee amendments 15 through 21 were read and adopted.

Committee amendments 22 through 26 were read and adopted.

Committee amendment 27 was read and adopted.

Committee amendment 28 was read and adopted.

Committee amendment 29.

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

Affirmative – 90 Negative – 47 (See Roll Call No. 519)

Committee amendment 30 was read and adopted.

Committee amendment 31 was read and adopted.

Committee amendments 32 through 38 were read and adopted.

Committee amendments 39 through 45 were read and adopted.

Committee amendments 46 through 51 were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0150/774169/1
BY: Appropriations Committee

AMENDMENT TO SENATE BILL 150
(Third Reading File Bill – Committee Reprint)

COMMITTEE AMENDMENT NO. 52

On page 2, under:

Heading: PAYMENTS TO CIVIL DIVISIONS OF THE STATE

Program: A15O00.01

Entitled: Disparity Grants

In line 2, after "Appropriation" insert ", provided that $19,583,662 shall be reduced contingent upon failure of SB 152 requiring local jurisdictions to contribute a portion of retirement costs for teachers.".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0150/484762/1
BY: Appropriations Committee

AMENDMENT TO SENATE BILL 150, AS AMENDED
(Third Reading File Bill – Committee Reprint)

COMMITTEE AMENDMENT NO. 53

On page 121, under:

Heading: AID TO EDUCATION

Program: R00A02.01

Entitled: State Share of Foundation Program

In Committee Amendment No. 23, in line 38, strike "$1,658,000" and substitute "$2,817,000".

On page 122, in Committee Amendment No. 23, in line 4, after "Account" insert "and the Problem Gambling Account"; and in line 7, strike "$1,658,000" and substitute "$2,817,000".

On page 122, strike beginning with ", provided" in line 22 down through "grants." in line 43.

On page 123, in line 4, after "that" insert "$136,644,952 of"; and in Committee Amendment No. 25, strike beginning with "by" in line 6 down through "SB 152" in line 7.

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0150/273422/1
BY: Delegate Bates

AMENDMENT TO SENATE BILL 150
(First Reading File Bill – Committee Reprint)

On page 223, after line 39, insert:

"SECTION 46. AND BE IT FURTHER ENACTED, That $100,000 in general funds appropriated for the purpose of administrative expenses in each of the following agencies may not be expended until the agencies complete all actions planned to resolve audit findings from their most recent fiscal compliance audits: University System of Maryland Office; Department of Public Safety and Correctional Services; Department of Budget and Management Office of Personnel Services and Benefits; Department of Human Resources Family Investment Administration; Department of Human Resources Social Services Administration; Department of Labor, Licensing, and Regulation; and the Department of the Environment. Further provided that $100,000 in special funds appropriated for the purposes of administrative expense in each of the following agencies may not be expended until the agencies complete all actions planned to resolve audit findings from their most recent fiscal compliance audits: Maryland Department of Transportation; Maryland Transit Administration; Maryland Institute for Emergency Medical Services Systems; and the Uninsured Employers' Fund.

The agencies shall submit a report by December 31, 2012, on the date each planned action was completed to the budget committees, the Board of Public Works, and the Joint Audit Committee. The Office of Legislative Audits (OLA) shall review actions completed by the agencies prior to the submission of the report to the budget committees and Joint Audit Committee and comment on whether the actions are sufficient to correct the audit findings. The budget committees shall have 45 days to review and comment on the report with OLA comments. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund or shall be cancelled if the report is not submitted to the budget committees.".

On page 224, in line 1, strike "46." and substitute "47."; and in line 8, strike "47." and substitute "48.".

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

Affirmative – 48 Negative – 84 (See Roll Call No. 520)

FLOOR AMENDMENT

SB0150/653224/1
BY: Delegate Kach

AMENDMENT TO SENATE BILL 150
(Third Reading File Bill – Committee Reprint)

On page 98, in line 3, after "Appropriation" insert:

", provided that $100,000 of this appropriation made for the purpose of administrative expenses may not be expended until the Department of Human Resources (DHR) completes all actions planned to resolve audit findings from the fiscal compliance audit released in February, 2011. DHR shall submit a report, in accordance with § 2–1246 of the State Government Article, to the budget committees and the Joint Audit Committee by November 15, 2012, on the date each planned action was completed. The Office of Legislative Audits (OLA) shall review actions completed by DHR prior to the submission of the report to the budget committees and the Joint Audit Committee and comment on whether the actions are sufficient to correct the audit findings. The budget committees shall have 45 days to review and comment on the report with OLA comments. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.".

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

Affirmative – 46 Negative – 86 (See Roll Call No. 521)

FLOOR AMENDMENT

SB0150/753429/2
BY: Delegate McDonough

AMENDMENT TO SENATE BILL 150
(Third Reading File Bill – Committee Reprint)

On page 35, under:

Heading: OFFICE OF PERSONNEL SERVICES AND BENEFITS

Program: F10A02.01

Entitled: Executive Director

In line 20, after "Appropriation" insert "<u>, provided that the Department of Budget and Management shall submit a report to the budget committees on the fiscal impact of State policy to pay leave balances to retiring employees. The report shall be submitted, in accordance with § 2–1246 of the State Government Article, by October 1, 2012, and the budget committees shall have 45 days to review and comment.</u>".

<u>The preceding amendment was read and rejected by a roll call vote as follows:</u>

Affirmative – 40 Negative – 89 (See Roll Call No. 522)

FLOOR AMENDMENT

SB0150/253229/1
BY: Delegate Vitale

<u>AMENDMENT TO SENATE BILL 150</u>
(Third Reading File Bill – Committee Reprint)

On page 170, under:

Heading: STATE RESERVE FUND

Program: Y01A02.01

Entitled: Dedicated Purpose Account

In line 11, in the General Fund Appropriation, strike "<u>0</u>"; after line 11, insert "<u>, provided that this appropriation shall be reduced by $50,000,000 contingent upon the enactment of the Budget Reconciliation and Financing Act ….50,000,000</u>";

and in line 13, strike "<u>0</u>" and substitute "<u>50,000,000</u>".

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

Affirmative – 42 Negative – 92 (See Roll Call No. 523)

FLOOR AMENDMENT

SB0150/573123/1
BY: Delegate Schulz

AMENDMENT TO SENATE BILL 150
(Third Reading File Bill – Committee Reprint)

On page 87, under:

Heading: MEDICAL CARE PROGRAMS ADMINISTRATION

Program: M00Q01.03

Entitled: Medical Care Provider Reimbursements

strike beginning with "; or" in line 7 down through "health" in line 18.

On pages 90 and 91, strike beginning with "; or" in line 36 on page 90 down through "health" in line 1 on page 91.

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

Affirmative – 48 Negative – 82 (See Roll Call No. 524)

FLOOR AMENDMENT

SB0150/743821/1
BY: Delegate Costa

AMENDMENT TO SENATE BILL 150
(Third Reading File Bill – Committee Reprint)

On page 79, under:

Heading: MENTAL HYGIENE ADMINISTRATION

Program: M00L01.03

Entitled: Community Services for Medicaid Recipients

In line 39, after "Appropriation" insert "<u>, provided that $3,818,000 of this appropriation made for the purpose of providing community mental health services may not be expended for that purpose but instead may only be used to increase rates for community mental health providers. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund</u>".

<u>The preceding amendment was read and rejected by a roll call vote as follows:</u>

Affirmative – 41 Negative – 88 (See Roll Call No. 525)

FLOOR AMENDMENT

SB0150/313528/1
BY: Delegate McComas

<u>AMENDMENT TO SENATE BILL 150</u>
(Third Reading File Bill – Committee Reprint)

On page 54, under:

Heading: MARYLAND TRANSIT ADMINISTRATION

Program: J00H01.05

Entitled: Facilities and Capital Equipment

In line 10, in the Special Fund Appropriation strike "219,148,272" and substitute "<u>100,148,272</u>"; and in line 11 strike "444,460,272" and substitute "<u>325,460,272</u>".

<u>The preceding amendment was read and rejected.</u>

FLOOR AMENDMENT

SB0150/563720/1

BY: Delegate Hough

AMENDMENT TO SENATE BILL 150, AS AMENDED
(Third Reading File Bill – Committee Reprint)

On page 74, under:

Heading: INFECTIOUS DISEASE AND ENVIRONMENTAL HEALTH ADMINISTRATION

Program: M00F02.03

Entitled: Infectious Disease and Environmental Health Services

After line 22, insert:

"Provided that no funds in this budget may be used for needle exchange programs.".

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

Affirmative – 46 Negative – 88 (See Roll Call No. 526)

FLOOR AMENDMENT

SB0150/903726/1
BY: Delegate O'Donnell

AMENDMENT TO SENATE BILL 150, AS AMENDED
(Third Reading File Bill – Committee Reprint)

On page 223, after line 39, insert:

"SECTION 46. AND BE IT FURTHER ENACTED, That appropriations contained in Section 1 of this Act are reduced by $314,160,000 in General Funds and $14,000,000 in federal funds as follows:

Appropriation Code	Program Title	General Fund Reduction	Federal Fund Reduction

		Amount	Amount
A11K00.01	Miscellaneous Grants Eliminate Baltimore City Grant	3,075,000	
A15O00.01	Disparity Grants Supplemental disparity grant	19,583,662	
D40W01.12	Sustainable Communities Tax Credit Eliminate Sustainable Communities Tax Credit	7,000,000	
M00Q01.03	Medical Care Provider Reimbursements Reduce funds based on estimates of hospital inpatient and outpatient cost growth	14,000,000	14,000,000
R00A02.01	State Share of Foundation Program Eliminate GCEI	128,752,660	
R00A02.01	State Share of Foundation Program Reduce per pupil foundation amount from $6,694 to $6,650	42,623,097	
R00A02.01	State Share of Foundation Program Subtract number of dropouts from annual enrollment counts	32,093,581	
R00A02.55	Teacher Development Eliminate Teacher Quality Incentives/National Board Certification Fees	5,232,000	
R62I00.05	The Senator John A. Cade Funding Formula for the Distribution of Funds to Community Colleges	2,500,000	

	Eliminate funding for the Keeping Maryland Community Colleges Affordable Grant	
R62I00.05	The Senator John A. Cade Funding Formula for the Distribution of Funds to Community Colleges Reduce community college formula	6,500,000
R75T00.01	Support for State Operated Institutions of Higher Education Reduce public higher education	17,400,000
T00F00.12	Maryland Biotechnology Investment Tax Credit Reserve Fund Eliminate Biotechnology Tax Credit	8,000,000
T00F00.23	Maryland Economic Development Assistance Authority Fund Eliminate general funds	4,500,000
T50T01.03	Maryland Stem Cell Research Fund Eliminate Stem Cell Research Fund	10,400,000
Statewide	Reduce agency operating expenses by 2%, provided that on or before June 1, 2012, the Governor shall submit a schedule to the Board of Public Works to allocate the statewide reduction of $12,500,000 and shall take such actions as necessary to implement a reduction of 2% across all Executive Branch agencies.”.	12,500,000

On page 224, in Amendment No. 51, in line 1, strike “46.” and substitute “47.”; and in line 8, strike “47.” and substitute “48.”.

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

Affirmative – 47 Negative – 90 (See Roll Call No. 527)

Read the second time and ordered prepared for Third Reading.

Senate Bill 152 – The President (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2012

HOUSE APPROPRIATIONS COMMITTEE AND
HOUSE WAYS AND MEANS COMMITTEE REPORT ON
SENATE BILL 150 – THE BUDGET BILL;
SENATE BILL 152 – THE BUDGET RECONCILIATION AND FINANCING ACT;
SENATE BILL 523 – STATE AND LOCAL REVENUE ACT; AND
SENATE BILL 848 – MAINTENANCE OF EFFORT

(See Exhibit J of Appendix II)

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

SB0152/534369/1
BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 152
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "funds;" insert "exempting from a certain sales or use tax certain State–owned parking lots and garages; requiring certain appropriations to certain counties;"; strike beginning with "repealing" in line 6 down through "site;" in line 13; in line 20, after "education" insert "in a certain fiscal year; authorizing a county board of education to spend certain funds after approval by the county fiscal authority; requiring the county fiscal authority to approve the amount of certain funds within a certain period of time; providing that failure to take action constitutes approval by the county fiscal authority under certain circumstances"; strike beginning with "requiring" in line 20 down through "amount;" in line 23; and in line 25, after "years;" insert "adding St. Mary's College of Maryland to the list of public senior higher education institutions eligible for money from the Higher Education Investment Fund; clarifying language relating to the Higher Education Investment Fund;".

On page 2, strike beginning with "requiring" in line 3 down through "law;" in line 8 and substitute "requiring the Department of Health and Mental Hygiene to make certain payments to certain managed care organizations that are prevented from operating without restricted enrollment in all jurisdictions of the State under certain circumstances; prohibiting the Department of Health and Mental Hygiene from making certain payments to managed care organizations under certain circumstances;"; in line 13, after "facilities;" insert "repealing a certain provision related to the Injured Workers' Insurance Fund;"; in line 18, after "Fund;" insert "requiring the Department of Budget and Management, in coordination with the Department of General Services, to take certain actions in connection with a certain program of maintenance and repair of public improvements, including establishing certain budgetary procedures and allocating certain costs; requiring the Governor to include in the State budget certain amounts for certain fiscal years in a certain manner; establishing the Facility Maintenance and Repair Fund; requiring the Secretary of Budget and Management and the Secretary of General Services to submit certain annual reports on or before a certain date; requiring the Governor to allocate certain proceeds to the Facility Maintenance and Repair Fund;"; in the same line, strike "requiring" and substitute "providing"; in the same line, after "State" insert ", or otherwise subject to the direction or control of a State official,"; strike beginning with "multistate–federal" in line 19 down through "claims" in line 20 and substitute "settlement, judgment, or consent decree shall be deposited in the State Treasury, shall"; strike beginning with the semicolon in line 20 down through "transfer" in line 21 and substitute ", and may be transferred"; in line 21, after "amendment" insert "under certain circumstances; requiring certain State officials to request that certain funds be deposited in the General Fund under certain circumstances"; in line 23, strike the first "the" and substitute "certain"; in line 24, strike "for a certain fiscal year"; and in line 39, after "Index;" insert "altering a certain surcharge on a certain motor vehicle registration fee; clarifying certain procedures for collection and payment of certain unpaid tolls; altering procedures for the enforcement of certain violations for nonpayment of tolls; altering certain provisions establishing a certain civil penalty; authorizing reciprocal agreements with other jurisdictions for enforcement of toll violations; prohibiting certain regulations adopted by the Secretary of Health and Mental Hygiene from applying to certain prior calendar years;".

On page 3, strike beginning with "authorizing" in line 22 down through "contingency;" in line 23; strike beginning with "providing" in line 37 down through "amendment;" in line 38; in line 41, after "manner;" insert "authorizing certain counties to reduce a certain education funding requirement in a certain fiscal year under certain circumstances and subject to a certain contingency;"; in line 43, after

"severable;" insert "making certain provisions of this Act subject to a certain contingency;"; and after line 45, insert:

"BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–602(a)
Annotated Code of Maryland
(2011 Replacement Volume)".

On page 4, strike in their entirety lines 5 through 14, inclusive; strike in their entirety lines 20 through 24, inclusive; in line 27, after "5–103(c)," insert "5–105(c),"; in the same line, strike "and (i)"; in the same line, after "5–206(f)(2)," insert "15–106.6(a)(3) and (b)(9),"; after line 30, insert:

"BY repealing and reenacting, without amendments,
Article – Education
Section 5–105(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)";

and in line 33, after "Section" insert "5–105(d),".

On page 5, in line 13, after "Section" insert "4–217(c)(1),"; after line 35, insert:

"BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 3–101
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)";

and in line 38, after "Section" insert "3–612 and".

On page 6, after line 1, insert:

"BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 8–129
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)";

in line 35, strike "and"; and in the same line, after "12–118(e)(2)" insert ", 13–954, 21–1414, and 27–110".

On page 7, in line 2, after "5–415" insert "and 21–1415"; and in line 7, after "Section" insert "2 and".

AMENDMENT NO. 2

On page 7, after line 37, insert:

"9–602.

(a) **(1)** Anne Arundel County may impose, by ordinance, and collect a sales or use tax on:

[(1)**]** **(I)** Fuels and utilities used by commercial and industrial businesses;

[(2)**]** **(II)** Residential, commercial, and industrial telephone service; and

[(3)**]** **(III)** **[**Space**]EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, SPACE** rentals.

(2) STATE–OWNED PARKING LOTS OR GARAGES ARE NOT SUBJECT TO THE SALES OR USE TAX AUTHORIZED UNDER THIS SECTION.".

AMENDMENT NO. 3

On pages 8 through 10, strike in their entirety the lines beginning with line 13 on page 8 through line 12 on page 10, inclusive.

AMENDMENT NO. 4

On page 11, strike in their entirety lines 20 through 31, inclusive.

AMENDMENT NO. 5

On page 15, after line 5, insert:

"15–106.6.

(a) (3) "Public Senior Higher Education Institution" has the meaning stated in § 10–101(m)**[**(1) and (2)**]** of this article.

(b) (9) Money in the Fund may be expended only:

(i) To supplement General Fund appropriations to **[**public senior higher education institutions and**]** research institutes of the University System of Maryland **AND PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS**;

(ii) For capital projects for **[**public senior higher education institutions and**]** research institutes of the University System of Maryland **AND PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS**;

(iii) For workforce development initiatives administered by the Commission; and

(iv) For initiatives to address higher education needs related to the United States Department of Defense Base Realignment and Closure process.".

AMENDMENT NO. 6

On page 16, in lines 3, 9, 15, 21, and 27, strike "**19.3%**", "**18.8%**", "**18.4%**", "**17.9%**", and "**19.7%**", respectively, and substitute "**19.7%**", "**19.7%**", "**19%**", "**19%**", and "**20%**", respectively.

On page 19, in line 36, strike "**59.6%**" and substitute "**61%**".

On page 20, in lines 6, 12, and 18, strike "**58.3%**", "**56.9%**", and "**55.6%**", respectively, and substitute "**61%**", "**58%**", and "**58%**", respectively.

On page 22, in lines 8, 13, 17, and 21, strike "**9.2%**", "**9.0%**", "**8.7%**", and "**8.5%**", respectively, and substitute "**9.4%**", "**9.4%**", "**9%**", and "**9%**", respectively.

On page 23, in line 6, strike "**$38,445,958**" and substitute "**$38,056,175**".

AMENDMENT NO. 7

On pages 27 and 28, strike in their entirety the lines beginning with line 27 on page 27 through line 10 on page 28 and substitute:

"**(A) (1) THE DEPARTMENT SHALL MAKE STATEWIDE RURAL ENROLLMENT SUPPLEMENTAL PAYMENTS UNDER COMAR 10.09.65.19–3 TO A MANAGED CARE ORGANIZATION IF THE MANAGED CARE ORGANIZATION:**

(I) IS PREVENTED FROM OPERATING WITHOUT RESTRICTED ENROLLMENT IN ALL JURISDICTIONS OF THE STATE BECAUSE A PROVIDER WITH A DIRECT OR INDIRECT INTEREST IN ANOTHER MANAGED CARE ORGANIZATION REFUSES TO CONTRACT WITH THE MANAGED CARE ORGANIZATION; AND

(II) HAS MADE A GOOD FAITH EFFORT TO CONTRACT WITH THE PROVIDER THAT REFUSES TO CONTRACT WITH THE MANAGED CARE ORGANIZATION AND OTHER PROVIDERS IN ORDER TO OPERATE WITHOUT RESTRICTED ENROLLMENT IN ALL JURISDICTIONS OF THE STATE.

(2) THE DEPARTMENT SHALL DETERMINE WHETHER A MANAGED CARE ORGANIZATION MEETS THE GOOD FAITH REQUIREMENT OF PARAGRAPH (1)(II) OF THIS SUBSECTION.

(B) THE DEPARTMENT MAY NOT MAKE STATEWIDE RURAL ENROLLMENT SUPPLEMENTAL PAYMENTS UNDER COMAR 10.09.65.19–3 TO A MANAGED CARE ORGANIZATION IF:

(1) A PROVIDER HAS A DIRECT OR INDIRECT INTEREST IN THE MANAGED CARE ORGANIZATION; AND

(2) THE DEPARTMENT DETERMINES THAT THE PROVIDER HAS FAILED TO MAKE A GOOD FAITH EFFORT TO CONTRACT WITH ANOTHER MANAGED CARE ORGANIZATION WHICH HAS RESULTED IN THE MANAGED CARE ORGANIZATION BEING UNABLE TO OPERATE WITHOUT RESTRICTED ENROLLMENT IN ALL JURISDICTIONS OF THE STATE.".

AMENDMENT NO. 8

On page 27, after line 25, insert:

"4–217.

(c) (1) Except as otherwise provided by law:

(i) **[**The Department shall collect a $12 fee:

1. For each certified or abridged copy of a death, fetal death, marriage, or divorce verification certificate;

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;

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

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**, FETAL DEATH, MARRIAGE, OR BIRTH RESULTING IN STILLBIRTH** certificate;

2. **FOR THE FIRST COPY OF A CERTIFIED OR ABRIDGED DEATH CERTIFICATE ISSUED IN A SINGLE TRANSACTION;**

3. For a report that a search of the birth**, DEATH, FETAL DEATH, OR MARRIAGE** certificate files was made and the requested record is not on file; **[**or**]**

[3.**] 4.** For each change to a birth**, DEATH, FETAL DEATH, OR MARRIAGE** certificate made later than 1 year after the certificate has been registered with the Department**; OR**

5. TO PROCESS AN ADOPTION, A FOREIGN ADOPTION, OR A LEGITIMATION; AND

(II) THE DEPARTMENT SHALL COLLECT A $12 FEE:

1. FOR EACH ADDITIONAL CERTIFIED OR ABRIDGED COPY OF A DEATH CERTIFICATE PROVIDED CONCURRENTLY WITH AN INITIAL REQUESTED DEATH CERTIFICATE; OR

2. FOR EACH DIVORCE VERIFICATION.".

AMENDMENT NO. 9

On page 32, after line 10, insert:

"3–101.

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

(b) "Department" means the Department of Budget and Management.

(c) "Secretary" means the Secretary of Budget and Management.

3–612.

(A) THE GENERAL ASSEMBLY FINDS THAT THE EXISTING FUNDING, PERSONNEL, AND TECHNOLOGY SUPPORTING THE DEPARTMENT OF GENERAL SERVICES FACILITY RENEWAL AND MAINTENANCE PROGRAMS IS INADEQUATE TO EFFICIENTLY AND EFFECTIVELY OPERATE STATE PREVENTIVE MAINTENANCE AND REPAIR PROGRAMS.

(B) TO IMPROVE THE REGULAR MAINTENANCE AND REPAIR OF STATE FACILITIES AND REDUCE THE DETERIORATION OF PUBLIC IMPROVEMENTS THAT RESULTS IN INCREASED REPAIR OR CONSTRUCTION OF ENTIRELY NEW REPLACEMENT FACILITIES, THE DEPARTMENT, IN COORDINATION WITH THE DEPARTMENT OF GENERAL SERVICES, SHALL TAKE THE ACTIONS NECESSARY TO ALLOCATE SUFFICIENT FUNDS AND PERSONNEL TO ADMINISTER A COMPREHENSIVE AND CONTINUING PROGRAM OF MAINTENANCE AND REPAIR OF PUBLIC IMPROVEMENTS SUPPORTED THROUGH THE FACILITY MAINTENANCE AND RENEWAL FUND UNDER SUBSECTION (G) OF THIS SECTION.

(C) TO SUPPORT THE DEPARTMENT OF GENERAL SERVICES FACILITY MAINTENANCE AND RENEWAL PROGRAMS, FOR FISCAL YEAR 2014 AND ANNUALLY THEREAFTER, THE DEPARTMENT SHALL ESTABLISH A STATEWIDE SUBOBJECT FOR THE PURPOSE OF CHARGING BACK TO EACH FUND ACCOUNT OF THE STATE AGENCIES:

(1) THE COST OF ONGOING CRITICAL MAINTENANCE AND FACILITY RENEWAL;

(2) THE PERSONNEL COST FOR A DEPARTMENT OF GENERAL SERVICES FACILITY RENEWAL ASSESSMENT TEAM; AND

(3) THE COST OF PURCHASING AND MAINTAINING A COMPUTERIZED LIFE–CYCLE FACILITY MAINTENANCE MANAGEMENT SYSTEM OR OTHER COMPUTER SYSTEM UPGRADES DETERMINED TO BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

(D) COSTS SHALL BE ALLOCATED TO EACH AGENCY FOR WHICH THE DEPARTMENT OF GENERAL SERVICES PROVIDES FACILITY MAINTENANCE AND FACILITY RENEWAL SERVICES THROUGH AN ANNUAL SQUARE FOOT ASSESSMENT CHARGE FOR CRITICAL MAINTENANCE AND RENEWAL BASED IN THE CURRENT ANNUAL SQUARE FOOTAGE RENT CALCULATION FOR EACH STATE–OWNED FACILITY.

(E) (1) FOR FISCAL YEAR 2014, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET, THROUGH THE MECHANISM ESTABLISHED IN THIS SECTION, A CHARGE BACK OF NOT LESS THAN $30,000,000 FROM ALL FUND SOURCES.

(2) THE DEPARTMENT SHALL:

(I) ACCOUNT SEPARATELY FOR FUNDS USED FOR THE PURCHASE OF A COMPUTERIZED LIFE–CYCLE ACCOUNTING SYSTEM OR OTHER COMPUTER SYSTEM UPGRADES DETERMINED TO BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION; AND

(II) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, REPORT TO THE BUDGET AND TAXATION COMMITTEE AND APPROPRIATIONS COMMITTEE, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON THE FUNDS USED FOR THE PURCHASE OF A COMPUTERIZED LIFE–CYCLE ACCOUNTING SYSTEM OR OTHER COMPUTER SYSTEM UPGRADES DETERMINED TO BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

(F) FOR FISCAL YEAR 2015 AND ANNUALLY THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET THROUGH THE MECHANISM ESTABLISHED IN THIS SECTION A CHARGE BACK OF NOT LESS THAN $20,000,000 FROM ALL FUND SOURCES TO BE ADJUSTED ANNUALLY FOR INFLATION AS MEASURED BY THE CONSUMER PRICE INDEX.

(G) (1) THERE IS A FACILITY MAINTENANCE AND REPAIR FUND.

(2) THE PURPOSE OF THE FUND IS TO PROVIDE SUPPORT FOR THE PURPOSES DESCRIBED IN SUBSECTION (C) OF THIS SECTION.

(3) THE SECRETARY OF GENERAL SERVICES SHALL ADMINISTER THE FUND.

(4) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THIS ARTICLE.

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

(5) THE FUND CONSISTS OF:

(I) MONEY APPROPRIATED TO THE FUND:

1. IN THE ANNUAL BUDGET; OR

2. IN THE ANNUAL MARYLAND CONSOLIDATED CAPITAL BOND LOAN ACT;

(II) UNSPENT PROCEEDS OF AN ENABLING ACT ALLOCATED TO THE FUND BY THE GOVERNOR UNDER § 8–129 OF THIS ARTICLE; OR

(III) THE AMOUNT OF AN APPROPRIATION IN AN ANNUAL MARYLAND CONSOLIDATED CAPITAL BOND LOAN ACT THAT IS IN EXCESS OF THE AMOUNT NEEDED FOR A PROJECT INCLUDED IN THE ACT AND THAT IS ALLOCATED TO THE FUND.

(6) THE FUND MAY BE USED ONLY FOR FACILITY MAINTENANCE AND FACILITY RENEWAL PROJECTS ADMINISTERED BY THE DEPARTMENT OF GENERAL SERVICES AT STATE–OWNED FACILITIES.

(7) (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 OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

(8) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET OR THE ANNUAL MARYLAND CONSOLIDATED CAPITAL BOND LOAN ACT.

(H) ON OR BEFORE JULY 1, 2013, AND EACH JULY 1 THEREAFTER, THE SECRETARY AND THE SECRETARY OF GENERAL SERVICES SHALL SUBMIT A REPORT, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON:

(1) MONEY APPROPRIATED TO THE FUND;

(2) MONEY AUTHORIZED FOR EXPENDITURE FROM THE FUND; AND

(3) THE BACKLOG OF FACILITY RENEWAL MAINTENANCE AND FACILITY RENEWAL PROJECTS, INCLUDING THE CHANGE IN THE BACKLOG COMPARED TO THE PRIOR FISCAL YEAR.

8–129.

(a) With the approval of the Board, the Governor shall dispose of unspent proceeds of an enabling act within 1 year after the termination of the State debt authorization under § 8–128 of this subtitle.

(b) The Governor shall:

(1) use the proceeds to reduce State debt authorizations, as provided in § 8–126 (b) through (d) of this subtitle;

(2) allocate the proceeds to the Construction Contingency Fund, as provided in § 3–609 of this article; **[**or**]**

(3) order the proceeds to be credited to the Annuity Bond Fund, to pay the outstanding bonded indebtedness of the State**; OR**

(4) ALLOCATE THE PROCEEDS TO THE FACILITY MAINTENANCE AND RENEWAL FUND, AS PROVIDED IN § 3–612 OF THIS SUBTITLE.

(c) The Board shall enforce the provisions of this section.".

AMENDMENT NO. 10

On page 32, in line 12, after "**STATE**" insert "**, OR OTHERWISE SUBJECT TO THE DIRECTION OR CONTROL OF A STATE OFFICIAL,**"; strike beginning with the second "**THE**" in line 12 down through "**CLAIMS**" in line 13 and substitute "**A SETTLEMENT, JUDGMENT, OR CONSENT DECREE MADE OR ENTERED INTO AFTER JANUARY 1, 2012**"; after line 13, insert:

"**(1) SHALL BE DEPOSITED IN THE STATE TREASURY;**";

in lines 14 and 17, strike "**(1)**" and "**(2)**", respectively, and substitute "**(2)**" and "**(3)**", respectively; strike beginning with "**THROUGH**" in line 14 down through "**AUTHORIZED**" in line 15; in line 17, strike "**IS NOT SUBJECT TO TRANSFER**" and substitute "**MAY BE TRANSFERRED**"; after line 17, insert:

"**(B)** **EXCEPT AS OTHERWISE AUTHORIZED BY LAW, A STATE OFFICIAL NEGOTIATING A SETTLEMENT AGREEMENT SHALL REQUEST THAT ANY FUNDS PAYABLE TO THE STATE BE DEPOSITED IN THE GENERAL FUND OF THE STATE.**";

in line 18, strike "**(B)**" and substitute "**(C)**"; and in line 20, after the first "**THE**" insert "**MULTISTATE–FEDERAL MORTGAGE FORECLOSURE**".

AMENDMENT NO. 11

On page 32, strike in its entirety line 24 and substitute "**(a)** **(1)** **A**"; in line 25, strike "5.5%"; in the same line, before the second "of" insert "**5.0%**"; and strike in their entirety lines 27 through 29, inclusive.

AMENDMENT NO. 12

On page 36, in line 19, strike "**2016**" and substitute "**2015**".

On pages 36 and 37, strike in their entirety the lines beginning with line 22 on page 36 through line 12 on page 37, inclusive, and substitute:

"LOCAL EMPLOYER	FISCAL YEAR 2013	FISCAL YEAR 2014	FISCAL YEAR 2015
ALLEGANY	1,487,742	2,175,870	2,838,194
ANNE ARUNDEL	11,493,684	16,809,886	21,926,724
BALTIMORE CITY	12,922,862	18,900,106	24,653,196
BALTIMORE	15,755,802	23,043,371	30,057,650
CALVERT	2,835,938	4,147,651	5,410,174
CAROLINE	793,934	1,161,155	1,514,604
CARROLL	4,005,782	5,858,585	7,641,907
CECIL	2,459,819	3,597,564	4,692,644
CHARLES	3,936,516	5,757,283	7,509,769
DORCHESTER	656,543	960,215	1,252,500
FREDERICK	5,893,461	8,619,378	11,243,071
GARRETT	664,714	972,166	1,268,088
HARFORD	5,529,741	8,087,426	10,549,195
HOWARD	9,821,066	14,363,628	18,735,839

KENT	**366,147**	**535,502**	**698,506**
MONTGOMERY	**27,227,553**	**39,821,180**	**51,942,533**
PRINCE GEORGE'S	**19,554,579**	**28,599,207**	**37,304,652**
QUEEN ANNE'S	**1,105,527**	**1,616,869**	**2,109,035**
ST. MARY'S	**2,485,697**	**3,635,413**	**4,742,013**
SOMERSET	**480,124**	**702,197**	**915,942**
TALBOT	**628,456**	**919,138**	**1,198,918**
WASHINGTON	**3,094,113**	**4,525,240**	**5,902,699**
WICOMICO	**2,173,593**	**3,178,951**	**4,146,607**
WORCESTER	**1,271,561**	**1,859,699**	**2,425,781**".

On page 37, in line 13, strike "**2017**" and substitute "**2016**".

AMENDMENT NO. 13

On page 43, in line 17, strike "**NICKEL**" and substitute "**DIME**"; in line 21, strike "**2010**" and substitute "**2009**"; and in the same line, strike "**2–YEAR**" and substitute "**3–YEAR**".

AMENDMENT NO. 14

On page 43, after line 29, insert:

"13–954.

(a) In this section, "motor vehicle" means a:

(1) Class A (passenger) vehicle;

(2) Class B (for hire) vehicle;

(3) Class C (funeral and ambulance) vehicle;

(4) Class D (motorcycle) vehicle;

(5) Class E (truck) vehicle;

(6) Class F (tractor) vehicle;

(7) Class H (school) vehicle;

(8) Class J (vanpool) vehicle;

(9) Class M (multipurpose) vehicle;

(10) Class P (passenger bus) vehicle;

(11) Class Q (limousine) vehicle;

(12) Class R (low speed) vehicle; or

(13) Vehicle within any other class designated by the Administrator.

(b) (1) In addition to the registration fee otherwise required by this title, the owner of any motor vehicle registered under this title shall pay a surcharge of **[**$13.50**] $15.50** per year for each motor vehicle registered.

(2) $2.50 of the surcharge collected under paragraph (1) of this subsection shall be paid into the Maryland Trauma Physician Services Fund established under § 19–130 of the Health – General Article.".

AMENDMENT NO. 15

On page 43, before line 30, insert:

"21–1414.

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

(2) "AUTHORITY" MEANS THE MARYLAND TRANSPORTATION AUTHORITY.

[(2)**] (3)** "Electronic toll collection" means a system **[**of collecting tolls or charges**] IN A TOLL COLLECTION FACILITY** that is capable of **[**charging an account holder for the appropriate toll by electronic transmission of**] COLLECTING** information **[**between a device on a motor vehicle and a device in a toll lane at a toll collection facility**] FROM A MOTOR VEHICLE FOR USE IN CHARGING TOLLS**.

[(3) "Pay" means paying a toll by cash, by permitting a charge against a valid account with the Maryland Transportation Authority, or by another means of payment approved by the Authority at the time.]

(4) "NOTICE OF TOLL DUE" OR "NOTICE" MEANS A WRITTEN ADMINISTRATIVE NOTICE OF AN UNPAID TOLL TRANSACTION.

(5) "RECORDED IMAGE" MEANS AN IMAGE OF A MOTOR VEHICLE PASSING THROUGH A TOLL COLLECTION FACILITY THAT:

(I) IS RECORDED BY A VIDEO MONITORING SYSTEM ON:

1. ONE OR MORE PHOTOGRAPHS, MICROGRAPHS, OR ELECTRONIC IMAGES;

2. VIDEOTAPE; OR

3. ANY OTHER MEDIUM; AND

(II) SHOWS EITHER THE FRONT OR REAR OF THE MOTOR VEHICLE, ON AT LEAST ONE IMAGE OR PORTION OF TAPE, CLEARLY IDENTIFYING THE LICENSE PLATE NUMBER AND STATE OF THE MOTOR VEHICLE.

(6) "REGISTERED OWNER" MEANS, WITH RESPECT TO A MOTOR VEHICLE, THE PERSON OR PERSONS DESIGNATED AS THE REGISTERED OWNER IN THE RECORDS OF THE STATE AGENCY THAT IS RESPONSIBLE FOR MOTOR VEHICLE REGISTRATION.

(7) "TOLL COLLECTION FACILITY" MEANS ANY POINT ON AN AUTHORITY HIGHWAY WHERE A TOLL IS INCURRED AND IS REQUIRED TO BE PAID.

(8) "TOLL VIOLATION" MEANS THE FAILURE TO PAY AN UNPAID TOLL TRANSACTION WITHIN THE TIME PRESCRIBED BY THE AUTHORITY IN A NOTICE OF TOLL DUE.

(9) "UNPAID TOLL TRANSACTION" MEANS ANY TRANSACTION IN WHICH A MOTOR VEHICLE DOES NOT PAY A TOLL AT THE TIME OF PASSAGE THROUGH A TOLL COLLECTION FACILITY.

[(4)**] (10) [**"Video–monitoring system"**] "VIDEO MONITORING SYSTEM"** means a motor vehicle **[**sensor**] DEVICE** installed to work in conjunction with a toll collection facility that **[**automatically**]** produces a **[**photograph, microphotograph, videotape, or other**]** recorded image of the license plate **NUMBER AND STATE** of a motor vehicle when **[**the operator of the motor vehicle fails to pay a toll**] AN UNPAID TOLL TRANSACTION OCCURS**.

(b) (1) If the operator of a motor vehicle fails to pay the prescribed toll at any Authority highway where tolls are collected by means of electronic toll collection, the registered owner of the motor vehicle shall be liable to the **[**Maryland Transportation**]** Authority for payment of the **UNPAID** toll **[**and a civil penalty**] TRANSACTION** as provided for in the regulations of the **[**Maryland Transportation**]** Authority.

(2) THE AUTHORITY SHALL SEND TO THE REGISTERED OWNER OF A MOTOR VEHICLE THAT HAS INCURRED AN UNPAID TOLL TRANSACTION A NOTICE OF TOLL DUE.

(3) THE REGISTERED OWNER OF THE MOTOR VEHICLE WHO RECEIVES A NOTICE OF TOLL DUE SHALL HAVE 30 DAYS TO PAY THE AMOUNT DUE.

(C) (1) EXCEPT WHEN OTHERWISE DETERMINED BY THE DISTRICT COURT FOLLOWING A TRIAL TO CONTEST LIABILITY AS PROVIDED IN THIS SECTION, FAILURE OF THE REGISTERED OWNER TO PAY THE AMOUNT DUE UNDER A NOTICE OF TOLL DUE BY THE DATE STATED ON THE NOTICE SHALL CONSTITUTE A TOLL VIOLATION SUBJECT TO CIVIL CITATION AND CIVIL PENALTY AS PROVIDED IN THE REGULATIONS OF THE AUTHORITY.

(2) A registered owner of a vehicle shall not be liable for a civil penalty imposed under this section if the operator of the vehicle has been convicted of failure or refusal to pay a toll under § 21–1413 of this subtitle for the same violation.

[(c)] **(D)** (1) The [Maryland Transportation] Authority or its duly authorized agent shall send a citation via first–class mail, no later than 60 days after the alleged **TOLL** violation, to [each] **THE** person alleged to be liable under this section as a registered owner.

(2) Personal service upon the [registered owner] **PERSON ALLEGED TO BE LIABLE** shall not be required, and a record of mailing kept in the ordinary course of business shall be admissible evidence of the mailing of the **NOTICE OF TOLL DUE AND** citation.

(3) A citation shall contain:

(i) The name and address of the [registered owner] **PERSON** alleged to be liable under this section;

(ii) The [registration] **LICENSE PLATE** number **AND STATE OF REGISTRATION** of the motor vehicle involved in [such violation] **THE UNPAID TOLL TRANSACTION**;

(iii) The location where [such violation] **THE UNPAID TOLL TRANSACTION** took place;

(iv) The date and time of [such violation] **THE UNPAID TOLL TRANSACTION**;

(v) The amount of the [toll not paid] **UNPAID TOLL TRANSACTION AND THE DATE IT WAS DUE**;

(VI) A COPY OF THE RECORDED IMAGE;

(VII) A STATEMENT THAT THE NOTICE OF TOLL DUE WAS NOT PAID BY THE DATE STATED ON THE NOTICE;

[(vi)] **(VIII)** The amount of the civil penalty; and

[(vii)] **(IX)** The date by which the toll and penalty must be paid.

(4) A citation shall also include:

(i) Information advising the person **ALLEGED TO BE** liable under this section of the manner and the time in which liability alleged in the citation may be contested;

(ii) The statutory defenses described in subsection **[**(f)**] (G)** of this section; and

(iii) A warning that failure to pay the toll and civil **[**penalty or**] PENALTY,** to contest liability in the manner and time **[**prescribed**] PRESCRIBED, OR TO APPEAR AT A TRIAL REQUESTED** is an admission of liability and a waiver of available defenses, and may result in **[**the entry of a default judgment or in**]** the refusal or suspension of the motor vehicle registration **AND REFERRAL FOR COLLECTION**.

(5) A person receiving the citation for a violation under this section may:

(i) Pay the toll and the civil penalty directly to the **[**Maryland Transportation**]** Authority; or

(ii) Elect to stand trial for the alleged violation.

(6) If the **[**registered owner of a motor vehicle who is**] PERSON ALLEGED TO BE** liable under this section fails to **ELECT TO STAND TRIAL OR TO** pay the prescribed toll and civil penalty within 60 days after mailing of the citation, **OR IS ADJUDICATED TO BE LIABLE AFTER TRIAL,** the **[**Maryland Transportation**]** Authority or its duly authorized agent may:

(i) Collect the toll**[**,**] AND** the civil penalty**[**, and administrative expenses by civil action commenced in the District Court for the jurisdiction in which the alleged failure to pay a toll occurred; or**] BY ANY MEANS OF COLLECTION PROVIDED BY LAW; AND**

(ii) Notify the Administration of the failure to pay the toll and civil penalty in accordance with § 27–110 of this article.

(III) NO ADDITIONAL HEARING OR PROCEEDING IS REQUIRED BEFORE THE ADMINISTRATION TAKES ACTION WITH RESPECT TO THE REGISTERED VEHICLE OF THE OWNER UNDER § 27–110 OF THIS ARTICLE.

[(d)] **(E)** **(1)** A certificate alleging that a [failure to pay a] toll **VIOLATION** occurred, sworn to or affirmed by a duly authorized agent of the [Maryland Transportation] Authority, based upon inspection of [photographs, videotape, or other electronically recorded images of the license plate of a motor vehicle produced by an electronic toll collection video–monitoring system] **A RECORDED IMAGE, TOLL COLLECTION RECORDS, AND RECORDS OF THE STATE AGENCY THAT IS RESPONSIBLE FOR MOTOR VEHICLE REGISTRATION, AND THE CERTIFICATE** shall be evidence of the facts contained therein and shall be admissible in any proceeding alleging a violation under this section.

(2) THE CITATION, INCLUDING THE CERTIFICATE, SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF LIABILITY FOR THE TOLL VIOLATION AND CIVIL PENALTY.

[(e)] **(F)** Adjudication of liability under this section:

(1) Shall be based upon a preponderance of evidence;

(2) May not be deemed a conviction of a registered owner of a motor vehicle under the Motor Vehicle Code;

(3) May not be made part of the registered owner's motor vehicle operating record; and

(4) May not be considered in the provision of motor vehicle insurance coverage.

[(f)] **(G)** (1) [If a person] **IF THE DISTRICT COURT FINDS THAT AT THE TIME THE TOLL IS INCURRED, THE VEHICLE IS OPERATED BY AN INDIVIDUAL** other than the registered owner [of the motor vehicle is adjudicated responsible for the failure to pay the toll] **AND WITHOUT THE EXPRESS OR IMPLIED CONSENT OF THE REGISTERED OWNER**, then the registered owner is not liable under this section.

(2) If the registered owner is a lessor of motor vehicles, and at the time of the [failure to pay a toll] **UNPAID TOLL TRANSACTION** the motor vehicle involved was in the possession of a lessee, and the lessor within 30 days of the citation provides the [Maryland Transportation] Authority or its duly authorized agent with a copy of the lease agreement identifying the lessee, then the lessee shall be liable under this section **AND SHALL BE SENT A NOTICE OF TOLL DUE**.

(3) If the motor vehicle involved in [a failure to pay a toll] **AN UNPAID TOLL TRANSACTION** is operated using a dealer or transporter registration plate, and at the time of the [violation] **UNPAID TOLL TRANSACTION** the motor vehicle was under the custody and control of a person other than the **OWNER OF THE** dealer or transporter **REGISTRATION PLATE**, and if the **OWNER OF THE** dealer or transporter **REGISTRATION PLATE** within 30 days of the citation [identifies] **PROVIDES** to the [Maryland Transportation] Authority or its duly authorized agent **A COPY OF THE LEASE OR OTHER CONTRACTUAL AGREEMENT INDENTIFYING** the person who had custody and control over the motor vehicle at the time of the [violation] **UNPAID TOLL TRANSACTION**, then that person and not the **OWNER OF THE** dealer or transporter **REGISTRATION PLATE** shall be liable under this section **AND SHALL BE SENT A NOTICE OF TOLL DUE**.

(4) If a motor vehicle is reported to a law enforcement agency as stolen at the time of the [failure to pay a toll, or within a reasonable period of time after the registered owner becomes aware of the theft,] **UNPAID TOLL TRANSACTION, AND THE REGISTERED OWNER WITHIN 30 DAYS OF THE CITATION PROVIDES TO THE AUTHORITY OR ITS DULY AUTHORIZED AGENT A COPY OF THE POLICE REPORT SUBSTANTIATING THAT THE MOTOR VEHICLE WAS STOLEN AT THE TIME OF THE UNPAID TOLL TRANSACTION,** then the registered owner of the motor vehicle is not liable under this section.

[(5) (i) If within 30 days of notice of a violation, a registered owner provides to the Maryland Transportation Authority or its duly authorized agent substantial evidence of the identity of the person who was operating the motor vehicle at the time of the violation, then that person shall be subject to liability under this section and shall be sent a citation under subsection (c) of this section.

(ii) If that person subsequently admits to or is adjudicated responsible for failure to pay the toll, then the registered owner is not liable under this section.]

21–1415.

(A) THE MARYLAND TRANSPORTATION AUTHORITY IN CONSULTATION WITH THE ADMINISTRATOR MAY ENTER INTO AN AGREEMENT WITH ANOTHER JURISDICTION THAT PROVIDES FOR RECIPROCAL ENFORCEMENT OF TOLL VIOLATIONS BETWEEN THE STATE AND THE OTHER JURISDICTION.

(B) AN AGREEMENT MADE UNDER THIS SECTION SHALL PROVIDE THAT DRIVERS AND VEHICLES LICENSED IN THE STATE, WHILE OPERATING ON THE HIGHWAYS OF ANOTHER JURISDICTION, SHALL RECEIVE BENEFITS, PRIVILEGES, AND EXEMPTIONS OF A SIMILAR KIND OR TO A SIMILAR DEGREE WITH REGARD TO TOLL ENFORCEMENT AS ARE EXTENDED TO DRIVERS AND VEHICLES LICENSED OR REGISTERED IN THE OTHER JURISDICTION WHILE OPERATED IN THE STATE.

(C) A RECIPROCAL AGREEMENT UNDER THIS SECTION MAY PROVIDE FOR ENFORCEMENT OF TOLL VIOLATIONS BY REFUSAL OR SUSPENSION OF THE REGISTRATION OF A MOTOR VEHICLE IN ACCORDANCE WITH § 27–110 OF THIS ARTICLE.

27–110.

(a) The Administration [may not register or transfer] **SHALL REFUSE OR SUSPEND** the registration of any **MOTOR** vehicle [involved in a failure to pay] **INCURRING** a toll violation under § 21–1414 of this article if:

(1) It is notified by the Maryland Transportation Authority that a registered owner [who has received a notice of violation of] **HAS BEEN SERVED WITH A CITATION IN ACCORDANCE WITH** § 21–1414 of this article [has failed to either] **AND**:

(i) [Pay] **HAS FAILED TO PAY** the toll and the civil penalty for the [violation] **CITATION** by the date specified in the [notice of violation] **CITATION**; or

(ii) [File a notice of intention] **HAS FAILED** to contest liability for the **TOLL** violation **BY THE DATE IDENTIFIED AND IN THE MANNER SPECIFIED IN THE CITATION**; or

(2) It is notified by the District Court that a person who elected to contest liability for a **TOLL** violation of § 21–1414 of this article has failed to appear for trial **OR HAS BEEN DETERMINED TO BE GUILTY OF THE TOLL VIOLATION**.

[(b) Notwithstanding the provisions of subsection (a) of this section, the Administration may suspend the registration of a vehicle involved in a failure to pay a toll violation under § 21–1414 of this article if notified by the Maryland Transportation Authority that the violator is a chronic offender.]

[(c)] **(B)** In conjunction with the Maryland Transportation Authority, the Administration may adopt rules and regulations [to define chronic offender and to] **AND** develop procedures to carry out the [suspension and refusal to register or transfer] **REFUSAL OR SUSPENSION OF A** registration **AS** authorized by this section.

[(d)] **(C)** The procedures specified in this section are in addition to any other penalty provided by law for [the failure to pay a toll or appear for trial for a failure to pay a toll violation] **TOLL VIOLATIONS** under § 21–1414 of this article.

(D) THE PROVISIONS OF THIS SECTION MAY BE APPLIED TO ENFORCE A RECIPROCAL AGREEMENT ENTERED INTO BY THE STATE AND ANOTHER JURISDICTION IN ACCORDANCE WITH § 21–1415 OF THIS ARTICLE.".

AMENDMENT NO. 16

On page 43, after line 30, insert:

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

(a) Prior to making any adjustments to capitation payments for a managed care organization, the Secretary of Health and Mental Hygiene, in consultation with

the Maryland Insurance Commissioner, shall adopt regulations to implement the provisions of § 15–605(c)(5) of the Insurance Article.

(b) The regulations adopted under subsection (a) of this section shall:

(1) establish the definition of "loss ratio" for uniform application by all managed care organizations;

(2) establish procedures requiring the Secretary of Health and Mental Hygiene to consider the financial performance of a managed care organization in prior periods;

(3) establish standard data collection and reporting requirements for all managed care organizations;

(4) consistent with the provisions of § 15–605(c)(5) of the Insurance Article, establish a process for allowing a managed care organization to appeal a decision of the Secretary of Health and Mental Hygiene to adjust a managed care organization's capitation payments; and

(5) establish a mechanism for, and conditions under which, an adjustment to the capitation rates of a managed care organization are made.

(c) The Secretary of Health and Mental Hygiene shall adopt any additional regulations necessary to carry out the provisions of § 15–605(c)(5) of the Insurance Article and the goals of the Health Choice Program.

(d) Any regulations adopted by the Secretary of Health and Mental Hygiene, that adjust capitated payments to managed care organizations if the medical loss ratio of a managed care organization is less than 85%, may not apply to a calendar year preceding the calendar year in which the regulations are adopted.".

AMENDMENT NO. 17

On page 60, after line 25, insert:

"$111,063 of the funds in the Maryland Not–For–Profit Development Center Program Fund established under § 5–1204 of the Economic Development Article;".

AMENDMENT NO. 18

On page 60, after line 32, insert:

"$7,775,000 of the funds in the accounts of the University System of Maryland;

$381,000 of the funds in the accounts of Morgan State University;".

AMENDMENT NO. 19

On page 61, before line 1, insert:

"$351,000 of the funds in the special fund established under § 11–401 of the Business Regulation Article;".

AMENDMENT NO. 20

On page 61, in line 37, strike "$209,000" and substitute "$1,867,000".

AMENDMENT NO. 21

On page 62, strike beginning with "Notwithstanding" in line 4 down through "(i)" in line 8; and in line 13, strike "(ii)" and substitute "(2)".

AMENDMENT NO. 22

On page 65, strike in their entirety lines 12 through 17, inclusive.

AMENDMENT NO. 23

On page 65, strike in their entirety lines 29 through 34, inclusive.

AMENDMENT NO. 24

On page 66, after line 31, insert:

"SECTION 21. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that funding be provided in the annual budget to upgrade the Maryland Institute for Emergency Medical Services System communications systems.".

AMENDMENT NO. 25

On page 67, after line 5, insert:

"SECTION 25. AND BE IT FURTHER ENACTED, That the changes made to § 10–127 of the Labor and Employment Article under Section 1 of this Act and Section 9 of this Act shall take effect June 1, 2012, contingent on the taking effect of Chapter

____(S.B. 745 / H.B. 1017) of the Acts of the General Assembly of 2012, and if Chapter ____(S.B. 745 / H.B. 1017) does not become effective, the changes made to § 10–127 of the Labor and Employment Article and Section 9 of this Act shall be null and void without the necessity of further action by the General Assembly.".

AMENDMENT NO. 26

On page 8, after line 6, insert:

"**(3) BALTIMORE COUNTY – $3,000,000;**";

in line 7, 8, 9, 10, 11, and 12, strike "**(3)**", "**(4)**", "**(5)**", "**(6)**", "**(7)**", and "**(8)**", respectively, and substitute "**(4)**", "**(5)**", "**(6)**", "**(7)**", "**(8)**", and "**(9)**", respectively; and in line 10, strike "**$7,628,702**" and substitute "**$9,628,702**".

AMENDMENT NO. 27

On page 13, strike in their entirety lines 1 through 24, inclusive.

AMENDMENT NO. 28

On page 13, in line 29, after "**SUBTITLE**" insert "**IN THE FOLLOWING FISCAL YEAR**".

AMENDMENT NO. 29

On page 59, after line 32, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

5–105.

(a) All revenues received by a county board shall be spent by the board in accordance with the major categories of its annual budget as provided under § 5–101 of this subtitle.

(c) **[**Nonlocal**] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, NONLOCAL** funds received by a county board after the adoption of the annual budget by the county fiscal authority may be spent by the county board if the county fiscal authority is notified and approves of:

(1) The source and amount of the funds; and

(2) The manner of spending the funds.

(D) (1) FUNDS RECEIVED BY THE COUNTY BOARD UNDER § 2–608(A)(1) OF THE TAX – GENERAL ARTICLE AFTER THE ADOPTION OF THE ANNUAL BUDGET BY THE COUNTY FISCAL AUTHORITY MAY BE SPENT BY THE COUNTY BOARD AFTER APPROVAL BY THE COUNTY FISCAL AUTHORITY UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(2) THE COUNTY FISCAL AUTHORITY SHALL APPROVE THE AMOUNT OF FUNDS RECEIVED BY THE COUNTY BOARD UNDER § 2–608(A)(1) OF THE TAX – GENERAL ARTICLE WITHIN 30 DAYS AFTER THE COMPTROLLER MAKES THE DISTRIBUTION TO THE COUNTY BOARD.

(3) IF THE COUNTY FISCAL AUTHORITY FAILS TO TAKE ACTION WITHIN 30 DAYS AFTER THE DISTRIBUTION BY THE COMPTROLLER, THE FAILURE TO TAKE ACTION CONSTITUTES APPROVAL.".

AMENDMENT NO. 30

On page 65, in line 36, strike "2016" and substitute "2015".

On page 66, strike in their entirety lines 1 through 26, inclusive, and substitute:

"County	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015
Allegany	1,487,742	2,175,870	2,272,982
Anne Arundel	11,493,684	16,809,886	19,219,485
Baltimore City	12,922,862	18,900,106	18,522,464
Baltimore	15,755,802	23,043,371	25,571,286
Calvert	2,835,938	4,147,651	4,882,636
Caroline	793,934	1,161,155	1,219,022
Carroll	4,005,782	5,858,585	6,883,123
Cecil	2,459,819	3,597,564	4,056,774
Charles	3,936,516	5,757,283	6,768,811
Dorchester	656,543	960,215	963,685

Frederick	5,893,461	8,619,378	10,125,066
Garrett	664,714	972,166	986,295
Harford	5,529,741	8,087,426	9,058,054
Howard	9,821,066	14,363,628	17,719,601
Kent	366,147	535,502	549,906
Montgomery	27,227,553	39,821,180	45,600,931
Prince George's	19,554,579	28,599,207	30,547,361
Queen Anne's	1,105,527	1,616,869	1,814,204
St. Mary's	2,485,697	3,635,413	4,128,731
Somerset	480,124	702,197	633,323
Talbot	628,456	919,138	972,589
Washington	3,094,113	4,525,240	4,985,107
Wicomico	2,173,593	3,178,951	3,341,320
Worcester	1,271,561	1,859,699	2,011,770";

in line 27, strike "2017" and substitute "2016"; and in lines 29 and 31, in each instance, strike "2016" and substitute "2015".

AMENDMENT NO. 31

On page 66, after line 40, insert:

"SECTION 24. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for a county that does not meet the maintenance of effort requirement under § 5–202(d) of the Education Article in fiscal year 2012 and approves a county income tax rate of 3.2% before July 1, 2012, the county may reduce by 15% its required fiscal year 2013 maintenance of effort amount, which shall be calculated based on the required maintenance of effort amount for fiscal year 2012, provided that the required fiscal 2013 per pupil amount may not be less than the amount appropriated per pupil in fiscal 2012.".

AMENDMENT NO. 32

On page 67, before line 6, insert:

"SECTION 26. AND BE IT FURTHER ENACTED, That Sections 3 and 24 of this Act are contingent on the taking effect of Chapter__(S.B. 848) or Chapter__(H.B. 1412) of the Acts of the General Assembly of 2012, and if Chapter__(S.B. 848) or Chapter__(H.B. 1412) does not become effective, Sections 3 and 24 of this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION 27. AND BE IT FURTHER ENACTED, That Section 5 of this Act shall take effect July 1, 2014.".

AMENDMENT NO. 33

On page 60, in lines 1, 4, 6, and 13, strike "3.", "4.", "5.", and "6.", respectively, and substitute "4.", "5.", "6.", and "7.", respectively.

On page 61, in lines 9, 16, and 35, strike "7.", "8.", and "9.", respectively, and substitute "8.", "9.", and "10.", respectively.

On page 62, in lines 3 and 24, strike "10." and "11.", respectively, and substitute "11." and "12.", respectively.

On page 63, in lines 9, 13, and 17, strike "12.", "13.", and "14.", respectively, and substitute "13.", "14.", and "15.", respectively.

On page 64, in line 18, strike "15." and substitute "16.".

On page 65, in line 35, strike "21." and substitute "19.".

On page 66, in lines 27, 32, and 38, strike "22.", "23.", and "24.", respectively, and substitute "20.", "22.", and "23.", respectively; and in line 31, strike "21" and substitute "19".

On page 67, in line 6, strike "25." and substitute "28.".

The preceding 33 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0152/193826/1
BY: Delegate Donoghue

AMENDMENT TO SENATE BILL 152, AS AMENDED
(Third Reading File Bill – Committee Reprint)

On page 10, in Committee Amendment No. 26, in line 5, strike "**AND**"; after line 5, insert:

"**(9)** **WASHINGTON COUNTY – $1,775,000; AND**";

and in line 6, strike "**(9)**" and substitute "**(10)**".

The preceding amendment was read and rejected.

FLOOR AMENDMENT

SB0152/563124/1
BY: Delegate Simmons

AMENDMENTS TO SENATE BILL 152
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 3, in line 7, after the semicolon insert "altering and repealing certain requirements of law relating to the use of proceeds from video lottery terminals; establishing a School Construction Account under the authority of the Interagency Committee on School Construction; providing for the purpose of the Account; requiring the Comptroller to pay certain money from the Account under certain circumstances; requiring that funding from the Account be used to service certain debt for school construction under certain circumstances; repealing a certain account used for racetrack facility renewal purposes; providing for a certain exception; altering certain termination dates;".

On page 7, in line 18, after "9–117(a)(1)" insert ", 9–1A–09.1(c) and (d)(1), 9–1A–27, 9–1A–28,"; and after line 20, insert:

"BY repealing
Article – State Government
Section 9–1A–09 and 9–1A–29
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)";

On page 8, after line 27, insert:

"BY repealing
Chapter 412 of the Acts of the General Assembly of 2011
Section 4

BY repealing and reenacting, with amendments,
Chapter 412 of the Acts of the General Assembly of 2011
Section 5".

AMENDMENT NO. 2
On page 41, after line 4, insert:

"[9–1A–09.

(a) As a condition of eligibility for funding under § 9–1A–29 of this subtitle, a racing licensee shall:

(1) (i) for Laurel Park and Pimlico Race Course, conduct a minimum of 220 annual live racing days combined between Laurel Park or Pimlico Race Course unless otherwise agreed to by the racing licensee and the organization that represents the majority of licensed thoroughbred owners and trainers in the State or unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee's control;

(ii) for Rosecroft Raceway, conduct a minimum of 90 annual live racing days unless otherwise agreed to by the racing licensee and the organization that represents the majority of licensed standardbred owners and trainers in the State or unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee's control; and

(iii) for Ocean Downs Racetrack, conduct a minimum of 40 annual live racing days unless otherwise agreed to by the racing licensee and the organization that represents the majority of licensed standardbred owners and trainers in the State or unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee's control;

(2) if the racing licensee holds the racing license for Pimlico Race Course, retain in the State of Maryland the name, common law and statutory copyrights, service marks, trademarks, trade names, and horse racing events that are associated with the Preakness Stakes and the Woodlawn Vase;

(3) if the racing licensee holds the racing license for the Pimlico Race Course, promote and conduct the Preakness Stakes each year at:

(i) the Pimlico Race Course; or

(ii) if the Pimlico Race Course no longer exists, the Preakness Stakes Race is prevented from being conducted at the Pimlico Race Course, or the State Racing Commission, under § 11–513 of the Business Regulation Article, deems an emergency exists, another track located in the State that is approved by the State Racing Commission;

(4) if the racing licensee holds the racing license for Laurel Park, permit the event known as the Maryland Million to be run annually at Laurel Park unless:

(i) the racing licensee is prevented from doing so by weather, acts of God, or other circumstances beyond the control of the racing licensee; or

(ii) the racing licensee and the Maryland Million LLC agree to another location that is approved by the State Racing Commission;

(5) develop and submit to the State Racing Commission a multiyear plan to improve the quality and marketing of horse racing at racetrack locations owned or operated by the racing licensee in Maryland, which shall include:

(i) goals, indicators, and timelines for specific actions that will be taken by the racing licensee to improve the quality and marketing of the horse racing industry in Maryland; and

(ii) if the racing licensee requests a capital grant, a master plan for capital improvements that reflects, at a minimum:

1. commitments that have been made to the State Racing Commission; and

2. an ongoing investment in capital maintenance and improvements in the horse racing facilities of at least $1,500,000 annually, which may include amounts provided as a matching fund as required under § 9–1A–29(f)(2) of this subtitle; and

(6) develop with other racing industry representatives a multiyear plan to improve the quality and marketing of the horse racing industry in Maryland, which shall include goals, indicators, and timelines for specific actions that will be taken by the thoroughbred and harness racing industries to improve the quality and marketing of the horse racing industry in Maryland, including joint marketing efforts.

(b) As part of the capital maintenance and improvement items in the plan submitted under subsection (a)(5) of this section, a racing licensee shall include any improvements necessary to ensure that the condition of any part of the racetrack facility where individuals reside is satisfactory for human habitation and meets minimum housing and sanitation standards in the county where the facility is located.

(c) The plans required under subsection (a) of this section shall also be provided to the Department of General Services and to the Legislative Policy Committee of the General Assembly.

(d) (1) If a video lottery operation license has been issued for a racetrack location at Laurel Park, the video lottery operation license for the location shall be revoked if the name, common law and statutory copyrights, service marks, trademarks, trade names, or horse racing events that are associated with the Preakness Stakes Race or the Woodlawn Vase are transferred to a location outside the State.

(2) As an additional condition of a video lottery operation license, if a racetrack licensee holds a video lottery operation license for Laurel Park, the licensee shall be required to:

(i) promote and conduct the Preakness Stakes Race at the Pimlico Race Course each year; or

(ii) if the Pimlico Race Course no longer exists, the Preakness Stakes Race is prevented from being conducted at the Pimlico Race Course, or the State Racing Commission, under § 11–513 of the Business Regulation Article, deems an emergency exists, promote and conduct the Preakness Stakes Race each year at another track located in the State that is approved by the State Racing Commission.

(3) If a racetrack licensee has been issued a video lottery operation license for a racetrack location at Laurel Park, the licensee shall permit the event known as the Maryland Million to be run annually at Laurel Park unless:

(i) the licensee is prevented from doing so by weather, acts of God, or other circumstances beyond the control of the licensee; or

(ii) the licensee and the Maryland Million LLC agree to another location that is approved by the State Racing Commission.

(4) (i) A racing licensee of a racetrack location at Laurel Park shall:

1. maintain the operation of the Bowie Training Center; or

2. convey the property associated with the Bowie Training Center as preserved land.

(ii) 1. When the Bowie Training Center is no longer required by the State to be operated as a thoroughbred training facility, the State shall have the right of first refusal as grantee for any conveyance under subparagraph (i) of this paragraph.

2. The City of Bowie shall have the second right of refusal as grantee for any conveyance under subparagraph (i) of this paragraph.

3. A grantee under subsubparagraph 1 or 2 of this subparagraph may not be required to operate the Bowie Training Center as a training facility.**]**

9–1A–09.1.

(c) Except as provided in subsections (d) and (e) of this section, as a condition of eligibility for funding under **[**§§ 9–1A–28 and 9–1A–29**] § 9–1A–28** of this subtitle, an agreement shall be reached on or before July 1, 2011, between the parties through at least December 31, 2013, as applicable, regarding the sharing of revenues derived from wagering on simulcast races as such issues relate to:

(1) the Interstate Horseracing Act of 1978, 15 U.S.C. §§ 3001 through 3007;

(2) pari–mutuel betting on out–of–state races under § 11–804 of the Business Regulation Article; and

(3) intertrack betting under §§ 11–808 through 11–812 of the Business Regulation Article.

(d) (1) If an agreement described in subsection (c) is not reached by July 1, 2011, a potential party to an agreement shall be eligible for funding under **[**§§ 9–1A–28 and 9–1A–29**] § 9–1A–28** of this subtitle if the party indicates to the Secretary, in writing, its consent to participate in the process described in this subsection.

9–1A–27.

(a) Except as provided in subsection (b) of this section, 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:

(1) 2% to the State Lottery Agency for costs as defined in § 9–1A–01 of this subtitle;

(2) to the video lottery operation licensee, the percentage stated in the accepted application for the location, not to exceed 33%;

(3) 5.5% in local impact grants, in accordance with § 9–1A–31 of this subtitle;

(4) **[**7%**] 9.5%** to the **[**Purse Dedication**] School Construction** Account established under § 9–1A–28 of this subtitle, not to exceed a total of **[**$100,000,000**] $140,000,000** to the Account annually;

(5) **[**for the first 8 years of operations at a video lottery facility, 2.5% to the Racetrack Facility Renewal Account established under § 9–1A–29 of this subtitle, not to exceed a total of $40,000,000 to the Account annually;

(6)**]** 1.5% to the Small, Minority, and Women–Owned Businesses Account established under § 9–1A–35 of this subtitle; and

[(7)**] (6)** the remainder to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(b) (1) For the first 10 years of operations at a video lottery facility in Allegany County, on a properly approved transmittal prepared by the Commission, the Comptroller shall pay the following amounts from the proceeds of video lottery terminals at a video lottery facility in Allegany County:

(i) 2% to the State Lottery Agency for costs as defined in § 9–1A–01 of this subtitle;

(ii) to the video lottery operation licensee, the percentage stated in the accepted application for the location, not to exceed 50%;

(iii) 2.75% in local impact grants, in accordance with § 9–1A–31 of this subtitle;

(iv) 2.5% to the **[**Purse Dedication**] School Construction** Account established under § 9–1A–28 of this subtitle;

(v) 0.75% to the Small, Minority, and Women–Owned Businesses Account established under § 9–1A–35 of this subtitle; and

(vi) the remainder to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(2) After the first 10 years of operations at a video lottery facility in Allegany County, the proceeds generated at the facility in Allegany County shall be allocated as provided in subsection (a) of this section.

(c) (1) If the costs of the State Lottery Agency are less than the proceeds specified in subsection (a)(1) of this section, any amount not distributed to the State Lottery Agency shall be paid to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(2) The costs of the Commission shall be as provided in the State budget.

9–1A–28.

(a) **(1)** There is a [Purse Dedication] **SCHOOL CONSTRUCTION** Account under the authority of the [State Racing Commission] **INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION.**

(2) THE PURPOSE OF THE ACCOUNT IS TO PROVIDE FUNDING FOR SCHOOL CONSTRUCTION IN THE STATE.

(b) (1) The Account shall receive money as required under § 9–1A–27 of this subtitle.

(2) Money in the Account shall be invested and reinvested by the Treasurer and interest and earnings shall accrue to the Account.

(3) The Comptroller shall:

(i) account for the Account; and

(ii) on a properly approved transmittal prepared by the [State Racing Commission] **INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION AND IN ACCORDANCE WITH TITLE 5, SUBTITLE 3 OF THE EDUCATION ARTICLE,** issue a warrant to pay out money from the Account in the manner provided under this section.

(4) The Account is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(5) Expenditures from the Account shall only be made on a properly approved transmittal prepared by the [State Racing Commission] **INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION** as provided under subsection (c) of this section.

(c) [Subject to subsections (d) and (e) of this section] **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION**, the [State Racing Commission] **INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION** shall allocate funds in the Account [as follows] **TO SERVICE STATE DEBT ISSUED TO FUND SCHOOL CONSTRUCTION IN THE STATE'S CAPITAL BUDGET PROVIDED THAT:**

(1) [80% to the thoroughbred industry] **THE FUNDS ALLOCATED IN THE CAPITAL BUDGET FOR SCHOOL CONSTRUCTION REPRESENT AN INCREASE OVER THE LEVEL OF FUNDS ALLOCATED FOR SCHOOL CONSTRUCTION IN THE CAPITAL BUDGET OF THE PREVIOUS FISCAL YEAR**; [and]

(2) [20% to the standardbred industry] **THE FUNDS DEDICATED TO DEBT SERVICE SHALL BE ASSOCIATED WITH THE INCREASE FOR EACH YEAR THE DEBT IS OUTSTANDING; AND**

(3) THE DEBT ISSUED FOR SCHOOL CONSTRUCTION IS IN ACCORDANCE WITH THE LIMITS ESTABLISHED BY THE CAPITAL DEBT AFFORDABILITY COMMITTEE UNDER TITLE 8 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

[(d) The amount of funds allocated to thoroughbred purses and the Maryland–bred Race Fund shall be allocated as follows:

(1) 89% to thoroughbred purses at the Pimlico Race Course, Laurel Park, the racecourse in Allegany County, and the racecourse at Timonium; and

(2) 11% to the Maryland–bred Race Fund.

(e) The amount of funds allocated to standardbred purses and the Standardbred Race Fund shall be allocated as follows:

(1) 89% to standardbred purses at Rosecroft Raceway, Ocean Downs Race Course, and the racecourse in Allegany County, allocated based on the number of live racing days at each track location; and

(2) 11% to the Standardbred Race Fund.

(f) From the amount provided to thoroughbred purses, the State Racing Commission shall pay an annual grant of $100,000 to Fair Hill, as defined under § 11–811 of the Business Regulation Article.

(g) Of the amount provided from the Purse Dedication Account under subsection (e)(1) of this section:

(1) for Ocean Downs Race Course, up to $1,200,000 may be used to provide operating assistance to support a minimum of 40 live racing days for calendar year 2012 only unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee's control; and

(2) for Rosecroft Raceway, up to $1,200,000 may be used to provide operating assistance to support a minimum of 40 live racing days for calendar year 2012 only unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee's control.

(h) (1) To obtain operating assistance under this section:

(i) a holder of a racing license to race at Ocean Downs Race Course or Rosecroft Raceway may apply to the Secretary of Labor, Licensing, and Regulation for the reimbursement of expenditures made by the racing licensee to conduct the annual live racing schedule; and

(ii) a holder of a racing license to race at Rosecroft Raceway shall:

1. agree to rehire workers employed at the facility prior to the end of live racing on June 27, 2008; and

2. recognize collective bargaining agreements that were in place as of June 1, 2008.

(2) (i) On the completion of the review of the application by a certified public accountant, the Secretary may authorize the reimbursement of expenditures by the racing licensee that are necessary to conduct the annual live racing schedule.

(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.

(3) All costs associated with the racing licensee's application shall be paid by the racing licensee.

(4) In support of the racing licensee's application and request for reimbursement submitted under paragraph (1) of this subsection, the racing licensee shall provide to the Secretary:

(i) monthly financial information requested by the Secretary, in a form satisfactory to the Secretary; and

(ii) an annual audited financial statement.

(5) A racing licensee may not receive assistance under this section while the racing licensee is a party to a proceeding challenging the issuance or denial of a video lottery operation license.

(i) The provisions of this section may not be construed to apply to the racecourse in Allegany County until horse racing begins at that racecourse.

(j) On or before December 1, 2014, the State Racing Commission shall:

(1) conduct a study to determine the impact of the Purse Dedication Account on the racing industry in the State; and

(2) make recommendations to the General Assembly regarding the continuation of the Purse Dedication Account and the amount of money distributed to the Purse Dedication Account.**]**

(D) FOR A FISCAL YEAR WITH NO INCREASE IN THE LEVEL OF FUNDS FOR SCHOOL CONSTRUCTION IN THE CAPITAL BUDGET OVER THE PREVIOUS FISCAL YEAR, THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION SHALL CREDIT TO THE GENERAL FUND IN THAT FISCAL YEAR, SUBJECT TO THE PROVISIONS OF LAW RELATING TO BUDGETARY PROCEDURE TO THE EXTENT APPLICABLE, AN AMOUNT NOT TO EXCEED THE AMOUNT CREDITED TO THE SCHOOL CONSTRUCTION ACCOUNT DURING THE PREVIOUS FISCAL YEAR, OR AS MUCH THEREOF AS REQUIRED TO ACCOMPLISH THE DESIGNATED PURPOSE OF THIS SECTION.

[9–1A–29.

(a) There is a Racetrack Facility Renewal Account under the authority of the State Racing Commission.

(b) (1) The Account shall receive money as required under § 9–1A–27 of this subtitle.

(2) Money in the Account shall be invested and reinvested by the Treasurer and interest and earnings shall accrue to the Account.

(3) The Comptroller shall:

(i) account for the Account; and

(ii) on a properly approved transmittal prepared by the State Racing Commission, issue a warrant to pay out money from the Account in the manner provided under this section.

(4) The Account is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(5) Expenditures from the Account shall only be made on a properly approved transmittal prepared by the State Racing Commission as provided under subsection (c) of this section.

(c) Funds from the Account shall be used to provide a grant to the holder of a license to hold a race meeting in the State:

(1) for racetrack facility capital construction and improvements; and

(2) for Laurel Park and Pimlico Race Course, up to $6,000,000 per year for operating assistance to support a minimum of 146 annual live racing days in calendar years 2012 and 2013, unless the racing licensee is prevented by weather, acts of God, or other circumstances beyond the racing licensee's control.

(d) Except as provided in subsection (e) of this section, the amount of funds made available from the Racetrack Facility Renewal Account shall be allocated as follows:

(1) 80% to the Pimlico Race Course, Laurel Park, and the racecourse at Timonium; and

(2) 20% to Rosecroft Raceway and Ocean Downs Race Course.

(e) For fiscal year 2012, the amount of funds made available from the Racetrack Facility Renewal Account shall be allocated as follows:

(1) 80% to the Pimlico Race Course, Laurel Park, and the racecourse at Timonium:

(i) minus 20% of the amount credited to the Account in fiscal year 2011; and

(ii) minus the amount necessary to repay funds to the Maryland Economic Development Corporation in accordance with Section 16 of Chapter 397 (S.B. 87/H.B. 72) of the Acts of the General Assembly of the Session of 2011 (the Budget Reconciliation and Financing Act of 2011); and

(2) 20% to Rosecroft Raceway and Ocean Downs Race Course, plus 20% of the amount credited to the Account in fiscal year 2011.

(f) In order to obtain a capital grant, a holder of a license to hold a race meeting in the State shall:

(1) submit a capital construction plan to be implemented within a specified time frame to the State Racing Commission for approval; and

(2) except as provided in subsection (g) of this section, provide and expend a matching fund.

(g) (1) Of the amount provided from the Racetrack Facility Renewal Account under subsection (d)(1) of this section, the racecourse at Timonium shall be provided the following amounts for racetrack facility capital construction and improvements:

(i) for fiscal year 2012, $1,125,000;

(ii) for fiscal year 2013, $1,250,000;

(iii) for fiscal year 2014, $1,125,000;

(iv) for fiscal year 2015, $1,000,000; and

(v) for fiscal year 2016, $1,000,000.

(2) A matching fund is not required for the amount provided for the racecourse at Timonium under paragraph (1) of this subsection.

(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.

(h) Of the amount provided from the Racetrack Facility Renewal Account under subsection (d)(1) of this section, the State Racing Commission may provide direct grant funding for the establishment of a horse racing museum as part of the Pimlico Race Course.

(i) After a capital grant has been provided under this section, the State Racing Commission shall:

(1) in consultation with the Department of General Services, monitor the implementation of the approved capital construction plan; and

(2) make provisions for recapture of grant moneys if the capital construction plan is not implemented within the time frame approved by the State Racing Commission.

(j) (1) To obtain operating assistance under subsection (c)(2) of this section, a holder of a racing license to race at Pimlico Race Course or Laurel Park may apply to the Secretary of Labor, Licensing, and Regulation for the reimbursement of expenditures made by the racing licensee to conduct the annual live racing schedule.

(2) Subject to paragraph (5) of this subsection, the racing licensee's application shall include:

(i) a 12–month business plan, subject to review by a certified public accountant, that sets forth the income– and expense–related items that are necessary to conduct a live racing schedule of at least the number of live racing days that was stated in the application; and

(ii) a 5–year business plan that describes the challenges impacting the economics of operating the racing facilities and strategies for addressing those challenges.

(3) (i) On the completion of the review of the application by a certified public accountant, the Secretary may authorize the reimbursement of expenditures by the racing licensee that are necessary to conduct the annual live racing schedule.

(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.

(4) All costs associated with the racing licensee's application shall be paid by the racing licensee.

(5) In support of the racing licensee's application and request for reimbursement submitted under paragraph (1) of this subsection, the racing licensee shall provide to the Secretary:

(i) monthly financial information requested by the Secretary, in a form satisfactory to the Secretary; and

(ii) an annual audited financial statement.

(6) A racing licensee may not receive assistance under this section while the racing licensee is a party to a proceeding challenging the issuance or denial of a video lottery operation license.

(k) Any unencumbered funds remaining in the Racetrack Facility Renewal Account on July 1, 2018, shall be paid to the Education Trust Fund established under § 9–1A–30 of this subtitle.

(l) The State Racing Commission shall adopt regulations to implement the provisions of this subsection, including regulations to address minimum criteria for the types of improvements to be made by the holder of a license.

(m) The provisions of this section may not be construed to apply to the racecourse in Allegany County.]".

AMENDMENT NO. 3

On page 61, after line 34, insert:

"Chapter 412 of the Acts of 2011

[SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of the termination provision specified in Section 5 of this Act.**]**

SECTION **[**5.**] 4.** AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011. **[**Sections 1 and 3 of this Act shall remain effective for a period of 2 years and 6 months and, at the end of December 31, 2013, with no further action required by the General Assembly, Sections 1 and 3 of this Act shall be abrogated and of no further force and effect.**]**".

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 26 Negative – 109 (See Roll Call No. 528)

FLOOR AMENDMENT

SB0152/813529/1
BY: Delegate McDermott

AMENDMENT TO SENATE BILL 152
(Third Reading File Bill – Committee Reprint)

On page 15, in line 23, strike "***IN THE FOLLOWING FISCAL YEAR***" and substitute "**IN EQUAL AMOUNTS IN THE FOLLOWING 5 FISCAL YEARS**".

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

Affirmative – 43 Negative – 85 (See Roll Call No. 529)

FLOOR AMENDMENT

SB0152/883323/1
BY: Delegate McDermott

AMENDMENT TO SENATE BILL 152
(Third Reading File Bill – Committee Reprint)

On page 48, strike beginning with "**INCLUDING**" in line 25 down through "**YEAR**" in line 26 and substitute "**WITHOUT INTEREST**"; and in line 29, strike "**, INCLUDING INTEREST,**".

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

Affirmative – 43 Negative – 86 (See Roll Call No. 530)

FLOOR AMENDMENT

SB0152/813923/1
BY: Delegate McDermott

AMENDMENTS TO SENATE BILL 152, AS AMENDED
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 3, in line 23, strike "*altering*"; and substitute "repealing"; and in line 27, after "*violations;*" insert "requiring a police officer to add a certain surcharge to a fine in a certain manner when issuing a traffic citation to a driver as a result of the driver's involvement in a motor vehicle accident; requiring a certain surcharge to be paid to the Maryland Trauma Physician Services Fund in a certain manner;".

On page 8, in line 10, strike "*13–954,*"; in line 16, strike "*and*" and substitute a comma; in the same line, after "*21–1415*" insert ", and 27–101.2"; and after line 18, insert:

"BY repealing
Article – Transportation
Section 13–954
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On pages 52 and 53, strike in their entirety the lines beginning with line 15 on page 52 through line 7 on page 53, inclusive.

On page 59, after line 4, insert:

"**27–101.2.**

(A) AFTER COMPUTING THE FINE TO BE ASSESSED UNDER THE DISTRICT COURT'S SCHEDULE OF PRESET FINES OR PENALTY DEPOSITS, A

POLICE OFFICER ISSUING A TRAFFIC CITATION TO A DRIVER AS A RESULT OF THE DRIVER'S INVOLVEMENT IN A MOTOR VEHICLE ACCIDENT SHALL ADD A $100 SURCHARGE TO THE AMOUNT OF THE TOTAL FINE BEFORE PRESENTING THE CITATION TO THE DRIVER BEING CHARGED.

(B) THE COMPTROLLER SHALL ANNUALLY PAY THE SURCHARGES COLLECTED UNDER THIS SECTION INTO THE MARYLAND TRAUMA PHYSICIAN SERVICES FUND ESTABLISHED UNDER § 19–130 OF THE HEALTH – GENERAL ARTICLE.".

The preceding 2 amendments were read and rejected.

FLOOR AMENDMENT

SB0152/693424/1
BY: Delegate O'Donnell

AMENDMENTS TO SENATE BILL 152, AS AMENDED
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 7 down through "counties;" in line 8.

On page 3, strike beginning with "requiring" in line 7 down through "circumstances;" in line 19.

On page 4, strike beginning with "repealing" in line 14 down through "System;" in line 16; strike beginning with "requiring" in line 28 down through "manner;" in line 30; and strike beginning with "providing" in line 35 down through "Act;" in line 36.

On pages 4 and 5, strike in their entirety the lines beginning with line 43 on page 4 through line 2 on page 5, inclusive.

On page 7, strike in their entirety lines 21 through 35, inclusive.

On page 9, strike in their entirety lines 6 through 10, inclusive.

AMENDMENT NO. 2

On pages 9 and 10, strike in their entirety the lines beginning with line 25 on page 9 through line 6 on page 10, inclusive.

On pages 41 through 48, strike in their entirety the lines beginning with line 10 on page 41 through line 33 on page 48, inclusive.

On page 77, strike in their entirety lines 26 and 27 and substitute:

"SECTION 5. RESERVED.".

On pages 83 through 85, strike in their entirety the lines beginning with line 31 on page 83 through line 11 on page 85, inclusive, and substitute:

"SECTION 19. RESERVED.

SECTION 20. RESERVED.".

On page 86, strike in their entirety lines 10 and 11 and substitute:

"SECTION 27. RESERVED.".

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

Affirmative – 53 Negative – 79 (See Roll Call No. 531)

FLOOR AMENDMENT

SB0152/213323/1
BY: Delegate Krebs

AMENDMENTS TO SENATE BILL 152
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 4, in line 32, after "*contingency;*" insert "authorizing county boards of education and county governing bodies jointly to terminate membership of certain employees in the Teachers' Pension System; providing that certain participating employees may receive a certain benefit from the Teachers' Pension System subject to certain provisions of law;".

AMENDMENT NO. 2

On page 86, after line 9, insert:

"SECTION 27. AND BE IT FURTHER ENACTED, That:

(a) Notwithstanding any other provision of law, a county board of education and a county governing body jointly may choose to terminate the membership of its employees in the Teachers' Pension System.

(b) If a county board of education and county governing body choose to terminate the membership of the employees of the county board of education in the Teachers' Pension System, an employee of the county board of education that was a member of the Teachers' Pension System shall receive a benefit under § 23–401 of the State Personnel and Pensions Article for the period of time the employee was a member of the Teachers' Pension System.

(c) To qualify for a benefit from the Teachers' Pension System under subsection (b) of this section, the employee is subject to the provisions of Title 23 of the State Personnel and Pensions Article.

(d) The liability for pension costs of the county board of education under the Teachers' Pension Systems on or after July 1, 2015 may not exceed the normal contribution rate for the Teachers' Pension System multiplied by the aggregate annual earnable compensation of the county board's employees.";

in Committee Amendment No. 32, in line 10, strike "*27.*" and substitute "28."; and in line 12, strike "*28.*" and substitute "29.".

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

Affirmative – 41 Negative – 91 (See Roll Call No. 532)

FLOOR AMENDMENT

SB0152/393724/1

BY: Delegate Minnick

AMENDMENT TO SENATE BILL 152

(Third Reading File Bill – Committee Reprint)

On page 40, in line 23, strike "*5.0%*" and substitute "5.5%".

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

Affirmative – 50 Negative – 81 (See Roll Call No. 533)

FLOOR AMENDMENT

SB0152/263922/2
BY: Delegate McConkey

AMENDMENTS TO SENATE BILL 152
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, strike beginning with "*requiring*" in line 7 down through "*counties;*" in line 8 and substitute "altering certain disparity grants for certain counties;".

On page 4, in line 40, after "*9–602(a)*" insert "and 9–1101(d)".

On pages 4 and 5, strike in their entirety the lines beginning with line 43 on page 4 through line 2 on page 5, inclusive.

AMENDMENT NO. 2

On pages 9 and 10, strike in their entirety the lines beginning with line 25 on page 9 through line 6 on page 10 and substitute:

"9–1101.

(d) **(1)** For fiscal year **[**2011**]** **2014** and each subsequent fiscal year, the distribution provided to any county or Baltimore City under this section may not exceed the amount distributed to the county or Baltimore City for fiscal year **[**2010**]** **2013**.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, FOR FISCAL YEAR 2013, THE DISTRIBUTION PROVIDED TO ANY COUNTY OR BALTIMORE CITY UNDER THIS SECTION MAY NOT EXCEED THE AMOUNT DISTRIBUTED TO THE COUNTY OR BALTIMORE CITY FOR FISCAL YEAR 2010.

(3) IN ADDITION TO THE DISTRIBUTIONS UNDER PARAGRAPH (2) OF THIS SUBSECTION, FOR FISCAL YEAR 2013, THE FOLLOWING DISTRIBUTIONS SHALL BE MADE UNDER THIS SECTION:

(I) ALLEGANY COUNTY – $1,921,038;

(II) BALTIMORE CITY – $14,631,389;

(III) CAROLINE COUNTY – $715,810;

(IV) CECIL COUNTY – $169,358;

(V) DORCHESTER COUNTY – $740,005;

(VI) GARRETT COUNTY – $571,796;

(VII) KENT COUNTY – $4,317;

(VIII) PRINCE GEORGE'S COUNTY – $4,693,907;

(IX) SOMERSET COUNTY – $1,173,387;

(X) WASHINGTON COUNTY – $1,271,101; AND

(XI) WICOMICO COUNTY – $1,766,553.".

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

Affirmative – 45 Negative – 86 (See Roll Call No. 534)

FLOOR AMENDMENT

SB0152/243927/1
BY: Delegate Barkley

AMENDMENTS TO SENATE BILL 152, AS AMENDED
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 3, strike beginning with the third "certain" in line 16 down through "years;" in line 17 and substitute "a certain fiscal year;".

AMENDMENT NO. 2

On page 44, in Committee Amendment No. 12, in line 15, strike "**YEARS 2013 THROUGH *2015***" and substitute "**YEAR 2013**".

On page 45, in Committee Amendment No. 12, strike in their entirety lines 8 through 34, inclusive, and substitute:

"**LOCAL**

EMPLOYER	**FISCAL YEAR 2013**
ALLEGANY	**1,487,742**
ANNE ARUNDEL	**11,493,684**
BALTIMORE CITY	**12,922,862**
BALTIMORE	**15,755,802**
CALVERT	**2,835,938**
CAROLINE	**793,934**
CARROLL	**4,005,782**
CECIL	**2,459,819**
CHARLES	**3,936,516**
DORCHESTER	**656,543**
FREDERICK	**5,893,461**
GARRETT	**664,714**
HARFORD	**5,529,741**
HOWARD	**9,821,066**
KENT	**366,147**
MONTGOMERY	**27,227,553**
PRINCE GEORGE'S	**19,554,579**
QUEEN ANNE'S	**1,105,527**
ST. MARY'S	**2,485,697**
SOMERSET	**480,124**
TALBOT	**628,456**
WASHINGTON	**3,094,113**
WICOMICO	**2,173,593**

WORCESTER	**1,271,561**";

in line 35, strike "***2016***" and substitute "**2014**"; and in line 37, after "**TO**" insert "**50% OF**".

AMENDMENT NO. 3

On page 83, in Committee Amendment No. 30, in line 32, strike "years 2013 through *2015*" and substitute "year 2013".

On pages 84 and 85, in Committee Amendment No. 30, strike in their entirety the lines beginning with line 25 on page 84 through line 6 on page 85, inclusive, and substitute:

"**COUNTY**	**FISCAL YEAR 2013**
ALLEGANY	**1,487,742**
ANNE ARUNDEL	**1,493,684**
BALTIMORE CITY	**12,922,862**
BALTIMORE	**15,755,802**
CALVERT	**2,835,938**
CAROLINE	**793,934**
CARROLL	**4,005,782**
CECIL	**2,459,819**
CHARLES	**3,936,516**
DORCHESTER	**656,543**
FREDERICK	**5,893,461**
GARRETT	**664,714**
HARFORD	**5,529,741**
HOWARD	**9,821,066**
KENT	**366,147**
MONTGOMERY	**27,227,553**
PRINCE GEORGE'S	**19,554,579**
QUEEN ANNE'S	**1,105,527**
ST. MARY'S	**2,485,697**
SOMERSET	**480,124**
TALBOT	**628,456**
WASHINGTON	**3,094,113**

WICOMICO	**2,173,593**
WORCESTER	**1,271,561**".

On page 85, in Committee Amendment No. 30, in line 8, strike "***2016***" and substitute "**2014**"; and in lines 9 and 11, in each instance, strike "***2015***" and substitute "**2013**".

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 62 Negative – 72 (See Roll Call No. 535)

FLOOR AMENDMENT

SB0152/353329/1
BY: Delegate Serafini

AMENDMENT TO SENATE BILL 152
(Third Reading File Bill – Committee Reprint)

On page 45, in line 35, strike "**BEGINNING**" and substitute "**1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH,**"; and after line 40, insert:

"**2. LOCAL EMPLOYERS MAY NOT BE RESPONSIBLE FOR ANY ANNUAL INCREASE TO THE NORMAL CONTRIBUTION RATE FOR THE TEACHERS' RETIREMENT SYSTEM AND THE TEACHERS' PENSION SYSTEM ATTRIBUTABLE TO:**

A. LEGISLATIVE PLAN CHANGES;

B. INVESTMENT RETURNS; OR

C. CHANGES IN ACTUARIAL ASSUMPTIONS USED TO CALCULATE EMPLOYER CONTRIBUTION RATES THAT RESULT IN AN INCREASE IN THE NORMAL CONTRIBUTION RATE.".

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

Affirmative – 45 Negative – 85 (See Roll Call No. 536)

FLOOR AMENDMENT

SB0152/683729/2
BY: Delegate Eckardt

AMENDMENTS TO SENATE BILL 152, AS AMENDED
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 4, strike beginning with the first "a" in line 29 down through "manner" in line 30 and substitute "certain fiscal years each county appropriate to the county board of education certain amounts in addition to certain maintenance of effort amounts, except under certain circumstances".

AMENDMENT NO. 2

On pages 83 and 85, in Amendment No. 30, strike in their entirety the lines beginning with line 31 on page 83 through line 11 on page 85, inclusive, and substitute:

"SECTION 19. AND BE IT FURTHER ENACTED, That for fiscal years 2013 through 2016, in addition to the required maintenance of effort amount calculated under § 5–202(d) of the Education Article, each county shall appropriate to the county board of education the following dollar amounts:

County	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Allegany	94,898	445,482	781,717	1,101,407
Anne Arundel	1,546,473	4,263,078	6,868,903	9,346,994
Baltimore City	225,750	3,265,020	6,179,583	8,950,377
Baltimore County	1,739,969	5,460,152	9,028,438	12,421,584
Calvert	450,413	1,121,394	1,765,047	2,377,191
Caroline	53,605	240,724	420,185	590,818
Carroll	629,529	1,577,227	2,486,324	3,350,912
Cecil	303,285	884,402	1,441,807	1,971,872
Charles	620,950	1,552,284	2,445,685	3,295,347
Dorchester	22,574	177,094	325,280	466,163
Frederick	925,378	2,319,659	3,657,150	4,929,158

Garrett	28,059	184,554	334,637	477,326
Harford	651,556	1,957,620	3,210,378	4,401,672
Howard	1,957,160	4,284,788	6,517,821	8,641,773
Kent	18,701	104,936	187,640	266,271
Montgomery	3,698,565	10,134,320	16,307,649	22,178,393
Pr George's	1,576,573	6,187,876	10,610,600	14,815,900
Queen Anne's	131,871	393,001	643,473	881,658
St. Mary's	320,826	908,200	1,471,614	2,007,403
Somerset	–	112,650	220,663	304,839
Talbot	46,180	194,335	336,430	471,536
Washington	323,772	1,054,160	1,754,716	2,420,877
Wicomico	148,689	660,994	1,152,334	1,619,504
Worcester	114,964	414,944	702,663	976,245

SECTION 20. AND BE IT FURTHER ENACTED, That except as provided in Section 21 of this Act, for fiscal year 2017 and each year thereafter, in addition to the required maintenance of effort amount calculated under § 5–202(d) of the Education Article, each county shall appropriate to the county board of education an amount equal to the product of one–half the normal contribution rate for the Teachers' Retirement System and the Teachers' Pension System multiplied by the aggregate annual earnable compensation of the local employees, as defined in § 21–304 of the State Personnel and Pensions Article as enacted in Section 1 of this Act, of that county board of education for fiscal year 2016, less one–half the amount reimbursed by the county board of education for pension costs of federally funded employees under § 5–203 of the Education Article as required for fiscal year 2012.

SECTION 21. AND BE IT FURTHER ENACTED, That a county governing body may elect to include payments required under Section 19 of this Act for fiscal years 2013 through 2016 within its calculation of highest local appropriation under § 5–202(d) of the Education Article. For a county making this election, the provisions of Section 20 of this Act do not apply, and the amount paid shall become part of the per–pupil funding base for the subsequent year and each year thereafter.".

On page 85, in lines 12, 15, 21, 24, and 37, strike "21.", "22.", "23.", "24.", and "25.", respectively, and substitute "22.", "23.", "24.", "25.", and "26.", respectively.

On page 86, in lines 5, 10, and 12, strike "26.", "27.", and "28.", respectively, and substitute "27.", "28.", and "29.", respectively; and in Committee Amendment No. 32, in lines 5 and 8, in each instance, strike "24" and substitute "25".

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

Affirmative – 44 Negative – 90 (See Roll Call No. 537)

FLOOR AMENDMENT

SB0152/693622/1
BY: Delegate Szeliga

AMENDMENTS TO SENATE BILL 152, AS AMENDED
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 4, strike beginning with "requiring" in line 20 down through "circumstances;" in line 24.

AMENDMENT NO. 2

On page 79, strike in their entirety lines 12 through 30, inclusive, and substitute "SECTION 9. RESERVED".

On pages 85 and 86, in Committee Amendment No. 25, strike in their entirety the lines beginning with line 37 on page 85 through line 4 on page 86, inclusive, and substitute "SECTION 25. RESERVED".

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

Affirmative – 43 Negative – 91 (See Roll Call No. 538)

FLOOR AMENDMENT

SB0152/913820/2
BY: Delegate George

AMENDMENTS TO SENATE BILL 152, AS AMENDED
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 4, strike beginning with "under" in line 22 down through "circumstances" in line 24.

AMENDMENT NO. 2

On page 79, strike beginning with "If" in line 17 down through "(3)" in line 26; and strike beginning with "and" in line 26 down through "any," in line 27.

On page 85, in Committee Amendment No. 25, strike beginning with "the" in line 37 down through the second "and" in line 38.

On page 86, strike beginning with "the" in line 2 down through the second "and" in line 3.

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

Affirmative – 42 Negative – 92 (See Roll Call No. 539)

FLOOR AMENDMENT

SB0152/913820/3
BY: Delegate George

AMENDMENTS TO SENATE BILL 152, AS AMENDED
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 4, in line 24, after "circumstances;" insert "prohibiting the inclusion of a valuation for any prior exemption from the State premium tax in the amount of a certain liability of the Injured Workers' Insurance Fund and its successor;".

AMENDMENT NO. 2

On page 79, in line 17, strike "If" and substitute "(i) Subject to subparagraph (ii) of this paragraph, if"; after line 25, insert:

"(ii) The additional amount in excess of $50,000,000 under subparagraph (i) of this paragraph may not include any valuation for any prior exemption from the State premium tax.".

On page 85, in Committee Amendment No. 25, strike beginning with "the" in line 37 down through the second "and" in line 38.

On page 86, in Committee Amendment No. 25, strike beginning with "the" in line 2 down through the second "and" in line 3.

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

Affirmative – 41 Negative – 92 (See Roll Call No. 540)

FLOOR AMENDMENT

SB0152/913221/1
BY: Delegate Frank

AMENDMENTS TO SENATE BILL 152
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, in line 15, before "altering" insert "repealing certain requirements for a certain notice relating to abandoned property to be published in certain newspapers; requiring the Comptroller to maintain, or cause to be maintained, an abandoned property database containing the names and last known addresses, if any, of persons listed in certain reports; requiring the Comptroller to maintain, or cause to be maintained, a certain Internet Web site relating to the abandoned property database; requiring the Comptroller to publish certain notices of a certain Internet Web site;".

On page 5, after line 2, insert:

"BY repealing
Article – Commercial Law
Section 17–311(a), (b), and (c)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

BY adding to
Article – Commercial Law
Section 17–311(a), (b), and (c)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 12, before line 8, insert:

"Article – Commercial Law

17–311.

[(a) (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 in the State 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.

(b) The published notice 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 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) The Administrator is not required to publish in the notice any item valued at less than $100 unless the Administrator considers the publication to be in the public interest.**]**

(A) IN THIS SECTION, "ABANDONED PROPERTY DATABASE" MEANS AN ELECTRONIC DATABASE CONTAINING THE NAMES AND LAST KNOWN ADDRESSES, IF ANY, OF PERSONS WHO APPEAR TO BE OWNERS OF ABANDONED PROPERTY.

(B) (1) THE ADMINISTRATOR SHALL MAINTAIN, OR CAUSE TO BE MAINTAINED, AN ABANDONED PROPERTY DATABASE.

(2) WITHIN 365 DAYS AFTER THE FILING OF A REPORT REQUIRED BY § 17–310 OF THIS SUBTITLE, THE ADMINISTRATOR SHALL ADD TO THE ABANDONED PROPERTY DATABASE THE NAMES AND LAST KNOWN ADDRESSES, IF ANY, OF PERSONS LISTED IN THE REPORT.

(3) THE ADMINISTRATOR SHALL MAINTAIN, OR CAUSE TO BE MAINTAINED, AN INTERNET WEB SITE THAT:

(I) PROVIDES REASONABLE MEANS BY WHICH A PERSON MAY SEARCH THE ABANDONED PROPERTY DATABASE REQUIRED BY THIS SUBSECTION;

(II) CONTAINS 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;

(III) CONTAINS A STATEMENT THAT A PROOF OF CLAIM MAY BE PRESENTED BY THE OWNER TO THE ADMINISTRATOR; AND

(IV) INCLUDES A LINK TO AN ABANDONED PROPERTY CLAIM FORM.

(C) (1) THE ADMINISTRATOR SHALL PUBLISH NOTICE OF THE INTERNET WEB SITE REQUIRED BY SUBSECTION (B)(3) OF THIS SECTION.

(2) THE NOTICE SHALL:

(I) BE PUBLISHED AT LEAST ONCE EACH CALENDAR QUARTER IN ONE OR MORE NEWSPAPERS OF GENERAL CIRCULATION IN EACH COUNTY OF THE STATE; AND

(II) CONTAIN:

1. A STATEMENT THAT THE ADMINISTRATOR MAINTAINS RECORDS OF THE NAMES AND LAST KNOWN ADDRESSES, IF ANY, OF PERSONS WHO APPEAR TO BE OWNERS OF ABANDONED PROPERTY;

2. A STATEMENT THAT ANY PERSON MAY SEARCH THE ADMINISTRATOR'S ABANDONED PROPERTY RECORDS THROUGH THE ADMINISTRATOR'S INTERNET WEB SITE; AND

3. THE ADDRESS OF THE INTERNET WEB SITE.".

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

Affirmative – 42 Negative – 92 (See Roll Call No. 541)

FLOOR AMENDMENT

SB0152/543629/1
BY: Delegate McDermott

AMENDMENT TO SENATE BILL 152
(Third Reading File Bill – Committee Reprint)

On page 49, in line 30, strike "**$13,000,000**" and substitute "**$5,000,000**".

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

Affirmative – 51 Negative – 85 (See Roll Call No. 542)

FLOOR AMENDMENT

SB0152/253029/1
BY: Delegate Stocksdale

AMENDMENTS TO SENATE BILL 152
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 2, strike beginning with "altering" in line 27 down through "facilities;" in line 28.

On page 6, in lines 17 and 18, strike "19–214(b) and (c), and 19–310.1(b)(2)" and substitute "and 19–214(b) and (c)".

AMENDMENT NO. 2

On page 33, strike in their entirety lines 17 through 20, inclusive.

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

Affirmative – 42 Negative – 87 (See Roll Call No. 543)

FLOOR AMENDMENT

SB0152/363324/1

BY: Delegate Aumann

AMENDMENTS TO SENATE BILL 152

(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 4, strike beginning with "requiring" in line 12 down through "Assembly;" in line 14.

AMENDMENT NO. 2

On pages 79 and 80, strike in their entirety the lines beginning with line 37 on page 79 through line 13 on page 80, inclusive, and substitute "SECTION 11. RESERVED.".

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

Affirmative – 45 Negative – 84 (See Roll Call No. 544)

FLOOR AMENDMENT

SB0152/933823/1

BY: Delegates Olszewski and Kach

AMENDMENTS TO SENATE BILL 152

(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 3, strike beginning with "altering" in line 32 down through "adjustment;" in line 34.

On page 8, strike in their entirety lines 22 through 24, inclusive.

AMENDMENT NO. 2

On page 61, strike in their entirety lines 21 through 27, inclusive.

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

Affirmative – 43 Negative – 78 (See Roll Call No. 545)

FLOOR AMENDMENT

SB0152/233226/1

BY: Delegate Krebs

AMENDMENTS TO SENATE BILL 152

(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 3, in line 34, after "adjustment;" insert "repealing a requirement that the Health Services Cost Review Commission and the Department of Health and Mental Hygiene adopt certain policies in lieu of certain hospital assessment and remittance revenue;".

On page 8, in line 27, after "11" insert "and 16".

AMENDMENT NO. 2

On page 61, after line 34, insert:

"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**], 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.

[(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 preserve the State's Medicare waiver.**]**".

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

Affirmative – 42 Negative – 88 (See Roll Call No. 546)

Read the second time and ordered prepared for Third Reading.

THE HON. ADRIENNE A. JONES, SPEAKER PRO TEM, NOW PRESIDING

House Bill 1412 – Delegates Bohanan, Kaiser, Jones, Conway, Hixson, Branch, Guzzone, Luedtke, and Morhaim

EMERGENCY BILL

AN ACT concerning

Education – Maintenance of Effort

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

FLOOR AMENDMENT

HB1412/923327/2
BY: Delegate Kramer

AMENDMENTS TO HOUSE BILL 1412, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Committee on Ways and Means Amendments (HB1412/465067/1), in line 3 of Amendment No. 1, strike "requiring" and substitute "authorizing a county to appeal a certain decision of the State Board regarding the denial of a certain waiver to the Board of Public Works; requiring".

AMENDMENT NO. 2

On page 10 of the bill, in line 25, after "**(VI)**" insert "**1. A.**"; in line 26, after "county" insert "**IN WRITING**"; after line 29, insert:

"**B. THE WRITTEN APPROVAL OR DENIAL OF THE STATE BOARD UNDER THIS SUBPARAGRAPH SHALL INCLUDE THE FINDINGS OF FACT FOR EACH FACTOR LISTED IN PARAGRAPH (8)(V) OF THIS SUBSECTION.**

2. A. A COUNTY MAY APPEAL A DECISION OF THE STATE BOARD DENYING A WAIVER IN WHOLE OR IN PART, TO THE BOARD OF PUBLIC WORKS WITHIN 15 DAYS AFTER RECEIPT OF THE DECISION OF THE STATE BOARD.

B. THE BOARD OF PUBLIC WORKS MAY ACCEPT ADDITIONAL EVIDENCE OR REMAND THE CASE TO THE STATE BOARD TO TAKE ADDITIONAL EVIDENCE.

C. AFTER REVIEWING THE RECORD OF THE CASE AND ANY ADDITIONAL EVIDENCE, THE BOARD OF PUBLIC WORKS MAY REVERSE, MODIFY, OR AFFIRM THE DECISION OF THE STATE BOARD.";

in line 33, strike "**EITHER**"; and in the same line, after "**BOARD**" insert "**, THE BOARD OF PUBLIC WORKS,**".

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

Affirmative – 52 Negative – 78 (See Roll Call No. 547)

FLOOR AMENDMENT

HB1412/923327/4
BY: Delegate Kramer

AMENDMENTS TO HOUSE BILL 1412, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Committee on Ways and Means Amendments (HB1412/465067/1), in Amendment No. 1, strike beginning with "requiring" in line 5 down through "board;" in line 7 and substitute "requiring the Superintendent to direct a certain county to make a certain appropriation to the county board in a certain manner;".

AMENDMENT NO. 2

On page 6 of the Committee on Ways and Means Amendments, in line 5 of Amendment No. 5, strike "**WITHIN 15 DAYS OF**".

On page 15 of the bill, strike beginning with "**ON**" in line 5 down through "**REQUIREMENT**" in line 11 and substitute "**IF THE COUNTY DOES NOT DISPUTE THE FUNDING UNDER PARAGRAPH (1) OF THIS SUBSECTION OR THE STATE BOARD CERTIFIES NONCOMPLIANCE, THE SUPERINTENDENT SHALL DIRECT THE COUNTY TO REMEDY THE SHORTFALL WITH ADDITIONAL APPROPRIATIONS**"; strike in their entirety lines 12 through 14, inclusive; and after line 20, insert:

"**(II) WITHIN 45 DAYS AFTER THE SUPERINTENDENT'S DIRECTIVE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE GOVERNING BODY OF THE COUNTY SHALL:**

1. PROVIDE THE ADDITIONAL REQUIRED APPROPRIATIONS TO THE COUNTY BOARD; OR

2. REDIRECT TO THE COUNTY BOARD ONE OR MORE SOURCES OF REVENUE FROM A STATE DISTRIBUTION TO THE COUNTY ON A SCHEDULE TO BE DETERMINED BY THE STATE BOARD.".

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

Affirmative – 46 Negative – 78 (See Roll Call No. 548)

FLOOR AMENDMENT

HB1412/923327/3

BY: Delegate Kramer

AMENDMENTS TO HOUSE BILL 1412, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Committee on Ways and Means Amendments (HB1412/465067/1), in Amendment No. 1, strike beginning with "requiring" in line 5 down through "board;" in line 7 and substitute "requiring the State Board to grant a rebasing waiver under certain circumstances;".

AMENDMENT NO. 2

On page 12 of the bill, in line 11, after "**(III)**" insert "**1. THE REQUIREMENTS FOR THE CONSIDERATION OF A REBASING WAIVER IN THIS PARAGRAPH DO NOT APPLY TO A COUNTY THAT QUALIFIES FOR A REBASING WAIVER UNDER PARAGRAPH (11) OF THIS SUBSECTION.**

2.".

On page 5 of the Committee on Ways and Means Amendments, in line 2 of Amendment No. 5, after "**(11)**" insert:

"**(I) IN THIS PARAGRAPH, "5–YEAR MOVING AVERAGE" HAS THE MEANING STATED IN PARAGRAPH (10) OF THIS SUBSECTION.**

(II) THE STATE BOARD SHALL GRANT A REBASING WAIVER OF AT LEAST 2% OF THE REQUIRED LOCAL APPROPRIATION IF THE STATE BOARD FINDS THAT:

1. AT LEAST TWO OF THE FOLLOWING ECONOMIC CONDITIONS APPLY TO THE COUNTY:

A. THE COUNTY'S UNEMPLOYMENT RATE IS EITHER 1.2% GREATER THAN THE STATEWIDE UNEMPLOYMENT RATE OR 1.2% GREATER THAN THE COUNTY'S UNEMPLOYMENT RATE IN THE PRIOR YEAR;

B. THE COUNTY'S LATEST ANNUAL REASSESSMENT YIELDED A NET DECLINE IN PROPERTY VALUES FOR THE AREA ASSESSED; OR

C. THE COUNTY'S INCOME TAX COLLECTIONS FOR THE PREVIOUS CALENDAR YEAR ARE AT LEAST 10% BELOW THE COLLECTIONS OF THE PRIOR YEAR; AND

2. THE COUNTY'S:

A. INCOME TAX RATE IS AT THE MAXIMUM RATE AUTHORIZED BY § 10–106 OF THE TAX – GENERAL ARTICLE;

B. EDUCATION EFFORT IN THE CURRENT FISCAL YEAR IS GREATER THAN THE STATEWIDE 5–YEAR MOVING AVERAGE FOR EDUCATION EFFORT; AND

C. PER PUPIL LOCAL APPROPRIATION IS AT LEAST 10% GREATER THAN THE STATEWIDE AVERAGE PER PUPIL LOCAL APPROPRIATION.

(12)";

and in lines 6 and 14, strike "**(12)**" and "**(13)**", respectively, and substitute "**(13)**" and "**(14)**", respectively.

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

Affirmative – 46 Negative – 70 (See Roll Call No. 549)

FLOOR AMENDMENT

HB1412/723320/1
BY: Delegate Kramer

AMENDMENTS TO HOUSE BILL 1412
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, strike beginning with "the" through "projects" and substitute "certain costs agreed to by a county and a county board"; and in line 18, after "calculation;" insert "authorizing a county to withdraw a certain appropriation from inclusion in a certain calculation under certain circumstances;".

AMENDMENT NO. 2

On page 8, strike beginning with "**THE**" in line 16 down through "**PROJECTS**" in line 17 and substitute "**ANY OTHER COSTS THAT THE COUNTY AND THE COUNTY BOARD AGREE TO EXCLUDE**"; and in line 22, after "cost" insert "**:**

(I) MAY BE WITHDRAWN BY THE COUNTY IF THE STATE BOARD MAKES A FINAL DETERMINATION THAT THE COST MAY BE NOT EXCLUDED; OR

(II) IF THE COUNTY DOES NOT WITHDRAW THE APPROPRIATION,".

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

Affirmative – 49 Negative – 77 (See Roll Call No. 550)

SPEAKER OF THE HOUSE MICHAEL E. BUSCH, NOW PRESIDING

FLOOR AMENDMENT

HB1412/623020/1
BY: Delegate Haddaway–Riccio

AMENDMENTS TO HOUSE BILL 1412, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 2 of the bill, strike beginning with "requiring" in line 3 down through "circumstances;" in line 4; and strike beginning with "providing" in line 11 down through "Act;" in line 12; and strike in their entirety lines 34 through 39, inclusive.

On page 1 of the Committee on Ways and Means Amendments (HB1412/465067/1), in line 19 of Amendment No. 1, strike "2".

AMENDMENT NO. 2

On page 16 of the bill, strike in their entirety lines 1 through 23, inclusive.

On page 17 of the bill, strike in their entirety lines 12 and 13; and strike beginning with ", except" in line 17 down through "Act," in line 18.

On page 4 of the Committee on Ways and Means Amendments, in line 13 of Amendment No. 2, strike "3."; in line 14, strike "**SUBSUBPARAGRAPH**"; and in lines 14 and 15, strike "**IN EACH FISCAL YEAR IF**".

On page 6 of the Committee on Ways and Means Amendments, in lines 3, 6, 12, and 17 of Amendment No. 6, strike "4.", "5.", "6.", and "7.", respectively, and substitute "3.", "4.", "5.", and "6.", respectively; in line 13, strike "5" and substitute "4"; and in line 18, strike "8.".

On page 7 of the Committee on Ways and Means Amendments, in line 1 of Amendment No. 6, strike "3"; in the same line, strike "9." and substitute "7."; and in line 2, strike "8".

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

Affirmative – 42 Negative – 81 (See Roll Call No. 551)

FLOOR AMENDMENT

HB1412/963626/1
BY: Delegate McMillan

AMENDMENTS TO HOUSE BILL 1412
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "excluding" in line 17 down through "calculation;" in line 18.

AMENDMENT NO. 2

On page 8, in line 13, strike the brackets; and strike beginning with the semicolon in line 15 down through "**PROJECTS**" in line 17.

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

Affirmative – 40 Negative – 86 (See Roll Call No. 552)

FLOOR AMENDMENT

HB1412/533722/1
BY: Delegates Krebs, McMillan, and Vitale

AMENDMENTS TO HOUSE BILL 1412, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike beginning with "authorizing" in line 3 down through "circumstances;" in line 11.

On page 2 of the bill, in line 16, strike "5–104, 5–202(d),," and substitute "5–202(d)".

AMENDMENT NO. 2

On pages 3 and 4 of the bill, strike in their entirety the lines beginning with line 25 on page 3 through line 15 on page 4, inclusive.

On page 4 of the bill, strike in their entirety lines 16 and 17.

On page 16 of the bill, in line 11, strike "3." and substitute "2.".

On page 17 of the bill, strike in their entirety lines 8 and 9.

AMENDMENT NO. 3

On page 6 of the Committee on Ways and Means Amendments (HB1412/465067/1), in Amendment No. 6, in lines 3, 6, 12, 13, and 18, strike "4.", "5.", "6.", "5", and "8" and substitute "3.", "4.", "5.", "4", and "6.".

On page 7 of the Committee on Ways and Means Amendment, in line 1 of Amendment No. 6, strike "3" and "9.", respectively and substitute "2" and "7.", respectively; and in line 2, strike "8" and substitute "6".

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 48 Negative – 77 (See Roll Call No. 553)

Read the second time and ordered prepared for Third Reading.

Senate Bill 848 – Senator King

EMERGENCY BILL

AN ACT concerning

Education – Maintenance of Effort ~~– Waivers~~

HOUSE APPROPRIATIONS COMMITTEE AND
HOUSE WAYS AND MEANS COMMITTEE REPORT ON
SENATE BILL 150 – THE BUDGET BILL;
SENATE BILL 152 – THE BUDGET RECONCILIATION AND FINANCING ACT;
SENATE BILL 523 – STATE AND LOCAL REVENUE ACT; AND
SENATE BILL 848 – MAINTENANCE OF EFFORT

(See Exhibit J of Appendix II)

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

Read the second time and ordered prepared for Third Reading.

Senate Bill 523 – Senator Manno

AN ACT concerning

~~Income Tax – Repeal of the 1997 Income Tax Reduction~~
State and Local Revenue and Financing Act of 2012

HOUSE APPROPRIATIONS COMMITTEE AND
HOUSE WAYS AND MEANS COMMITTEE REPORT ON
SENATE BILL 150 – THE BUDGET BILL;
SENATE BILL 152 – THE BUDGET RECONCILIATION AND FINANCING ACT;
SENATE BILL 523 – STATE AND LOCAL REVENUE ACT; AND
SENATE BILL 848 – MAINTENANCE OF EFFORT

(See Exhibit J of Appendix II)

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

FLOOR AMENDMENT

SB0523/143729/4

BY: Delegate Serafini

AMENDMENT TO SENATE BILL 523, AS AMENDED
(Third Reading File Bill)

On page 3 of the bill, strike in their entirety lines 17 through 31, inclusive, and substitute:

"**(I) 0% OF MARYLAND TAXABLE INCOME OF $0 THROUGH $19,999; AND**

(II) 3.0% OF MARYLAND TAXABLE INCOME IN EXCESS OF $19,999.".

On page 4 of the bill, strike in their entirety lines 4 through 18, inclusive, and substitute:

"**(I) 0% OF MARYLAND TAXABLE INCOME OF $0 THROUGH $29,999; AND**

(II) 3.0% OF MARYLAND TAXABLE INCOME IN EXCESS OF $29,999.".

On pages 1 and 2 of the Committee on Ways and Means Amendments (SB0523/725662/1), strike in its entirety Amendment No. 2.

On page 5 of the bill, strike beginning with "**(3)**" in line 1 down through "**TITLE.**" in line 24.

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

Affirmative – 41 Negative – 87 (See Roll Call No. 554)

FLOOR AMENDMENT

SB0523/143729/6
BY: Delegate Serafini

AMENDMENT TO SENATE BILL 523, AS AMENDED

(Third Reading File Bill)

On page 3 of the bill, strike in their entirety lines 17 through 31, inclusive, and substitute:

"**(I) 0% OF MARYLAND TAXABLE INCOME OF $0 THROUGH $19,999;**

(II) 2.25% OF MARYLAND TAXABLE INCOME OF $20,000 THROUGH $39,999;

(III) 2.75% OF MARYLAND TAXABLE INCOME OF $40,000 THROUGH $99,999; AND

(IV) 3.0% OF MARYLAND TAXABLE INCOME IN EXCESS OF $99,999.".

On page 4 of the bill, strike in their entirety lines 4 through 18, inclusive, and substitute:

"**(I) 0.25% OF MARYLAND TAXABLE INCOME OF $0 THROUGH $29,999;**

(II) 2.25% OF MARYLAND TAXABLE INCOME OF $30,000 THROUGH $59,999;

(III) 2.75% OF MARYLAND TAXABLE INCOME OF $60,000 THROUGH $124,999; AND

(IV) 3.0% OF MARYLAND TAXABLE INCOME IN EXCESS OF $124,999.".

On pages 1 and 2 of the Committee on Ways and Means Amendments (SB0523/725662/1), strike in its entirety Amendment No. 2.

On page 5 of the bill, strike beginning with "**(3)**" in line 1 down through "**TITLE.**" in line 24.

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

Affirmative – 44 Negative – 85 (See Roll Call No. 555)

FLOOR AMENDMENT

SB0523/983121/1
BY: Delegate Fisher

AMENDMENTS TO SENATE BILL 523, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike beginning with "providing" in line 16 down through "manner;" in line 21.

On page 1 of the Committee on Ways and Means Amendments (SB0523/725662/1), in Amendment No. 1, in line 11, after "10–211(b)," insert "and".

On page 2 of the bill, in line 16, strike ", and 12–105(b)".

AMENDMENT NO. 2

On pages 8 and 9 of the bill, strike in their entirety the lines beginning with line 14 on page 8 through line 5 on page 9, inclusive; and on page 9, in line 6, strike "4." and substitute "3.".

On page 6 of the Committee on Ways and Means Amendments, in Amendment No. 9, in line 2, strike "10." and substitute "9."; and in line 4, strike "12." and substitute "10.".

On page 11 of the bill, in lines 10, 12, 14, 19, and 26, strike "5.", "6.", "7.", "8.", and "9.", respectively, and substitute "4.", "5.", "6.", "7.", and "8.", respectively.

On page 12 of the bill, strike in their entirety lines 1 through 3, inclusive.

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

Affirmative – 40 Negative – 67 (See Roll Call No. 556)

FLOOR AMENDMENT

SB0523/773924/1
BY: Delegate Szeliga

AMENDMENT TO SENATE BILL 523, AS AMENDED

On page 4 of the Committee on Ways and Means Amendments (SB0523/725662/1), in line 9 of Amendment No. 4, strike "$150,000" and substitute "**$200,000**"; in line 13, strike "$175,000" and substitute "**$225,000**"; in line 15, strike "$175,000" and substitute "**$225,000**"; in the same line, strike "$200,000" and substitute "**$250,000**"; and in line 17, strike "$200,000" and substitute "**$250,000**".

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

Affirmative – 42 Negative – 69 (See Roll Call No. 557)

Read the second time and ordered prepared for Third Reading.

House Bill 446 – The Speaker (By Request – Administration) and Delegates Beidle, Bobo, Clippinger, Feldman, Frush, Gaines, Glenn, Hucker, McIntosh, Mitchell, Niemann, S. Robinson, and Rosenberg

AN ACT concerning

Environment – Bay Restoration Fund – Fees

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

FLOOR AMENDMENT

HB0446/273824/1
BY: Delegate Elliott

AMENDMENTS TO HOUSE BILL 446, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Environmental Matters Committee Amendments (HB0446/790614/2), in line 18 of Amendment No. 1, after "years;" insert "requiring

that a portion of the Fund be used to assist a certain local government with making payments on a certain loan;".

AMENDMENT NO. 2

On page 11 of the Environmental Matters Committee Amendments, after line 7 of Amendment No. 3, insert:

"**(2–A) A PORTION OF THE BAY RESTORATION FUND SHALL BE USED TO ASSIST A LOCAL GOVERNMENT WITH MAKING PAYMENTS ON A LOAN TAKEN TO BUILD A NEW WASTEWATER FACILITY THAT BEGAN OPERATION AFTER JANUARY 1, 2011.**".

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

Affirmative – 39 Negative – 86 (See Roll Call No. 558)

Read the second time and ordered prepared for Third Reading.

House Bill 987 – Delegates Hucker, Bobo, Carr, Frush, Gilchrist, Glenn, Gutierrez, Holmes, Kramer, Lafferty, Luedtke, Niemann, S. Robinson, Waldstreicher, and Zucker

AN ACT concerning

Stormwater Management – Watershed Protection and Restoration Program

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

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh moved to reconsider the vote by which **House Bill 987** was ordered printed for Third Reading.

The motion was adopted.

FLOOR AMENDMENT

HB0987/173623/1
BY: Delegate McIntosh

AMENDMENT TO HOUSE BILL 987
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Zucker" and substitute "Zucker, and Cardin".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0987/240316/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 987, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 15, strike "residential"; strike beginning with "requiring" in line 16 down through "manner;" in line 17; and in line 18, strike "authorizing" and substitute "requiring".

On page 2 of the bill, in line 6, after "information;" insert "requiring a county or municipality to establish a certain hardship program;".

AMENDMENT NO. 2

On page 4 of the bill, in line 1, after "**(2)**" insert "**(I)**"; in the same line, strike "**RESIDENTIAL**"; in line 2, after "**FEE**" insert "**FOR PROPERTY**"; in the same line, strike the colon and substitute "**IS BASED ON THE SHARE OF STORMWATER MANAGEMENT SERVICES RELATED TO THE PROPERTY AND PROVIDED BY THE COUNTY OR MUNICIPALITY.**

(II) A COUNTY OR MUNICIPALITY MAY SET A STORMWATER REMEDIATION FEE UNDER THIS PARAGRAPH IN AN AMOUNT THAT IS GRADUATED, BASED ON THE AMOUNT OF IMPERVIOUS SURFACE ON EACH PROPERTY.";

strike in their entirety lines 3 through 20, inclusive; and in line 32, after "**ON–SITE**" insert "**AND OFF–SITE**".

AMENDMENT NO. 3

On page 2 of the Environmental Matters Committee Amendments (HB0987/320618/1), in line 2 of Amendment No. 4, strike "**MAY**" and substitute "**SHALL**".

AMENDMENT NO. 4

On page 7 of the bill, after line 26, insert:

"**(J) A COUNTY OR MUNICIPALITY SHALL ESTABLISH A PROGRAM TO EXEMPT FROM THE REQUIREMENTS OF THIS SECTION A PROPERTY ABLE TO DEMONSTRATE SUBSTANTIAL FINANCIAL HARDSHIP AS A RESULT OF THE STORMWATER REMEDIATION FEE.**";

and in line 27, strike "**(J)**" and substitute "**(K)**".

The preceding 4 amendments were read and adopted.

FLOOR AMENDMENT

HB0987/613822/1
BY: Delegate Krebs

AMENDMENTS TO HOUSE BILL 987, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 5, after "date;" insert "providing a certain exception;".

AMENDMENT NO. 2

On page 1 of the Environmental Matters Committee Amendments (HB0987/320618/1), in line 2 of Amendment No. 2, after "**(1)**" insert "**THIS SECTION DOES NOT APPLY TO CARROLL COUNTY.**

(2)";

and in lines 2 and 6, in each instance, strike "**(2)**" and substitute "**(3)**".

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

Affirmative – 40 Negative – 80 (See Roll Call No. 559)

FLOOR AMENDMENT

HB0987/533726/1
BY: Delegate Schulz

AMENDMENTS TO HOUSE BILL 987, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 5, after "date;" insert "providing a certain exception;".

AMENDMENT NO. 2

On page 1 of the Environmental Matters Committee Amendments (HB0987/320618/1), in line 2 of Amendment No. 2, after "**(1)**" insert "**THIS SECTION DOES NOT APPLY TO FREDERICK COUNTY.**

(2)";

and in lines 2 and 6, in each instance, strike "**(2)**" and substitute "**(3)**".

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

Affirmative – 40 Negative – 81 (See Roll Call No. 560)

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

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

Affirmative – 40 Negative – 86 (See Roll Call No. 561)

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #11

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

House Bill 149 – Delegates Beidle, Olszewski, Glenn, Lafferty, Niemann, and Norman

AN ACT concerning

Mopeds and Motor Scooters – Titling, Registration, Insurance, and Required Use of Protective Headgear

HB0149/930914/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 149
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "Olszewski," insert "Stein,"; in the same line, strike "Norman" and substitute "Kipke"; in line 2, strike "Registration,"; in line 7, strike "and registered"; strike beginning with "requiring" in line 9 down through "scooters" in line 16 and substitute "requiring an application for a certificate of title for a motor scooter or moped to be submitted electronically; requiring the Administration to issue a permanent decal to the owner of a motor scooter or moped for which a certificate of title is issued; requiring an owner of a motor scooter or moped to display the decal in a certain manner; requiring a decal to display a unique number sequence assigned by the Administration; requiring the Administration to establish a certain fee for the decal and adopt certain regulations; prohibiting a person from operating a motor scooter or moped unless the motor scooter or moped displays the decal in a certain manner; establishing a certain fee for a certificate of title issued for a motor scooter or moped; establishing the criteria for determining the fair market value of a motor scooter or a moped for the purpose of determining the excise tax under certain circumstances; requiring the owner of a motor scooter or moped to certify at the time of titling that the vehicle is covered by a certain security; requiring the operator of a motor scooter or moped to carry evidence of a certain required security when operating the motor scooter or moped"; and strike beginning with "providing" in line 26 down through "scooters;" in line 28 and substitute "requiring the Motor Vehicle Administration to waive certain fees associated with titling a moped or motor scooter for certain individuals under certain circumstances;".

On page 2, in line 8, strike "13–101.1, 13–402(a)(1), 17–104(a) and (b),"; in line 9, strike "23–101(a)," and substitute "and"; in the same line, strike ", 23–107(a)(1), 23–202(a)(1), and 23–206(a)"; in line 14, strike "11–135, 11–176, 13–403, 13–954," and

substitute "13–102, 13–104(a), 13–106, 13–802, 13–809(a)(1), (2), and (3), and"; in the same line, strike ", 23–101(i)(3), and"; strike line 15 in its entirety; and in line 20, strike "13–939.3" and substitute "17–104.1".

AMENDMENT NO. 2

On page 3, in line 16, strike "motor"; in line 18, after the second bracket, insert "**:**

(1)";

and in line 20, after "**ARTICLE**" insert "**;**

(2) **A MOPED; AND**

(3) **A MOTOR SCOOTER**".

AMENDMENT NO. 3

On pages 4 through 7, strike in their entirety the lines beginning with line 18 on page 4 through line 20 on page 7, inclusive, and substitute:

"13–102.

A certificate of title is not required for:

(1) A vehicle owned and used by the United States, unless it is registered in this State;

(2) A new vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration or used as allowed under § 13–621 of this title;

(3) A vehicle used by a manufacturer only for testing;

(4) A vehicle owned by a nonresident of this State and not required by law to be registered in this State;

(5) A vehicle regularly engaged in the interstate transportation of people or property and for which a currently effective certificate of title has been issued in another state;

(6) A vehicle moved only by human or animal power;

(7) A bicycle**, EXCEPT FOR A MOPED**;

(8) A vehicle in which interest has passed to a secured party on default of the owner;

(9) Farm equipment;

(10) Special mobile equipment;

(11) A self–propelled invalid:

(i) Wheelchair; or

(ii) Tricycle;

(12) A trailer, other than a camping trailer, rated by the manufacturer as having a gross vehicle weight of 2,500 pounds or less; or

(13) An off–highway recreational vehicle purchased before October 1, 2010.

13–104.

(a) (1) The application for a certificate of title of a vehicle shall be made by the owner of the vehicle on the form that the Administration requires.

(2) Notwithstanding any other provision of this title, an application for a certificate of title of an off–highway recreational vehicle**, A MOTOR SCOOTER, OR A MOPED** shall be made by electronic transmission under § 13–610 of this title.

(3) THE OWNER OF A MOTOR SCOOTER OR MOPED SHALL CERTIFY AT THE TIME OF TITLING THAT THE MOTOR SCOOTER OR MOPED IS COVERED BY THE REQUIRED SECURITY DESCRIBED IN § 17–103 OF THIS ARTICLE.

13–106.

(a) The Administration shall:

(1) File each application for a certificate of title that it receives; and

(2) Issue a certificate of title of the vehicle if:

(i) It finds that the applicant is entitled to the certificate of title; and

(ii) It has received the required fees.

(b) The Administration shall keep a record of all certificates of title that it issues, as follows:

(1) Under a distinctive title number assigned to the vehicle;

(2) Under the vehicle identification number of the vehicle or, if a distinguishing number has been assigned to it, under the distinguishing number; and

(3) Under any other method that the Administration determines.

(c) Upon receipt with the application for a certificate of title, the Administration shall maintain a record of the following documents as a part of its certificate of title records for a motor vehicle:

(1) A notice from a dealer under § 14–1502(f)(1) of the Commercial Law Article;

(2) A notice from a manufacturer or factory branch under § 14–1502(f)(2) of the Commercial Law Article; and

(3) A manufacturer's disclosure form provided to the Administration under § 14–1502(g) of the Commercial Law Article.

(D) (1) THE ADMINISTRATION SHALL ISSUE A PERMANENT DECAL TO THE OWNER OF A MOTOR SCOOTER OR MOPED FOR WHICH A CERTIFICATE OF TITLE IS ISSUED.

(2) AN OWNER OF A MOTOR SCOOTER OR MOPED FOR WHICH A CERTIFICATE OF TITLE IS ISSUED SHALL DISPLAY THE DECAL ON THE VEHICLE AS PRESCRIBED BY THE ADMINISTRATION.

(3) A DECAL SHALL DISPLAY A UNIQUE NUMBER SEQUENCE ASSIGNED BY THE ADMINISTRATION.

(4) THE ADMINISTRATION:

(I) SHALL ESTABLISH A FEE OF $5 FOR A DECAL; AND

(II) MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

13–802.

(a) Except as provided in subsection (b) of this section and § 13–805 of this subtitle, the fee for each certificate of title issued under this title is $100.

(b) **(1)** For fiscal years 2012 through 2014 only, the fee for each certificate of title issued for a rental vehicle is $50.

(2) THE FEE FOR EACH CERTIFICATE OF TITLE ISSUED FOR A MOTOR SCOOTER OR A MOPED IS $20.

13–809.

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

(2) "Fair market value" means:

(i) As to the sale of any new or used vehicle by a licensed dealer, the total purchase price, as certified by the dealer;

(ii) Except as provided in item (iv) of this paragraph, as to a used vehicle that is sold by any person other than a licensed dealer and that has a designated model year that is 7 years old or older, the greater of:

1. The total purchase price; or

2. $640;

(iii) Except as provided in item (iv) of this paragraph, as to any other used vehicle that is sold by any person other than a licensed dealer:

1. The total purchase price, if the total purchase price is less than $500 below the retail value of the vehicle as shown in a national publication of used car values adopted for use by the Department; or

2. If the total purchase price is $500 or more below the retail value of the vehicle as shown in a national publication of used car values adopted for use by the Department:

A. The total purchase price, if verified to the satisfaction of the Administration by a notarized bill of sale submitted in accordance with subsection (d)(2) of this section; or

B. The valuation shown in the national publication of used car values, if the Administration finds that the documentation submitted under subsection (d)(2) of this section fails to verify the total purchase price;

(iv) As to a used trailer**, A MOTOR SCOOTER, A MOPED,** or **AN** off–highway recreational vehicle that is sold by any person other than a licensed dealer, the greater of:

1. The total purchase price; or

2. $320; and

(v) In any other case, the valuation shown in a national publication of used car values adopted for use by the Department.

(3) (i) Subject to subparagraph (ii) of this paragraph, "total purchase price" means the price of a vehicle agreed on by the buyer and the seller, including any dealer processing charge, less an allowance for trade–in but with no allowance for other nonmonetary consideration.

(ii) As to a person trading in a nonleased vehicle to enter into a lease for a period of more than 180 consecutive days, "total purchase price" means the retail value of the vehicle as certified by the dealer, including any dealer processing charge, less an allowance for the trade–in of the nonleased vehicle but with no allowance for other nonmonetary consideration.

17–104.1.

THE OWNER OF A MOPED OR MOTOR SCOOTER SHALL CARRY EVIDENCE OF THE REQUIRED SECURITY WHEN OPERATING THE MOPED OR MOTOR SCOOTER.".

AMENDMENT NO. 4

On page 8, in line 18, strike "**ESTABLISHED BY THE ADMINISTRATOR**" and substitute "**PROVIDED UNDER 49 C.F.R § 571.218**".

AMENDMENT NO. 5

On page 10, strike in their entirety lines 4 through 8, inclusive; and strike in their entirety lines 24 through 33, inclusive.

AMENDMENT NO. 6

On page 11, strike in their entirety lines 1 through 5, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That, except for the decal fee established under this Act, the Motor Vehicle Administration shall waive all fees associated with titling a moped or motor scooter for an individual who owned the moped or motor scooter on the effective date of this Act and titles the vehicle on or before October 1, 2013.";

and in line 6, strike "2." and substitute "3.".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 213 – Delegates Branch, McIntosh, Anderson, Clippinger, Glenn, Hammen, McHale, Mitchell, Oaks, B. Robinson, and Washington

AN ACT concerning

Baltimore City Community Enhancement Transit–Oriented Development Fund

HB0213/810811/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 213
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after "manner;" insert "adding the Fund to the list of exceptions to the requirement that the earnings of special funds accrue to the General Fund;"; and after line 27, insert:

"BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(i)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)".

On page 2, in line 3, after "Section" insert "6–226(a)(2)(ii)62 and 63 and"; and after line 5, insert:

"BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)64
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 6, after line 20, insert:

"6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

62. Veterans Trust Fund; **[**and**]**

63. Transportation Trust Fund**; AND**

64. BALTIMORE CITY COMMUNITY ENHANCEMENT TRANSIT–ORIENTED DEVELOPMENT FUND.".

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 245 – Charles County Delegation

AN ACT concerning

Charles County – School Buses – Length of Operation

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 423 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Agricultural Preservation Advisory Board – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 508 – Delegates Healey and Norman

AN ACT concerning

Real Property – Foreclosure – Mortgage Foreclosure Property Values Protection Act of 2012

HB0508/820016/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 508
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "sale" insert ", within a certain period of time after the entry of a final and nonappealable order ratifying the foreclosure sale,"; in line 5, after "deed" insert "or record among certain land records the final order of ratification and certain information"; strike beginning with "within" in line 5 down through "sale" in line 6; and in line 6, after the semicolon insert "defining a certain term;".

AMENDMENT NO. 2

On page 1, after line 16, insert:

"**(A) IN THIS SECTION, "RESIDENTIAL PROPERTY" HAS THE MEANING STATED IN § 7–105.1 OF THIS ARTICLE.**";

in line 17, before "**WITHIN**" insert "**(B)**"; in the same line, after "**FINAL**" insert "**AND NONAPPEALABLE**"; in line 18, after "**TRUST**" insert "**ON RESIDENTIAL PROPERTY**"; in line 20, after "**(1)**" insert "**(I)**"; in line 21, strike "**(2)**" and substitute "**(II)**"; and in line 22, after "**PURCHASER**" insert "**; OR**

(2) IF THE TRANSACTION HAS NOT CLOSED, RECORD AMONG THE LAND RECORDS OF THE COUNTY IN WHICH THE RESIDENTIAL PROPERTY IS LOCATED THE FINAL ORDER OF RATIFICATION AND THE FOLLOWING INFORMATION:

(I) THE NAME, TELEPHONE NUMBER, AND ADDRESS OF THE FORECLOSURE PURCHASER;

(II) THE NAME AND ADDRESS OF THE PERSON, INCLUDING A SUBSTITUTE PURCHASER, WHO CAN ACCEPT LEGAL SERVICE FOR THE FORECLOSURE PURCHASER; AND

(III) THE NAME, TELEPHONE NUMBER, AND ADDRESS OF THE PERSON WHO IS RESPONSIBLE FOR THE MAINTENANCE OF THE RESIDENTIAL PROPERTY".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 576 – The Speaker (By Request – Administration) and Delegates Arora, Bohanan, Clagett, Gaines, Griffith, Healey, Hixson, Holmes, Howard, James, Jones, Lafferty, Lee, Love, A. Miller, Niemann, Proctor, Ross, Rudolph, Summers, and Washington

AN ACT concerning

Public–Private Partnerships

HB0576/840415/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 576

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Washington" and substitute "Washington, Beidle, Glenn, Guzzone, Tarrant, Walker, B. Robinson, Mizeur, and Zucker"; in line 4, after "partnerships;" insert "establishing that the Court of Appeals has jurisdiction over certain immediate appeals related to certain public–private partnerships; establishing certain time limits related to certain appeals;"; in lines 5 and 6, strike "a partnership" and substitute "an"; in line 6, strike "certain functions, services, or assets" and substitute "any public infrastructure asset; providing that an agreement executed under a certain provision of law may include certain provisions; prohibiting certain units of State government from establishing a public–private partnership"; in line 13, after "reports;" insert "requiring certain projects to comply with certain provisions of law; requiring a reporting agency to issue a public notice of solicitation for a public–private partnership under certain circumstances;"; in line 16, after "entities;" insert "authorizing a reporting agency to reimburse a private entity for certain costs and pay a certain entity for the right to use a certain work product; requiring a reporting agency to adopt certain regulations that establish the process for the reimbursement of a private entity; prohibiting a reporting agency from reimbursing a private entity under certain circumstances;"; and in line 17, after "committees;" insert "requiring the Board of Public Works to approve or disapprove each partnership agreement;".

On page 2, in line 5, after "agreement;" insert "specifying the provisions that a public–private partnership agreement must, may, and may not include; authorizing the Board of Public Works to grant a waiver from a certain time limitation under certain circumstances; providing, under certain circumstances, that the provisions of the Minority Business Enterprise Program apply to public–private partnerships; prohibiting the Board of Public Works from approving a public–private partnership agreement until the reporting agency, in consultation with certain entities, establishes certain minority business enterprise goals and procedures; requiring that certain goals and procedures be based on the requirements of certain provisions of law; requiring a circuit court to decide a certain motion within a certain period of time;"; in line 6, after "law;" insert "altering the requirement that the Maryland Transportation Authority provide certain information to certain entities before entering into a certain contract or agreement;"; in the same line, after "repealing" insert "a"; in the same line, strike "provisions" and substitute "provision"; in the same line, strike "a"; in line 7, strike "term" and substitute "terms"; in the same line, after "of" insert "certain provisions of"; after line 8, insert:

"BY adding to

Article – Courts and Judicial Proceedings
Section 12–309
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)";

in line 21, strike "10A–104" and substitute "10A–105"; in line 24, strike "and" and substitute "through"; in line 25, strike "10A–402" and substitute "10A–404"; after line 28, insert:

"BY repealing and reenacting, with amendments,
Article – Transportation
Section 4–205
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)";

and in line 31, strike "4–205 and".

On page 3, in line 5, after "management," insert "operational,"; in the same line, after "resources" insert "and expertise"; and strike in their entirety lines 12 through 17, inclusive.

AMENDMENT NO. 2

On page 3, after line 29, insert:

"Article – Courts and Judicial Proceedings

12–309.

(A) THE COURT OF APPEALS HAS JURISDICTION TO HEAR AN IMMEDIATE APPEAL FROM ANY ORDER OF A CIRCUIT COURT, INCLUDING A FINAL JUDGMENT OR AN INTERLOCUTORY ORDER, AFFECTING THE VALIDITY OF A PUBLIC–PRIVATE PARTNERSHIP, AS DEFINED UNDER § 10A–101 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(B) BRIEFING FOR AN APPEAL UNDER SUBSECTION (A) OF THIS SECTION SHALL BE COMPLETED WITHIN 60 DAYS AFTER THE FILING OF THE APPEAL.

(C) THE COURT OF APPEALS SHALL ISSUE A DECISION ON AN APPEAL UNDER SUBSECTION (A) OF THIS SECTION WITHIN 150 DAYS AFTER THE FILING OF THE APPEAL.

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

AMENDMENT NO. 3

On page 4, after line 6, insert:

"**(D) "PUBLIC INFRASTRUCTURE ASSET" MEANS A CAPITAL FACILITY OR STRUCTURE, INCLUDING SYSTEMS AND EQUIPMENT RELATED TO THE FACILITY OR STRUCTURE, INTENDED FOR PUBLIC USE.**";

and in lines 7 and 11, strike "**(D)**" and "**(E)**", respectively, and substitute "**(E)**" and "**(F)**", respectively.

On page 5, in line 7, strike "**(F)**" and substitute "**(G)**"; in lines 10 and 11, strike "**OR THE MARYLAND TRANSPORTATION AUTHORITY**"; after line 11, insert:

"**(3) THE MARYLAND TRANSPORTATION AUTHORITY;**";

and in lines 12, 13, 14, and 15, strike "**(3)**", "**(4)**", "**(5)**", and "**(6)**", respectively, and substitute "**(4)**", "**(5)**", "**(6)**", and "**(7)**", respectively.

On page 6, in line 12, strike "**(G)**" and substitute "**(H)**".

AMENDMENT NO. 4

On page 7, in line 1, before "**IT**" insert "**(A)**"; in line 2, strike "**FOR INFRASTRUCTURE INITIATIVES FOR**" and substitute "**, IF APPROPRIATE, TO**"; in line 3, strike "**FURTHERING THE DEVELOPMENT AND MAINTENANCE OF**" and substitute "**DEVELOP AND STRENGTHEN THE STATE'S PUBLIC**"; in line 5, strike "**APPORTIONING**" and substitute "**APPORTION**"; in the same line, strike "**SECTOR**"; in the same line, strike the second "**THE**"; in line 6, strike "**SECTOR**" and substitute "**SECTORS**"; strike beginning with "**IN**" in line 6 down through "**OF**" in line 7 and substitute "**WITH DEVELOPING AND STRENGTHENING PUBLIC**"; in line 8, strike

"**FOSTERING**" and substitute "**FOSTER**"; in line 9, strike "**PROMOTING**" and substitute "**PROMOTE**"; and after line 10, insert:

"**(B) IT IS THE PUBLIC POLICY OF THE STATE:**

(1) THAT A PRIVATE ENTITY THAT ENTERS INTO A PUBLIC–PRIVATE PARTNERSHIP WITH A REPORTING AGENCY COMPLY WITH THE LABOR AND EMPLOYMENT ARTICLE AND THE FEDERAL FAIR LABOR STANDARDS ACT; AND

(2) TO USE STATE EMPLOYEES TO PERFORM ALL STATE FUNCTIONS IN STATE–OPERATED FACILITIES IN PREFERENCE TO CONTRACTING WITH THE PRIVATE SECTOR TO PERFORM THOSE FUNCTIONS.".

AMENDMENT NO. 5

On page 7, in line 12, after "**(A)**" insert "**(1) (I)**"; in line 13, strike "**A PARTNERSHIP**" and substitute "**AN**"; in line 14, strike "**FUNCTION, SERVICE, OR**" and substitute "**PUBLIC INFRASTRUCTURE**"; and after line 16, insert:

"**(II) A PUBLIC–PRIVATE PARTNERSHIP AGREEMENT EXECUTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY INCLUDE PROVISIONS THAT ARE NECESSARY TO DEVELOP AND STRENGTHEN A PUBLIC INFRASTRUCTURE ASSET IN CONJUNCTION WITH A PUBLIC–PRIVATE PARTNERSHIP.**

(2) A UNIT OF STATE GOVERNMENT THAT IS NOT A REPORTING AGENCY MAY NOT ESTABLISH A PUBLIC–PRIVATE PARTNERSHIP UNDER PARAGRAPH (1) OF THIS SUBSECTION.".

On page 9, after line 2, insert:

"**10A–105.**

A PROJECT UNDERTAKEN BY A REPORTING AGENCY THROUGH A PUBLIC–PRIVATE PARTNERSHIP SHALL COMPLY WITH THE FOLLOWING PROVISIONS, TO THE EXTENT THAT THE PROVISIONS ARE APPLICABLE TO THE PROJECT:

(1) § 3–602.1 OF THIS ARTICLE; AND

(2) THE ENVIRONMENT ARTICLE.".

On page 10, in line 5, after "**INFORMATION**" insert "**, INCLUDING:**

1. CONFIDENTIAL COMMERCIAL INFORMATION;

2. CONFIDENTIAL FINANCIAL INFORMATION; AND

3. TRADE SECRETS".

AMENDMENT NO. 6

On page 10, in lines 10 and 18, in each instance, strike "**MAY**" and substitute "**SHALL**"; in line 18, strike "**A**" and substitute "**IF A REPORTING AGENCY INTENDS TO ESTABLISH A PUBLIC–PRIVATE PARTNERSHIP UNDER § 10A–103 OF THIS TITLE, THE**"; in line 19, strike "**A**" and substitute "**THE**"; in line 22, strike "**THE**" and substitute "**A**"; strike beginning with "**INVOLVES**" in line 22 down through "**PARTNER**" in line 23 and substitute "**IS COMPRISED OF MULTIPLE SUBENTITIES OR PARTNERS**"; in line 24, after "**EACH**" insert "**SUBENTITY OR**"; in the same line, strike "**OR OFFICER**"; in line 26, after "**THE**" insert "**OWNERSHIP**"; and in line 27, after "**PARTNERSHIP**" insert "**, AS DESCRIBED IN SUBSECTION (C) OF THIS SECTION,**".

On page 11, in line 2, after "**(E)**" insert "**(1)**"; in the same line, strike the colon; in line 3, strike "**(1)**"; in line 4, after "**A**" insert "**RESPONSE TO A PUBLIC NOTICE OF A**"; in the same line, strike "**; AND**" and substitute a period; after line 4, insert:

"**(2) A REPORTING AGENCY SHALL ADOPT REGULATIONS THAT ESTABLISH THE PROCESS FOR REIMBURSING A PRIVATE ENTITY UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

(3) REGULATIONS ADOPTED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL:

(I) PROVIDE FOR THE REIMBURSEMENT OF A PRIVATE ENTITY BASED ON THE DOLLAR VALUE OF A PROJECT; AND

(II) SPECIFY A MAXIMUM DOLLAR AMOUNT THAT A REPORTING AGENCY MAY REIMBURSE A PRIVATE ENTITY FOR COSTS INCURRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.".

in line 5, strike "**(2)**" and substitute "**(4) A REPORTING AGENCY MAY**"; and after line 6, insert:

"**(5) A REPORTING AGENCY MAY NOT REIMBURSE A PRIVATE ENTITY FOR ANY PORTION OF THE COSTS INCURRED TO DEVELOP A SOLICITATION IF:**

(I) THE PRIVATE ENTITY ENTERS INTO A PARTNERSHIP AGREEMENT WITH THE REPORTING AGENCY;

(II) THE PARTNERSHIP AGREEMENT ENTERED INTO UNDER ITEM (I) OF THIS PARAGRAPH IS APPROVED BY THE BOARD OF PUBLIC WORKS; AND

(III) THE SOLICITATION IS THE SUBJECT OF THE PARTNERSHIP AGREEMENT APPROVED BY THE BOARD OF PUBLIC WORKS UNDER ITEM (II) OF THIS PARAGRAPH.

(F) A REPORTING AGENCY SHALL SUBMIT A COPY OF THE PROPOSED AGREEMENT SIMULTANEOUSLY TO THE COMPTROLLER, THE STATE TREASURER, THE BUDGET COMMITTEES, AND THE DEPARTMENT OF LEGISLATIVE SERVICES, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE.".

AMENDMENT NO. 7

On page 11, after line 7, insert:

"**(A) THE BOARD OF PUBLIC WORKS SHALL APPROVE OR DISAPPROVE EACH PUBLIC–PRIVATE PARTNERSHIP AGREEMENT.**";

in line 8, strike "**(A)**" and substitute "**(B)**"; and strike beginning with "**, IN**" in line 13 down through "**ARTICLE**" in line 14 and substitute "**AS REQUIRED BY § 10A–202(F) OF THIS SUBTITLE**".

On page 12, in line 10, strike "**(B)**" and substitute "**(C)**"; in line 11, after "**INFORMATION**" insert "**, INCLUDING:**

1. CONFIDENTIAL COMMERCIAL INFORMATION;

2. CONFIDENTIAL FINANCIAL INFORMATION; AND

3. TRADE SECRETS";

and in line 15, strike "**MAY**" and substitute "**SHALL**".

AMENDMENT NO. 8

On page 13, in line 16, after "**BIDDING**" insert "**SOLICITATION**"; in the same line, strike "**AND**"; after line 16, insert:

"**(2) PROTECT PROPRIETARY INFORMATION INCLUDED IN THE UNSOLICITED PROPOSAL TO THE SAME EXTENT PROPRIETARY INFORMATION IS PROTECTED UNDER § 10A–201(B) OF THIS TITLE; AND**";

in line 17, strike "**(2)**" and substitute "**(3)**"; in line 27, after "**(1)**" insert "**THE METHOD FOR APPROVAL OF ANY REASSIGNMENT OF ANY LEASE, SUBLEASE, OR SALE, INCLUDING WHETHER**"; strike beginning with "**AND**" in line 27 down through "**SALE,**" in line 28; and in line 28, after "**AND**" insert "**THAT**".

On page 14, in line 10, after "**SERVICES**" insert "**, AS APPLICABLE,**"; strike in their entirety lines 12 and 13; in lines 14, 16, 18, 22, and 25, strike "**(9)**", "**(10)**", "**(11)**", "**(12)**", and "**(13)**", respectively, and substitute "**(8)**", "**(9)**", "**(10)**", "**(11)**", and "**(12)**", respectively; in line 18, strike "**STATEMENTS**" and substitute "**RECORDS**"; strike beginning with "**, AS**" in line 19 down through "**ENTITY,**" in line 20; in line 21, after "**BY**" insert "**THE STATE, INCLUDING**"; in the same line, strike "**NO MORE THAN EVERY 3 YEARS**"; in line 24, strike "**AND**"; in line 25, after "**PROVIDE**" insert "**, IF APPLICABLE,**"; and in line 26, after "**BOND**" insert "**OR A LETTER OF CREDIT; AND**

(13) THE PRIVATE ENTITY AND ANY CONTRACTORS OR SUBCONTRACTORS CONSTRUCTING A PUBLIC INFRASTRUCTURE ASSET SHALL BE SUBJECT TO TITLE 17, SUBTITLE 2 OF THIS ARTICLE REGARDLESS OF WHETHER THE CONTRACT QUALIFIES AS A PUBLIC WORKS CONTRACT".

On page 15, in lines 16 and 20, in each instance, strike "**GRANT AN EXEMPTION TO**" and substitute "**WAIVE**"; in lines 17 and 21, in each instance, strike "**(B)**" and substitute "**(A)**"; in line 25, after "**(H)**" insert "**(1)**"; in the same line, strike "**THIS DIVISION II**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS DIVISION**"; after line 26, insert:

"**(2) THE FOLLOWING PROVISIONS OF THIS DIVISION APPLY TO A PUBLIC–PRIVATE PARTNERSHIP UNDER TITLE 10A OF THIS ARTICLE:**

(I) § 11–205 OF THIS SUBTITLE ("COLLUSION");

(II) § 11–205.1 OF THIS SUBTITLE ("FALSIFICATION, CONCEALMENT, ETC. OF MATERIAL FACTS");

(III) TITLE 12, SUBTITLE 4 OF THIS ARTICLE ("POLICIES AND PROCEDURES FOR EXEMPT UNITS");

(IV) § 13–219 OF THIS ARTICLE ("REQUIRED CLAUSES – NONDISCRIMINATION CLAUSE");

(V) TITLE 17, SUBTITLE 2 OF THIS ARTICLE ("PREVAILING WAGE RATES – PUBLIC WORK CONTRACTS"); AND

(VI) TITLE 18 OF THIS ARTICLE ("LIVING WAGE").".

AMENDMENT NO. 9

On page 15, after line 23, insert:

"**10A–403.**

IN AN ACTION RELATED TO A PUBLIC–PRIVATE PARTNERSHIP, THE CIRCUIT COURT SHALL DECIDE A MOTION TO DISMISS OR MOTION FOR

SUMMARY JUDGMENT AFFECTING THE VALIDITY OF THE PUBLIC–PRIVATE PARTNERSHIP WITHIN 120 DAYS AFTER THE FILING OF THE MOTION.";

and in line 28, strike the bracket.

On page 16, in line 6, strike "45" and substitute "**30**"; and in line 36, strike the bracket.

AMENDMENT NO. 10

On page 18, after line 18, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Finance and Procurement

10A–404.

(A) THE FINDINGS AND EVIDENCE RELIED ON BY THE GENERAL ASSEMBLY FOR THE CONTINUATION OF THE MINORITY BUSINESS ENTERPRISE PROGRAM UNDER TITLE 14, SUBTITLE 3 OF THIS ARTICLE, AS ENACTED BY CHAPTER 253 OF THE ACTS OF 2011 AND CHAPTER _____ (H.B. 1370 OF THE ACTS OF 2012), ARE HEREBY INCORPORATED.

(B) TO THE EXTENT PRACTICABLE AND PERMITTED BY THE UNITED STATES CONSTITUTION, THE PROVISIONS OF THE MINORITY BUSINESS ENTERPRISE PROGRAM UNDER TITLE 14, SUBTITLE 3 OF THIS ARTICLE SHALL APPLY TO PUBLIC–PRIVATE PARTNERSHIPS ESTABLISHED UNDER THIS TITLE.

(C) (1) THE BOARD OF PUBLIC WORKS MAY NOT APPROVE A PUBLIC–PRIVATE PARTNERSHIP AGREEMENT UNDER § 10A–203 OF THIS TITLE UNTIL THE REPORTING AGENCY, IN CONSULTATION WITH THE GOVERNOR'S OFFICE OF MINORITY AFFAIRS, THE OFFICE OF THE ATTORNEY GENERAL, AND THE PRIVATE ENTITY, ESTABLISHES REASONABLE AND APPROPRIATE MINORITY BUSINESS ENTERPRISE PARTICIPATION GOALS AND PROCEDURES FOR THE PROJECT.

(2) TO THE EXTENT PRACTICABLE, GOALS AND PROCEDURES ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE BASED ON THE REQUIREMENTS OF:

(I) TITLE 14, SUBTITLE 3 OF THIS ARTICLE, INCLUDING THE IMPLEMENTING OF REGULATIONS ADOPTED UNDER § 14–303 OF THIS ARTICLE; AND

(II) REGULATIONS ADOPTED SPECIFICALLY TO IMPLEMENT THIS SECTION.";

before line 19, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall apply to a public–private partnership established before, on, or after the effective date of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That on or before July 31, 2012, a party may appeal an order of a circuit court issued before the effective date of this Act to the Court of Appeals under Section 1 of this Act.";

in line 19, strike "2." and substitute "6."; in the same line, after "That" insert ", except as provided in Section 4 of this Act,"; after line 20, insert:

"SECTION 7. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2012. It shall remain effective for a period of 4 years and, at the end of June 30, 2016, with no further action required by the General Assembly, Section 3 of this Act shall be abrogated and of no further force and effect.";

and in line 21, strike "3." and substitute "8.".

The preceding 10 amendments were read only.

Delegate McIntosh moved to make the Bill and Amendments a Special Order for Friday.

The motion was adopted.

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

House Bill 723 – Montgomery County Delegation

AN ACT concerning

Montgomery County – On–Site Sewage Disposal System and Well Easements – Rural Zones
MC 7–12

HB0723/700116/1
BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 723
(First Reading File Bill)

On page 2, strike beginning with "**A**" in line 18 down through "**PROPERTY**" in line 20 and substitute "**GRANTED FROM THE ORIGINAL PARCEL TO A NEW LOT OR PARCEL BEING CREATED AND THE EASEMENT MUST NOT BE GRANTED TO ANY LOT OR PARCEL THAT DID NOT ORIGINATE FROM THE SAME ORIGINAL PARCEL**"; and in line 25, strike "**OR GREEN INFRASTRUCTURE**".

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 805 – Prince George's County Delegation

AN ACT concerning

Prince George's County Board of Education – Recycling Program – School Facilities
PG 403–12

HB0805/720316/1
BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 805

(First Reading File Bill)

On page 2, in line 22, after "**CAFETERIAS;**" insert "**AND**"; strike in its entirety line 23; and in line 24, strike "**(5)**" and substitute "**(4)**".

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 879 – Delegate Morhaim

AN ACT concerning

Environment – Statewide Electronics Recycling Program

HB0879/690716/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 879
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, strike "destroy or sanitize" and substitute "provide information relating to the destruction and sanitization of"; in line 12, after "fines;" insert "declaring the intent of the General Assembly; requiring the Department to convene a certain workgroup and report to certain Legislative Committees on or before a certain date; altering a certain definition;"; and in line 16, after "Section" insert "9–1701(f),".

AMENDMENT NO. 2

On page 1, after line 26, insert:

"9–1701.

(f) "Covered electronic device takeback program" means a program, established by a covered electronic device manufacturer **OR A GROUP OF COVERED**

ELECTRONIC DEVICE MANUFACTURERS, for the collection and recycling, refurbishing, or reuse of a covered electronic device labeled with the name of the manufacturer or the manufacturer's brand label, including:

(1) Providing, at no cost to the returner, a method of returning a covered electronic device to the manufacturer, including postage paid mailing packages or designated collection points throughout the State;

(2) Contracting with a recycler, local government, other manufacturer, or any other person; or

(3) Any other program approved by the Department.".

AMENDMENT NO. 3

On page 3, in line 25, after "**ACCORDANCE**" insert "**WITH**"; and in line 30, after "**YEAR;**" insert "**AND**".

On page 4, in line 2, strike "**250**" and substitute "**100**"; strike beginning with the semicolon in line 3 down through "**YEAR**" in line 6; in line 10, after "**(I)**" insert "**1. ON OR AFTER MARCH 1, 2013, AND BEFORE MARCH 1, 2016,**"; in line 11, after the semicolon insert "**AND**

2. ON OR AFTER MARCH 1, 2016, $5,000 FOR A MANUFACTURER THAT SOLD AT LEAST 1,000 COVERED ELECTRONIC DEVICES IN THE STATE IN THE PRIOR YEAR; AND";

in line 13, strike "**250**" and substitute "**100**"; strike beginning with the semicolon in line 14 down through "**YEAR**" in line 17; and in line 22, strike "**50**" and substitute "**100**".

AMENDMENT NO. 4

On page 5, in line 17, before "**A**" insert "**(A)**"; in line 18, strike the colon and substitute "**INCLUDE EDUCATIONAL AND INSTRUCTIONAL MATERIALS RELATING TO THE DESTRUCTION AND SANITIZATION OF DATA FROM A COVERED ELECTRONIC DEVICE:**

(1) WITH EACH NEW COVERED ELECTRONIC DEVICE SOLD OR OFFERED FOR SALE IN THE STATE;

(2) ON THE MANUFACTURER'S COVERED ELECTRONIC DEVICE TAKEBACK PROGRAM WEB SITE; OR

(3) AS INFORMATION PROVIDED THROUGH THE MANUFACTURER'S COVERED ELECTRONIC DEVICE TAKEBACK PROGRAM TOLL–FREE NUMBER.

(B) A MANUFACTURER THAT IS PARTICIPATING IN A COVERED ELECTRONIC DEVICE TAKEBACK PROGRAM ESTABLISHED BY A GROUP OF COVERED ELECTRONIC DEVICE MANUFACTURERS SHALL BE CONSIDERED AS HAVING IMPLEMENTED A COVERED ELECTRONIC DEVICE TAKEBACK PROGRAM UNDER THIS PART.";

and strike in their entirety lines 19 through 23, inclusive.

AMENDMENT NO. 5

On page 6, after line 5, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the annual registration fee collected under § 9–1728(c)(3) of this Act be increased to $10,000 for a 3–year period beginning March 1, 2013, to provide incentives for manufacturers to implement a covered electronic device takeback program for Maryland returners.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) On or before October 1, 2015, the Secretary of the Environment shall convene a workgroup consisting of representatives of the various sectors of the electronics industry and representatives from appropriate public and private entities to review and assess the impact of the $10,000 annual registration fee collected under § 9–1728(c)(3) of the Environment Article, as enacted by Section 1 of this Act, on the number of covered electronic device takeback programs implemented by manufacturers.

(b) On or before December 31, 2015, in accordance with § 2–1246 of the State Government Article, the Department of the Environment shall report the findings and recommendations of the workgroup established under subsection (a) of this section to the Legislative Policy Committee, the House Environmental Matters Committee, the Senate Finance Committee, and the Senate Education, Health, and Environmental Affairs Committee.";

and in line 6, strike "2." and substitute "4.".

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:

House Bill 1023 – Calvert County Delegation

AN ACT concerning

Calvert County – Litter Control Law – Local Ordinance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1303 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Agriculture – Cost Sharing for Water Pollution Control

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 1304 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Department of Agriculture – Animal Waste Technology Fund

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 1327 – Delegate Lafferty

AN ACT concerning

Community Legacy Program – Sustainable Community Designation – Time Extension

HB1327/280216/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1327
(First Reading File Bill)

On page 6, in line 16, strike "October" and substitute "June".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #12

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

House Bill 662 – Delegates Barkley, Barnes, Burns, Feldman, Gilchrist, Haddaway–Riccio, Harrison, Hershey, Impallaria, Jameson, Love, W. Miller, Minnick, Olszewski, Reznik, S. Robinson, Rudolph, Schulz, Summers, and Vaughn

AN ACT concerning

Gas Companies – Rate Regulation – Infrastructure Replacement Surcharge

HB0662/143593/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 662
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, strike "specifying certain criteria for" and substitute "providing that certain"; and in line 11, after "equity" insert "shall only be considered and determined in a certain base rate case".

AMENDMENT NO. 2

On page 4, strike beginning with the colon in line 25 down through "**(III)**" in line 30.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

House Bill 1028 – Delegates Barkley, Boteler, Burns, Harrison, Hershey, Impallaria, Minnick, Schulz, and Vaughn

AN ACT concerning

Electric Companies and Electric Cooperatives – Standard Offer Service – Service Rights Auctions

HB1028/913494/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1028
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "and Electric Cooperatives"; and in line 6, strike "and electric cooperatives".

AMENDMENT NO. 2

On page 1, strike beginning with the colon in line 17 down through "1." in line 18.

On pages 1 and 2, strike in their entirety the lines beginning with line 23 on page 1 through line 3 on page 2, inclusive.

AMENDMENT NO. 3

On page 2, in line 8, strike "and"; and in line 10, after "customers" insert: "; and

5. limiting the electric customers to which an auction applies to only those electric customers who have elected to be included in the auction".

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 1186 – Delegates Jameson, Hucker, Afzali, Barkley, Barve, Beitzel, Carr, Eckardt, Elliott, Feldman, Jacobs, Krebs, Love, McComas, Murphy, Myers, Norman, Otto, Serafini, Stein, Stocksdale, and Wood

AN ACT concerning

Renewable Energy Portfolio Standard – Renewable Energy Credits – Geothermal Heating and Cooling

HB1186/313698/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1186
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "specifying" in line 7 down through "measured" in line 8, inclusive, and substitute "specifying the methods by which the Commission shall determine the energy savings of geothermal heating and cooling systems"; and in line 10, after the second "term;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 4, strike in their entirety lines 4 through 6, inclusive, and substitute:

"**(3) TO DETERMINE THE ENERGY SAVINGS OF A GEOTHERMAL HEATING AND COOLING SYSTEM FOR A RESIDENCE, THE COMMISSION SHALL:**

(I) IDENTIFY AVAILABLE INTERNET–BASED ENERGY CONSUMPTION CALCULATORS DEVELOPED BY THE GEOTHERMAL HEATING AND COOLING INDUSTRY;

(II) COLLECT THE FOLLOWING DATA PROVIDED IN THE RENEWABLE ENERGY CREDIT APPLICATION THAT:

1. DESCRIBES THE NAME OF THE APPLICANT AND THE ADDRESS AT WHICH THE GEOTHERMAL HEATING AND COOLING SYSTEM IS INSTALLED; AND

2. PROVIDES THE ANNUAL BTU ENERGY SAVINGS ATTRIBUTABLE TO HOME HEATING, COOLING, AND WATER HEATING; AND

(III) IN DETERMINING THE ANNUAL AMOUNT OF RENEWABLE ENERGY CREDITS AWARDED FOR THE GEOTHERMAL HEATING AND COOLING SYSTEM, CONVERT THE ANNUAL BTUS INTO ANNUAL MEGAWATT HOURS.

(4) TO DETERMINE THE ENERGY SAVINGS OF A NONRESIDENTIAL GEOTHERMAL HEATING AND COOLING SYSTEM, THE COMMISSION SHALL:

(I) USE THE GEOTHERMAL HEATING AND COOLING ENGINEERING TECHNICAL SYSTEM DESIGNS PROVIDED WITH THE RENEWABLE ENERGY CREDIT APPLICATION; AND

(II) IN DETERMINING THE ANNUAL AMOUNT OF RENEWABLE ENERGY CREDITS AWARDED FOR THE GEOTHERMAL HEATING AND COOLING SYSTEM, CONVERT THE ANNUAL BTUS INTO ANNUAL MEGAWATT HOURS.";

in line 7, strike "**(4)**" and substitute "**(5)**"; and in lines 11 and 12, strike "July 1, 2012" and substitute "January 1, 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 Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1187 – Delegates Jameson, Barkley, Barnes, Barve, Feldman, Hershey, Hucker, Kramer, Love, Minnick, Schuh, and Vaughn

AN ACT concerning

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

HB1187/203892/1
BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1187
(First Reading File Bill)

On page 3, in line 8, strike "**1.0%**" and substitute "**0.95%**"; and in line 10, strike "**1.35%**" and substitute "**1.4%**".

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 ECONOMIC MATTERS REPORT #13

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

House Bill 346 – Chair, Ways and Means Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Tobacco Products – Tobacco Tax – Exemptions and Penalties

HB0346/243994/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 346
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "establishing" in line 8 down through "paid;" in line 11.

AMENDMENT NO. 2

On page 3, in line 3, strike "**SUBSECTIONS**" and substitute "**SUBSECTION**"; in line 4, strike "**AND (C)**"; in line 7, strike the brackets; in line 10, after "**TRANSPORTED**" insert "**OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH**"; and strike in their entirety lines 11 through 17, inclusive.

The preceding 2 amendments were read only.

Delegate Rudolph moved to make the Bill and Amendments a Special Order for Friday.

The motion was adopted.

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

House Bill 715 – Delegate Feldman

AN ACT concerning

Motor Vehicle Insurance – Uninsured Motorist Coverage – Effect of Consent to Offer of 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:

House Bill 770 – Delegate Davis

EMERGENCY BILL

AN ACT concerning

Public Service Commission – Electric Companies – New Generation Facilities and Customer Credits

HB0770/673392/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 770
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike "EMERGENCY BILL"; strike beginning with "providing" in line 4 down through "facilities;" in line 6; strike beginning with "providing" in line 12 down through "measure;" in line 13; and strike in their entirety lines 15 through 19, inclusive.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 4 through 12, inclusive.

On page 4, strike beginning with "3." in line 5 down through "4." in line 10 and substitute "2."; and strike beginning with "is" in line 10 down through "enacted" in line 14 and substitute "shall take effect June 1, 2012".

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 1059 – Delegate Feldman

AN ACT concerning

Property and Casualty Insurance – Rescission of Policy or Binder – Authorized

HB1059/973391/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1059
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "check" insert "or other remittance"; strike beginning with "dishonored" in line 6 down through "by" in line 7 and substitute "not honored on presentation to"; in line 7, after "reason" insert "under certain circumstances"; in line 8, strike "the applicant" and substitute "certain persons"; and in line 9, strike "a certain address" and substitute "certain addresses".

AMENDMENT NO. 2

On page 2, in line 8, after "**IF**" insert "**:**

(I)";

in lines 10, 12, and 18, in each instance, after "**CHECK**" insert "**OR OTHER REMITTANCE**"; in line 10, strike "**DISHONORED AND RETURNED BY A**" and substitute "**NOT HONORED ON PRESENTATION TO THE**"; in line 11, strike "**AS UNPAID BECAUSE OF INSUFFICIENT FUNDS IN THE ACCOUNT**"; in line 12, strike "**ON WHICH**" and substitute "**WHERE**"; in the same line, after "**DRAWN**" insert "**; AND**

(II) THE INSURER HAS DISCLOSED TO THE APPLICANT AT THE TIME OF APPLICATION THAT NO COVERAGE WILL BE IN EFFECT IF THE INITIAL PAYMENT IS NOT HONORED ON PRESENTATION TO THE FINANCIAL INSTITUTION";

in line 14, strike "**10**" and substitute "**5 BUSINESS**"; in the same line, strike "**OF INSUFFICIENT FUNDS**" and substitute "**THAT THE CHECK OR OTHER REMITTANCE FOR THE INITIAL PREMIUM PAYMENT WAS NOT HONORED ON PRESENTATION TO THE FINANCIAL INSTITUTION**"; in line 15, after "**APPLICANT**" insert "**AND ANY SECURED CREDITOR**"; in the same line, after "**MAIL**" insert "**AND, IF AVAILABLE, BY ELECTRONIC MAIL OR OTHER ELECTRONIC MEANS**"; in line 16, after "**APPLICANT'S**" insert "**AND ANY SECURED CREDITOR'S**"; in lines 19 and 20, strike "**DISHONORED AND RETURNED BECAUSE OF INSUFFICIENT FUNDS**" and substitute "**NOT HONORED ON PRESENTATION TO THE FINANCIAL INSTITUTION**"; and in line 22, after "**BINDER**" insert "**; BUT**

(III) IF THE FINANCIAL INSTITUTION FAILED TO HONOR THE CHECK OR OTHER REMITTANCE IN ERROR, THE INSURER SHALL CONTINUE OR REINSTATE THE POLICY OR BINDER WITHOUT A LAPSE IN COVERAGE IF THE APPLICANT:

1. PROMPTLY NOTIFIES THE INSURER OF THE ERROR; AND

2. PROVIDES DOCUMENTATION OF THE FINANCIAL INSTITUTION'S ERROR TO THE INSURER AS IT BECOMES AVAILABLE AND ON REQUEST OF THE INSURER".

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 1257 – Delegates Kramer, Arora, Barkley, Bates, Bobo, Carr, Clagett, Conway, Cullison, DeBoy, Dumais, Frick, Frush, Glass, Howard, Hucker, A. Kelly, K. Kelly, McDonough, Morhaim, Reznik, B. Robinson, S. Robinson, Rudolph, Simmons, Stein, Summers, Valderrama, and Waldstreicher

AN ACT concerning

Fiduciary Institutions – Protection of Elder Adults from Financial Abuse – Reporting Requirements

HB1257/483494/1
BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1257
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Waldstreicher" and substitute "Waldstreicher, Barnes, Davis, Haddaway–Riccio, Hershey, Jameson, Love, McHale, Stifler, and Vaughn".

On page 3, in line 21, strike "**OR A STATE'S ATTORNEY**".

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 1364 – Delegates Schulz, Afzali, Bates, Clagett, Eckardt, Elliott, Frank, George, Haddaway–Riccio, Hershey, Hogan, Jacobs, Krebs, McComas, W. Miller, Minnick, Norman, O'Donnell, Otto, Schuh, Stifler, and Vitale

AN ACT concerning

Labor and Employment – Determination of Independent Contractor Status – Workplace Fraud Act and Unemployment Insurance

HB1364/703391/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1364
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Vitale" and substitute "Vitale, Barkley, Davis, Feldman, Jameson, Love, McHale, Olszewski, and Vaughn"; in line 2, strike "Determination of Independent Contractor Status –"; in line 3, strike "and Unemployment Insurance" and substitute "– Revisions"; strike beginning with "repealing" in line 6 down through "records;" in line 13; strike beginning with "repealing" in line 15 down through "Act;" in line 17; in line 22, strike "repealing a certain notification requirement;"; and strike beginning with "repealing" in line 25 down through "individual" in line 28.

On page 2, in line 1, strike "performing the work entered into a certain contract with the employer;" and substitute "altering a certain provision of law regarding the issuance of citations by the Commissioner for violations of the Workplace Fraud Act;"; in line 2, strike "determination of independent contractor status" and substitute "Workplace Fraud Act"; in line 5, strike "through 3–906, 3–913, and 8–205" and substitute "3–905, 3–906, and 3–913"; and after line 7, insert:

"BY adding to
Article – Labor and Employment
Section 3–903.1
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 2, in line 17, strike "For" and substitute "**EXCEPT AS PROVIDED IN § 3–903.1 OF THIS SUBTITLE, FOR**"; in line 20, strike the brackets; and in line 31, strike "**; OR**" and substitute a period.

On page 3, strike in their entirety lines 1 through 16, inclusive; after line 29, insert:

"**3–903.1.**

THE PRESUMPTION THAT AN EMPLOYER–EMPLOYEE RELATIONSHIP EXISTS UNDER § 3–903(C)(1) OF THIS SUBTITLE DOES NOT APPLY IF:

(1) AN EMPLOYER PRODUCES FOR INSPECTION BY THE COMMISSIONER:

(I) A WRITTEN CONTRACT, SIGNED BY THE EMPLOYER AND BUSINESS ENTITY, THAT:

1. DESCRIBES THE NATURE OF THE WORK TO BE PERFORMED BY THE BUSINESS ENTITY;

2. DESCRIBES THE REMUNERATION TO BE PAID FOR THE WORK PERFORMED BY THE BUSINESS ENTITY; AND

3. INCLUDES AN ACKNOWLEDGEMENT BY THE BUSINESS ENTITY OF THE BUSINESS ENTITY'S OBLIGATIONS UNDER THIS ARTICLE TO:

A. WITHHOLD, REPORT AND REMIT PAYROLL TAXES ON BEHALF OF ALL EMPLOYEES WORKING FOR THE BUSINESS ENTITY;

B. PAY UNEMPLOYMENT INSURANCE TAXES FOR ALL EMPLOYEES WORKING FOR THE BUSINESS ENTITY; AND

C. MAINTAIN WORKERS' COMPENSATION INSURANCE;

(II) AN AFFIDAVIT SIGNED BY THE BUSINESS ENTITY INDICATING THAT THE BUSINESS ENTITY IS AN INDEPENDENT CONTRACTOR WHO IS AVAILABLE TO WORK FOR OTHER BUSINESS ENTITIES;

(III) A CURRENT CERTIFICATE OF STATUS OF THE BUSINESS ENTITY, ISSUED BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION, INDICATING THAT THE BUSINESS ENTITY IS IN GOOD STANDING; AND

(IV) PROOF THAT THE BUSINESS ENTITY HOLDS ALL OCCUPATIONAL LICENSES REQUIRED BY STATE AND LOCAL AUTHORITIES FOR THE WORK PERFORMED; AND

(2) THE EMPLOYER PROVIDED TO EACH INDIVIDUAL CLASSIFIED AS AN INDEPENDENT CONTRACTOR OR EXEMPT PERSON A WRITTEN NOTICE UNDER § 3–914 OF THIS SUBTITLE.".

On pages 3 through 5, strike in their entirety the lines beginning with line 30 on page 3 through line 19 on page 5, inclusive.

AMENDMENT NO. 3

On page 5, in line 30, strike "**(1)**"; in line 31, strike the brackets; and in the same line, strike "**(I)**".

On page 6, in line 1, strike the brackets; in the same line, strike "**(II)**"; in line 3, strike the brackets; in the same line, strike "**(III)**"; in the same line, strike "**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**"; strike in their entirety lines 5 through 9, inclusive; in line 12, after "produce" insert "**FOR COPYING OR INSPECTION**"; in line 14, strike the brackets; in the same line, strike "**SUBSECTION (C)(1)(III)**"; in line 16, strike "**SUBSECTION (C)(2) OF THIS SECTION**" and substitute "**ITEM (I) OF THIS PARAGRAPH**"; in line 23, strike "**OR COPIES OF RECORDS**" and substitute "**FOR COPYING OR INSPECTION**"; and in line 25, after "request" insert "**, OR AN EXTENSION OF TIME MUTUALLY AGREED ON BY BOTH PARTIES,**".

On page 7, strike in their entirety lines 1 through 7, inclusive, and substitute:

"**(A) AFTER THE EMPLOYER HAS PROVIDED ALL THE RECORDS REQUESTED UNDER § 3–905(D) OF THIS SUBTITLE, THE COMMISSIONER SHALL ISSUE A CITATION TO THE EMPLOYER OR CLOSE THE INVESTIGATION WITHIN 90 DAYS.**";

strike in their entirety lines 8 and 9 and substitute:

"**(B) EACH CITATION SHALL:**";

in line 29, strike "**IF THE EMPLOYER REQUESTS A HEARING, THE**" and substitute "**THE**"; and strike beginning with "**THE**" in line 30 through "**WAIVED**" in line 31 and substitute "**A TIMELY REQUEST IS MADE UNDER THIS SUBSECTION, UNLESS THE EMPLOYER WAIVES THAT RIGHT**".

AMENDMENT NO. 4

On page 8, in lines 15, 18, 22, 30, and 34, in each instance, strike the brackets; in line 15, after the second "a" insert "**KNOWING**"; strike beginning with "**IF**" in line 18 down through "**BODY.**" in line 21; and strike beginning with "**RECEIPT**" in line 22 down through "**SECTION,**" in line 23.

AMENDMENT NO. 5

On page 9, strike in their entirety lines 1 through 27, inclusive; and in line 29, strike "October" and substitute "July".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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 425 – Delegates S. Robinson, Arora, Barkley, Barve, Carr, Clippinger, Cullison, Gilchrist, Gutierrez, Holmes, Hucker, Kach, A. Kelly, Luedtke, McIntosh, A. Miller, Mitchell, Otto, Reznik, Summers, Washington, Wilson, and Zucker

AN ACT concerning

Procurement – Required Disclosure – Conflict Minerals Originated in the Democratic Republic of the Congo

HB0425/556480/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 425
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Zucker" and substitute "Zucker, Donoghue, Kipke, Morhaim, Oaks, and Pena–Melnyk".

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 443 – The Speaker (By Request – Administration) and Delegates Barnes, Gaines, Griffith, Hammen, Haynes, Hucker, Jones, Morhaim, Pena–Melnyk, Pendergrass, Proctor, V. Turner, and Waldstreicher

AN ACT concerning

Maryland Health Benefit Exchange Act of 2012

HB0443/396881/2

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 443
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Waldstreicher" and substitute "Waldstreicher, Hubbard, Reznik, A. Kelly, Oaks, Donoghue, Nathan–Pulliam, Cullison, and Murphy"; in line 3, after "requiring" insert "the Board of Trustees of"; in the same line, after "Exchange" insert ", subject to a certain waiver, to submit certain regulations to certain legislative committees under certain circumstances; requiring the Board to have a certain number of standing advisory committees; requiring the Maryland Health Benefit Exchange"; in line 4, after "plans" insert "and qualified vision plans"; in line 5, after "date;" insert "requiring the Exchange, to the extent necessary, to modify a certain format to accommodate differences in certain plan options;"; in line 6, after "programs;" insert "prohibiting the Exchange from making available any vision plan that is not a qualified vision plan;"; in line 9, strike "use a certain market impact to pursue certain objectives" and substitute "decrease the number of State residents without health insurance coverage"; in line 11, after "circumstances" insert "and for a certain purpose; requiring certain participation requirements for certain carriers to be suspended under certain circumstances; requiring the Exchange, before employing an alternative contracting option or active purchasing strategy, to submit a certain plan, within a certain timeframe, to certain legislative committees for review and comment"; in line 16, strike "or" and substitute ",

or a"; in the same line, after "carrier" insert "or a certain insurance holding company system,"; in the same line, after the semicolon insert "authorizing the SHOP Exchange to allow qualified employers to designate certain qualified dental plans and qualified vision plans to be made available to their employees;"; in line 18, after the semicolon insert "requiring the SHOP Exchange to implement any modification of offerings and choice through regulations adopted by the SHOP Exchange;"; in line 20, strike "authorizing" and substitute "requiring"; in line 21, after "navigator", in each instance, insert "program"; in line 24, after the semicolon insert "prohibiting the Maryland Insurance Commissioner, in the Commissioner's role as a member of the Board, from participating in certain matters under certain circumstances; providing that a carrier is not responsible for the activities and conduct of a SHOP Exchange navigator, an Individual Exchange navigator entity, or an Individual Exchange navigator;"; in line 27, strike "programs" and substitute "processes"; in line 28, after the semicolon insert "requiring the Individual Exchange to consult with the Commissioner and the Department of Health and Mental Hygiene for a certain purpose; requiring the Commissioner to enter into certain memoranda of understanding; authorizing the Commissioner to require the Individual Exchange to make certain information available to the Commissioner and submit a certain corrective plan under certain circumstances;".

On page 2, in line 1, after the semicolon insert "specifying the consumer assistance services that are required, and are not required, to be provided by an Individual Exchange navigator; providing for the authorization of Individual Exchange navigator entities; specifying the scope of the authorization; authorizing and requiring an Individual Exchange navigator entity to take certain actions; prohibiting an Individual Exchange navigator entity from receiving certain compensation and providing certain information or services; authorizing the Commissioner to take certain disciplinary actions against an Individual Exchange navigator entity under certain circumstances;"; in lines 2 and 3, strike "Maryland Insurance"; in line 6, after the semicolon insert "providing that certain provisions of this Act may not prohibit certain organizations or units of government from providing certain services, subject to certain requirements;"; in line 11, after "plans" insert "and certain vision plans as qualified vision plans"; in line 12, after the semicolon insert "authorizing the Exchange to determine whether a carrier may elect to include certain nonessential benefits in a qualified health plan; providing that a qualified health plan is not required to provide certain essential benefits under certain circumstances; altering certain provisions of law relating to the offering and pricing of oral and dental benefits; establishing certain requirements for qualified vision plans offered through the Exchange; providing that a managed care organization may not be required to offer a certain plan in the

Exchange;"; in lines 18 and 19, strike "under certain circumstances" and substitute "unless the carriers also offer certain health benefit plans in the SHOP Exchange and the Individual Exchange"; in line 19, after the semicolon insert "establishing certain exemptions to the requirement that the carriers offer the plans; requiring the Commissioner to establish certain procedures for a carrier to submit certain evidence relating to certain exemptions;"; in line 22, after "terms;" insert "repealing and"; in line 23, strike "and" and substitute a comma; in the same line, after "clarifying" insert ", and conforming"; in line 31, after "date;" insert "providing that certain requirements of this Act shall be subject to certain clarification; authorizing the Board to adopt interim policies for a certain purpose, pending adoption of regulations and after receiving certain comment;"; after line 38, insert:

"BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–101.1
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)";

in line 41, after "15–1204," insert "15–1205,"; and in the same line, after "31–102(d)," insert "31–106(c) and (g),".

On page 3, in line 2, after "Section" insert "15–1204.1,".

AMENDMENT NO. 2

On page 4, after line 21, insert:

"Article – Health – General

15–101.1.

(A) Except as otherwise provided in this subtitle, a managed care organization is not subject to the insurance laws of the State or to the provisions of Title 19 of this article.

(B) A MANAGED CARE ORGANIZATION MAY NOT BE REQUIRED TO OFFER A QUALIFIED PLAN, AS DEFINED IN § 31–101 OF THE INSURANCE ARTICLE, IN THE MARYLAND HEALTH BENEFIT EXCHANGE.".

AMENDMENT NO. 3

On page 4, after line 23, insert:

"**(A) THIS SECTION APPLIES TO A CARRIER WITH RESPECT TO ANY HEALTH BENEFIT PLAN THAT IS:**

(1) A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT;

(2) ISSUED, DELIVERED, OR RENEWED IN THE STATE ON OR BEFORE DECEMBER 31, 2013; AND

(3) RENEWED IN THE STATE AFTER DECEMBER 31, 2013.";

and in line 24, strike "(a)" and substitute "**(B)**".

On page 5, strike in their entirety lines 1 through 25, inclusive.

On page 6, in line 10, strike "(b)" and substitute "**(C)**"; and after line 24, insert:

"**15–1204.1.**

(A) THIS SECTION APPLIES TO A CARRIER WITH RESPECT TO ANY HEALTH BENEFIT PLAN THAT:

(1) IS NOT A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT; AND

(2) IS ISSUED, DELIVERED, OR RENEWED IN THE STATE ON OR AFTER JANUARY 1, 2014.

(B) (1) EXCEPT AS PROVIDED IN THIS SUBSECTION AND § 31–110(F) OF THIS ARTICLE, A CARRIER MAY NOT OFFER HEALTH BENEFIT PLANS TO SMALL EMPLOYERS IN THE STATE UNLESS THE CARRIER ALSO OFFERS QUALIFIED HEALTH PLANS, AS DEFINED IN § 31–101 OF THIS ARTICLE, IN THE SMALL BUSINESS HEALTH OPTIONS PROGRAM OF THE MARYLAND HEALTH BENEFIT EXCHANGE IN COMPLIANCE WITH THE REQUIREMENTS OF TITLE 31 OF THIS ARTICLE.

(2) A CARRIER IS EXEMPT FROM THE REQUIREMENT IN PARAGRAPH (1) OF THIS SUBSECTION IF:

(I) THE REPORTED TOTAL AGGREGATE ANNUAL EARNED PREMIUM FROM ALL HEALTH BENEFIT PLANS OFFERED TO SMALL EMPLOYERS IN THE STATE FOR THE CARRIER AND ANY OTHER CARRIERS IN THE SAME INSURANCE HOLDING COMPANY SYSTEM, AS DEFINED IN § 7–101 OF THIS ARTICLE, IS LESS THAN $20,000,000;

(II) THE COMMISSIONER DETERMINES THAT THE CARRIER COMPLIES WITH THE PROCEDURES ESTABLISHED UNDER PARAGRAPH (3) OF THIS SUBSECTION; AND

(III) WHEN THE CARRIER CEASES TO MEET THE REQUIREMENTS FOR THE EXEMPTION, THE CARRIER PROVIDES TO THE COMMISSIONER IMMEDIATE NOTICE AND ITS PLAN FOR COMPLYING WITH THE REQUIREMENT IN PARAGRAPH (1) OF THIS SUBSECTION.

(3) THE COMMISSIONER SHALL ESTABLISH PROCEDURES FOR A CARRIER TO SUBMIT EVIDENCE EACH YEAR THAT THE CARRIER MEETS THE REQUIREMENTS NECESSARY TO QUALIFY FOR AN EXEMPTION UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(4) NOTWITHSTANDING THE EXEMPTION PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSIONER, IN CONSULTATION WITH THE MARYLAND HEALTH BENEFIT EXCHANGE:

(I) MAY ASSESS THE IMPACT OF THE EXEMPTION PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND, BASED ON THAT ASSESSMENT, ALTER THE LIMIT ON THE AMOUNT OF ANNUAL PREMIUMS THAT MAY NOT BE EXCEEDED TO QUALIFY FOR THE EXEMPTION; AND

(II) SHALL MAKE ANY CHANGE IN THE EXEMPTION REQUIREMENT BY REGULATION.

15–1205.

(a) **(1) THIS SUBSECTION APPLIES TO A CARRIER WITH RESPECT TO ANY HEALTH BENEFIT PLAN THAT IS:**

(I) A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT;

(II) ISSUED, DELIVERED, OR RENEWED IN THE STATE ON OR BEFORE DECEMBER 31, 2013; AND

(III) RENEWED IN THE STATE AFTER DECEMBER 31, 2013.

[(1)**] (2)** In establishing a community rate for a health benefit plan, a carrier shall use a rating methodology that is based on the experience of all risks covered by that health benefit plan without regard to any factor not specifically authorized under this subsection or subsection **[**(f)**] (G)** of this section.

[(2)**] (3)** A carrier may adjust the community rate only for:

(i) age;

(ii) geography based on the following contiguous areas of the State:

1. the Baltimore metropolitan area;

2. the District of Columbia metropolitan area;

3. Western Maryland; and

4. Eastern and Southern Maryland; and

(iii) health status, as provided in subsection **[**(f)**] (G)** of this section.

[(3)**] (4)** Rates for a health benefit plan may vary based on family composition as approved by the Commissioner.

[(4)**] (5)** (i) Subject to subparagraph (ii) of this paragraph, after applying the risk adjustment factors under paragraph **[**(2)**] (3)** of this subsection, a carrier may offer a discount not to exceed 20% to a small employer for participation in a wellness program.

(ii) A discount offered under subparagraph (i) of this paragraph shall be:

1. applied to reduce the rate otherwise payable by the small employer;

2. actuarially justified;

3. offered uniformly to all small employers; and

4. approved by the Commissioner.

(B) (1) THIS SUBSECTION APPLIES TO A CARRIER WITH RESPECT TO ANY HEALTH BENEFIT PLAN THAT:

(I) IS NOT A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT; AND

(II) IS ISSUED, DELIVERED, OR RENEWED IN THE STATE ON OR AFTER JANUARY 1, 2014.

(2) IN ESTABLISHING A PREMIUM RATE FOR A HEALTH BENEFIT PLAN, A CARRIER SHALL USE A RATING METHODOLOGY THAT IS BASED ON THE EXPERIENCE OF ALL RISKS COVERED BY THAT HEALTH BENEFIT PLAN WITHOUT REGARD TO ANY FACTOR NOT SPECIFICALLY AUTHORIZED UNDER THIS SUBSECTION.

(3) IN ACCORDANCE WITH § 2701(A) OF THE AFFORDABLE CARE ACT, A PREMIUM RATE MAY VARY ONLY BY:

(I) WHETHER THE HEALTH BENEFIT PLAN COVERS AN INDIVIDUAL OR A FAMILY;

(II) RATING AREA;

(III) AGE, EXCEPT THAT A RATE MAY NOT VARY BY MORE THAN 3 TO 1 FOR ADULTS; AND

(IV) TOBACCO USE, EXCEPT THAT A RATE MAY NOT VARY BY MORE THAN 1.5 TO 1.

(4) A RATE MAY NOT VARY BY ANY FACTOR THAT IS NOT SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION.

[(b)**] (C) (1)** A carrier shall apply all risk adjustment factors under subsections (a) and **[**(f)**] (G)** of this section consistently with respect to all health benefit plans that are**:**

(I) issued, delivered, or renewed in the State**; AND**

(II) GRANDFATHERED HEALTH PLANS, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT.

(2) A CARRIER SHALL APPLY ALL RISK ADJUSTMENT FACTORS UNDER SUBSECTION (B) OF THIS SECTION CONSISTENTLY WITH RESPECT TO ALL HEALTH BENEFIT PLANS THAT ARE:

(I) ISSUED, DELIVERED, OR RENEWED IN THE STATE; AND

(II) ARE NOT GRANDFATHERED HEALTH PLANS, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT.

[(c)**] (D)** (1) Based on the adjustments allowed under subsection **[**(a)(2)(i)**] (A)(3)(I)** and (ii) of this section, a carrier may charge a rate that is 50% above or 50% below the community rate.

(2) (i) On or before October 1, 2007, the Commission shall adopt regulations that require carriers to collect and report to the Commission data on participation, by rate band, in health benefit plans issued, delivered, or renewed under this subtitle.

(ii) On or before January 1, 2013, the Commission shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Finance Committee and the House Health and Government Operations Committee regarding the effect of the 50% rate adjustments authorized under paragraph (1) of this subsection and the effect of the adjustment to the community rate for health status authorized under subsection **[**(f)**](G)** of this section on participation in health benefit plans issued, delivered, or renewed under this subtitle.

[(d)**] (E)** (1) A carrier shall base its rating methods and practices on commonly accepted actuarial assumptions and sound actuarial principles.

(2) A carrier that is a health maintenance organization and that includes a subrogation provision in its contract as authorized under § 19–713.1(d) of the Health – General Article shall:

(i) use in its rating methodology an adjustment that reflects the subrogation; and

(ii) identify in its rate filing with the Administration, and annually in a form approved by the Commissioner, all amounts recovered through subrogation.

[(e)**] (F) (1) THIS SUBSECTION APPLIES TO A CARRIER WITH RESPECT TO ANY HEALTH BENEFIT PLAN THAT IS:**

(I) A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT;

(II) ISSUED, DELIVERED, OR RENEWED IN THE STATE ON OR BEFORE DECEMBER 31, 2013; AND

(III) RENEWED IN THE STATE AFTER DECEMBER 31, 2013.

[(1)**] (2)** A carrier may offer an administrative discount to a small employer if the small employer elects to purchase, for its employees, an annuity, dental insurance, disability insurance, life insurance, long–term care insurance, vision insurance, or, with the approval of the Commissioner, any other insurance sold by the carrier.

[(2)**] (3)** The administrative discount shall be offered under the same terms and conditions for all qualifying small employers.

[(f)**] (G)** (1) A carrier may adjust the community rate for a health benefit plan **THAT IS A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT,** for health status only if a small employer has not offered a health benefit plan issued under this subtitle to its employees in the 12 months prior to the initial enrollment of the small employer in the health benefit plan.

(2) (i) Based on the adjustment allowed under paragraph (1) of this subsection, in addition to the adjustments allowed under subsection **[**(c)(1)**] (D)(1)** of this section, a carrier may charge:

1. in the first year of enrollment, a rate that is 10% above or below the community rate;

2. in the second year of enrollment, a rate that is 5% above or below the community rate; and

3. in the third year of enrollment, a rate that is 2% above or below the community rate.

(ii) A carrier may not make any adjustment for health status in the community rate of a health benefit plan issued under this subtitle after the third year of enrollment of a small employer in the health benefit plan.

(3) **[**A**] FOR A HEALTH BENEFIT PLAN THAT IS A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT, A** carrier may use health statements, in a form approved by the Commissioner, and health screenings to establish an adjustment to the community rate for health status as provided in this subsection.

(4) A carrier may not limit coverage offered by the carrier, or refuse to issue a health benefit plan to any small employer that meets the requirements of this subtitle, based on a health status–related factor.

(5) It is an unfair trade practice for a carrier knowingly to provide coverage to a small employer that discriminates against an employee or applicant for employment, based on the health status of the employee or applicant or a dependent of the employee or applicant, with respect to participation in a health benefit plan sponsored by the small employer.".

AMENDMENT NO. 4

On page 7, in line 3, after "**SUBSECTION**" insert "**AND § 31–110(F) OF THIS ARTICLE**"; in line 4, after "**OFFER**" insert "**INDIVIDUAL**"; in the same line, strike "**IN THE INDIVIDUAL MARKET**"; in line 5, after "**PLANS**" insert "**, AS DEFINED IN § 31–101 OF THIS ARTICLE,**"; strike beginning with "**THAT**" in line 8 down through "**STATE**" in line 10; after line 11, insert:

"**(I) THE REPORTED TOTAL AGGREGATE ANNUAL EARNED PREMIUM FROM ALL INDIVIDUAL HEALTH BENEFIT PLANS IN THE STATE FOR THE CARRIER AND ANY OTHER CARRIERS IN THE SAME INSURANCE HOLDING COMPANY SYSTEM, AS DEFINED IN § 7–101 OF THIS ARTICLE, IS LESS THAN $10,000,000;**";

in lines 12 and 16, strike "**(I)**" and "**(II)**", respectively, and substitute "**(II)**" and "**(III)**", respectively; strike beginning with "**BY**" in line 13 down through "**EXEMPTION**" in line 15 and substitute "**UNDER PARAGRAPH (3) OF THIS SUBSECTION**"; strike beginning with "**COMING**" in line 18 down through the second "**EXCHANGE**" in line 20 and substitute "**COMPLYING WITH THE REQUIREMENT IN PARAGRAPH (1) OF THIS SUBSECTION**"; after line 20, insert:

"**(3) THE COMMISSIONER SHALL ESTABLISH PROCEDURES FOR A CARRIER TO SUBMIT EVIDENCE EACH YEAR THAT THE CARRIER MEETS THE REQUIREMENTS NECESSARY TO QUALIFY FOR AN EXEMPTION UNDER PARAGRAPH (2) OF THIS SUBSECTION.**";

in line 21, strike "**(3)**" and substitute "**(4)**"; in the same line, after "**EXEMPTION**" insert "**PROVIDED**"; in line 23, after "**ACT**" insert a comma; in the same line, strike "**,**

MUST ALSO" and substitute "**ALSO MUST**"; in line 26, strike "**(4)**" and substitute "**(5)**"; in the same line, strike "**THE**" and substitute "**NOTWITHSTANDING THE EXEMPTION PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE**"; in line 27, strike the comma and substitute "**:**

(I)";

in line 28, after "**EXEMPTION**" insert "**PROVIDED**"; in line 29, strike "**AMOUNT OF ANNUAL PREMIUMS NECESSARY**" and substitute "**LIMIT ON THE AMOUNT OF ANNUAL PREMIUMS THAT MAY NOT BE EXCEEDED**"; and in line 30, after "**EXEMPTION**" insert "**; AND**

(II) SHALL MAKE ANY CHANGE IN THE EXEMPTION REQUIREMENT BY REGULATION".

AMENDMENT NO. 5

On page 8, strike in their entirety lines 20 through 22, inclusive; strike in their entirety lines 23 through 26, inclusive; in lines 27 and 28, strike "**(D)**" and "**(E)**", respectively, and substitute "**(B)**" and "**(C)**", respectively.

On page 9, in line 5, strike "**(F)**" and substitute "**(D)**"; strike beginning with the first "**A**" in line 5 down through "**COSTS**" in line 7 and substitute "**A LEVEL OF COVERAGE, AS DEFINED IN § 1302 OF THE AFFORDABLE CARE ACT AND AS DETERMINED IN REGULATIONS ADOPTED BY THE SECRETARY, FOR A QUALIFIED HEALTH PLAN**"; in lines 8, 14, and 16, in each instance, strike the brackets; and in the same lines, strike "**(G)**", "**(H)**", and "**(I)**", respectively.

On page 10, in lines 31 and 33, strike "**(J)**" and "**(K)**", respectively, and substitute "**(H)**" and "**(I)**", respectively.

On page 11, in line 3, strike "**PERFORMS THE FUNCTIONS UNDER § 31–113(C)**" and substitute "**PROVIDES THE SERVICES DESCRIBED IN § 31–113(D)(1)**"; after line 4, insert:

"**(J) "INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION" MEANS A CERTIFICATE ISSUED BY THE INDIVIDUAL EXCHANGE THAT AUTHORIZES AN INDIVIDUAL TO ACT AS AN INDIVIDUAL EXCHANGE NAVIGATOR.**";

in lines 5, 13, 17, 19, 22, and 25, strike "**(L)**", "**(N)**", "**(O)**", "**(P)**", "**(Q)**", and "**(R)**", respectively, and substitute "**(K)**", "**(M)**", "**(N)**", "**(O)**", "**(P)**", and "**(Q)**", respectively; in line 6, strike "**ENGAGED**" and substitute "**OR A PARTNERSHIP OF ENTITIES THAT:**

(1) IS AUTHORIZED";

in line 7, strike "**WHICH**" and substitute "**UNDER § 31–113(F) OF THIS TITLE; AND**

(2)";

in the same line, strike "**CERTIFIED**"; in line 8, strike "**PERFORM THE FUNCTIONS IN § 31–113(C)**" and substitute "**PROVIDE THE SERVICES DESCRIBED IN § 31–113(D)(1)**"; after line 9, insert:

"**(L) "INDIVIDUAL EXCHANGE NAVIGATOR ENTITY AUTHORIZATION" MEANS A GRANT OF AUTHORITY FROM THE INDIVIDUAL EXCHANGE TO AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY UNDER § 31–113(F) OF THIS TITLE.**";

strike in their entirety lines 10 through 12, inclusive; in lines 15 and 16, strike "**HEALTH PLANS AND QUALIFIED DENTAL**"; and in line 23, strike "§ 31–108(b)" and substitute "**§ 31–108(B)(2)**".

On page 12, in lines 1, 4, 14, 16, 18, 21, and 25, strike "**(S)**", "**(T)**", "**(U)**", "**(V)**", "**(W)**", "**(X)**", and "**(Y)**", respectively, and substitute "**(R)**", "**(S)**", "**(V)**", "**(W)**", "**(X)**", "**(Y)**", and "**(Z)**", respectively; after line 13, insert:

"**(T) "QUALIFIED PLAN" MEANS A:**

(1) QUALIFIED HEALTH PLAN;

(2) QUALIFIED DENTAL PLAN; AND

(3) QUALIFIED VISION PLAN.

(U) "QUALIFIED VISION PLAN" MEANS A VISION PLAN CERTIFIED BY THE EXCHANGE THAT PROVIDES LIMITED SCOPE VISION BENEFITS, AS DESCRIBED IN § 31–108(B)(3) OF THIS TITLE.";

in line 17, strike "§ 31–108(b)(12)" and substitute "**§ 31–108(B)(13)**"; in line 19, after "**EXCHANGE**" insert "**AND AUTHORIZED BY THE COMMISSIONER**"; and in the same line, strike "**PERFORM THE FUNCTIONS SET FORTH**" and substitute "**PROVIDE THE SERVICES DESCRIBED**".

On page 13, in line 16, strike "**(Z)**" and substitute "**(AA)**"; and strike beginning with "**AND**" in line 20 down through "**EXCHANGE**" in line 22 and substitute:

"**(2) INDIVIDUAL HEALTH BENEFIT PLANS, EXCEPT GRANDFATHERED HEALTH PLANS, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT; AND**

(3) HEALTH BENEFIT PLANS OFFERED TO SMALL EMPLOYERS, EXCEPT GRANDFATHERED HEALTH PLANS, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT".

AMENDMENT NO. 6

On page 14, in line 2, strike "**OR**" and substitute a comma; in the same line, after the second "**PLANS**" insert "**, AND QUALIFIED VISION PLANS**"; after line 2, insert:

"31–106.

(c) **(1)** In addition to the powers set forth elsewhere in this title, the Board may:

[(1)**]** **(I)** adopt and alter an official seal;

[(2)**]** **(II)** sue, be sued, plead, and be impleaded;

[(3)**]** **(III)** adopt bylaws, rules, and policies;

[(4)**]** **(IV) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,** adopt regulations to carry out this title:

[(i)] **1.** in accordance with Title 10, Subtitle 1 of the State Government Article; and

[(ii)] **2.** without conflicting with or preventing application of regulations adopted by the Secretary under Title 1, Subtitle D of the Affordable Care Act;

[(5)] **(V)** maintain an office at the place designated by the Board;

[(6)] **(VI)** enter into any agreements or contracts and execute the instruments necessary or convenient to manage its own affairs and carry out the purposes of this title;

[(7)] **(VII)** apply for and receive grants, contracts, or other public or private funding; and

[(8)] **(VIII)** do all things necessary or convenient to carry out the powers granted by this title.

(2) UNLESS WAIVED BY THE CHAIRS OF THE COMMITTEES, AT LEAST 30 DAYS BEFORE SUBMITTING ANY PROPOSED REGULATION TO THE MARYLAND REGISTER FOR PUBLICATION, THE BOARD SHALL SUBMIT THE PROPOSED REGULATION TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE.

(g) To carry out the purposes of this title, the Board shall:

(1) create and consult with advisory committees; [and]

(2) HAVE AT LEAST TWO STANDING ADVISORY COMMITTEES WHOSE MEMBERS, TO THE EXTENT PRACTICABLE, REFLECT THE GENDER, RACIAL, ETHNIC, AND GEOGRAPHIC DIVERSITY OF THE STATE; AND

[(2)] **(3)** 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.";

in lines 9 and 26, in each instance, strike "health plans **AND QUALIFIED DENTAL**"; in line 13, strike "or" and substitute a comma; in the same line, after "with" insert "**, OR AS AN ENDORSEMENT TO**"; after line 15, insert:

"**(3) ALLOW A CARRIER TO OFFER A QUALIFIED VISION PLAN THROUGH THE EXCHANGE THAT PROVIDES LIMITED SCOPE VISION BENEFITS THAT MEET THE REQUIREMENTS OF § 9832(C)(2)(A) OF THE INTERNAL REVENUE CODE, EITHER SEPARATELY, IN CONJUNCTION WITH, OR AS AN ENDORSEMENT TO A QUALIFIED HEALTH PLAN, PROVIDED THAT THE QUALIFIED HEALTH PLAN PROVIDES PEDIATRIC VISION BENEFITS THAT MEET THE REQUIREMENTS OF § 1302(B)(1)(J) OF THE AFFORDABLE CARE ACT;**";

in line 16, strike "(3)" and substitute "**(4) CONSISTENT WITH THE GUIDELINES DEVELOPED BY THE SECRETARY UNDER § 1311(C) OF THE AFFORDABLE CARE ACT,**"; in line 17, after "of" insert "**:**

(I)";

in the same line, strike "**AND**" and substitute "**;**

(II)";

strike beginning with the comma in line 18 through "Act" in line 19 and substitute "**; AND**

(III) VISION PLANS AS QUALIFIED VISION PLANS";

in lines 20, 22, 25, and 29, strike "(4)", "(5)", "(6)", and "(7)", respectively, and substitute "**(5)**", "**(6)**", "**(7)**", and "**(8)**", respectively; in line 27, strike "and" and substitute a comma; in line 28, after "plans" insert "**, AND QUALIFIED VISION PLANS**"; and in lines 29, 30, 31, and 32, in each instance, strike "health **PLAN AND QUALIFIED DENTAL**".

On page 15, in line 2, strike "**LEVELS**" and substitute "**LEVEL**"; in line 5, strike "(8)" and substitute "**(9) (I)**"; in the same line, strike "health **PLAN AND QUALIFIED DENTAL**"; in line 8, after the semicolon insert "**AND**

(II) TO THE EXTENT NECESSARY, MODIFY THE STANDARDIZED FORMAT TO ACCOMMODATE DIFFERENCES IN QUALIFIED HEALTH PLAN, QUALIFIED DENTAL PLAN, AND QUALIFIED VISION PLAN OPTIONS;";

in lines 9, 17, 19, 24, and 28, strike "(9)", "(10)", "(11)", "(12)", and "(13)", respectively, and substitute "**(10)**", "**(11)**", "**(12)**", "**(13)**", and "**(14)**", respectively; in line 18, strike "(9)" and substitute "**(10)**"; and in line 20, strike "health plan and a qualified dental".

On page 16, in lines 1, 16, 18, 21, and 29, strike "(14)", "(15)", "(16)", "(17)", and "(19)", respectively, and substitute "**(15)**", "**(16)**", "**(17)**", "**(18)**", and "**(19)**", respectively; strike in their entirety lines 23 through 28, inclusive; and in line 31, strike "the **[**Navigator Program**]**".

On page 17, in line 1, strike "(4)" and substitute "**(5)**"; in line 5, strike "the" and substitute "**AN**"; in line 7, strike "an" and substitute "**THE**"; in line 17, strike "or"; in line 18, after the second "plan" insert "**; OR**

(3) ANY VISION PLAN THAT IS NOT A QUALIFIED VISION PLAN";

in lines 24, 25, 28, and 29, in each instance, strike "**HEALTH PLANS AND QUALIFIED DENTAL**".

AMENDMENT NO. 7

On page 18, in lines 10, 29, and 30, in each instance, strike "**HEALTH PLANS AND QUALIFIED DENTAL**"; in line 12, after "**EXCHANGE**" insert "**FIRST**"; after line 14, insert:

"**(2)** **DECREASE THE NUMBER OF STATE RESIDENTS WITHOUT HEALTH INSURANCE COVERAGE.**";

strike in their entirety lines 15 through 19, inclusive, and substitute:

"**(B)** **(1)** **SUBJECT TO SUBSECTION (E) OF THIS SECTION, THE EXCHANGE, WITH THE MARKET IMPACT AND LEVERAGE ATTAINED THROUGH A ROBUST AND STABLE ENROLLMENT, MAY USE ALTERNATIVE CONTRACTING OPTIONS AND ACTIVE PURCHASING STRATEGIES TO INCREASE AFFORDABILITY AND QUALITY OF CARE FOR CONSUMERS AND LOWER COSTS IN THE HEALTH CARE SYSTEM OVERALL.**

(2) **THE EXCHANGE'S EFFORTS TO INCREASE AFFORDABILITY AND QUALITY OF CARE AND TO LOWER COSTS MAY INCLUDE PURSUING KEY OBJECTIVES SUCH AS HIGHER STANDARDS OF CARE, CONTINUITY OF CARE, DELIVERY SYSTEM REFORMS, HEALTH EQUITY, IMPROVED PATIENT EXPERIENCE AND OUTCOMES, AND MEANINGFUL COST CONTROLS WITHIN THE HEALTH CARE SYSTEM.**";

in line 20, strike "**(B)**" and substitute "**(C)**"; in line 21, strike "**SUBSECTION (A) OF**"; in the same line, after "**CONSIDER**" insert "**, ON A CONTINUING BASIS,**"; in line 26, strike "**PROMOTION OF**" and substitute "**PROGRESS IN ACHIEVING**"; and in lines 27 and 28, strike "**(A)(2)**" and "**(C)**", respectively, and substitute "**(B)(2)**" and "**(D)**", respectively.

On page 19, in lines 2, 3, 6, and 14, in each instance, strike "**HEALTH PLANS AND QUALIFIED DENTAL**"; in line 5, strike "**(D)**" and substitute "**(E)**"; in the same line, strike "**AFTER DECEMBER 31, 2014,**" and substitute "**SUBJECT TO SUBSECTIONS (F) AND (G) OF THIS SECTION, BEGINNING JANUARY 1, 2016,**"; in line 15, after the second comma insert "**VALUE–BASED INSURANCE DESIGN,**"; and strike in their entirety lines 17 through 26, inclusive, and substitute:

"**(F)** **DURING ANY YEAR IN WHICH THE EXCHANGE EMPLOYS ALTERNATIVE CONTRACTING OPTIONS AND ACTIVE PURCHASING STRATEGIES, THE PARTICIPATION REQUIREMENTS SET FORTH IN §§ 15–1204.1(B) AND**

15–1303(B) OF THIS ARTICLE FOR CARRIERS IN THE INDIVIDUAL AND SMALL GROUP MARKETS OUTSIDE THE EXCHANGE SHALL BE SUSPENDED.

(G) BEFORE EMPLOYING AN ALTERNATIVE CONTRACTING OPTION OR ACTIVE PURCHASING STRATEGY, THE EXCHANGE:

(1) ON OR AFTER DECEMBER 1, BUT NOT LATER THAN THE FIRST DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY, SHALL SUBMIT TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, A PLAN FOR THE USE OF THE ALTERNATIVE CONTRACTING OPTION OR ACTIVE PURCHASING STRATEGY, INCLUDING AN ANALYSIS OF:

(I) THE OBJECTIVES TO BE ACHIEVED THROUGH USE OF THE ALTERNATIVE CONTRACTING OPTION OR ACTIVE PURCHASING STRATEGY; AND

(II) THE IMPACT ON THE INSURANCE MARKETS INSIDE AND OUTSIDE THE EXCHANGE AND ON CONSUMERS; AND

(2) SHALL ALLOW THE COMMITTEES TO HAVE 90 DAYS FOR REVIEW AND COMMENT." .

AMENDMENT NO. 8

On page 20, in line 10, strike "**AND**"; in line 13, after "**PLANS**" insert "**; AND**

(4) THE NEED TO FACILITATE CONTINUITY OF CARE FOR EMPLOYEES WHO CHANGE EMPLOYERS OR HEALTH BENEFIT PLANS";

in line 18, after "**CARRIER**" insert "**OR AN INSURANCE HOLDING COMPANY SYSTEM, AS DEFINED IN § 7–101 OF THIS ARTICLE,**"; in line 19, after "**CARRIER**" insert "**OR THE INSURANCE HOLDING COMPANY SYSTEM**"; after line 20, insert:

"**(D) IN ADDITION TO THE OPTIONS SET FORTH IN SUBSECTION (C) OF THIS SECTION, THE SHOP EXCHANGE ALSO MAY ALLOW QUALIFIED**

EMPLOYERS TO DESIGNATE ONE OR MORE QUALIFIED DENTAL PLANS AND QUALIFIED VISION PLANS TO BE MADE AVAILABLE TO THEIR EMPLOYEES.";

in line 21, strike "**(D)**" and substitute "**(E)**"; and in line 29, strike "**AND**".

On page 21, in line 2, after "**EMPLOYMENT**" insert "**; AND**

(3) SHALL IMPLEMENT ANY MODIFICATION OF OFFERINGS AND CHOICE THROUGH REGULATIONS ADOPTED BY THE SHOP EXCHANGE";

in line 5, strike the colon; in line 6, strike "**(1)**"; strike beginning with the semicolon in line 8 down through "**EXCHANGE**" in line 12; in line 13, strike "**ACHIEVE THESE OBJECTIVES**" and substitute "**CARRY OUT ITS PURPOSE**"; strike beginning with "**A**" in line 14 down through "**MAY**" in line 16 and substitute "**THE SHOP EXCHANGE NAVIGATOR PROGRAM, WITH RESPECT ONLY TO QUALIFIED PLANS OFFERED IN THE SHOP EXCHANGE, SHALL PROVIDE COMPREHENSIVE CONSUMER ASSISTANCE SERVICES, INCLUDING**"; in line 17, strike "**CONDUCT**" and substitute "**CONDUCTING**"; in line 19, strike "**DISTRIBUTE**" and substitute "**DISTRIBUTING**"; in line 20, after "**INCLUDING**" insert "**INFORMATION ABOUT**"; in line 24, strike "**HEALTH PLANS AND QUALIFIED DENTAL**"; strike in their entirety lines 26 and 27; in line 28, strike "**(IV) FACILITATE**" and substitute "**(III) FACILITATING:**

1.";

in lines 28 and 29, strike "**HEALTH PLAN AND QUALIFIED DENTAL**"; in line 29, after "**SELECTION,**" insert "**BASED ON THE NEEDS OF THE EMPLOYEE;**

2.";

in the same line, after "**PROCESSES**" strike the comma and substitute "**;**

3.";

in the same line, after "**ENROLLMENT**" strike the comma and substitute "**;**

4.";

in line 30, after "**RENEWALS**" strike the comma and substitute a semicolon; and in the same line, after "**AND**" insert "**5.**".

On page 22, in lines 1, 3, 5, and 8, strike "**(V)**", "**(VI)**", "**(VII)**", and "**(VIII)**", respectively, and substitute "**(IV)**", "**(V)**", "**(VI)**", "**(VII)**", respectively; in the same lines, strike "**CONDUCT**", "**PROVIDE**", "**PROVIDE**", and "**PROVIDE**", respectively, and substitute "**CONDUCTING**", "**PROVIDING**", "**PROVIDING**", and "**PROVIDING**", respectively; in line 1, strike "**TAX CREDIT**"; in line 2, after "**REDETERMINATIONS**" insert "**FOR TAX CREDITS**"; in line 3, strike "**FOR**" and substitute "**, INCLUDING THE ATTORNEY GENERAL'S HEALTH EDUCATION AND ADVOCACY UNIT AND THE ADMINISTRATION, FOR APPLICANTS AND**"; in line 4, strike "**APPEALS,**"; in line 9, strike the second comma and substitute "**AND**"; in line 10, strike "**, RENEWAL,**"; in the same line, after "**IN**" insert "**AND RENEWAL OF**"; in lines 10 and 11, strike "**HEALTH PLANS AND QUALIFIED DENTAL**"; strike in their entirety lines 12 through 19, inclusive; in line 20, strike "**(3)**" and substitute "**(2)**"; in line 25, after "**BY**" insert "**AND RECEIVE COMPENSATION ONLY THROUGH**"; and strike beginning with "**SHALL**" in line 26 down through the semicolon in line 28 and substitute "**MAY NOT RECEIVE COMPENSATION FROM OR OTHERWISE BE AFFILIATED WITH A CARRIER, AN INSURANCE PRODUCER, A THIRD–PARTY ADMINISTRATOR, OR ANY OTHER PERSON CONNECTED TO THE INSURANCE INDUSTRY; AND**".

On page 23, in line 3, strike "**(F)**" and substitute "**(H)**"; strike beginning with the semicolon in line 3 down through "**PRODUCER**" in line 5; after line 5, insert:

"**(3) WITH RESPECT TO THE INSURANCE MARKET OUTSIDE THE EXCHANGE, A SHOP EXCHANGE NAVIGATOR:**

(I) MAY NOT PROVIDE ANY INFORMATION OR SERVICES RELATED TO HEALTH BENEFIT PLANS OR OTHER PRODUCTS NOT OFFERED IN THE EXCHANGE, EXCEPT FOR GENERAL INFORMATION ABOUT THE INSURANCE MARKET OUTSIDE THE EXCHANGE, WHICH SHALL BE LIMITED TO THE INFORMATION PROVIDED IN A CONSUMER EDUCATION DOCUMENT DEVELOPED BY THE EXCHANGE AND THE COMMISSIONER;

(II) SHALL REFER ANY INQUIRIES ABOUT HEALTH BENEFIT PLANS OR OTHER PRODUCTS NOT OFFERED IN THE EXCHANGE TO:

1. ANY RESOURCES THAT MAY BE MAINTAINED BY THE EXCHANGE; OR

2. CARRIERS AND LICENSED INSURANCE PRODUCERS;

(III) MAY NOT SEEK TO REPLACE ANY HEALTH BENEFIT PLAN ALREADY OFFERED BY A SMALL EMPLOYER UNLESS THE SMALL EMPLOYER IS ELIGIBLE FOR A FEDERAL TAX CREDIT AVAILABLE ONLY THROUGH THE SHOP EXCHANGE; AND

(IV) SHALL REFER TO THE INDIVIDUAL EXCHANGE NAVIGATOR PROGRAM ANY INQUIRIES ABOUT INFORMATION OR SERVICES RELATED TO:

1. QUALIFIED PLANS OFFERED IN THE INDIVIDUAL EXCHANGE; OR

2. THE MARYLAND MEDICAL ASSISTANCE PROGRAM AND THE MARYLAND CHILDREN'S HEALTH PROGRAM.";

in line 16, strike "**DENIAL**" and substitute "**SUSPENSION OR REVOCATION**"; strike beginning with "**DENY**" in line 25 down through "**OR**" in line 26; and in line 29, strike "**APPLICANT OR**".

On page 24, in line 1, after "**HAS**" insert "**WILLFULLY**"; in line 3, strike "**MADE A MATERIAL MISSTATEMENT**" and substitute "**INTENTIONALLY MISREPRESENTED OR CONCEALED A MATERIAL FACT**"; after line 4, insert:

"**(III) HAS OBTAINED THE LICENSE BY MISREPRESENTATION, CONCEALMENT, OR OTHER FRAUD;**";

in lines 5, 7, 9, 11, and 14, strike "**(III)**", "**(IV)**", "**(V)**", "**(VI)**", and "**(VII)**", respectively, and substitute "**(IV)**", "**(V)**", "**(VII)**", "**(VIII)**", and "**(XII)**", respectively; in line 6, after "**PRACTICES**" insert "**IN CONDUCTING ACTIVITIES UNDER THE LICENSE**"; in line 8,

after "**MONEY**" insert "**IN CONDUCTING ACTIVITIES UNDER THE LICENSE**"; after line 8, insert:

"**(VI) HAS FAILED OR REFUSED TO PAY OVER ON DEMAND MONEY THAT BELONGS TO A PERSON ENTITLED TO THE MONEY;**";

in line 9, after "**HAS**" insert "**WILLFULLY AND**"; in line 10, strike "**HEALTH PLAN OR QUALIFIED DENTAL**"; in line 13, strike "**OR**"; after line, 13 insert:

"**(IX) HAS FAILED AN EXAMINATION REQUIRED BY THIS ARTICLE OR REGULATIONS ADOPTED UNDER THIS ARTICLE;**

(X) HAS FORGED ANOTHER'S NAME ON AN APPLICATION FOR A QUALIFIED PLAN OR ON ANY OTHER DOCUMENT IN CONDUCTING ACTIVITIES UNDER THE LICENSE;

(XI) HAS OTHERWISE SHOWN A LACK OF TRUSTWORTHINESS OR COMPETENCE TO ACT AS A SHOP EXCHANGE NAVIGATOR; OR";

in line 14, after "**HAS**" insert "**WILLFULLY**"; and in line 15, after "**ORDER**" insert "**OR SUBPOENA**".

On page 25, in line 1, after "**THE**" insert "**SHOP**"; in line 3, strike "**THE**" and substitute "**A**"; after line 4, insert:

"**(6) THE COMMISSIONER, IN THE COMMISSIONER'S ROLE AS A MEMBER OF THE BOARD, MAY NOT PARTICIPATE IN ANY MATTER THAT INVOLVES THE SHOP EXCHANGE'S NAVIGATOR PROGRAM IF, IN THE COMMISSIONER'S JUDGMENT, THE COMMISSIONER'S PARTICIPATION MIGHT CREATE A CONFLICT OF INTEREST WITH RESPECT TO THE COMMISSIONER'S REGULATORY AUTHORITY OVER THE SHOP EXCHANGE'S NAVIGATOR PROGRAM.**

(7) A CARRIER IS NOT RESPONSIBLE FOR THE ACTIVITIES AND CONDUCT OF A SHOP EXCHANGE NAVIGATOR.";

in line 9, strike "**HEALTH PLANS AND QUALIFIED DENTAL**"; in line 16, strike "**DENY,**"; strike beginning with the colon in line 18 down through "**4.**" in line 25; in line 25, strike "**IN VIOLATION OF**" and substitute "**DESCRIBED IN**"; in line 26, strike "**(E)**" and substitute "**(E)(1)**"; and in the same line, strike the second "**SUBSECTION**" and substitute "**SECTION WITH RESPECT TO THE AUTHORIZATION**".

On page 26, in lines 4 and 16, in each instance, strike "**HEALTH PLAN OR QUALIFIED DENTAL**"; in lines 7 and 23, in each instance, strike "**HEALTH PLANS AND QUALIFIED DENTAL**"; in line 10, strike "**AND**"; in line 13, after "**SECTION**" insert "**; AND**

(III) IN PROVIDING ASSISTANCE TO A SMALL EMPLOYER SEEKING INFORMATION ABOUT OFFERING HEALTH INSURANCE, INFORM THE SMALL EMPLOYER OF:

1. ALL QUALIFIED HEALTH PLANS AVAILABLE TO EMPLOYEES IN THE SHOP EXCHANGE; AND

2. ALL OPTIONS AVAILABLE TO THE SMALL EMPLOYER IN THE SHOP EXCHANGE FOR OFFERING QUALIFIED HEALTH PLANS TO EMPLOYEES";

and in line 16, after "**PLAN**" insert "**OFFERED**".

AMENDMENT NO. 9

On page 27, in line 2, after "**(A)**" insert "**(1)**"; after line 3, insert:

"**(2) THE NAVIGATOR PROGRAM FOR THE INDIVIDUAL EXCHANGE SHALL BE:**

(I) ADMINISTERED BY THE INDIVIDUAL EXCHANGE; AND

(II) REGULATED BY THE COMMISSIONER.

(3) IN ADMINISTERING THE NAVIGATOR PROGRAM, THE INDIVIDUAL EXCHANGE SHALL CONSULT WITH THE COMMISSIONER AND THE

DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO ENSURE CONSISTENCY AND COMPLIANCE WITH ALL LAWS, REGULATIONS, AND POLICIES GOVERNING:

(I) THE SALE, SOLICITATION, AND NEGOTIATION OF HEALTH INSURANCE; AND

(II) THE MARYLAND MEDICAL ASSISTANCE PROGRAM AND THE MARYLAND CHILDREN'S HEALTH PROGRAM.

(4) IN REGULATING THE NAVIGATOR PROGRAM, THE COMMISSIONER SHALL ENTER INTO ONE OR MORE MEMORANDA OF UNDERSTANDING WITH THE EXCHANGE AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO FACILITATE ENFORCEMENT OF THIS SECTION.

(5) THE COMMISSIONER MAY REQUIRE THE INDIVIDUAL EXCHANGE TO:

(I) MAKE AVAILABLE TO THE COMMISSIONER ALL RECORDS, DOCUMENTS, DATA, AND OTHER INFORMATION RELATING TO THE NAVIGATOR PROGRAM, INCLUDING THE AUTHORIZATION OF INDIVIDUAL EXCHANGE NAVIGATOR ENTITIES AND THE CERTIFICATION OF INDIVIDUAL EXCHANGE NAVIGATORS; AND

(II) SUBMIT A CORRECTIVE PLAN TO TAKE APPROPRIATE ACTION TO ADDRESS ANY PROBLEMS OR DEFICIENCIES IDENTIFIED BY THE COMMISSIONER IN THE INDIVIDUAL EXCHANGE NAVIGATOR ENTITY AUTHORIZATION PROCESS OR THE INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION PROCESS.

(6) THE COMMISSIONER, IN THE COMMISSIONER'S ROLE AS A MEMBER OF THE BOARD, MAY NOT PARTICIPATE IN ANY MATTER THAT INVOLVES THE INDIVIDUAL EXCHANGE'S NAVIGATOR PROGRAM IF, IN THE COMMISSIONER'S JUDGMENT, THE COMMISSIONER'S PARTICIPATION MIGHT CREATE A CONFLICT OF INTEREST WITH RESPECT TO THE COMMISSIONER'S REGULATORY AUTHORITY OVER THE INDIVIDUAL EXCHANGE'S NAVIGATOR PROGRAM.";

in lines 6 and 7, strike "**PROVIDE ENROLLMENT AND ELIGIBILITY SERVICE TO**" and substitute "**SERVICES ON**"; in line 9, strike "**, AS**"; in lines 9 and 10, strike "**, COMMUNITY–BASED ORGANIZATIONS AND OTHER ENTITIES**"; in line 11, strike "**ARE FAMILIAR**" and substitute "**HAVE EXPERTISE IN WORKING**"; in lines 18 and 19, strike "**QUALIFIED HEALTH PLANS,**"; in line 19, strike "**DENTAL**"; in line 21, strike "**PROGRAM PLANS**" and substitute "**TYPES OF COVERAGE DESCRIBED IN ITEM (I) OF THIS ITEM OR HAVE LAPSED ENROLLMENT**"; in line 25, strike "**ACHIEVE THESE OBJECTIVES**" and substitute "**CARRY OUT ITS PURPOSES**"; in line 26, strike "**AN**" and substitute "**THE**"; in the same line, after "**NAVIGATOR**" insert "**PROGRAM**"; in lines 28 and 29, strike "**HEALTH PLANS AND QUALIFIED DENTAL**"; in line 29, strike "**MAY**" and substitute "**SHALL PROVIDE COMPREHENSIVE CONSUMER ASSISTANCE SERVICES, INCLUDING**"; and in line 30, strike "**CONDUCT**" and substitute "**CONDUCTING**".

On page 28, in line 1, strike "**DISTRIBUTE**" and substitute "**DISTRIBUTING**"; in line 3, after "**SUBSIDIES**" insert "**AND COST–SHARING ASSISTANCE**"; in lines 9 and 30 and 31, in each instance, strike "**HEALTH PLANS AND QUALIFIED DENTAL**"; in line 10, after "**THE**" insert "**INDIVIDUAL**"; strike beginning with "**FACILITATE**" in line 11 down through "**DISENROLLMENT**" in line 13 and substitute "**WITH RESPECT TO QUALIFIED PLANS, FACILITATING:**

(I) PLAN SELECTION, BASED ON THE NEEDS OF THE INDIVIDUAL SEEKING TO ENROLL;

(II) ASSESSMENT OF TAX IMPLICATIONS AND PREMIUM AND COST–SHARING REQUIREMENTS; AND

(III) APPLICATION, ENROLLMENT, RENEWAL, AND DISENROLLMENT PROCESSES";

in line 14, strike "**FACILITATE**" and substitute "**FACILITATING**"; in line 17, after "**ORGANIZATIONS,**" insert "**AND**"; in the same line, after "**APPLICATION**" insert "**, ENROLLMENT, AND DISENROLLMENT**"; in lines 17 and 18, strike "**, ENROLLMENT, AND DISENROLLMENT**"; in line 19, strike "**CONDUCT**" and substitute "**CONDUCTING**"; in line 20, after "**SUBSIDIES**" insert "**AND COST–SHARING**

ASSISTANCE"; in line 21, strike "**PROVIDE**" and substitute "**PROVIDING**"; in the same line, strike "**FOR**" and substitute "**, INCLUDING THE ATTORNEY GENERAL'S HEALTH EDUCATION AND ADVOCACY UNIT AND THE ADMINISTRATION, FOR APPLICANTS AND**"; in lines 24 and 27, in each instance, strike "**PROVIDE**" and substitute "**PROVIDING**"; in line 31, after "**THE**" insert "**INDIVIDUAL**"; and in line 32, after "**(D)**" insert "**(1) THE CONSUMER ASSISTANCE SERVICES DESCRIBED IN SUBSECTION (C) OF THIS SECTION THAT MUST BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR ARE THOSE SERVICES THAT INVOLVE THE SALE, SOLICITATION, AND NEGOTIATION OF QUALIFIED PLANS OFFERED IN THE INDIVIDUAL EXCHANGE, INCLUDING:**

(I) EXAMINING OR OFFERING TO EXAMINE A QUALIFIED PLAN FOR THE PURPOSE OF GIVING, OR OFFERING TO GIVE, ADVICE OR INFORMATION ABOUT THE TERMS, CONDITIONS, BENEFITS, COVERAGE, OR PREMIUM OF A QUALIFIED PLAN;

(II) FACILITATING:

1. QUALIFIED PLAN SELECTION;

2. THE APPLICATION OF PREMIUM TAX SUBSIDIES TO SELECTED QUALIFIED HEALTH PLANS;

3. PLAN APPLICATION, ENROLLMENT, RENEWAL, AND DISENROLLMENT PROCESSES; AND

(III) PROVIDING ONGOING SUPPORT WITH RESPECT TO ISSUES RELATING TO QUALIFIED PLAN ENROLLMENT, APPLICATION OF PREMIUM TAX SUBSIDIES, RENEWAL, AND DISENROLLMENT.

(2) THE CONSUMER ASSISTANCE SERVICES DESCRIBED IN SUBSECTION (C) OF THIS SECTION THAT DO NOT HAVE TO BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR ARE:

(I) CONDUCTING GENERAL EDUCATION AND OUTREACH;

(II) FACILITATING ELIGIBILITY DETERMINATIONS AND REDETERMINATIONS FOR PREMIUM TAX SUBSIDIES, THE MARYLAND MEDICAL ASSISTANCE PROGRAM, AND THE MARYLAND CHILDREN'S HEALTH PROGRAM; AND

(III) FACILITATING AND PROVIDING ONGOING SUPPORT WITH RESPECT TO THE SELECTION OF MANAGED CARE ORGANIZATIONS, APPLICATION PROCESSES, ENROLLMENT, AND DISENROLLMENT FOR THE MARYLAND MEDICAL ASSISTANCE PROGRAM AND THE MARYLAND CHILDREN'S HEALTH PROGRAM.

(E) (1) THE EXCHANGE MAY AUTHORIZE AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY TO PROVIDE CONSUMER ASSISTANCE SERVICES THAT:

(I) ARE REQUIRED TO BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR; OR

(II) SUBJECT TO PARAGRAPH (2)(III) OF THIS SUBSECTION, RESULT IN A CONSUMER'S ENROLLMENT IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN'S HEALTH PROGRAM.

(2) THE EXCHANGE:

(I) MAY LIMIT THE AUTHORIZATION OF AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY TO THE PROVISION OF A SUBSET OF SERVICES, DEPENDING ON THE NEEDS OF THE INDIVIDUAL EXCHANGE NAVIGATOR PROGRAM AND THE CAPACITY OF THE INDIVIDUAL EXCHANGE NAVIGATOR ENTITY, PROVIDED THAT THE NAVIGATOR PROGRAM OVERALL PROVIDES THE TOTALITY OF SERVICES REQUIRED BY THE AFFORDABLE CARE ACT AND THIS SUBTITLE;

(II) PURSUANT TO CONTRACTUAL AGREEMENT, MAY REQUIRE AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY TO PROVIDE EDUCATION, OUTREACH, AND OTHER CONSUMER ASSISTANCE SERVICES IN ADDITION TO THE SERVICES PROVIDED UNDER THE INDIVIDUAL EXCHANGE

NAVIGATOR ENTITY'S AUTHORIZATION IN ORDER TO ACHIEVE ALL OF THE OBJECTIVES OF THE NAVIGATOR PROGRAM; AND

(III) MAY NOT AUTHORIZE AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY TO PROVIDE SERVICES THAT RESULT IN A CONSUMER'S ENROLLMENT IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN'S HEALTH PROGRAM WITHOUT THE APPROVAL OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

(F) AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY:

(1) SHALL OBTAIN AUTHORIZATION FROM THE INDIVIDUAL EXCHANGE TO PROVIDE SERVICES THAT:

(I) ARE REQUIRED TO BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR; OR

(II) RESULT IN A CONSUMER'S ENROLLMENT IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN'S HEALTH PROGRAM;

(2) MAY PROVIDE:

(I) THOSE SERVICES THAT ARE WITHIN THE SCOPE OF THE INDIVIDUAL EXCHANGE NAVIGATOR ENTITY'S AUTHORIZATION; AND

(II) ANY OTHER CONSUMER ASSISTANCE SERVICES THAT:

1. ARE NOT REQUIRED TO BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR; OR

2. DO NOT REQUIRE AUTHORIZATION UNDER THIS SUBSECTION;

(3) TO THE EXTENT THE SCOPE OF ITS AUTHORIZATION INCLUDES SERVICES THAT MUST BE PROVIDED BY AN INDIVIDUAL EXCHANGE

NAVIGATOR, SHALL PROVIDE THOSE SERVICES ONLY THROUGH INDIVIDUAL EXCHANGE NAVIGATORS;

(4) IN ADDITION TO THE SERVICES IT MAY PROVIDE UNDER ITS AUTHORIZATION, MAY EMPLOY OR ENGAGE OTHER INDIVIDUALS TO CONDUCT:

(I) CONSUMER EDUCATION AND OUTREACH; AND

(II) DETERMINATIONS OF ELIGIBILITY FOR PREMIUM SUBSIDIES AND COST–SHARING ASSISTANCE, THE MARYLAND MEDICAL ASSISTANCE PROGRAM, AND THE MARYLAND CHILDREN'S HEALTH PROGRAM;

(5) MAY EMPLOY OR ENGAGE INDIVIDUALS TO PERFORM ACTIVITIES THAT:

(I) ARE EXECUTIVE, ADMINISTRATIVE, MANAGERIAL, OR CLERICAL; AND

(II) RELATE ONLY INDIRECTLY TO SERVICES THAT MUST BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR OR RESULT IN A CONSUMER'S ENROLLMENT IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN'S HEALTH PROGRAM;

(6) SHALL COMPLY WITH ALL STATE AND FEDERAL LAWS, REGULATIONS, AND POLICIES GOVERNING THE MARYLAND MEDICAL ASSISTANCE PROGRAM AND THE MARYLAND CHILDREN'S HEALTH PROGRAM;

(7) MAY NOT RECEIVE ANY COMPENSATION, DIRECTLY OR INDIRECTLY:

(I) FROM A CARRIER, AN INSURANCE PRODUCER, OR A THIRD–PARTY ADMINISTRATOR IN CONNECTION WITH THE ENROLLMENT OF A QUALIFIED INDIVIDUAL IN A QUALIFIED HEALTH PLAN; OR

(II) FROM ANY MANAGED CARE ORGANIZATION THAT PARTICIPATES IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM IN

CONNECTION WITH THE ENROLLMENT OF AN INDIVIDUAL IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN'S HEALTH PROGRAM; AND

(8) WITH RESPECT TO THE INSURANCE MARKET OUTSIDE THE EXCHANGE:

(I) MAY NOT PROVIDE ANY INFORMATION OR SERVICES RELATED TO HEALTH BENEFIT PLANS OR OTHER PRODUCTS NOT OFFERED IN THE EXCHANGE, EXCEPT FOR GENERAL INFORMATION ABOUT THE INSURANCE MARKET OUTSIDE THE EXCHANGE, WHICH SHALL BE LIMITED TO THE INFORMATION PROVIDED IN A CONSUMER EDUCATION DOCUMENT DEVELOPED BY THE EXCHANGE AND THE COMMISSIONER;

(II) SHALL REFER ANY INQUIRIES ABOUT HEALTH BENEFIT PLANS OR OTHER PRODUCTS NOT OFFERED IN THE EXCHANGE TO:

1. ANY RESOURCES THAT MAY BE MAINTAINED BY THE EXCHANGE; OR

2. CARRIERS AND LICENSED INSURANCE PRODUCERS; AND

(III) ON CONTACT WITH AN INDIVIDUAL WHO ACKNOWLEDGES HAVING EXISTING HEALTH INSURANCE COVERAGE OBTAINED THROUGH AN INSURANCE PRODUCER, SHALL REFER THE INDIVIDUAL BACK TO THE INSURANCE PRODUCER FOR INFORMATION AND SERVICES UNLESS:

1. THE INDIVIDUAL IS ELIGIBLE FOR BUT HAS NOT OBTAINED A FEDERAL PREMIUM SUBSIDY AND COST–SHARING ASSISTANCE AVAILABLE ONLY THROUGH THE INDIVIDUAL EXCHANGE;

2. THE INSURANCE PRODUCER IS NOT AUTHORIZED TO SELL QUALIFIED PLANS IN THE INDIVIDUAL EXCHANGE; OR

3. THE INDIVIDUAL WOULD PREFER NOT TO SEEK FURTHER ASSISTANCE FROM THE INDIVIDUAL'S INSURANCE PRODUCER.

(G) (1) THE COMMISSIONER MAY SUSPEND OR REVOKE AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY AUTHORIZATION AFTER NOTICE AND OPPORTUNITY FOR A HEARING UNDER §§ 2–210 THROUGH 2–214 OF THIS ARTICLE IF THE INDIVIDUAL EXCHANGE NAVIGATOR ENTITY:

(I) HAS WILLFULLY VIOLATED THIS ARTICLE OR ANY REGULATION ADOPTED UNDER THIS ARTICLE;

(II) HAS ENGAGED IN FRAUDULENT OR DISHONEST PRACTICES IN CONDUCTING ACTIVITIES UNDER THE INDIVIDUAL EXCHANGE NAVIGATOR ENTITY AUTHORIZATION;

(III) HAS HAD ANY PROFESSIONAL LICENSE OR CERTIFICATION SUSPENDED OR REVOKED FOR A FRAUDULENT OR DISHONEST PRACTICE;

(IV) HAS BEEN CONVICTED OF A FELONY, A CRIME OF MORAL TURPITUDE, OR ANY CRIMINAL OFFENSE INVOLVING DISHONESTY OR BREACH OF TRUST; OR

(V) HAS WILLFULLY FAILED TO COMPLY WITH OR VIOLATED A PROPER ORDER OR SUBPOENA OF THE COMMISSIONER.

(2) INSTEAD OF OR IN ADDITION TO SUSPENDING OR REVOKING AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY AUTHORIZATION, THE COMMISSIONER MAY:

(I) IMPOSE A PENALTY OF NOT LESS THAN $100 BUT NOT EXCEEDING $500 FOR EACH VIOLATION OF THIS ARTICLE; AND

(II) REQUIRE THAT RESTITUTION BE MADE TO ANY PERSON WHO HAS SUFFERED FINANCIAL INJURY BECAUSE OF THE INDIVIDUAL EXCHANGE NAVIGATOR ENTITY'S VIOLATION OF THIS ARTICLE.

(3) THE PENALTIES AVAILABLE TO THE COMMISSIONER UNDER THIS SUBSECTION SHALL BE IN ADDITION TO ANY CRIMINAL OR CIVIL PENALTIES IMPOSED FOR FRAUD OR OTHER MISCONDUCT UNDER ANY OTHER STATE OR FEDERAL LAW.

(4) THE COMMISSIONER SHALL NOTIFY THE INDIVIDUAL EXCHANGE OF ANY DECISION AFFECTING THE AUTHORIZATION OF AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY OR ANY SANCTION IMPOSED ON AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY UNDER THIS SUBSECTION.

(5) A CARRIER IS NOT RESPONSIBLE FOR THE ACTIVITIES AND CONDUCT OF INDIVIDUAL EXCHANGE NAVIGATOR ENTITIES.

(H)".

On page 29, in line 2, strike "**(F)**" and substitute "**(J)**"; after line 2, insert:

"**(2) MAY PROVIDE CONSUMER ASSISTANCE SERVICES THAT ARE REQUIRED TO BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR UNDER SUBSECTION (D)(1) OF THIS SECTION;**";

in lines 3, 5, and 7, strike "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(3)**", "**(4)**", and "**(5)**", respectively; in line 3, after "**PRODUCER**" insert "**OR ADVISER**"; strike in their entirety lines 10 through 24, inclusive, and substitute:

"**(6) MAY NOT RECEIVE ANY COMPENSATION, DIRECTLY OR INDIRECTLY:**

(I) FROM A CARRIER, AN INSURANCE PRODUCER, OR A THIRD–PARTY ADMINISTRATOR IN CONNECTION WITH THE ENROLLMENT OF A QUALIFIED INDIVIDUAL IN A QUALIFIED HEALTH PLAN; OR

(II) FROM A MANAGED CARE ORGANIZATION THAT PARTICIPATES IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM IN CONNECTION WITH THE ENROLLMENT OF AN INDIVIDUAL IN THE MARYLAND

MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN'S HEALTH PROGRAM;

(7) WITH RESPECT TO THE INSURANCE MARKET OUTSIDE THE EXCHANGE, IS SUBJECT TO THE SAME REQUIREMENTS APPLICABLE TO INDIVIDUAL EXCHANGE NAVIGATOR ENTITIES AS SET FORTH IN SUBSECTION (F)(8) OF THIS SECTION; AND";

in line 25, strike the second "**AND**" and substitute a comma; in line 26, after "**REGULATIONS**" insert "**, AND POLICIES**"; in line 28, strike "**(E) (1)**" and substitute "**(I)**"; in line 29, strike "**(I)**" and substitute "**(1)**"; and in line 30, strike "**PROGRAM**" and substitute "**PROCESS**".

On page 30, strike in their entirety lines 1 through 9, inclusive, and substitute:

"**(2) IN CONSULTATION WITH THE COMMISSIONER AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION; AND**

(3) MAY IMPLEMENT THE INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION PROCESS WITH THE ASSISTANCE OF THE COMMISSIONER AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, IN ACCORDANCE WITH ONE OR MORE MEMORANDA OF UNDERSTANDING.";

strike in their entirety lines 10 through 19, inclusive; in line 20, strike "**(F)**" and substitute "**(J)**"; in line 29, strike "**(G)**" and substitute "**(K)**"; and after line 31, insert:

"**(3) A CERTIFICATION SHALL EXPIRE 2 YEARS AFTER THE DATE IT IS ISSUED UNLESS IT IS RENEWED.**".

On page 31, strike in their entirety lines 1 through 5, inclusive, and substitute:

"**(K) (1) THE EXCHANGE, WITH THE APPROVAL OF THE COMMISSIONER AND IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND STAKEHOLDERS, SHALL DEVELOP, IMPLEMENT, AND, AS APPROPRIATE, UPDATE A TRAINING PROGRAM FOR THE CERTIFICATION OF INDIVIDUAL EXCHANGE NAVIGATORS.**";

in line 7, strike "**AFFORD**" and substitute "**PROVIDE**"; in the same line, after "**NAVIGATORS**" insert "**WITH**"; in lines 14 and 15, strike "**HEALTH PLANS AND QUALIFIED DENTAL**"; in lines 15 and 19, in each instance, after "**THE**" insert "**INDIVIDUAL**"; and strike in their entirety lines 26 through 34, inclusive.

On page 32, in line 1, strike "**(4)**" and substitute "**(3)**"; strike beginning with "**COMMISSIONER**" in line 2 down through "**PROGRAM**" in line 3 and substitute "**THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND WITH THE APPROVAL OF THE COMMISSIONER**"; in line 6, strike "**A**" and substitute "**AN INDIVIDUAL EXCHANGE NAVIGATOR**"; strike beginning with "**CERTIFICATE**" in line 10 down through "**ENTITY**" in line 13 and substitute "**INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION OR THE REACTIVATION OF AN INACTIVE INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION**"; in line 14, strike "**(H)**" and substitute "**(L)**"; in line 17, strike "**APPLICANT OR**"; in line 18, after "**HAS**" insert "**WILLFULLY**"; in the same line, strike the colon; and in line 19, strike "**1.**".

On pages 32 and 33, strike beginning with "**OR**" in line 20 on page 32 down through "**COMMISSIONER**" in line 5 on page 33 and substitute:

"**(II) HAS INTENTIONALLY MISREPRESENTED OR CONCEALED A MATERIAL FACT IN THE APPLICATION FOR THE INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION;**

(III) HAS OBTAINED THE INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION BY MISREPRESENTATION, CONCEALMENT, OR OTHER FRAUD;

(IV) HAS ENGAGED IN FRAUDULENT OR DISHONEST PRACTICES IN CONDUCTING ACTIVITIES UNDER THE INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION;

(V) HAS MISAPPROPRIATED, CONVERTED, OR UNLAWFULLY WITHHELD MONEY IN CONDUCTING ACTIVITIES UNDER THE INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION;

(VI) HAS FAILED OR REFUSED TO PAY OVER ON DEMAND MONEY THAT BELONGS TO A PERSON ENTITLED TO THE MONEY;

(VII) HAS WILLFULLY AND MATERIALLY MISREPRESENTED THE PROVISIONS OF A QUALIFIED PLAN;

(VIII) HAS BEEN CONVICTED OF A FELONY, A CRIME OF MORAL TURPITUDE, OR ANY CRIMINAL OFFENSE INVOLVING DISHONESTY OR BREACH OF TRUST;

(IX) HAS FAILED AN EXAMINATION REQUIRED BY THIS ARTICLE OR REGULATIONS ADOPTED UNDER THIS ARTICLE;

(X) HAS FORGED ANOTHER'S NAME ON AN APPLICATION FOR A QUALIFIED PLAN OR ON ANY OTHER DOCUMENT IN CONDUCTING ACTIVITIES UNDER THE INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION;

(XI) HAS OTHERWISE SHOWN A LACK OF TRUSTWORTHINESS OR COMPETENCE TO ACT AS AN INDIVIDUAL EXCHANGE NAVIGATOR; OR

(XII) HAS WILLFULLY FAILED TO COMPLY WITH OR VIOLATED A PROPER ORDER OR SUBPOENA OF THE COMMISSIONER";

in line 18, after "**EXCHANGE**" insert "**AND THE INDIVIDUAL EXCHANGE NAVIGATOR ENTITY FOR WHICH THE INDIVIDUAL EXCHANGE NAVIGATOR WORKS**"; after line 20, insert:

"**(5) A CARRIER IS NOT RESPONSIBLE FOR THE ACTIVITIES AND CONDUCT OF INDIVIDUAL EXCHANGE NAVIGATORS.**";

in line 21, strike "**(I)**" and substitute "**(M)**"; in lines 22 and 24, in each instance, strike "**PROGRAM**" and substitute "**PROCESS**"; in line 26, strike "**HEALTH PLANS AND QUALIFIED DENTAL**"; and in line 27, strike "**(J)**" and substitute "**(N)**".

On page 34, in line 3, strike "**DENY,**"; strike beginning with the colon in line 5 down through "**4.**" in line 12; in line 12, strike "**IN VIOLATION OF**" and substitute

"**DESCRIBED IN**"; in line 13, strike "**(H)**" and substitute "**(M)(1)**"; in the same line, after "**SECTION**" insert "**WITH RESPECT TO THE AUTHORIZATION**"; in line 17, strike "**IN CONSULTATION**"; in the same line, after "**THE**" insert "**APPROVAL OF THE**"; in line 19, strike "**(J)**" and substitute "**(N)**"; in line 22, strike "**HEALTH PLAN OR QUALIFIED DENTAL**"; in line 24, strike "**LICENSED**" and substitute "**CERTIFIED**"; in line 25, strike "**HEALTH PLANS AND QUALIFIED DENTAL**"; and in line 31, strike "**(K)**" and substitute "**(O)**".

On page 35, in lines 7 and 8, strike "**HEALTH PLAN OR A QUALIFIED DENTAL**"; in line 10, strike "**(K)**" and substitute "**(O)**"; in line 12, strike "**HEALTH PLANS AND QUALIFIED DENTAL**"; after line 21, insert:

"**(P) NOTHING IN THIS SECTION SHALL PROHIBIT A COMMUNITY–BASED ORGANIZATION OR A UNIT OF STATE OR LOCAL GOVERNMENT FROM PROVIDING THE CONSUMER ASSISTANCE SERVICES DESCRIBED IN SUBSECTION (C) OF THIS SECTION THAT ARE NOT REQUIRED TO BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR, IF THE ENTITY PROVIDING THE SERVICES AND ITS EMPLOYEES DO NOT:**

(1) RECEIVE ANY COMPENSATION, DIRECTLY OR INDIRECTLY, FROM A CARRIER, AN INSURANCE PRODUCER, OR A THIRD–PARTY ADMINISTRATOR IN CONNECTION WITH THE ENROLLMENT OF A QUALIFIED INDIVIDUAL IN A QUALIFIED HEALTH PLAN;

(2) RECEIVE ANY COMPENSATION, DIRECTLY OR INDIRECTLY, FROM A MANAGED CARE ORGANIZATION THAT PARTICIPATES IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN'S HEALTH PROGRAM; AND

(3) IDENTIFY THEMSELVES TO THE PUBLIC AS AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITIES OR INDIVIDUAL EXCHANGE NAVIGATORS.";

and in line 26, after "**NAVIGATOR**" insert "**OR AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY**".

AMENDMENT NO. 10

On page 36, in line 3, strike "**AND**"; in line 7, strike "**BUNDLED WITH**" and substitute "**SOLD IN CONJUNCTION WITH OR AS AN ENDORSEMENT TO**"; and in line 8, after "**PLANS**" insert "**; AND**

(3) VISION PLANS AS QUALIFIED VISION PLANS, WHICH MAY BE OFFERED BY CARRIERS AS:

(I) STAND–ALONE VISION PLANS; OR

(II) VISION PLANS SOLD IN CONJUNCTION WITH OR AS AN ENDORSEMENT TO QUALIFIED HEALTH PLANS".

On page 37, in line 25, strike the third "**AND**"; in line 27, strike "**HEALTH PLANS AND QUALIFIED DENTAL**"; in line 28, after "**ENROLLMENT**" insert "**; AND**

(III) DEMONSTRATING COMPLIANCE WITH THE FEDERAL MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008";

in line 29, after "(c)" insert "**(1)**"; in line 30, strike "(g)" and substitute "**(H)**"; and in line 32, strike "(1)" and substitute "**(I)**".

On page 38, in lines 1, 3, and 5, strike "(2)", "(i)", and "(ii)", respectively, and substitute "**(II)**", "**1.**", and "**2.**", respectively; in line 3, after "pediatric" insert "**DENTAL**"; after line 7, insert:

"**(2) THE EXCHANGE MAY DETERMINE WHETHER A CARRIER MAY ELECT TO INCLUDE NONESSENTIAL ORAL AND DENTAL BENEFITS IN A QUALIFIED HEALTH PLAN.**

(D) (1) A QUALIFIED HEALTH PLAN IS NOT REQUIRED TO PROVIDE ESSENTIAL BENEFITS THAT DUPLICATE THE MINIMUM BENEFITS OF QUALIFIED VISION PLANS, AS PROVIDED IN SUBSECTION (I) OF THIS SECTION, IF:

(I) THE EXCHANGE HAS DETERMINED THAT AT LEAST ONE QUALIFIED VISION PLAN IS AVAILABLE TO SUPPLEMENT THE QUALIFIED HEALTH PLAN'S COVERAGE; AND

(II) AT THE TIME THE CARRIER OFFERS THE QUALIFIED HEALTH PLAN, THE CARRIER DISCLOSES IN A FORM APPROVED BY THE EXCHANGE THAT:

1. THE PLAN DOES NOT PROVIDE THE FULL RANGE OF ESSENTIAL PEDIATRIC VISION BENEFITS; AND

2. QUALIFIED VISION PLANS PROVIDING THESE AND OTHER VISION BENEFITS ALSO NOT PROVIDED BY THE QUALIFIED HEALTH PLAN ARE OFFERED THROUGH THE EXCHANGE.

(2) THE EXCHANGE MAY DETERMINE WHETHER A CARRIER MAY ELECT TO INCLUDE NONESSENTIAL VISION BENEFITS IN A QUALIFIED HEALTH PLAN.";

and in lines 8, 13, and 21, strike "(d)", "(e)", and "(f)", respectively, and substitute "**(E)**", "**(F)**", and "**(G)**", respectively.

AMENDMENT NO. 11

On page 39, in line 13, strike "(g)" and substitute "**(H)**"; in the same line, strike "(2), (3), **[**and**]** (4)**, AND (5)**" and substitute "**(2) THROUGH (5)**"; in line 15, after "plans" insert "**TO THE EXTENT RELEVANT, WHETHER OFFERED IN CONJUNCTION WITH OR AS AN ENDORSEMENT TO QUALIFIED HEALTH PLANS OR AS STAND–ALONE DENTAL PLANS**"; strike beginning with "Carriers" in line 27 down through "jointly" in line 31 and substitute "**(I) THE EXCHANGE MAY DETERMINE:**

1. THE MANNER IN WHICH CARRIERS MUST DISCLOSE THE PRICE OF ORAL AND DENTAL BENEFITS AND, TO THE EXTENT RELEVANT, MEDICAL BENEFITS, WHEN OFFERED:

A. TO THE EXTENT PERMITTED BY THE EXCHANGE, IN A QUALIFIED HEALTH PLAN;

B. IN CONJUNCTION WITH OR AS AN ENDORSEMENT TO A QUALIFIED HEALTH PLAN; OR

C. AS A STAND–ALONE PLAN; AND

2. WHEN A CARRIER OFFERS A QUALIFIED DENTAL PLAN IN CONJUNCTION WITH A QUALIFIED HEALTH PLAN, WHETHER THE CARRIER ALSO MUST MAKE THE QUALIFIED HEALTH PLAN, THE QUALIFIED DENTAL PLAN, OR BOTH QUALIFIED PLANS AVAILABLE ON A STAND–ALONE BASIS.

(II) IN DETERMINING THE MANNER IN WHICH CARRIERS MUST OFFER AND DISCLOSE THE PRICE OF MEDICAL, ORAL, AND DENTAL BENEFITS UNDER THIS PARAGRAPH, THE EXCHANGE SHALL BALANCE THE OBJECTIVES OF TRANSPARENCY AND AFFORDABILITY FOR CONSUMERS";

and in line 32, after "**MAY**" insert "**:**

(I) EXEMPT QUALIFIED DENTAL PLANS FROM A REQUIREMENT APPLICABLE TO QUALIFIED HEALTH PLANS UNDER THIS TITLE TO THE EXTENT THE EXCHANGE DETERMINES THE REQUIREMENT IS NOT RELEVANT TO QUALIFIED DENTAL PLANS; AND

(II)".

AMENDMENT NO. 12

On page 40, after line 2, insert:

"**(I) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) THROUGH (5) OF THIS SUBSECTION, THE REQUIREMENTS APPLICABLE TO QUALIFIED HEALTH PLANS UNDER THIS TITLE ALSO SHALL APPLY TO QUALIFIED VISION PLANS TO THE EXTENT RELEVANT, WHETHER OFFERED IN CONJUNCTION WITH OR AS AN ENDORSEMENT TO QUALIFIED HEALTH PLANS OR AS STAND–ALONE VISION PLANS.**

(2) A CARRIER OFFERING A QUALIFIED VISION PLAN SHALL BE LICENSED TO OFFER VISION COVERAGE BUT NEED NOT BE LICENSED TO OFFER OTHER HEALTH BENEFITS.

(3) A QUALIFIED VISION PLAN SHALL:

(I) BE LIMITED TO VISION AND EYE HEALTH BENEFITS, WITHOUT SUBSTANTIAL DUPLICATION OF OTHER BENEFITS TYPICALLY OFFERED BY HEALTH BENEFIT PLANS WITHOUT VISION COVERAGE; AND

(II) INCLUDE AT A MINIMUM:

1. THE ESSENTIAL PEDIATRIC VISION BENEFITS REQUIRED BY THE SECRETARY UNDER § 1302(B)(1)(J) OF THE AFFORDABLE CARE ACT; AND

2. OTHER VISION BENEFITS REQUIRED BY THE SECRETARY OR THE EXCHANGE.

(4) (I) THE EXCHANGE MAY DETERMINE:

1. THE MANNER IN WHICH CARRIERS MUST DISCLOSE THE PRICE OF VISION BENEFITS AND, TO THE EXTENT RELEVANT, MEDICAL BENEFITS, WHEN OFFERED:

A. TO THE EXTENT PERMITTED BY THE EXCHANGE, IN A QUALIFIED HEALTH PLAN;

B. IN CONJUNCTION WITH OR AS AN ENDORSEMENT TO A QUALIFIED HEALTH PLAN; OR

C. AS A STAND–ALONE PLAN; AND

2. WHEN A CARRIER OFFERS A QUALIFIED VISION PLAN IN CONJUNCTION WITH A QUALIFIED HEALTH PLAN, WHETHER THE CARRIER ALSO MUST MAKE THE QUALIFIED HEALTH PLAN, THE QUALIFIED VISION PLAN, OR BOTH QUALIFIED PLANS AVAILABLE ON A STAND–ALONE BASIS.

(II) IN DETERMINING THE MANNER IN WHICH CARRIERS MUST OFFER AND DISCLOSE THE PRICE OF MEDICAL AND VISION BENEFITS UNDER THIS PARAGRAPH, THE EXCHANGE SHALL BALANCE THE OBJECTIVES OF TRANSPARENCY AND AFFORDABILITY FOR CONSUMERS.

(5) THE EXCHANGE MAY:

(I) EXEMPT QUALIFIED VISION PLANS FROM A REQUIREMENT APPLICABLE TO QUALIFIED HEALTH PLANS UNDER THIS TITLE TO THE EXTENT THE EXCHANGE DETERMINES THE REQUIREMENT IS NOT RELEVANT TO QUALIFIED VISION PLANS; AND

(II) ESTABLISH ADDITIONAL REQUIREMENTS FOR QUALIFIED VISION PLANS IN CONJUNCTION WITH ITS ESTABLISHMENT OF ADDITIONAL REQUIREMENTS FOR QUALIFIED HEALTH PLANS UNDER SUBSECTION (B)(9) OF THIS SECTION.

(J) A MANAGED CARE ORGANIZATION MAY NOT BE REQUIRED TO OFFER A QUALIFIED PLAN IN THE EXCHANGE.".

AMENDMENT NO. 13

On page 40, in line 8, strike "**PROVISION OF**" and substitute "**BENEFITS MANDATED BY STATE**"; in line 10, after "**ALL**" insert "**INDIVIDUAL**"; in the same line, after "**PLANS**" insert "**AND HEALTH BENEFIT PLANS OFFERED TO SMALL EMPLOYERS**"; in line 11, after "**GRANDFATHERED**" insert "**HEALTH**"; in the same line, after "**PLANS**" insert a comma; in line 12, strike "**IN THE INDIVIDUAL AND SMALL GROUP MARKET**"; and in line 14, after "**(II)**" insert "**SUBJECT TO § 31–115(C) AND (D) OF THIS TITLE,**".

On page 41, in lines 12, 14, 15, 18, 20, 22, 25, and 27, strike "**(4)**", "**(I)**", "**1.**", "**2.**", "**(II)**", "**1.**", "**2.**", and "**(5)**", respectively, and substitute "**(D)**", "**(1)**", "**(I)**", "**(II)**", "**(2)**", "**(I)**", "**(III)**", and "**(E)**", respectively; in line 19, strike "**AND**"; in line 20, after "**STATE**" insert "**, INCLUDING MEMBERS OF THE GENERAL ASSEMBLY**"; in line 21, after "**PUBLIC**" insert a comma; in line 24, after "**STAKEHOLDERS**" insert "**, INCLUDING:**

1. INDIVIDUALS WITH KNOWLEDGE OF AND EXPERTISE IN ADVOCATING FOR CONSUMERS REPRESENTING LOWER INCOME, RACIAL, ETHNIC, OR OTHER MINORITIES, INDIVIDUALS WITH CHRONIC DISEASES AND OTHER DISABILITIES, AND VULNERABLE POPULATIONS;

2. PUBLIC HEALTH RESEARCHERS AND OTHER ACADEMIC EXPERTS WITH RELEVANT KNOWLEDGE AND BACKGROUND, INCLUDING KNOWLEDGE AND BACKGROUND RELATING TO DISPARITIES AND THE HEALTH NEEDS OF DIVERSE POPULATIONS; AND

3. CARRIERS, HEALTH CARE PROVIDERS, AND OTHER INDUSTRY REPRESENTATIVES WITH KNOWLEDGE AND EXPERTISE RELEVANT TO HEALTH PLAN BENEFITS AND DESIGN;

(II) TO THE EXTENT PRACTICABLE, APPOINTING INDIVIDUALS TO THE ADVISORY GROUP WHO REFLECT THE GENDER, RACIAL, ETHNIC, AND GEOGRAPHIC DIVERSITY OF THE STATE";

in line 25, after "**FOR**" insert "**MEMBERS OF THE GENERAL ASSEMBLY AND**"; in line 26, after "**TO**" insert "**:**

1. BE KEPT INFORMED BY ELECTRONIC MAIL; AND

2.";

and in the same line, after "**COMMENT**" insert "**; AND**

(3) SELECT A PLAN THAT COMPLIES WITH ALL REQUIREMENTS OF THIS TITLE AND THE AFFORDABLE CARE ACT, THE FEDERAL MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008, AND ANY OTHER FEDERAL LAWS, REGULATIONS, POLICIES, OR GUIDANCE APPLICABLE TO STATE BENCHMARK PLANS AND ESSENTIAL HEALTH BENEFITS".

AMENDMENT NO. 14

On page 43, in line 2, strike "**SECRETARY**" and substitute "**COMMISSIONER**".

AMENDMENT NO. 15

On page 45, in line 10, after "(1)" insert "(i)"; in the same line, strike "Maryland–specific"; in line 11, after "program" insert "as an alternative to the federal or Maryland–specific model selected under Title 31 of the Insurance Article"; in lines 11 and 12, strike "than the federal model"; line 14, strike "(2)" and substitute "(ii)"; in the same line, strike "Maryland" and substitute "alternative"; in line 15, after "implemented" insert ";

(2) whether strategies should be implemented to mitigate the impact of the inclusion in the individual market of individuals enrolled in the Maryland Health Insurance Plan; and

(3) whether the State should develop a Maryland–specific reinsurance program to ensure the affordability of premiums in the individual market";

in line 28, strike "and"; and in line 30, after "House" insert "; and

(8) the Attorney General, or the Attorney General's designee".

AMENDMENT NO. 16

On page 46, in line 6, after "(1)" insert "(i)"; in line 8, after the semicolon, insert "and

(ii) in assessing total funds needed to sustain the Exchange and to minimize duplication of functions and costs, consider the expertise of and functions already performed by the Department of Health and Mental Hygiene, the Maryland Health Care Commission, the Maryland Insurance Administration, and the Health Services Cost Review Commission;";

after line 21, insert:

"(4) taking into account all of the ramifications of and funding available under the Affordable Care Act and changes in the State's health care delivery system, consider the impact of any funding mechanism on health insurance premiums and the State's Medicare waiver;";

and in lines 22 and 25, strike "(4)" and "(5)", respectively, and substitute "(5)" and "(6)", respectively.

AMENDMENT NO. 17

On page 47, in line 9, after "with" insert "the Maryland Insurance Commissioner, the Department of Health and Mental Hygiene,"; after line 18, insert:

"SECTION 8. AND BE IT FURTHER ENACTED, That the requirements of § 31–116(a)(2)(i) of the Insurance Article, as enacted by Section 2 of this Act, shall be subject to any clarification regarding essential pediatric benefits that may be provided by the U.S. Department of Health and Human Services.

SECTION 9. AND BE IT FURTHER ENACTED, That, with respect to the preparation and certification of qualified plans to be offered through the Maryland Health Benefit Exchange in 2014, pending adoption of regulations under Title 31 of the Insurance Article, and after receiving comment from the Joint Committee on Administrative, Executive, and Legislative Review, the Senate Finance Committee, the House Health and Government Operations Committee, carriers, and the public, the Board of Trustees of the Exchange may adopt interim policies, if necessary, to:

(1) comply with federal law and regulations; and

(2) allow carriers offering qualified plans in the Exchange in 2014 sufficient time to design and develop qualified plans and file rates with the Maryland Insurance Administration.";

and in line 19, strike "8." and substitute "10.".

The preceding 17 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Pendergrass 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:

House Bill 902 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Washington Suburban Sanitary Commission – Minority Business Enterprise Utilization Program – Termination Extension

PG/MC 102–12

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:

House Bill 1001 – Delegates Hixson, Barve, Cardin, Frick, Howard, Ivey, Kaiser, Luedtke, A. Miller, Ross, Stukes, Summers, and F. Turner

AN ACT concerning

Public Library – Essential Community Service – Designation

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:

House Bill 1140 – Delegates Pendergrass, Hammen, Hubbard, A. Kelly, Kipke, McDermott, Nathan–Pulliam, and Pena–Melnyk

AN ACT concerning

Physicians – Sharing of Information with Maryland Health Care Commission

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 1235 – Delegates Zucker, Clagett, DeBoy, Bohanan, and Guzzone

AN ACT concerning

Public Safety – Emergency Number System – Next Generation 9–1–1

HB1235/826683/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1235
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "9–1–1" insert "Services"; in lines 4 and 8, in each instance, after "9–1–1" insert "services"; in line 5, strike "service" and substitute "services"; and strike beginning with "authorizing" in line 5 down through "system;" in line 7.

AMENDMENT NO. 2

On page 3, in line 1, after "**9–1–1**" insert "**SERVICES**"; in line 7, after "**VOICE,**" insert "**TEXT,**"; in line 12, strike "**PUBLIC SAFETY AGENCIES**" and substitute "**EMERGENCY ENTITIES**"; in line 14, strike "**OR**" and substitute "**AND**"; and in line 16, strike "**PUBLIC SAFETY AGENCIES**" and substitute "**FIRST RESPONDER ENTITIES**".

On page 5, in line 6, strike "**, LIMIT,**".

On page 6, in line 7, after "**9–1–1**" insert "**SERVICES**"; and in line 8, strike "**SERVICE**" and substitute "**SERVICES**".

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 1369 – Chair, Health and Government Operations Committee (By Request – Departmental – Minority Affairs, Office of)

AN ACT concerning

Office of Minority Affairs – Duties of Special Secretary – Minority Business Enterprises

HB1369/816181/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 1369

(First Reading File Bill)

On page 1, in the sponsor line, after "of)" insert "and Delegates Pendergrass, Bromwell, Cullison, Donoghue, Hubbard, A. Kelly, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, and Tarrant".

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 1370 – Chair, Health and Government Operations Committee (By Request – Departmental – Transportation) (By Request – Departmental – Minority Affairs, Office of)

AN ACT concerning

Procurement – Minority Business Participation

HB1370/276683/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1370
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "of)" insert "and Delegates Pendergrass, Bromwell, Cullison, Donoghue, Hubbard, A. Kelly, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, and Tarrant"; in line 9, after "groups;" insert "requiring the Special Secretary of Minority Affairs, in establishing the guidelines, to provide for public participation by consulting with certain persons; requiring the Special Secretary of Minority Affairs to adopt certain regulations;".

AMENDMENT NO. 2

On page 4, in line 19, after "disabled –", insert "**NOTWITHSTANDING THE STATE'S MOST RECENT DISPARITY STUDY,**".

AMENDMENT NO. 3

On page 7, in line 24, after "**(IV)**" insert "**1.**"; and after line 29, insert:

"**2. IN ESTABLISHING OVERALL GOALS AND SUBGOAL GUIDELINES, THE SPECIAL SECRETARY OF MINORITY AFFAIRS SHALL PROVIDE FOR PUBLIC PARTICIPATION BY CONSULTING WITH MINORITY, WOMEN'S, AND GENERAL CONTRACTOR GROUPS, COMMUNITY ORGANIZATIONS, AND OTHER OFFICIALS OR ORGANIZATIONS THAT COULD BE EXPECTED TO HAVE INFORMATION CONCERNING:**

A. THE AVAILABILITY OF MINORITY– AND WOMEN– OWNED BUSINESSES;

B. THE EFFECTS OF DISCRIMINATION ON OPPORTUNITIES FOR MINORITY– AND WOMEN– OWNED BUSINESSES; AND

C. THE STATE'S OPERATION OF THE MINORITY BUSINESS ENTERPRISE PROGRAM.".

AMENDMENT NO. 4

On page 8, in line 7, after "**REGULATIONS**" insert "**IN ACCORDANCE WITH TITLE 10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE**".

AMENDMENT NO. 5

On page 16, in line 28, after "Assembly" insert ", in accordance with § 2–1246 of the State Government Article,".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #13

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

House Bill 209 – Delegates Mitchell, Anderson, Arora, Clippinger, Cluster, Dumais, Glenn, Hubbard, McDermott, B. Robinson, Simmons, Stukes,

Summers, Tarrant, Valentino–Smith, Waldstreicher, Washington, and Zucker

AN ACT concerning

Public Safety – Possession of Firearms – Crimes Committed in Other States

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 350 – Delegates Clippinger, Alston, Anderson, Bobo, Carter, Cluster, Cullison, Dumais, Dwyer, Glenn, Hammen, Kaiser, K. Kelly, Luedtke, McDermott, McHale, McIntosh, Mitchell, Niemann, B. Robinson, Rosenberg, Simmons, Smigiel, Tarrant, Valentino–Smith, Waldstreicher, Washington, Wilson, and Zucker

AN ACT concerning

Criminal Law – Possession of Marijuana – De Minimus Quantity

HB0350/982419/2

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 350
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in lines 23 and 26, in each instance, strike "**14**" and substitute "**7**".

AMENDMENT NO. 2

On page 2, in line 24, after "**DAYS**" insert "**OR A FINE NOT EXCEEDING $500 OR BOTH**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

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

The motion was adopted.

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

House Bill 598 – Delegates McComas, Afzali, Clippinger, Frush, Kach, McDonough, B. Robinson, Sophocleus, Stocksdale, and Vitale

AN ACT concerning

Juvenile Law – Taking Child into Custody – Arrest Warrant

HB0598/512216/1
BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 598
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the first "a" in line 3 down through "court" in line 4 and substitute "an intake officer of the Department of Juvenile Services, after conducting a certain inquiry, to file with a court an application for an arrest warrant prepared by a law enforcement officer; providing certain requirements relating to an application for an arrest warrant under this Act; providing that an arrest warrant under this Act may only be issued by the court on a finding of probable cause; requiring an arrest warrant issued under this Act to direct the law enforcement officer to take immediate custody of the child who is the subject of the warrant; making a certain conforming change"; and after line 10, insert:

"BY adding to
Article – Courts and Judicial Proceedings
Section 3–8A–14.1
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 1, strike beginning with "**OR**" in line 18 down through "**COURT**" in line 19.

On page 2, in line 2, strike "or"; and in line 5, after "custodian" insert: "**; OR**

(5) IN ACCORDANCE WITH § 3–8A–14.1 OF THIS SUBTITLE".

AMENDMENT NO. 3

On page 2, after line 21, insert:

"**3–8A–14.1.**

(A) AFTER AN INQUIRY CONDUCTED IN ACCORDANCE WITH § 3–8A–10 OF THIS SUBTITLE, AN INTAKE OFFICER MAY FILE WITH THE COURT AN APPLICATION FOR AN ARREST WARRANT PREPARED BY A LAW ENFORCEMENT OFFICER.

(B) AN APPLICATION FOR AN ARREST WARRANT UNDER THIS SECTION SHALL BE:

(1) IN WRITING;

(2) SIGNED AND SWORN TO BY THE LAW ENFORCEMENT OFFICER; AND

(3) ACCOMPANIED BY AN AFFIDAVIT THAT SETS FORTH THE BASIS FOR THERE BEING PROBABLE CAUSE TO BELIEVE THAT:

(I) THE CHILD WHO IS THE SUBJECT OF THE WARRANT HAS COMMITTED A DELINQUENT ACT; AND

(II) UNLESS THE CHILD WHO IS THE SUBJECT OF THE WARRANT IS TAKEN INTO CUSTODY, THE CHILD:

1. IS LIKELY TO LEAVE THE JURISDICTION OF THE COURT;

2. MAY NOT BE APPREHENDED;

3. MAY CAUSE PHYSICAL INJURY OR PROPERTY DAMAGE TO ANOTHER; OR

4. MAY TAMPER WITH, DISPOSE OF, OR DESTROY EVIDENCE.

(C) AN ARREST WARRANT REQUESTED UNDER SUBSECTION (A) OF THIS SECTION MAY ONLY BE ISSUED BY THE COURT ON A FINDING OF PROBABLE CAUSE AND SHALL DIRECT THE LAW ENFORCEMENT OFFICER TO TAKE IMMEDIATE CUSTODY OF THE CHILD.".

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 762 – Delegate Dumais

AN ACT concerning

Courts and Judicial Proceedings – Maryland Mediation Confidentiality Act

HB0762/322217/1
BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 762
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 17, strike "**(D)**" and substitute "**(E)**".

On page 4, in line 5, strike "**THE PARTIES**" and substitute "**A PARTY TO MEDIATION AND ANY PERSON PRESENT OR OTHERWISE PARTICIPATING IN THE MEDIATION AT THE REQUEST OF A PARTY**"; strike beginning with "**AND**" in line 6 down through "**COMMUNICATIONS**" in line 9; in line 10, strike "**ANY**" and substitute "**A PARTY TO MEDIATION AND ANY**"; in line 13, after "**PROCEEDING**" insert "**IF THE PARTY OR PERSON SIGNED A WRITTEN AGREEMENT TO MAINTAIN THE**

CONFIDENTIALITY OF ALL MEDIATION COMMUNICATIONS"; and in line 26, strike "**SERIOUS**".

AMENDMENT NO. 2

On page 5, in line 2, strike "**A**" and substitute "**ANY**"; strike beginning with the first comma in line 2 down through the comma in line 3; in line 7, strike "**A MANIFEST**" and substitute "**AN**"; and strike beginning with the first "**IN**" in line 10 down through "**CONFIDENTIAL**" in line 11.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 772 – Delegate Waldstreicher

AN ACT concerning

Estates and Trusts – Maryland Uniform Principal and Income Act – Certain Payments to and from Trusts

HB0772/982315/1
BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 772
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after "term;" insert "providing for the application of certain provisions of this Act;".

AMENDMENT NO. 2

On page 2, strike beginning with the first "or" in line 14 down through "interest" in line 15.

AMENDMENT NO. 3

On page 4, after line 33, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That § 15–516 of the Estates and Trusts Article, as enacted by Section 1 of this Act, applies to a trust described in § 15–516(d) on and after the following dates:

(1) if the trust is not funded on or before October 1, 2012, the date of the decedent's death;

(2) if the trust is initially funded in calendar year 2012, the date of the decedent's death; or

(3) if the trust is not described in item (1) or (2) of this section, January 1, 2012.".

AMENDMENT NO. 4

On page 5, in line 1, strike "2." and substitute "3."; and in the same line, after "That" insert ", subject to Section 2 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 Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 834 – Chair, Judiciary Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Child Abuse and Neglect – Child Welfare – Alternative Response

HB0834/182018/1
BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 834
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Child Welfare –"; in line 5, after "Department" insert "of Human Resources"; in the same line, strike "an" and substitute "a certain"; strike beginning with the second "to" in line 5 down through "plan" in line 6 and substitute "; specifying the composition and duties of the advisory council; providing for the chair of the advisory council"; in line 13, strike "and" and substitute a comma; in the same line, after "maintenance" insert ", and expungement"; strike beginning with "Social" in line 13 down through "the" in line 14; in line 14, after "process" insert "requiring the Department to contract with an independent agency to conduct an evaluation of the alternative response program; prohibiting the Department from beginning actual implementation of alternative response before a certain date"; in line 15, after "certain" insert "preliminary"; in line 16, after "the" insert "Governor and the"; in the same line, after "Assembly" insert "on or before a certain date; requiring the Department to submit a certain final report to the Governor and the General Assembly on or before a certain date"; in line 16, after the second "to" insert "child abuse and neglect and"; and in line 17, strike "plans with respect to reports of child abuse and neglect".

AMENDMENT NO. 2

On page 5, in lines 6, 11, 16, 18, 19, 23, and 24, in each instance, strike "**CHILD**".

On page 6, in line 17, strike the first "**CHILD**".

On page 7, in line 11, strike "**CHILD**".

AMENDMENT NO. 3

On page 5, in line 7, after "**(M)**" insert "**(1)**"; in the same line, strike "**AN**" and substitute "**A MULTIDISCIPLINARY ALTERNATIVE RESPONSE**"; strike beginning with "**CONSISTING**" in line 8 down through "**PLAN**" in line 10; and after line 10, insert:

"**(2) THE ADVISORY COUNCIL SHALL CONSIST OF THE FOLLOWING MEMBERS:**

(I) THE SECRETARY OF HUMAN RESOURCES, OR THE SECRETARY'S DESIGNEE;

(II) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE SECRETARY'S DESIGNEE;

(III) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE SUPERINTENDENT'S DESIGNEE;

(IV) A REPRESENTATIVE FROM THE MARYLAND DISABILITY LAW CENTER;

(V) A REPRESENTATIVE FROM A CHILD ADVOCACY ORGANIZATION;

(VI) A REPRESENTATIVE FROM A COMMUNITY PARTNER OR A LOCAL SERVICE PROVIDER;

(VII) A PEDIATRICIAN WITH EXPERIENCE IN DIAGNOSING AND TREATING INJURIES RELATED TO ABUSE AND NEGLECT;

(VIII) AN ATTORNEY WITH EXPERIENCE REPRESENTING CHILDREN OR ADULTS IN ABUSE AND NEGLECT CASES;

(IX) A REPRESENTATIVE FROM THE OFFICE OF THE PUBLIC DEFENDER;

(X) A PARENT OR GUARDIAN WHO HAS PERSONAL EXPERIENCE WITH THE CHILD PROTECTIVE SERVICES SYSTEM;

(XI) A CHILD WHO HAS PERSONAL EXPERIENCE WITH THE CHILD PROTECTIVE SERVICES SYSTEM;

(XII) TWO REPRESENTATIVES FROM LOCAL DEPARTMENTS OF SOCIAL SERVICES; AND

(XIII) TWO REPRESENTATIVES FROM LOCAL CITIZENS REVIEW PANELS.

(3) THE SECRETARY OF HUMAN RESOURCES OR THE SECRETARY'S DESIGNEE SHALL BE THE CHAIR OF THE ADVISORY COUNCIL.

(4) THE ADVISORY COUNCIL SHALL ADVISE THE DEPARTMENT ON:

(I) THE DEVELOPMENT OF THE ALTERNATIVE RESPONSE IMPLEMENTATION PLAN, WHICH MAY INCLUDE A PILOT PROGRAM;

(II) OVERSIGHT AND MONITORING OF THE ALTERNATIVE RESPONSE IMPLEMENTATION PLAN;

(III) CONSULTING WITH LOCAL CITIZENS REVIEW PANELS, LOCAL SERVICES AFFILIATES, AND OTHER LOCAL PARTNERS FOR FEEDBACK AND RECOMMENDATIONS ON THE ALTERNATIVE RESPONSE IMPLEMENTATION PLAN;

(IV) DEFINING THE SCOPE OF THE INDEPENDENT EVALUATION OF THE IMPLEMENTATION OF THE ALTERNATIVE RESPONSE PROGRAM; AND

(V) DEFINING THE SCOPE OF THE ONGOING EVALUATION OF THE ALTERNATIVE RESPONSE PROGRAM.".

AMENDMENT NO. 4

On page 5, in line 11, strike "**A**" and substitute "**ONLY A LOW RISK**"; strike beginning with "**IN**" in line 11 down through "**CHILD**" in line 12; after line 19, insert:

"**(I) OCCURRING IN AN OUT–OF–HOME PLACEMENT;**";

in line 20, strike "**(I)**" and substitute "**(II)**"; in line 21, strike "**OR**"; in line 22, strike "**(II)**" and substitute "**(III)**"; in the same line, strike "**WHEN**" and substitute "**IF**"; and in line 25, after "**DEPARTMENT**" insert "**; OR**

(IV) IF THE INDIVIDUAL SUSPECTED OF ABUSE OR NEGLECT HAS HAD ONE REPORT ASSIGNED FOR AN ALTERNATIVE RESPONSE WITHIN THE

PAST 12 MONTHS OR TWO REPORTS ASSIGNED FOR AN ALTERNATIVE RESPONSE WITHIN THE PAST 24 MONTHS".

AMENDMENT NO. 5

On page 6, in line 3, after "**FAMILY'S**" insert "**INABILITY OR**"; and strike beginning with "**COOPERATE**" in line 3 down through "**RESPONSE**" in line 11 and substitute "**PARTICIPATE IN THE ALTERNATIVE RESPONSE ASSESSMENT**".

AMENDMENT NO. 6

On page 6, in line 14, after "**FACTS**" insert "**THAT DEMONSTRATE THAT THE CASE MEETS THE CRITERIA FOR AN ALTERNATIVE RESPONSE**"; in line 15, strike "**AND**"; and in line 18, after "**SAFETY**" insert "**; AND**

(3) APPROVAL BY A CASEWORKER SUPERVISOR".

AMENDMENT NO. 7

On page 6, in line 19, strike "**CASE**" and substitute "**REPORT**"; in lines 21 and 24, in each instance, strike "**MEET WITH**" and substitute "**SEE**"; after line 25, insert:

"**(3) ATTEMPT TO HAVE AN ON–SITE INTERVIEW WITH THE CHILD'S PARENT OR PRIMARY CARETAKER;**

(4) EVALUATE THE CHILD'S HOME ENVIRONMENT;

(5) DECIDE ON THE SAFETY OF THE CHILD, WHEREVER THE CHILD IS, AND OF OTHER CHILDREN IN THE HOUSEHOLD;

(6) DECIDE ON THE SAFETY OF OTHER CHILDREN IN THE CARE OR CUSTODY OF THE INDIVIDUAL SUSPECTED OF ABUSE OR NEGLECT;";

in lines 26 and 28, strike "**(3)**" and "**(4)**", respectively, and substitute "**(7)**" and "**(8)**", respectively; and in line 27, after "**RESPONSE**" insert "**, IF THE LAW ENFORCEMENT AGENCY MADE THE REPORT OF ABUSE OR NEGLECT**".

On page 7, in lines 3 and 5, strike "**(5)**" and "**(6)**", respectively, and substitute "**(9)**" and "**(10)**", respectively; in lines 3 and 6, in each instance, after "**RESPONSE**" insert "**ASSESSMENT**"; in line 4, strike "**AND**"; in line 7, strike "**PLAN**" and substitute

"**ASSESSMENT**"; strike beginning with "**AND**" in line 9 down through "**MEMBERS**" in line 10 and substitute "**OR OTHER CHILDREN IN THE HOUSEHOLD**"; and in line 11, after "**NEGLECT**" insert "**; AND**

(11) CONSISTENT WITH THE ASSESSMENT AND ANY SAFETY OR SERVICES PLANS:

(I) RENDER ANY APPROPRIATE SERVICES IN THE BEST INTERESTS OF THE CHILD;

(II) REFER THE FAMILY OR CHILD FOR ADDITIONAL SERVICES; OR

(III) AS NECESSARY FOR THE SAFETY OF THE CHILD OR OTHER CHILDREN IN THE HOUSEHOLD, ESTABLISH A PLAN TO MONITOR THE SAFETY PLAN AND THE PROVISION OR COMPLETION OF APPROPRIATE SERVICES".

AMENDMENT NO. 8

On page 7, in line 13, after "**SHALL**" insert "**:**

(I)";

and in line 15, after "**RECEIVED**" insert "**IF THERE IS NO SUBSEQUENT CHILD WELFARE INVOLVEMENT; AND**

(II) EXPUNGE COMPLETE RECORDS RELATED TO AN ALTERNATIVE RESPONSE AND SERVICES IF THERE IS NO SUBSEQUENT CHILD WELFARE INVOLVEMENT AFTER 3 YEARS".

AMENDMENT NO. 9

On page 7, strike beginning with "Social" in line 22 down through "Maryland" in line 23; after line 27, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Human Resources shall contract with an independent agency to conduct an evaluation of the alternative response program.

SECTION 4. AND BE IT FURTHER ENACTED, That the Department of Human Resources may not begin actual implementation of alternative response in local departments of social services before July 1, 2013.";

in line 28, strike "3." and substitute "5."; in line 29, strike "to the General Assembly"; and in line 31, after "Act" insert "to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly".

On page 8, strike in their entirety lines 1 through 3, inclusive, and substitute:

"SECTION 6. AND BE IT FURTHER ENACTED, That on or before October 1, 2015, the Department of Human Resources shall submit a final report on the alternative response program to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.";

in line 4, strike "5." and substitute "7."; and in line 5, strike "October" and substitute "July".

The preceding 9 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 875 – Delegates Conway, Cane, Jacobs, Malone, Otto, Rudolph, and Wood

AN ACT concerning

Public Safety – Explosives – Package of Components

HB0875/272318/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 875

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "packaged" in line 4 down through "action" in line 6 and substitute "advertised and sold together with instructions on how to combine the components to create a certain explosive".

AMENDMENT NO. 2

On page 2, strike beginning with "**PACKAGED**" in line 8 down through "**ACTION**" in line 11 and substitute "**ADVERTISED AND SOLD TOGETHER WITH INSTRUCTIONS ON HOW TO COMBINE THE COMPONENTS TO CREATE AN EXPLOSIVE, AS DEFINED IN PARAGRAPH (1) OF THIS SUBSECTION**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1238 – Delegate Dumais

AN ACT concerning

Maryland Legal Services Corporation Fund – Net Interest Earnings

HB1238/362410/1

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 1238
(First Reading File Bill)

On page 2, strike beginning with "**, EXCEPT**" in line 14 down through "**ZERO**" in line 16; and in line 17, after "Fund" insert "**AND MAY NOT CHARGE INTEREST AGAINST THE FUND IF THE AVERAGE DAILY NET CASH BALANCE FOR THE MONTH IS LESS THAN ZERO**".

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:

House Bill 1326 – Delegate Norman

AN ACT concerning

Harford County – Disposition of Fee for Performing Marriage Ceremony – Funds for Historical Society

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 1418 – Delegates Anderson, Alston, Carter, Simmons, Valentino–Smith, Vallario, and Waldstreicher

AN ACT concerning

Criminal Procedure – Coram Nobis – Failure to Seek Appeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 32 – Senator Simonaire

AN ACT concerning

Anne Arundel County – Property Tax Payment Deferral – Eligibility

FOR the purpose of authorizing the governing body of Anne Arundel County to provide, by law, a certain payment deferral of the county property tax for certain residential real property; requiring the governing body of Anne Arundel County under certain circumstances to specify the duration and certain amounts, restrictions, and income eligibility requirements for the payment deferral; requiring the payment of certain deferred property taxes under certain circumstances; requiring the governing body of Anne Arundel County under certain circumstances to provide certain information in a taxpayer's annual property tax bill; requiring that a payment deferral be authorized by a certain

written agreement to be recorded in certain land records; providing for a certain lien attachment under certain circumstances; providing for the application of this Act; and generally relating to property tax deferrals in Anne Arundel County for certain residential real property.

BY adding to
Article – Tax – Property
Section 10–204.6
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 244 – Senator Jones–Rodwell (By Request – Baltimore City Administration)

AN ACT concerning

Education – Retiree Health Savings – Maintenance of Effort

FOR the purpose of excluding from the maintenance of effort calculation a reduction in retiree health costs under certain circumstances; excluding from the maintenance of effort calculation a certain calculation for a certain year; providing for the application of this Act; and generally relating to education funding.

BY repealing and reenacting, with amendments,
Article – Education
Section 5–202(d)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 332 – Senator Edwards

AN ACT concerning

Family Security Trust Fund – Requirement to Transfer Interest to the General Fund – Exemption

FOR the purpose of exempting the Family Security Trust Fund, under certain circumstances, from a certain requirement that certain interest accrue to the General Fund; requiring the State Treasurer, under certain circumstances, to pay certain investment earnings into the General Fund of the State; making a conforming change; and generally relating to an exemption for the Family

Security Trust Fund from the requirement to transfer interest to the General Fund.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 7–4A–03
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)62. and 63.
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)64.
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 393 – Senator Middleton

AN ACT concerning

Maryland Medical Assistance Program – Managed Care Organizations – Recipient Participation

FOR the purpose of requiring that certain recipients of benefits under the Maryland Medical Assistance Program be afforded the option of remaining ~~or enrolling~~ in certain managed care organizations or receiving benefits under the Program for which payments are made on a fee–for–service basis; providing for a delayed effective date; and generally relating to the Maryland Medical Assistance Program and options for recipients of benefits under the Program.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 15–101(a), (e), (h), and (i)

Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–103(b)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 446 – Senator Colburn

AN ACT concerning

Sales and Use Tax – Sales of Dyed Diesel Fuel

FOR the purpose of providing that for the sale of certain diesel fuel the sales and use tax is to be applied to a certain percentage of the gross receipts; defining certain terms; creating a collection exception for certain diesel fuel sales by certain marinas; requiring certain marinas to assume or absorb the sales and use tax imposed on a retail sale or use and to pay the sales and use tax on behalf of the buyer; and generally relating to the sales and use tax on certain sales of certain diesel fuel by certain marinas.

BY adding to
Article – Tax – General
Section 11–104(h) and 11–410
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11–302
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 456 – Senator Middleton

AN ACT concerning

Health Insurance – Health Benefit Plan Premium Rate Review

FOR the purpose of prohibiting a carrier that issues or delivers a health benefit plan in the State from charging a premium to certain persons or changing a premium before the applicable premium rate or premium rate change is filed with and approved by the Maryland Insurance Commissioner; requiring any applicable premium rate or premium rate change to be filed with the Commissioner ~~at least a certain period of time before its proposed effective date; requiring the Commissioner to require a carrier to provide certain information under certain circumstances; extending the period of time before the proposed effective date of a premium rate filing under certain circumstances; authorizing the Commissioner to authorize an earlier or later effective date of a premium rate filing; providing that a premium rate filing is deemed approved unless disapproved by the Commissioner within a certain period of time~~ in accordance with certain provisions of law and certain regulations applicable to certain carriers; requiring the Commissioner to disapprove or modify a proposed premium rate filing under certain circumstances; requiring the Commissioner to consider certain factors in a certain manner in determining whether to disapprove or modify a premium rate filing; requiring each premium rate filing and any supporting information filed to be open to public inspection; authorizing a carrier to request a certain finding by the Commissioner; authorizing a person to obtain copies of a premium rate filing and any supporting information; authorizing the Commissioner to require a carrier to demonstrate that its premium rates and method for setting premium rates for a health benefit plan are not inadequate, unfairly discriminatory, or excessive in relation to benefits, notwithstanding the Commissioner's previous approval; requiring the Commissioner to issue a certain order to a carrier under certain circumstances; requiring the Commissioner to hold a hearing before issuing a certain order and to provide written notice of the hearing; providing that an order does not affect a certain health benefit plan; providing that each decision or finding of the Commissioner about premium rates is subject to judicial review; providing that a nonprofit health service plan and a health maintenance organization that offer a certain health benefit plan are subject to certain provisions of law; establishing the provisions of law that prevail if there is a conflict between certain provisions of law; providing for the application of this Act; defining certain terms; and generally relating to health benefit plan premium rate review under health insurance.

BY adding to
Article – Insurance
Section 11–601 through 11–603 to be under the new subtitle "Subtitle 6. Health Benefit Plan Premium Rate Review"
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–126(a) and (b)(3)
Annotated Code of Maryland

(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–713(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 467 – ~~Senator Edwards~~ Senators Edwards, Kasemeyer, Brinkley, Colburn, Currie, DeGrange, King, Manno, McFadden, and Peters

AN ACT concerning

Income Tax Credit – Teachers at the Maryland School for the Blind and the Maryland School for the Deaf

FOR the purpose of altering a credit against the State income tax for certain tuition costs of certain teachers to include teachers at the Maryland School for the Blind and the Maryland School for the Deaf; providing that a certain teacher who is reimbursed 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 the Maryland School for the Blind and the Maryland School for the Deaf.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–717
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 497 – Senators Jones–Rodwell, Currie, DeGrange, Madaleno, McFadden, and Robey

AN ACT concerning

Employees' Retirement and Pension Systems – Reemployment of Retirees – Parole and Probation Employees

FOR the purpose of exempting certain individuals who are retirees of the Employees' Retirement System or the Employees' Pension System from certain earnings offsets under certain circumstances if the individuals are reemployed as parole

and probation employees; requiring the Secretary of Public Safety and Correctional Services to submit a certain report on certain retirees on or before a certain date; and generally relating to reemployment of certain retirees of the Employees' Retirement System or Employees' Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 22–406(c)(4)(viii) and (ix) and 23–407(c)(4)(vi) and (vii)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 22–406(c)(4)(x) and (p) and 23–407(c)(4)(viii) and (p)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 849 – ~~Senator King~~ Senators King, Garagiola, Klausmeier, Middleton, and Pugh

AN ACT concerning

Health Insurance – Dental Preventive Care – Coverage ~~for Dental Cleanings~~

FOR the purpose of requiring certain insurers, nonprofit health service plans, health maintenance organizations, ~~dental plan organizations, and certain other persons~~ and dental plan organizations to provide coverage for certain dental preventive care if certain conditions are met; prohibiting a carrier from imposing a certain frequency limitation on dental preventive care; prohibiting certain provisions of this Act from being construed to require coverage for a certain service; making certain requirements of this Act applicable to health maintenance organizations; defining certain terms; providing for the application of this Act; and generally relating to coverage for dental preventive care under health insurance.

BY adding to
Article – Insurance
Section 15–135.1
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article – Health – General
Section 19–706(llll)
Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 864 – Senator DeGrange

AN ACT concerning

Gaming – ~~Instant Bingo –~~ Electronic Machines – Regulation

FOR the purpose of authorizing the operation of certain electronic instant bingo games using electronic machines; providing that the electronic instant bingo machines must have been in operation during a certain period or that the machines be in operation under a commercial bingo license on a certain date; prohibiting the operation of more than a certain number of electronic instant bingo machines than were in operation on a certain date; requiring the conduct of the gaming and the operation of certain electronic instant bingo machines to be consistent with certain provisions of law; clarifying that certain slot machines located in certain counties are not subject to certain provisions of law; altering the definition of "slot machine" to include a certain machine, apparatus, or device regardless of the manner in which it delivers a game and to exclude certain skills–based amusement devices; clarifying that a certain handheld device is not considered a slot machine; requiring the Office of the Attorney General, the State Lottery Commission, the Department of State Police, and local law enforcement units to construe certain statutory provisions in a certain manner; making a certain decision by the State Lottery Commission a final determination as to whether a certain electronic gaming device is legal and being operated in a lawful manner; authorizing the State Lottery Commission to refer certain matters for enforcement to the Department of State Police under certain circumstances; requiring the Commission to certify and regulate the operation, ownership, and manufacture of certain electronic gaming devices; stating that a gaming device that is not licensed or otherwise operated in compliance with certain provisions of law as of a certain date may not legally operate in the State; requiring the Commission to adopt certain regulations related to the approval and licensing of certain electronic gaming devices; authorizing the Commission to make certain determinations and charge certain fees; altering the purpose of the Special Fund for Preservation of Cultural Arts in Maryland; requiring that the Fund be used to provide certain supplemental grants for operating and programmatic improvements that strengthen cultural arts organizations in certain ways; altering the process for transferring certain funds from the Fund; specifying that grants from the Fund are supplemental and may not take the place of certain funding for certain organizations; creating the Calvert County Youth Recreational Opportunities Fund; providing for the purpose, administration, type, contents, expenditures, and investments of the Fund; requiring that the Fund be used only for certain projects; specifying that certain money expended from the Fund is not intended to take the place of

funding that otherwise would be appropriated for a certain purpose; imposing a certain State admissions and amusement tax rate on electronic bingo in Calvert County; altering the revenue attributable from a certain tax rate distributed to a certain special fund; providing for the distribution of certain revenue and proceeds to ~~Program Open Space~~ the Calvert County Youth Recreational Opportunities Fund, the Boys and Girls Club of the Town of North Beach, and certain municipal corporations in certain years; requiring that certain admissions and amusement taxes are to be determined on a certain basis; providing that certain admissions and amusement taxes may be determined on a certain basis; requiring the Commission to certify the compliance with certain laws before certain electronic bingo machines may be authorized for use; authorizing a certain qualified organization to repair and replace electronic bingo machines under certain circumstances; authorizing a certain qualified organization that offered instant bingo during a certain time and then was required to obtain a commercial license to operate a certain number of instant bingo machines under certain circumstances; requiring certain regulations to be at least as stringent as certain requirements; authorizing certain regulations to include certain provisions and requiring that the regulations include certain provisions; repealing certain obsolete provisions of law; making a certain technical correction; and generally relating to the operation and regulation of electronic instant bingo machines.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 12–113 and ~~12–301(3)~~ 12–301(2) and (3)
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

BY adding to
Article – Criminal Law
Section 12–301.1 and 12–308
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 4–801
Annotated Code of Maryland
(2008 Volume and 2011 Supplement)

BY adding to
Article – Natural Resources
Section 5–1901 to be under the new subtitle "Subtitle 19. Calvert County Youth Recreational Opportunities Fund"
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–202, 4–102, and 4–105(a–1)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 1003 – ~~Senator Middleton~~ Senators Middleton, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, and Pugh

AN ACT concerning

Life and Health Insurance Guaranty Corporation Act – Revisions

FOR the purpose of revising the Life and Health Insurance Guaranty Corporation Act; clarifying the purpose of the Act to protect certain persons against failure in the performance of contractual obligations due to the impairment or insolvency of certain insurers; clarifying the persons and circumstances under which certain coverage shall be provided by the Life and Health Insurance Guaranty Corporation; authorizing the Corporation to provide coverage to certain payees or certain beneficiaries of payees under structured settlement annuities under certain circumstances; specifying certain circumstances under which certain persons are not provided coverage under the Act; specifying certain circumstances under which certain policies and contracts issued by member insurers are not provided coverage under the Act; specifying certain interest and certain changes in value of certain policies or contracts that will not be subject to forfeiture under certain circumstances; establishing the principal place of business for certain entities for purposes of the Act; clarifying the authority of the Corporation to take certain action for member insurers that are impaired insurers; clarifying the authority of the Corporation to take certain action for member insurers that are insolvent insurers; clarifying the powers and duties of the Maryland Insurance Commissioner under certain circumstances; authorizing the Corporation, subject to approval of the Commissioner, to issue substitute coverage for certain policies and contracts under certain circumstances; altering the maximum amounts of certain contractual obligations of certain impaired or insolvent insurers for which the Corporation may become liable under certain circumstances; authorizing the Corporation to join an organization of certain state associations for a certain purpose; authorizing the Corporation to elect to succeed to the rights and obligations of certain insolvent insurers relating to certain reinsurance contracts within a certain period of time after the date of an order of liquidation; requiring a receiver and certain reinsurers to make certain information available under certain circumstances for certain purposes after commencement of certain delinquency proceedings; establishing certain rights and obligations of the Corporation relating to certain reinsurance contracts assumed by the Corporation under certain circumstances; requiring the Corporation and certain

reinsurers to make certain calculations within a certain period of time after a certain election; requiring certain reinsurers and the Corporation to make certain payments to a receiver in a certain manner under certain circumstances; requiring a receiver to remit certain payments to the Corporation in a certain manner under a certain circumstance; prohibiting certain reinsurers from taking certain actions relating to reinsurance contracts under certain circumstances; establishing certain rights and obligations of the Corporation and certain reinsurers during a certain period of time after the date of an order of liquidation; authorizing the Corporation to transfer certain reinsurance on certain policies, annuities, or covered obligations under certain circumstances; providing for the application of this Act as it relates to certain laws and certain rights and obligations under certain reinsurance contracts; providing for the application of this Act as it relates to certain rights of the Corporation; extending a certain immunity to certain organizations and certain agents or employees of certain organizations; defining certain terms; altering certain defined terms; and generally relating to the Life and Health Insurance Guaranty Corporation Act.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 9–401, 9–402, 9–403, 9–404, 9–407, 9–408, 9–414, and 9–417
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article – Insurance
Section 9–407.1
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 235 – The President (By Request – Administration) and Senators Garagiola, King, Madaleno, ~~and Manno~~ Manno, Rosapepe, and Benson

AN ACT concerning

Procurement – Investment Activities in Iran

FOR the purpose of specifying that certain persons shall be considered as engaging in investment activities in Iran under certain circumstances; requiring the Board of Public Works, on or before a certain date, to use certain information to create a list of persons that engage in investment activities in Iran; requiring the Board to update the list at certain times; requiring the Board, within a certain number of days before adding a person to the list, to provide the person with certain notice; prohibiting the Board from adding a person to the list under

certain circumstances; ~~requiring a unit to require a certain person to certify that the person is not included on a certain list; requiring a person that is unable to certify that the person does not engage in certain investment activities in Iran to provide a certain description of its investment activities; requiring certain certifications and disclosures to be publicly disclosed; requiring a unit to provide a certain person that may have falsely certified that the person does not engage in certain investment activities with certain notice that the person may submit certain documentation to the unit within a certain time frame; authorizing a unit to determine that a person has submitted a false certification under certain circumstances; establishing certain penalties that may be imposed on a person that submits a false certification; prohibiting a unit from awarding a procurement contract to a person that submits a false certification; authorizing a unit to terminate a certain contract with a person that submitted a false certification; providing for the debarment of a certain person under certain circumstances; providing for the application of this Act;~~ requiring the Board to provide a person with an opportunity to comment that the person is not engaged in investment activities in Iran; requiring a public body, on or after a certain date, to require a person that submits a bid or proposal or enters into a contract with the public body to make a certain certification or provide certain information; requiring the public body to submit certain information submitted by certain persons to the Board; requiring a public body to institute certain actions based on a determination of a false certification; requiring a public body to report certain information to the Board and the Attorney General under certain circumstances; authorizing the Attorney General to bring a certain action within a certain time after a certification is made; specifying certain penalties for submitting a false certification, including civil penalties, the termination of certain contracts, and the ineligibility of certain persons to bid on certain contracts under certain circumstances; providing that this Act does not create a private right of action; establishing that this Act preempts certain local laws and regulations; declaring the intent of the General Assembly; requiring the Department of Legislative Services to provide certain written notice concerning this Act to the Attorney General of the United States; making this Act severable; providing for the termination of this Act under certain circumstances; requiring the Board to notify the Department of Legislative Services of a certain event within a certain time period; defining certain terms; and generally relating to persons that engage in investment activities in Iran and the State procurement law.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 11–101(a), (d), ~~(k), and (x)~~ and (k)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Finance and Procurement

Section ~~13–501 through 13–505~~ 17–701 through 17–707 to be under the new subtitle "Subtitle ~~5.~~ 7. Investment Activities in Iran"~~; and 16–203(c)~~
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 365 – Senators Garagiola, Astle, Benson, Colburn, Currie, DeGrange, Dyson, Ferguson, Forehand, Frosh, Glassman, Jennings, Kasemeyer, King, Klausmeier, Madaleno, Manno, Mathias, Middleton, Peters, Pipkin, Pugh, Ramirez, Raskin, Robey, Rosapepe, Stone, Young, and Zirkin

AN ACT concerning

Higher Education – ~~Volunteer Firefighters~~ The Charles W. Riley Fire and Emergency Medical Services Scholarship

FOR the purpose of repealing a certain fire and emergency medical services tuition reimbursement program and establishing the ~~Volunteer Firefighters~~ Charles W. Riley Fire and Emergency Medical Services Scholarship; establishing certain eligibility requirements for a scholarship; authorizing the use of a scholarship for certain educational expenses; ~~prohibiting~~ authorizing the annual amount of a scholarship ~~from exceeding~~ awarded to be up to a certain percentage of the equivalent tuition and certain fees of a certain institution of higher education; requiring a scholarship recipient to maintain a certain grade point average; providing for the duration of the scholarship; requiring scholarship recipients to file for certain federal and State financial aid by a certain date; authorizing legislative scholarship funds to be used for certain purposes; providing that funds for the scholarship are as provided in a certain annual budget by the Governor; establishing a ~~Volunteer Firefighters~~ Charles W. Riley Fire and Emergency Medical Services Scholarship Fund in the Higher Education Commission; directing the Commission to use certain gifts and grants for the Fund in a certain manner; requiring the Commission to prepare a certain annual report regarding the Fund; requiring a recipient of a certain scholarship to work for at least a certain number of years as a certain firefighter or certain rescue squad member in the State after completion of a certain program; requiring any funds remaining in the Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program after a certain date to be used to fund the Charles W. Riley Fire and Emergency Medical Services Scholarship for a certain academic year; requiring the Office of Student Financial Assistance to provide certain public notice of the establishment of the Charles W. Riley Fire and Emergency Medical Services Scholarship as a replacement for the Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program; and generally relating to the establishment of

the ~~Volunteer Firefighters~~ Charles W. Riley Fire and Emergency Medical Services Scholarship.

BY repealing
Article – Education
Section 18–603
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – Education
Section ~~18–605~~ 18–603
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 649 – Senators Ramirez, Raskin, and Jones–Rodwell

AN ACT concerning

Environment – Asbestos Worker Protection

FOR the purpose of adding to the General Assembly's findings related to protecting the safety of asbestos removers; requiring the Department of the Environment to verify certain information before accrediting an individual to engage in an asbestos occupation; authorizing the Department to include the costs of examination administration in setting certain fees; altering the circumstances under which a certain penalty may be composed; increasing the maximum penalty that may be imposed for certain violations; ~~establishing a minimum penalty under a certain circumstance;~~ requiring certain penalties and fines to be paid into the Asbestos Worker Protection Fund and providing for the uses of the Fund; establishing the Fund as a special, nonlapsing fund; requiring the Department to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; providing for the investment of money in and expenditures from the Fund; exempting certain interest earnings from a requirement that certain interest accrue to the General Fund; altering the definition of a certain term; defining a certain term; and generally relating to asbestos worker protection.

BY repealing and reenacting, without amendments,
Article – Environment
Section 6–401(a) and (d)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment
Section 6–402, 6–417, and 6–422
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY adding to
Article – Environment
Section 6–425 to be under the new part "Part V. Asbestos Worker Protection Fund"
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 691 – ~~**Senator Shank**~~ **Senators Shank, Frosh, Getty, and Gladden**

SECOND PRINTING

AN ACT concerning

Earned Compliance Credit and Reinvestment Act of 2012

FOR the purpose of requiring the Department of Public Safety and Correctional Services to establish a program to implement certain earned compliance credits, which create a certain reduction in a certain period of active supervision for certain individuals and develop policies and procedures for the implementation of the program; ~~requiring~~ authorizing the Maryland Parole Commission or the court to adjust a period of supervision for an individual placed on probation by the court or serving a period of parole or mandatory release supervision from a correctional facility under certain circumstances; requiring a supervised individual whose period of active supervision has been completely reduced by earned compliance credits to be placed on abatement for a certain amount of time, with certain exceptions; authorizing a court to place a supervised individual on active supervision if the supervised individual commits a violation of probation while on abatement; requiring that a certain percentage of the savings realized by the Department as a result of the application of earned compliance credits revert to the Department; providing for the construction of this Act; defining certain terms; providing for the application of this Act; providing for a delayed effective date; and generally relating to parole and probation and earned compliance credits.

BY adding to
Article – Correctional Services
Section 6–117
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Senate Bill 763 – Senator Benson

AN ACT concerning

Election Law – Payroll Deductions and Member Contributions – Address of Contributor

FOR the purpose of requiring an employer that collects voluntary contributions from employees through payroll deduction to a campaign finance entity selected by the employer to record the address of each contributor and transfer that information to the campaign finance entity; requiring an employer that collects voluntary contributions from employees through payroll deduction to a campaign finance entity affiliated with an employee membership entity selected by the employee to record the address of each contributor and transfer that information to the employee membership entity; requiring a membership entity that collects voluntary contributions from members to a campaign finance entity affiliated with the membership entity to record the address of each contributor and transfer that information to the affiliated campaign finance entity; and generally relating to requiring employers and membership entities that collect contributions to campaign finance entities to record the address of each contributor and transfer that information to the campaign finance entity.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–241, 13–242, and 13–243
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 870 – Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)

EMERGENCY BILL

AN ACT concerning

State Board of Physicians – Athletic Trainer Advisory Committee – ~~Sunset Extension, Program Evaluation, and Revisions~~ Education, Supervision, and

Administration

FOR the purpose of ~~continuing the Athletic Trainer Advisory Committee in accordance with the provisions of the Maryland Program Evaluation Act (Sunset Law) by extending to a certain date the termination provision relating to the statutory and regulatory authority of the Committee; requiring the chair of the Committee to serve in an advisory capacity to the State Board of Physicians and present to the Board a certain annual report; prohibiting certain individuals from providing certain services to the Committee or the Board under certain circumstances; prohibiting certain individuals from being appointed to the Committee under certain circumstances; requiring the Committee to submit a certain annual report to the Board; requiring the Board to consider all recommendations of the Committee, provide a certain explanation to the Committee under certain circumstances, and provide a certain report to the Committee a certain number of times each year; altering the conditions under which the Board is required to waive certain education requirements;~~ altering the date by which certain individuals need to be certified to qualify for the waiver of certain education requirements under certain provisions of law; altering the contents of an evaluation and treatment protocol; authorizing an athletic trainer to accept an outside referral from certain individuals under certain circumstances; authorizing a certain alternate supervising physician to assume a certain role under certain circumstances; prohibiting certain physicians, hospitals, institutions, alternative health systems, and other employers from employing certain individuals unless a certain condition is met; providing penalties for the violation of certain provisions of law; requiring certain physicians and employers to notify the Board within a certain period of time of the termination of an athletic trainer for certain reasons; requiring certain physicians and athletic trainers to notify the Board of the termination of a certain relationship under an evaluation and treatment protocol; requiring certain licensees to notify the Board in writing of certain changes; ~~requiring the Board to disclose the filing of certain charges or certain notice on the Board's Web site; requiring the Board to create and maintain certain profiles on certain licensees that include certain information and a certain statement within a certain period of time under certain circumstances; requiring the Board to forward a certain copy of a licensee's profile under certain circumstances; requiring the Board to maintain a certain Web site relating to licensee profile information; requiring the Board to provide a certain mechanism for certain notification and correction of certain inaccuracies in a licensee's profile;~~ defining certain terms; altering certain definitions; making this Act an emergency measure; and generally relating to the Athletic Trainer Advisory Committee.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 14–5D–01, ~~14–5D–05(e), 14–5D–06,~~ 14–5D–08(d), and 14–5D–11~~, and 14–5D–20~~
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 14–5D–05(e), 14–5D–06, and 14–5D–20
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Health Occupations
Section ~~14–5D–05(f),~~ 14–5D–11.1, 14–5D–11.2, and 14–5D–12.1~~, and 14–5D–16.1~~
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 883 – Senator Jones–Rodwell (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Alcoholic Beverages – Video Lottery Facility and Video Lottery Concessionaire Licenses

FOR the purpose of creating in Baltimore City a Class BWL–VLF (video lottery facility) beer, wine and liquor license and a Class BWL–VLC (concessionaire) beer, wine and liquor license; exempting the video lottery facility license and the concessionaire license from certain fees; specifying that the Board of Liquor License Commissioners may issue a video lottery facility license for a video lottery facility that contains one or more food service facilities, bars, or lounges; specifying that a video lottery facility license may be issued to an individual or entity that meets certain requirements; providing that an applicant for the license need not meet a location, voting, or residency requirement; providing that the video lottery facility license authorizes the licensee to sell beer, wine, and liquor by the drink and by the bottle on the premises of the video lottery facility, for consumption anywhere in the facility or on grounds controlled by the licensee as defined in the video lottery facility license; authorizing the Board to issue a concessionaire license to one or more concessionaires operating in a video lottery facility; authorizing a concessionaire licensee to sell beer, wine, and liquor on the premises of the concessionaire for consumption anywhere in the video lottery facility or on grounds controlled by the video lottery facility licensee as defined in the video lottery facility license; specifying certain fees; specifying that an off–sale privilege is not conferred by a video lottery facility license or a concessionaire license; authorizing that beer, wine, and liquor purchased under a video lottery facility license or a concessionaire license may be taken anywhere in a video lottery facility or on grounds controlled by the

video lottery licensee; specifying that a video lottery facility license and a concessionaire license authorize the playing of music and dancing; specifying certain days and hours of sale for the video lottery facility and concessionaire licenses; specifying that video lottery facility and concessionaire licenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with this Act; providing for the application to certain persons of certain penalties and sanctions for violations occurring on certain premises; defining certain terms; and generally relating to alcoholic beverages and video lottery facilities in Baltimore City.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(d)(6)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article 2B – Alcoholic Beverages
Section 6–201(d–1)
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 897 – Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)

AN ACT concerning

State Board of Physicians – Allied Health Advisory Committees – Sunset Extension and Program Evaluation

FOR the purpose of continuing certain allied health advisory committees under the State Board of Physicians 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 committees; altering to a certain date the termination provision related to the Perfusion Advisory Committee; requiring certain chairs of certain committees to serve in a certain capacity to the Board and present to the Board certain annual reports; prohibiting certain individuals from providing certain services to certain committees or to the Board under certain circumstances; prohibiting certain individuals from being appointed to certain committees under certain circumstances; requiring certain committees to submit certain annual reports to the Board; requiring the Board to consider all recommendations of certain committees, provide a certain explanation to certain committees under certain circumstances, and provide a certain report to certain committees a certain number of times each year; requiring the Board to disclose certain filings of

charges and initial denials of licensure on the Board's Web site; requiring the Board to create and maintain certain profiles that include certain information on the Board's Web site; requiring that license profiles include a certain disclaimer; requiring the Board to forward a written copy of certain profiles to a person under certain circumstances; requiring the Board to provide a mechanism for correcting errors in certain profiles; requiring the Polysomnography Professional Standards Committee to elect a chair every certain number of years; repealing the requirement that the Board assess a certain fee under certain circumstances; requiring the Board to develop and implement a certain recruitment plan on or before a certain date; requiring the Board, in consultation with certain persons, to adopt certain regulations on or before a certain date; requiring the Board to issue a license to an individual under a certain provision of law under certain circumstances; requiring the Board to submit a certain report to the Department of Legislative Services; providing for the effective date of certain provisions of this Act; and generally relating to the Athletic Trainer Advisory Committee, Respiratory Care Professional Standards Committee, the Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Advisory Committee, the Polysomnography Professional Standards Committee, the Perfusion Advisory Committee, and the Physician Assistant Advisory Committee under the State Board of Physicians.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 14–5A–06(d), 14–5A–07, 14–5A–25, 14–5B–05(c), 14–5B–06, 14–5B–21, 14–5C–07, 14–5C–25, 14–5D–05(e), 14–5D–06, 14–5D–20, 15–202(e), 15–205, and 15–502
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Health Occupations
Section 14–5A–06(e), 14–5A–18.1, 14–5B–05(f), 14–5B–15.1, 14–5C–06(d) and (e), 14–5C–18.1, 14–5D–05(f), 14–5D–16.1, 15–202(f), and 15–316.1
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing
Article – Health Occupations
Section 15–310(e)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 14–5E–06(d), 14–5E–07, and 14–5E–25
Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)
(As enacted by Chapter 588 of the Acts of the General Assembly of 2011)

BY adding to
Article – Health Occupations
Section 14–5E–06(e) and 14–5E–18.1
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)
(As enacted by Chapter 588 of the Acts of the General Assembly of 2011)

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

Senate Bill 919 – Senators Ferguson and Kittleman

AN ACT concerning

Election Law – Campaign Finance Entities – Retention of Records

FOR the purpose of altering record retention requirements applicable to campaign finance entities by requiring that the account books and related records of a campaign finance entity be preserved until the earlier of a certain number of years after the creation of the record or a certain number of years after the campaign finance entity files a final campaign finance report; and generally relating to record retention by campaign finance entities.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–221
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 1033 – Senator Jennings

AN ACT concerning

Election Law – Campaign Finance – Requirements

FOR the purpose of requiring the chairman and treasurer of a campaign finance entity to provide electronic mail addresses of the chairman and treasurer to the State Board of Elections and notify the State Board of a change in the electronic mail addresses by a certain date if the chairman and treasurer consent to receiving certain notice only by electronic mail; requiring the chairman and treasurer of a campaign finance entity to notify the State Board of a change in the residence address of the chairman and treasurer by a certain date; altering the time when

the treasurer of a campaign finance entity is required to issue a campaign contribution receipt; authorizing the responsible officers of a campaign finance entity to affirmatively consent to receiving notice of campaign finance reports only by electronic mail; repealing obsolete provisions; and generally relating to requirements of campaign finance law.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–207, 13–222, and 13–321
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

INTRODUCTION OF BILLS

Delegate Niemann 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. 562)

In compliance with the rules, the Bill was introduced.

Delegate McIntosh moved to suspend Rule 32 and assign the Bill to the committee of jurisdiction.

The motion was adopted by roll call vote as follows:

Affirmative – 114 Negative – 8 (See Roll Call No. 563)

House Bill 1477 – Delegates Niemann and McIntosh

AN ACT concerning

Environment – Reduction of Lead Risk in Housing – Qualified Offer

FOR the purpose of requiring the Department of the Environment to create a certain formula for determining a payment amount for a qualified offer; requiring that the formula established for determining a payment amount for a qualified offer meet certain criteria; requiring the Department to adopt certain regulations; declaring the intent of the General Assembly; making conforming changes; and generally relating to the reduction of lead risk in housing.

BY repealing and reenacting, with amendments,
Article – Environment
Section 6–802 and 6–840
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

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 – 105 Negative – 13 (See Roll Call No. 564)

In compliance with the rules, the Bill was introduced.

House Bill 1478 – Delegates Jameson, Wilson, and Wood

AN ACT concerning

Video Lottery Terminals and Table Games – Expansion

FOR the purpose of authorizing the awarding of an additional video lottery operation license and a certain number of additional video lottery terminals for a video lottery facility in Charles County in a vessel moored to a pier on the Potomac River; repealing a certain prohibition against an individual or a business entity owning an interest in more than one video lottery facility; repealing certain prohibitions against a video lottery operation licensee providing food or alcoholic beverages to individuals at no cost; altering the amount the Comptroller pays to a video lottery operation licensee from the proceeds of video lottery terminals; repealing a certain prohibition against a holder of a video lottery operation license or any other person with a certain interest in the Ocean Downs racetrack or video lottery facility from building or operating certain structures within a certain location or offering to patrons of the video lottery facility the playing of live music or certain other live entertainment under certain conditions; authorizing the holder of a video lottery operation license to offer table games in the State; specifying certain distributions of proceeds of table games; prohibiting the charging of a certain license fee; specifying the types of table games that may be authorized in the State; authorizing the State Lottery Commission to determine the suitability of certain table games under certain circumstances; requiring certain legislation under certain circumstances; making a certain technical correction; submitting this Act to a referendum of the qualified voters of the State for their adoption or rejection; and generally relating to gaming in the State.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–05(a) and (d), 9–1A–24, 9–1A–27, and 9–1A–36(f), (h), (i)(1), and (q)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 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 129 Members present.

(See Roll Call No. 565)

ADJOURNMENT

At 8:51 P.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Legislative Day March 20, 2012, Calendar Day Friday, March 23, 2012.

Annapolis, Maryland
Legislative Day: March 20, 2012
Calendar Day: Friday, March 23, 2012

The House met at 11:21 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Justin D. Ready of Carroll County.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 566)

The Journal of March 19, 2012 was read and approved.

EXCUSES:
Del. Costa – illness
Del. Sophocleus – illness
Del. V. Turner – medical

QUORUM CALL

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

(See Roll Call No. 567)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #41

House Bill 556 – Delegates Hubbard, Cluster, Boteler, Bromwell, Kach, Krebs, ~~and V. Turner~~ V. Turner, Hammen, Pendergrass, Costa, Cullison, Elliott, Frank, A. Kelly, Kipke, McDonough, Morhaim, Murphy, Oaks, Pena–Melnyk, Reznik, and Tarrant

AN ACT concerning

Continuing Care Retirement Communities – Regulation

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

Affirmative – 137 Negative – 0 (See Roll Call No. 568)

The Bill was then sent to the Senate.

House Bill 573 – Delegates K. Kelly, Cluster, Hough, McDermott, Smigiel, and Valentino–Smith

AN ACT concerning

Criminal Procedure – Bail Bondsman Solicitation – Penalty

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

Affirmative – 137 Negative – 0 (See Roll Call No. 569)

The Bill was then sent to the Senate.

House Bill 641 – Delegates Nathan–Pulliam, Branch, Braveboy, Burns, Costa, Elliott, Gaines, Gutierrez, Howard, Hubbard, Ivey, Jones, Kipke, Krebs, Morhaim, Murphy, Oaks, B. Robinson, Tarrant, ~~and V. Turner~~ V. Turner, Lee, Pena–Melnyk, Kach, Reznik, A. Kelly, and Cullison

AN ACT concerning

Hepatitis B and Hepatitis C Viruses – Public Awareness, Treatment, and Outreach

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

Affirmative – 137 Negative – 0 (See Roll Call No. 570)

The Bill was then sent to the Senate.

House Bill 786 – Delegates Olszewski, Frick, Arora, and Clagett

AN ACT concerning

Financial Institutions – Credit Unions and Depository Institutions – Authority to Conduct Savings Promotion Raffles

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

Affirmative – 136 Negative – 0 (See Roll Call No. 571)

The Bill was then sent to the Senate.

House Bill 1009 – Delegate Hubbard

AN ACT concerning

State Board of Professional Counselors and Therapists – Alcohol and Drug Counselor Trainees – Registry and Code of Ethics Requirements

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

Affirmative – 137 Negative – 0 (See Roll Call No. 572)

The Bill was then sent to the Senate.

House Bill 1275 – Delegates Cardin, George, and Summers

AN ACT concerning

Election Law – Petition Fund Reports – Available Online

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

Affirmative – 93 Negative – 42 (See Roll Call No. 573)

The Bill was then sent to the Senate.

House Bill 1280 – Delegates McHale ~~and Malone~~, Malone, Haddaway–Riccio, and Jameson

AN ACT concerning

Public Utilities – Electric Vehicle Users and Charging Stations – Exclusions

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

Affirmative – 137 Negative – 0 (See Roll Call No. 574)

The Bill was then sent to the Senate.

House Bill 1334 – Delegates McDermott and Cluster

AN ACT concerning

Life–Threatening Injury by Motor Vehicle or Vessel While Impaired by a Controlled Dangerous Substance – Penalty

(Ava's Law)

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

Affirmative – 137 Negative – 0 (See Roll Call No. 575)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #42

House Bill 70 – Delegate Kach

AN ACT concerning

State Board of Morticians and Funeral Directors – Examinations of Applicants and Licensees

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

Affirmative – 133 Negative – 3 (See Roll Call No. 576)

The Bill was then sent to the Senate.

House Bill 162 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Administrative and Operational Expenses – Certifications and Notifications

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

Affirmative – 135 Negative – 0 (See Roll Call No. 577)

The Bill was then sent to the Senate.

House Bill 465 – Delegate Hammen

AN ACT concerning

Health Insurance – Health Benefit Plan Premium Rate Review

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

Affirmative – 135 Negative – 0 (See Roll Call No. 578)

The Bill was then sent to the Senate.

House Bill 470 – Delegates Tarrant, Cullison, Hubbard, Krebs, Morhaim, Murphy, Nathan–Pulliam, and Reznik

AN ACT concerning

Maryland Health Care Commission – Preauthorization of ~~Medical Services and Pharmaceuticals – Standards~~ Health Care Services – Benchmarks

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

Affirmative – 137 Negative – 0 (See Roll Call No. 579)

The Bill was then sent to the Senate.

House Bill 571 – Delegates Frick, Feldman, Barkley, Barve, Bobo, Cardin, George, Guzzone, Hixson, Hucker, Ivey, Kaiser, A. Kelly, Kramer, Lee, Love, Luedtke, A. Miller, W. Miller, Minnick, Mizeur, Murphy, Reznik, Serafini, Stocksdale, Summers, Vaughn, Walker, ~~and Zucker~~ Zucker, Barnes, McHale, and Olszewski

AN ACT concerning

~~State Procurement – Banking Services Preference~~ Linked Deposit Program for Small Businesses – Lend Local Act of 2012

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

Affirmative – 131 Negative – 6 (See Roll Call No. 580)

The Bill was then sent to the Senate.

House Bill 584 – Delegates Tarrant, Cullison, Kach, Krebs, Murphy, Reznik, and V. Turner

AN ACT concerning

Health Occupations – Physician Assistants – Patient's Access to Supervising Physician

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 766 – Delegates Vallario, Proctor, Alston, Bohanan, Braveboy, Davis, Elliott, Frush, Gaines, Healey, Hershey, Holmes, Hough, Howard, Hubbard, Ivey, K. Kelly, Lee, McDermott, Niemann, Summers, V. Turner, Valderrama, Valentino–Smith, Vaughn, Walker, ~~and Wilson~~ Wilson, Hammen, Pendergrass, Bromwell, Costa, Cullison, Frank, Kach, A. Kelly, Kipke, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Ready, Reznik, and Tarrant

AN ACT concerning

State Government – Commemorative Days – Crime Victims and Advocates

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

Affirmative – 135 Negative – 3 (See Roll Call No. 582)

The Bill was then sent to the Senate.

House Bill 769 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Unemployment Insurance – Coverage – Victims of Domestic Violence

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

Affirmative – 106 Negative – 30 (See Roll Call No. 583)

The Bill was then sent to the Senate.

House Bill 876 – Delegate Jameson

AN ACT concerning

Property and Casualty Insurance – Commercial Policies – Notices of Premium Increases

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

Affirmative – 138 Negative – 0 (See Roll Call No. 584)

The Bill was then sent to the Senate.

House Bill 942 – Delegates Vallario, Alston, Dumais, Simmons, Valentino–Smith, Waldstreicher, and Wilson

AN ACT concerning

Criminal Procedure – Sex Offender Registration Requirements – Kidnapping

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

Affirmative – 136 Negative – 0 (See Roll Call No. 585)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #7

Senate Bill 150 – The President (By Request – Administration)

Budget Bill

(Fiscal Year 2013)

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

Affirmative – 95 Negative – 43 (See Roll Call No. 586)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #8

Senate Bill 152 – The President (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2012

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

Affirmative – 88 Negative – 50 (See Roll Call No. 587)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #9

Senate Bill 848 – Senator King

EMERGENCY BILL

AN ACT concerning

Education – Maintenance of Effort ~~– Waivers~~

FLOOR AMENDMENT

SB0848/653529/1
BY: Delegate McConkey

AMENDMENT TO SENATE BILL 848
(First Reading File Bill)

On page 4, after line 30, insert:

"**(3) THE COUNTY MAY NOT SET A COUNTY PROPERTY TAX RATE THAT IS GREATER THAN THE RATE AUTHORIZED IN THIS SECTION UNLESS APPROVED BY THREE–FIFTHS OF THE COUNTY'S GOVERNING BODY.**";

and in line 31, strike "**(3)**" and substitute "**(4)**".

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

Affirmative – 46 Negative – 85 (See Roll Call No. 588)

Delegate Barnes moved the previous question.

The motion was adopted.

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

Affirmative – 93 Negative – 44 (See Roll Call No. 589)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #10

Senate Bill 523 – Senator Manno

AN ACT concerning

~~Income Tax – Repeal of the 1997 Income Tax Reduction~~
State and Local Revenue and Financing Act of 2012

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

Affirmative – 81 Negative – 56 (See Roll Call No. 590)

The Bill was then returned to the Senate.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 362 – Senators Pugh, Benson, Conway, Currie, Forehand, Garagiola, Jones–Rodwell, Madaleno, McFadden, ~~and Stone~~ Stone, Ferguson, Pinsky, and Rosapepe

AN ACT concerning

Education – Age for Compulsory Public School Attendance – Exemptions

FOR the purpose of altering the age at which certain children are required to attend a public school regularly during the entire school year, subject to certain exceptions; altering the age of certain children for which certain persons are responsible for the child's attendance at school or receipt of certain instruction; making certain stylistic changes; providing for delayed effective dates; and generally relating to the age for compulsory public school attendance.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–301
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 7–301(a), (a–1)(1), (c), and (e)(2)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)
(As enacted by Section 1 of this Act)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 452 – Senators Middleton, Astle, Glassman, Klausmeier, and Pipkin

AN ACT concerning

Other Tobacco Products ~~Licenses – Repeal~~ – Restrictions on Sale, Distribution, and Shipment – Exemptions

FOR the purpose of providing that certain provisions of law relating to the regulation of other tobacco products do not apply to a seller located outside the State when selling, holding for sale, shipping, or delivering certain cigars or pipe tobacco to consumers in the State; providing that certain provisions of law regulating the sale and distribution of other tobacco products do not apply to the order, purchase, sale, or shipment of certain cigars or pipe tobacco by a licensed other tobacco products retailer or licensed tobacconist; requiring the Comptroller to submit a certain report by a certain date on a certain policy regarding the direct shipment of premium cigars and pipe tobacco to consumers in Maryland; and generally relating to the regulation of other tobacco products. ~~repealing provisions of law related to the requirement that a person have a license whenever the person acts in the State as an other tobacco products manufacturer, retailer, storage warehouse, or wholesaler or tobacconist; repealing certain record-keeping and reporting requirements for an other tobacco products wholesaler; repealing the authority for the Comptroller to adopt regulations to require a common carrier that brings other tobacco products into the State to submit certain information to the Comptroller; repealing certain requirements for a person who ships, imports, or sells other tobacco products into or within the State; repealing certain prohibitions on selling or shipping other tobacco products that are ordered or purchased by mail or through a computer network, telephonic network, or other electronic network; repealing certain prohibitions on delivery of other tobacco products directly to a consumer; requiring a person who transports other tobacco products by vehicle on a public road to have certain information in the vehicle; repealing references to provisions repealed under this Act; repealing the prohibition on a county, municipal corporation, special taxing district, or other political subdivision from imposing a tax on other tobacco products; repealing the requirement that a wholesaler shall complete and file with the Comptroller a tobacco tax return for other tobacco products on or before a certain day; requiring a wholesaler to complete and file with the Comptroller a tobacco tax return for other tobacco products on a date specified by the Comptroller in regulation; requiring the tobacco tax to be paid by the wholesaler who sells the other tobacco products to a consumer; requiring a retailer or consumer to pay the tobacco tax on other tobacco products on which the tobacco tax has not been paid; requiring the Comptroller to adopt regulations establishing a system of administering, collecting, and enforcing the tobacco tax on other tobacco products; providing for specific regulations which the Comptroller may adopt to establish a system of administering, collecting, and enforcing the tobacco tax on other tobacco products; repealing a requirement that a person subject to the~~

~~tobacco tax post security as an other tobacco products wholesaler; altering a certain penalty for a person who willfully ships, imports, sells into or within, or transports within the State other tobacco products on which the tobacco tax has not been paid; altering the definition of certain terms; defining certain terms; and generally relating to the regulation of other tobacco products in the State.~~

~~BY repealing~~
~~Article – Business Regulation~~
~~Section 16.5–101 through 16.5–218 and the title "Title 16.5. Other Tobacco Products Licenses"~~
~~Annotated Code of Maryland~~
~~(2010 Replacement Volume and 2011 Supplement)~~

~~BY adding to~~
~~Article – Business Regulation~~
~~Section 16–217~~
~~Annotated Code of Maryland~~
~~(2010 Replacement Volume and 2011 Supplement)~~

BY adding to
Article – Business Regulation
Section 16.5–103 to be under the amended subtitle "Subtitle 1. Definitions; General Provisions"
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section ~~16–219~~ 16.5–217
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Tax – General~~
~~Section 12–101, 12–102, 12–103, 12–104, 12–201, 12–202, 12–301, 12–302, 13–825(h), and 13–1015~~
~~Annotated Code of Maryland~~
~~(2010 Replacement Volume and 2011 Supplement)~~

~~BY adding to~~
~~Article – Tax – General~~
~~Section 12–306~~
~~Annotated Code of Maryland~~
~~(2010 Replacement Volume and 2011 Supplement)~~

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

Senate Bill 597 – Senator McFadden

AN ACT concerning

Elections – Baltimore City – Election Dates

FOR the purpose of altering the dates of certain elections for municipal offices in Baltimore City; specifying the ~~terms~~ term of municipal officers in Baltimore City who are elected in a certain ~~years;~~ year; providing for a delayed effective date; and generally relating to elections in Baltimore City.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 8–201 and 8–301
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 602 – Senator Dyson

AN ACT concerning

Public Safety – Building Performance Standards – ~~Fire and Life Safety~~ Automatic Fire Sprinkler Systems

FOR the purpose of prohibiting a local jurisdiction, with ~~a~~ certain ~~exception~~ exceptions, from adopting local amendments to the Maryland Building Performance Standards if the local amendments weaken ~~fire and life safety~~ certain automatic fire sprinkler systems provisions contained in the Standards; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; providing for the application of this Act; and generally relating to the authority of local jurisdictions to amend the Maryland Building Performance Standards.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–504
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–504
Annotated Code of Maryland
(2011 Replacement Volume)
(As enacted by Chapter 369 of the Acts of the General Assembly of 2011)

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

Senate Bill 674 – Senator Rosapepe

EMERGENCY BILL

AN ACT concerning

Primary and Secondary Education – Online Courses and Services – ~~Local Approval and Reporting Requirements~~ Development or Review and Approval

FOR the purpose of ~~authorizing a county board of education to procure certain online courses and services that the county board has approved as being high quality and in alignment with certain State standards; requiring a certain county board that has approved an online course to submit a certain report to the State Department of Education~~ authorizing certain county boards of education to request that the State Department of Education develop or review and approve certain online courses and services; requiring the Department to determine within a certain period of time whether a certain delegation will be made; requiring the Department to develop or review and approve certain courses and services within a certain period of time under certain circumstances; authorizing the Department to delegate certain authority to certain county boards under certain circumstances; authorizing certain county boards to set certain fees under certain circumstances; requiring certain county boards to remit certain fees to the Department under certain circumstances; requiring certain county boards to request certain approval from the Department under certain circumstances; requiring the Department to approve or deny certain requests within a certain period of time; authorizing the State Board of Education to set reasonable fees for the costs incurred by the Department for the development of online courses or the review and approval of online courses and services; requiring the Department to ensure that certain courses and services require certain access for certain students; making stylistic changes; making this Act an emergency measure; and generally relating to the approval of and the reporting requirements for online courses ~~by county boards of education~~.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–1002
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 918 – Senators Ferguson, Benson, Kittleman, and Raskin

AN ACT concerning

Election Law – Campaign Contributors – Occupation and Employer

FOR the purpose of requiring the treasurer of a campaign finance entity to record the occupation and employer of an individual who makes contributions of a certain cumulative amount to the campaign finance entity during an election cycle; requiring the treasurer to include in a campaign finance report the occupation and employer of an individual who makes contributions to the campaign finance entity of a certain cumulative amount; and generally relating to reporting the occupation and employer of certain contributors to campaign finance entities.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–221 and 13–304(b)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 309 – Senators Klausmeier, Currie, Forehand, Kasemeyer, Kelley, Madaleno, Montgomery, Robey, Shank, ~~and Stone~~ Stone, and Pugh

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; expanding the pool of vehicles eligible to be covered by the Maryland Automobile Insurance Fund; 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~~ requiring an application for a certificate of title for a motor scooter or moped to be submitted electronically; requiring the Administration to issue a permanent decal to the owner of a motor scooter or moped for which a certificate of title is issued; requiring an owner of a motor scooter or moped to display the decal in a certain manner; requiring a decal to display a unique number sequence assigned by the Administration;

requiring the Administration to establish a certain fee for the decal and adopt certain regulations; prohibiting a person from operating a motor scooter or moped unless the motor scooter or moped displays the decal in a certain manner; establishing a certain fee for a certificate of title issued for a motor scooter or moped; establishing the criteria for determining the fair market value of a motor scooter or a moped for the purpose of determining the excise tax under certain circumstances; requiring the owner of a motor scooter or moped to certify at the time of titling that the vehicle is covered by a certain security; requiring the operator of a motor scooter or moped to carry evidence of a certain required security when operating the motor scooter or moped; 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;~~ requiring the Motor Vehicle Administration to waive certain fees associated with titling a moped or motor scooter for certain individuals under certain circumstances; 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) and 20–501
Annotated Code of Maryland
(2011 Replacement Volume)

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),~~ and 23–104~~, 23–107(a)(1), 23–202(a)(1), and 23–206(a)~~
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section ~~11–135, 11–176, 13–403, 13–954,~~ 13–102, 13–104(a), 13–106, 13–802, 13–809(a)(1), (2), and (3), and 22–101(e)(1)~~, 23–101(i)(3), and 23–206.2(c)~~
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Transportation
Section ~~13–939.3~~ 17–104.1, 21–1306.1, and 23–206.2(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

QUORUM CALL

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

(See Roll Call No. 591)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #45

House Bill 209 – Delegates Mitchell, Anderson, Arora, Clippinger, Cluster, Dumais, Glenn, Hubbard, McDermott, B. Robinson, Simmons, Stukes, Summers, Tarrant, Valentino–Smith, Waldstreicher, Washington, and Zucker

AN ACT concerning

Public Safety – Possession of Firearms – Crimes Committed in Other States

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

Affirmative – 134 Negative – 1 (See Roll Call No. 592)

The Bill was then sent to the Senate.

House Bill 213 – Delegates Branch, McIntosh, Anderson, Clippinger, Glenn, Hammen, McHale, Mitchell, Oaks, B. Robinson, and Washington

AN ACT concerning

Baltimore City Community Enhancement Transit–Oriented Development Fund

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

Affirmative – 96 Negative – 38 (See Roll Call No. 593)

The Bill was then sent to the Senate.

House Bill 245 – Charles County Delegation

AN ACT concerning

Charles County – School Buses – Length of Operation

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

Affirmative – 137 Negative – 0 (See Roll Call No. 594)

The Bill was then sent to the Senate.

House Bill 446 – The Speaker (By Request – Administration) and Delegates Beidle, Bobo, Clippinger, Feldman, Frush, Gaines, Glenn, Hucker, McIntosh, Mitchell, Niemann, S. Robinson, and Rosenberg

AN ACT concerning

Environment – Bay Restoration Fund – Fees and Uses

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

Affirmative – 89 Negative – 47 (See Roll Call No. 595)

The Bill was then sent to the Senate.

House Bill 508 – Delegates Healey and Norman

AN ACT concerning

Real Property – Foreclosure – Mortgage Foreclosure Property Values Protection Act of 2012

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

Affirmative – 138 Negative – 0 (See Roll Call No. 596)

The Bill was then sent to the Senate.

House Bill 770 – Delegate Davis

~~EMERGENCY BILL~~

AN ACT concerning

Public Service Commission – Electric Companies – New Generation Facilities and Customer Credits

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

Affirmative – 138 Negative – 0 (See Roll Call No. 597)

The Bill was then sent to the Senate.

House Bill 805 – Prince George's County Delegation

AN ACT concerning

Prince George's County Board of Education – Recycling Program – School Facilities
PG 403–12

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

Affirmative – 137 Negative – 0 (See Roll Call No. 598)

The Bill was then sent to the Senate.

House Bill 879 – Delegate Morhaim

AN ACT concerning

Environment – Statewide Electronics Recycling Program

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

Affirmative – 117 Negative – 21 (See Roll Call No. 599)

The Bill was then sent to the Senate.

House Bill 987 – Delegates Hucker, Bobo, Carr, Frush, Gilchrist, Glenn, Gutierrez, Holmes, Kramer, Lafferty, Luedtke, Niemann, S. Robinson, Waldstreicher, ~~and Zucker~~ Zucker, and Cardin

AN ACT concerning

Stormwater Management – Watershed Protection and Restoration Program

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

Affirmative – 89 Negative – 49 (See Roll Call No. 600)

The Bill was then sent to the Senate.

House Bill 1001 – Delegates Hixson, Barve, Cardin, Frick, Howard, Ivey, Kaiser, Luedtke, A. Miller, Ross, Stukes, Summers, and F. Turner

AN ACT concerning

Public Library – Essential Community Service – Designation

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

Affirmative – 137 Negative – 0 (See Roll Call No. 601)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #47

House Bill 834 – Chair, Judiciary Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Child Abuse and Neglect – ~~Child Welfare –~~ Alternative Response

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

Affirmative – 137 Negative – 0 (See Roll Call No. 602)

The Bill was then sent to the Senate.

House Bill 875 – Delegates Conway, Cane, Jacobs, Malone, Otto, Rudolph, and Wood

AN ACT concerning

Public Safety – Explosives – Package of Components

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

Affirmative – 116 Negative – 19 (See Roll Call No. 603)

The Bill was then sent to the Senate.

House Bill 902 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Washington Suburban Sanitary Commission – Minority Business Enterprise Utilization Program – Termination Extension
PG/MC 102–12

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

Affirmative – 135 Negative – 2 (See Roll Call No. 604)

The Bill was then sent to the Senate.

House Bill 1028 – Delegates Barkley, Boteler, Burns, Harrison, Hershey, Impallaria, Minnick, Schulz, and Vaughn

AN ACT concerning

Electric Companies ~~and Electric Cooperatives~~ – Standard Offer Service – Service Rights Auctions

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

Affirmative – 110 Negative – 28 (See Roll Call No. 605)

The Bill was then sent to the Senate.

House Bill 1235 – Delegates Zucker, Clagett, DeBoy, Bohanan, and Guzzone

AN ACT concerning

Public Safety – Emergency Number System – Next Generation 9–1–1 Services

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

Affirmative – 138 Negative – 0 (See Roll Call No. 606)

The Bill was then sent to the Senate.

House Bill 1303 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Agriculture – Cost Sharing for Water Pollution Control

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

Affirmative – 135 Negative – 3 (See Roll Call No. 607)

The Bill was then sent to the Senate.

House Bill 1304 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Department of Agriculture – Animal Waste Technology Fund

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

Affirmative – 138 Negative – 0 (See Roll Call No. 608)

The Bill was then sent to the Senate.

House Bill 1369 – Chair, Health and Government Operations Committee (By Request – Departmental – Minority Affairs, Office of) and Delegates Pendergrass, Bromwell, Cullison, Donoghue, Hubbard, A. Kelly, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, and Tarrant

AN ACT concerning

Office of Minority Affairs – Duties of Special Secretary – Minority Business Enterprises

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

Affirmative – 138 Negative – 0 (See Roll Call No. 609)

The Bill was then sent to the Senate.

House Bill 1370 – Chair, Health and Government Operations Committee (By Request – Departmental – Transportation) (By Request – Departmental – Minority Affairs, Office of) and Delegates Pendergrass, Bromwell, Cullison, Donoghue, Hubbard, A. Kelly, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, and Tarrant

AN ACT concerning

Procurement – Minority Business Participation

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

Affirmative – 108 Negative – 27 (See Roll Call No. 610)

The Bill was then sent to the Senate.

House Bill 1412 – Delegates Bohanan, Kaiser, Jones, Conway, Hixson, Branch, Guzzone, Luedtke, and Morhaim

EMERGENCY BILL

AN ACT concerning

Education – Maintenance of Effort

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

Affirmative – 92 Negative – 46 (See Roll Call No. 611)

The Bill was then sent to the Senate.

THE COMMITTEE ON APPROPRIATIONS REPORT #8

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

House Bill 526 – Delegates Clagett, Anderson, Barkley, Bohanan, Guzzone, Haynes, Hucker, Jones, Mizeur, Proctor, B. Robinson, Washington, and Zucker

AN ACT concerning

State Personnel – Special Appointments – Status

HB0526/414565/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 526
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "System;" insert "authorizing the Chief Executive Officer of the Maryland Correctional Enterprises to hire certain individuals consistent

with certain policies and procedures as of a certain date; establishing that certain special appointment positions in the Maryland Correctional Enterprises are managerial, supervisory, and confidential positions;"; in line 7, strike "assistant" and substitute "certain"; in the same line, strike "general" and substitute "and certain positions that provide direct support to the Attorney General and certain positions"; and in line 10, after "vacant;" insert "providing that the Attorney General retains certain authority for certain positions as of a certain date;".

AMENDMENT NO. 2

On page 2, in lines 1, 2, 4, 6, and 9, strike the brackets; in lines 2, 4, and 6, strike "**(1)**", "**(2)**", and "**(B)**", respectively; in line 3, strike "and"; in line 5, strike "Enterprises" and substitute "**ENTERPRISES; AND**

(III) MAY HIRE INDIVIDUALS AND INMATES CONSISTENT WITH EXISTING POLICIES AND PROCEDURES OF THE MARYLAND CORRECTIONAL ENTERPRISES AS OF JULY 1, 2012";

strike beginning with "Except" in line 9 down through "System" in line 11 and substitute "**SPECIAL APPOINTMENT POSITIONS IN THE MARYLAND CORRECTIONAL ENTERPRISES ARE MANAGERIAL, SUPERVISORY, AND CONFIDENTIAL POSITIONS**"; and strike in their entirety, lines 12 through 14, inclusive.

AMENDMENT NO. 3

On page 2, in line 19, strike "**ASSISTANT ATTORNEYS GENERAL**" and substitute "**ATTORNEYS, POSITIONS THAT PROVIDE DIRECT SUPPORT TO THE ATTORNEY GENERAL, AND POSITIONS THAT PROVIDE DIRECT SUPPORT TO THE POSITIONS SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION,**".

On page 3, after line 14, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That for positions designated as special appointments on June 30, 2012, the Office of the Attorney General shall retain the same recruitment authority that the office possessed on June 30, 2012.";

and in line 15, strike "3." and substitute "4.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1182 – Charles County Delegation

AN ACT concerning

Charles County Sheriff – Collective Bargaining – Binding Arbitration

HB1182/944067/1
BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1182
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "certain grievances" and substitute "the interpretation of contract terms and clauses".

AMENDMENT NO. 2

On page 5, strike beginning with "**GRIEVANCES**" in line 30 down through "**CONTRACT**" in line 32 and substitute "**THE INTERPRETATION OF CONTRACT TERMS AND CLAUSES**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1189 – Howard County Delegation

AN ACT concerning

Howard County – Deputy Sheriffs – Collective Bargaining
Ho. Co. 11–12

HB1189/274267/1
BY: Appropriations Committee

AMENDMENT TO HOUSE BILL 1189
(First Reading File Bill)

On page 2, in line 7, strike "**SERGEANT**" and substitute "**CORPORAL**".

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 1193 – Delegates Nathan–Pulliam, Costa, Cullison, Elliott, Frank, Hubbard, Kach, A. Kelly, Kipke, Krebs, Oaks, Pena–Melnyk, Ready, Reznik, Tarrant, and V. Turner

AN ACT concerning

State Personnel – Traumatic Events – Mental Health Support Services

HB1193/394267/1
BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1193
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "make available" and substitute "obtain"; in line 4, strike "to" and substitute "for"; in line 7, strike "for a certain purpose and"; in line 8, strike "a certain term" and substitute "certain terms"; and after line 9, insert:

"BY repealing and reenacting, without amendments,
Article – State Government
Section 8–306(a)(4)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 1, after line 17, insert:

"Article – State Government

8–306.

(a) (4) "State facility" means a facility that is owned, leased, or operated by the State for the purpose of providing health, juvenile, or correctional services to clients or inmates.".

AMENDMENT NO. 3

On page 1, in line 21, after "**(A)**" insert "**(1)**"; and in the same line, strike beginning with the comma through "**MEANS**" and substitute "**THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "STATE FACILITY" HAS THE MEANING STATED IN § 8–306(A) OF THE STATE GOVERNMENT ARTICLE.

(3) "UNIT" MEANS".

On page 2, strike beginning with "**A**" in line 1 down through "**BY**" in line 2 and substitute "**IF**"; in line 3, strike "**THAT**"; in the same line, after "**A**" insert "**STATE**"; in the same line, strike "**THE**" and substitute "**A**"; in line 4, after "**INDIVIDUAL**" insert "**, THE UNIT SHALL OBTAIN MENTAL HEALTH SUPPORT SERVICES FOR ANY EMPLOYEE OF THE UNIT AFFECTED BY THE TRAUMATIC EVENT**"; in line 5, strike "**MENTAL HEALTH SUPPORT**"; in the same line, strike "**PROVIDED**" and substitute "**REQUIRED**"; and strike beginning with "**MADE**" in line 6 down through "**(2)**" in line 10 and substitute "**PROVIDED**".

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 1228 – Delegate Bohanan

AN ACT concerning

Regional Higher Education Centers – Funding Formula

HB1228/924460/1
BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1228
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "requiring" and substitute "authorizing"; in the same line, strike the comma and substitute "administered by the Maryland Higher Education Commission"; strike beginning with "including" in line 4 down through "Maryland," in line 5; in line 5, strike "calculated and allocated" and substitute "distributed"; in line 6, after "formula" insert ", as provided in the State budget;"; strike beginning with "by" in line 6 down through "formula;" in line 13; and in line 24, strike "10–203(d) and".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 6 through 25, inclusive.

AMENDMENT NO. 3

On page 3, in line 8, strike the second set of brackets; and in the same line, strike "**SHALL**".

On page 4, strike beginning with "**BEGINNING**" in line 7 down through "**THEREAFTER,**" in line 8 and substitute "**AS FUNDING IS PROVIDED IN THE ANNUAL STATE BUDGET,**"; in line 9, after "**CENTER**" insert "**ADMINISTERED BY THE COMMISSION**"; and strike beginning with "**THE**" in line 22 down through "**(IV)**" in line 27.

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 HEALTH AND GOVERNMENT OPERATIONS
REPORT #8

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

House Bill 439 – The Speaker (By Request – Administration) and Delegates Nathan–Pulliam, Cardin, Cullison, Hammen, Hixson, Holmes, Howard, Hubbard, Lee, Mizeur, Morhaim, Pena–Melnyk, Ross, and V. Turner

AN ACT concerning

Maryland Health Improvement and Disparities Reduction Act of 2012

HB0439/686588/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 439
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and V. Turner" and substitute "V. Turner, Pendergrass, Oaks, A. Kelly, Tarrant, Donoghue, and Reznik"; in line 5, strike "requiring" and substitute "authorizing"; in line 6, strike "Department" and substitute "Secretary"; in line 9, strike "Commission" and substitute "Secretary"; in line 7, after the semicolon, insert "requiring the Secretary to consult with the Office of Minority Health and Health Disparities in implementing this Act;"; in line 12, after the semicolon, insert "requiring the Secretary to consider certain factors when designating areas as health enterprise zones and authorizing the Secretary to direct the Commission to conduct certain outreach efforts;"; in line 14, after "manner;" insert "requiring the Commission to provide funding in accordance with the designation of the Secretary of a Health Enterprise Zone;"; in line 16, after "benefits" insert ", including certain grants"; in line 18, after "grants;" insert "establishing a Health Enterprise Zone Reserve Fund;"; in the same line, strike "Department" and substitute "Secretary"; and strike beginning with "allowing" in line 21 down through "credits" in line 22 and substitute "allowing a refundable State income tax credit in certain circumstances for certain health care providers who practice in, and hire certain health care providers to practice in, a Health Enterprise Zone".

On page 2, in line 5, after "study" insert ", develop certain regulations,"; and in line 14, strike "20–1406" and substitute "20–1407".

On page 3, in line 5, strike "rate, and" and substitute "rate; a"; in line 6, after "rate;" insert "and a White rate of completion of advance directives that is 2 times the Minority rate;"; and after line 6, insert:

"WHEREAS, Health disparities exist in urban, suburban, and rural communities in the State; and

WHEREAS, Communities where significant health disparities exist also often face shortages in the primary health care workforce, including nurses; and ".

AMENDMENT NO. 2

On page 4, in lines 11 and 20, in each instance, after "**DISPARITIES**" insert "**, INCLUDING RACIAL, ETHNIC, AND GEOGRAPHIC HEALTH DISPARITIES**"; and strike beginning with "**LICENSED**" in line 24 down through "**PRACTITIONER**" in line 28 and substitute "**HEALTH CARE PRACTITIONER WHO IS LICENSED OR CERTIFIED UNDER THE HEALTH OCCUPATIONS ARTICLE AND WHO PROVIDES:**

(1) PRIMARY CARE, INCLUDING OBSTETRICS, GYNECOLOGICAL SERVICES, PEDIATRIC SERVICES, OR GERIATRIC SERVICES;

(2) BEHAVIORAL HEALTH SERVICES, INCLUDING MENTAL HEALTH OR ALCOHOL AND SUBSTANCE ABUSE SERVICES; OR

(3) DENTAL SERVICES".

On page 5, in line 3, after "**HOSPITAL**" insert "**ADMISSIONS AND**"; in line 5, after "**(B)**" insert "**(1)**"; in line 6, strike "**SHALL**" and substitute "**MAY**"; after line 8, insert:

"**(2) THE SECRETARY SHALL CONSULT WITH THE OFFICE OF MINORITY HEALTH AND HEALTH DISPARITIES IN IMPLEMENTING THE PROVISIONS OF THIS SUBTITLE.**";

and in line 12, strike "**COMMISSION**" and substitute "**SECRETARY**".

On page 5 in line 5, on page 7 in line 25, and on page 11 in line 23, in each instance, strike "**DEPARTMENT**" and substitute "**SECRETARY**".

On page 6, in line 2, strike "**AND**"; after line 2, insert:

"**(2) A PROPOSAL TO USE INNOVATIVE PUBLIC HEALTH STRATEGIES TO REDUCE HEALTH DISPARITIES IN THE AREA, SUCH AS THE USE OF COMMUNITY HEALTH WORKERS, HEALTH COACHES, REGISTERED DIETICIANS, OPTOMETRISTS, PEER LEARNING, AND COMMUNITY–BASED DISEASE MANAGEMENT ACTIVITIES, THAT COULD BE SUPPORTED BY GRANTS AWARDED UNDER THIS SUBTITLE; AND**";

in line 3, strike "**(2)**" and substitute "**(3)**"; in line 10, after "**(B)**" insert "**(1)**"; after line 11, insert:

"**(2) THE SECRETARY SHALL CONSIDER GEOGRAPHIC DIVERSITY, AMONG OTHER FACTORS, WHEN DESIGNATING AREAS AS HEALTH ENTERPRISE ZONES AND MAY DIRECT THE COMMISSION TO CONDUCT OUTREACH EFFORTS TO FACILITATE A GEOGRAPHICALLY DIVERSE POOL OF APPLICANTS, INCLUDING PROMOTING APPLICATIONS FROM RURAL AREAS.**";

in line 16, after "**FROM**" insert "**AND PARTICIPATION OF**"; in line 17, after "**INCLUDING**" insert "**RESIDENTS OF THE AREA AND**"; and in line 21, strike "**THE SUPPORT**" and substitute "**INTEGRATION WITH THE STATE HEALTH IMPROVEMENT PROCESS AND THE GOALS SET OUT IN THE STRATEGIC PLAN**".

On page 7 in line 30 and on page 8 in lines 1 and 4, in each instance, strike "**ANY EVIDENCE**" and substitute "**EVIDENCE**".

On page 7 in line 30 and on page 8 in line 1, in each instance, strike "**SUCCESS**" and substitute "**IMPACT**".

On page 8, in line 4, strike "**SUCCESS**" and substitute "**PROGRESS**"; and in line 5, after "**HOSPITAL**" insert "**ADMISSIONS AND**".

AMENDMENT NO. 3

On page 4, after line 13, insert:

"**(D)** **"FUND" MEANS THE HEALTH ENTERPRISE ZONE RESERVE FUND ESTABLISHED UNDER § 20–1406 OF THIS SUBTITLE.**";

and in lines 14 and 24, strike "**(D)**" and "**(E)**", respectively, and substitute "**(E)**" and "**(F)**", respectively.

On page 7, after line 22, insert:

"**(C)** **(1)** **A HEALTH ENTERPRISE ZONE PRACTITIONER MAY APPLY TO THE SECRETARY FOR A GRANT TO DEFRAY THE COSTS OF CAPITAL OR LEASEHOLD IMPROVEMENTS TO, OR MEDICAL OR DENTAL EQUIPMENT TO BE USED IN, A HEALTH ENTERPRISE ZONE.**

(2) **TO QUALIFY FOR A GRANT UNDER PARAGRAPH (1) OF THIS SUBSECTION, A HEALTH ENTERPRISE ZONE PRACTITIONER SHALL:**

(I) **OWN OR LEASE THE HEALTH CARE FACILITY; AND**

(II) **PROVIDE HEALTH CARE FROM THAT FACILITY.**

(3) **(I)** **A GRANT TO DEFRAY THE COST OF MEDICAL OR DENTAL EQUIPMENT MAY NOT EXCEED THE LESSER OF $25,000 OR 50% OF THE COST OF THE EQUIPMENT.**

(II) **GRANTS FOR CAPITAL OR LEASEHOLD IMPROVEMENTS SHALL BE FOR THE PURPOSES OF IMPROVING OR EXPANDING THE DELIVERY OF HEALTH CARE IN THE HEALTH ENTERPRISE ZONE.**";

and after line 23, insert:

"**(A)** **THERE IS A HEALTH ENTERPRISE ZONE RESERVE FUND.**

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

(C) (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.

(D) THE MONEY IN THE FUND SHALL BE USED FOR:

(1) ANY ACTIVITY AUTHORIZED UNDER THIS SUBTITLE; AND

(2) THE STATE INCOME TAX CREDIT AUTHORIZED UNDER § 10–731 OF THE TAX – GENERAL ARTICLE.

(E) THE COMMISSION SHALL ADMINISTER THE FUND AND PROVIDE FUNDING IN ACCORDANCE WITH THE DESIGNATION BY THE SECRETARY OF A HEALTH ENTERPRISE ZONE UNDER THIS SUBTITLE.

20–1407. ".

On page 8, after line 11, insert:

"**(3) "FUND" MEANS THE HEALTH ENTERPRISE ZONE RESERVE FUND ESTABLISHED UNDER § 20–1406 OF THE HEALTH – GENERAL ARTICLE.** ";

in lines 12 and 14, strike "**(3)**" and "**(4)**", respectively, and substitute "**(4)**" and "**(5)**", respectively; after line 15, insert:

"**(6) "QUALIFIED EMPLOYEE" MEANS A HEALTH ENTERPRISE ZONE PRACTITIONER, COMMUNITY HEALTH WORKER, OR INTERPRETER WHO:**

(I) PROVIDES DIRECT SUPPORT TO A HEALTH ENTERPRISE ZONE PRACTITIONER; AND

(II) EXPANDS ACCESS TO SERVICES IN A HEALTH ENTERPRISE ZONE.

(7) (I) "QUALIFIED POSITION" MEANS A QUALIFIED EMPLOYEE POSITION THAT:

1. PAYS AT LEAST 150% OF THE FEDERAL MINIMUM WAGE;

2. IS FULL TIME AND OF INDEFINITE DURATION;

3. IS LOCATED IN A HEALTH ENTERPRISE ZONE;

4. IS NEWLY CREATED AS A RESULT OF THE ESTABLISHMENT OF, OR EXPANSION OF SERVICES IN, A HEALTH ENTERPRISE ZONE; AND

5. IS FILLED.

(II) "QUALIFIED POSITION" DOES NOT INCLUDE A POSITION THAT IS FILLED FOR A PERIOD OF LESS THAN 12 MONTHS.";

in line 28, strike "**MAY SUBMIT**" and substitute "**THAT SUBMITS**"; and strike beginning with "**REQUESTING**" in line 30 down through "**BY**" in line 31 and substitute "**MAY ALSO SUBMIT TO THE DEPARTMENT A REQUEST FOR CERTIFICATION OF ELIGIBILITY FOR CERTAIN INCOME TAX CREDITS ON BEHALF OF A** ".

On page 9, in line 1, strike "**PRACTITIONERS**" and substitute "**PRACTITIONER**"; strike beginning with "**IF**" in line 5 down through "**YEAR**" in line 18 and substitute:

"**(1) IF THE DEPARTMENT APPROVES A REQUEST FOR CERTIFICATION SUBMITTED UNDER THIS SECTION, A HEALTH ENTERPRISE ZONE PRACTITIONER MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX IN AN AMOUNT EQUAL TO 100% OF THE AMOUNT OF THE STATE INCOME TAX EXPECTED TO BE DUE FROM THE HEALTH ENTERPRISE ZONE PRACTITIONER FROM INCOME TO BE DERIVED FROM PRACTICE IN THE HEALTH ENTERPRISE ZONE, AS CERTIFIED BY THE DEPARTMENT FOR THE TAXABLE YEAR.**

(2) (I) IN ADDITION TO THE STATE INCOME TAX CREDIT PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, A HEALTH ENTERPRISE ZONE PRACTITIONER MAY CLAIM A REFUNDABLE CREDIT OF $10,000 AGAINST THE STATE INCOME TAX FOR HIRING FOR A QUALIFIED POSITION IN THE HEALTH ENTERPRISE ZONE, AS CERTIFIED BY THE DEPARTMENT FOR THE TAXABLE YEAR.

(II) TO BE ELIGIBLE FOR THE CREDIT PROVIDED UNDER THIS PARAGRAPH, A HEALTH ENTERPRISE ZONE PRACTITIONER MAY CREATE ONE OR MORE QUALIFIED POSITIONS DURING ANY 24–MONTH PERIOD.

(III) THE CREDIT EARNED UNDER THIS PARAGRAPH SHALL BE TAKEN OVER A 24–MONTH PERIOD, WITH ONE–HALF FOR THE CREDIT AMOUNT ALLOWED EACH YEAR BEGINNING WITH THE FIRST TAXABLE YEAR IN WHICH THE CREDIT IS CERTIFIED.

(IV) IF THE QUALIFIED POSITION IS FILLED FOR A PERIOD OF LESS THAN 24 MONTHS, THE TAX CREDIT SHALL BE RECAPTURED AS FOLLOWS:

1. THE TAX CREDIT SHALL BE RECOMPUTED AND REDUCED ON A PRORATED BASIS, BASED ON THE PERIOD OF TIME THE POSITION WAS FILLED, AS DETERMINED BY THE DEPARTMENT AND REPORTED TO THE COMPTROLLER; AND

2. THE HEALTH ENTERPRISE ZONE PRACTITIONER WHO RECEIVED THE TAX CREDIT SHALL REPAY ANY AMOUNT OF THE CREDIT THAT MAY HAVE ALREADY BEEN REFUNDED TO THE PRACTITIONER THAT EXCEEDS THE AMOUNT RECOMPUTED BY THE DEPARTMENT IN ACCORDANCE WITH ITEM 1 OF THIS SUBPARAGRAPH.

(3) (I) TO BE CERTIFIED AS ELIGIBLE FOR THE CREDITS PROVIDED UNDER THIS SECTION, A HEALTH ENTERPRISE ZONE PRACTITIONER MAY APPLY FOR CERTIFICATION THROUGH THE NONPROFIT COMMUNITY–BASED ORGANIZATION OR LOCAL GOVERNMENT THAT SUBMITS AN

APPROVED PROPOSAL UNDER TITLE 20, SUBTITLE 14 OF THE HEALTH – GENERAL ARTICLE.

(II) 1. ELIGIBILITY FOR THE CERTIFICATION FOR THE CREDITS PROVIDED UNDER THIS SECTION IS LIMITED BY AVAILABILITY OF BUDGETED FUNDS FOR THAT PURPOSE, AS DETERMINED BY THE DEPARTMENT.

2. CERTIFICATES OF ELIGIBILITY SHALL BE SUBJECT TO APPROVAL BY THE DEPARTMENT ON A FIRST–COME, FIRST–SERVED BASIS, AS DETERMINED BY THE DEPARTMENT IN ITS SOLE DISCRETION";

in lines 19, 23, and 26, strike "**(F)**", "**(G)**", and "**(H)**", respectively, and substitute "**(E)**", "**(F)**", and "**(G)**", respectively; and in line 22, after "**PRACTITIONER**" insert "**, FOR EACH TAXABLE YEAR**".

AMENDMENT NO. 4

On page 8, in line 24, after "**PROGRAM**" insert "**AND FOR UNINSURED PATIENTS**".

On page 10, after line 25, insert:

"**(III) IN IMPLEMENTING PARAGRAPH (3)(II) AND (III) OF THIS SUBSECTION, THE COMMISSION SHALL CONSULT WITH APPROPRIATE STAKEHOLDERS, INCLUDING AT LEAST ONE REPRESENTATIVE OF A CARRIER THAT DOES BUSINESS PREDOMINANTLY IN THE STATE AND A CARRIER THAT DOES BUSINESS IN THE STATE AND NATIONALLY, TO DETERMINE NATIONAL STANDARDS FOR EVALUATING THE EFFECTIVENESS OF CARRIERS IN ADDRESSING HEALTH DISPARITIES AND TO FULFILL THE PURPOSES OF PARAGRAPH (3)(II) AND (III) OF THIS SUBSECTION IN A MANNER THAT CAN BE EASILY REPLICATED IN OTHER STATES.**".

On page 11, in line 15, strike beginning with the comma through "**REGULATION**"; and strike beginning with "**INCLUDES**" in line 18 down through "**COURSES**" in line 19 and substitute "**OFFERS A PROGRAM**".

AMENDMENT NO. 5

On page 11, after line 28, insert:

"(2) In coordination with the evaluation of the Maryland Patient Centered Medical Home, develop recommendations for criteria and standards to measure the impact of the Maryland Patient Centered Medical Home on eliminating disparities in health care outcomes; and";

in line 29, strike "(2)" and substitute "(3)"; and in line 30, after "feasible" insert "and recommendations for criteria and standards to measure the impact of the Maryland Patient Centered Medical Home on eliminating disparities in health care outcomes".

On page 12, in line 1, strike "(3)" and substitute "(4)"; in line 5, after "That" insert ":

(1)";

in the same line, strike "the" and substitute "**THE**"; in line 7, strike "(1)" and substitute "(i)"; in line 10, strike the second "and" and substitute:

"(ii) Assess the feasibility of and develop recommendations for criteria and standards establishing multicultural health care equity and assessment programs for the Maryland Patient Centered Medical Home program and other health care settings; and

(iii) Recommend criteria for health care providers in the State to receive continuing education in multicultural health care, including cultural competency and health literacy training.

(2) The workgroup established under this section may include representatives from:

(i) The Maryland Health Care Commission;

(ii) The Maryland Office of Minority Health and Health Disparities;

(iii) Academic centers of health literacy and academic centers for health disparities research;

(iv) The Department of Health and Mental Hygiene;

(v) Health Occupations Boards in the State;

(vi) A wide range of health care professionals and providers;

(vii) Experts on health disparities and health literacy;

(viii) Accreditation entities, including the National Committee for Quality Assurance and URAC;

(ix) Members of the Maryland Patient Centered Medical Home Program Learning Collaborative; and

(x) The Maryland Advisory Council on Mental Hygiene/Cultural Competence Advisory Group.

(3) The academic centers of health literacy and the academic centers for health disparities research shall assist the Maryland Health Care Commission and the Department of Health and Mental Hygiene in staffing and leading the workgroup.";

in line 11, strike "(2) Submit" and substitute "(4) The workgroup shall submit"; strike beginning with "Governor" in line 11 down through "Assembly" in line 12 and substitute "Maryland Quality and Cost Council"; and in line 12, strike "January" and substitute "December".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 824 – Delegate Hammen (Chair, Health and Government Operations Committee)

AN ACT concerning

State Board of Physicians and Allied Health Advisory Committees – Sunset Extension and Program Evaluation

HB0824/766281/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 824
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "Sunset Extension and Program Evaluation" and substitute "Appointment and Term of Chair"; in line 4, strike "continuing" and substitute "requiring the Governor to appoint the chair of"; in the same line, after "Physicians" insert "; establishing the term of the office of the chair; and generally relating to appointment and term of the chair of the State Board of Physicians.".

On pages 1 through 3, strike beginning with "and" in line 4 on page 1 down through "Supplement)" in line 1 on page 3.

On page 3, strike beginning with "14–206(d)(1)" in line 4 down through "15–502" in line 7 and substitute "14–203"; and strike in their entirety lines 10 through 26, inclusive.

AMENDMENT NO. 2

On page 3, after line 29, insert:

"14–203.

(A) (1) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE BOARD.

(2) THE TERM OF OFFICE OF THE CHAIR IS 2 YEARS.

[(a)**](B)** From among its members, the Board shall elect **[**a chair and**]** any **[**other**]** officers**, OTHER THAN THE CHAIR,** that it considers necessary.

[(b)**](C)** The Board shall determine:

(1) The manner of election of officers;

(2) The term of office of each officer; and

(3) The duties of each officer.".

On pages 3 through 36, strike in their entirety the lines beginning with line 30 on page 3 through line 9 on page 36, inclusive.

On page 36, in line 10, strike "13." and substitute "2."; and strike beginning with the second comma in line 10 down through the first comma in line 11.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 827 – Delegate Hubbard

AN ACT concerning

Polysomnographic Technologists – Education and Examination Requirements

HB0827/436380/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 827
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "of" insert "altering the examination requirements for a license to practice polysomnography to require a certain examination approved by the Board of Physicians to be accredited by a certain accrediting organization;".

AMENDMENT NO. 2

On page 2, in line 3, after "examination" insert "**ACCREDITED BY THE NATIONAL COMMISSION OF CERTIFYING AGENCIES AND**"; in line 10, strike "**GRADUATED FROM**" and substitute "**SUCCESSFULLY COMPLETED**"; in the same line, strike "**A**" and substitute "**:**

A. **A**";

after line 12, insert:

"**B.** **A PROGRAM DESIGNATED AS A SLEEP TECHNOLOGIST APPROVED RESOURCE BY THE BOARD OF REGISTERED POLYSOMNOGRAPHIC TECHNOLOGISTS; OR**

C. **A PROGRAM RECOMMENDED BY THE COMMITTEE AND APPROVED THE BOARD;**";

and in line 31, after "**EXAMINATION**" insert "**ACCREDITED BY THE NATIONAL COMMISSION OF CERTIFYING AGENCIES AND**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 833 – Delegates Reznik, Cullison, Donoghue, and Kach

AN ACT concerning

Respiratory Care Practitioners – Practicing Polysomnography – Licensing Exceptions

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 838 – Delegate Kipke

AN ACT concerning

Health Insurance – Pharmacy Benefits Managers – Audits and Reimbursement of Pharmacies or Pharmacists

HB0838/196686/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 838
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Kipke" and substitute "Delegates Kipke, Hammen, Pendergrass, Bromwell, Costa, Cullison, Donoghue, Elliot, Frank, Hubbard, Kach, A. Kelly, Krebs, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Ready, Reznik, and Tarrant"; in line 9, after "pharmacist" insert ", with a certain exception"; in line 11, strike "requiring" and substitute "authorizing"; in line 12, strike "that standardize" and substitute "regarding"; and strike beginning with "requiring" in line 15 down through "circumstances;" in line 19.

AMENDMENT NO. 2

On page 3, in line 2, after "**COMMUNICATION**" insert "**AUTHORIZED BY CONTRACT BETWEEN THE PHARMACY AND THE PHARMACY BENEFITS MANAGER**"; strike in their entirety lines 9 and 10; and in lines 11, 14 and 17, strike "**(9)**", "**(10)**", and "**(11)**", respectively, and substitute "**(8)**", "**(9)**", and "**(10)**", respectively.

AMENDMENT NO. 3

On page 3, in line 26, after "**(F)**" insert "**(1)**"; in line 27, strike "**(1)**" and substitute "**(I)**"; and in line 28, after the semicolon insert "**OR**".

On pages 3 and 4, strike in their entirety the lines beginning with line 29 on page 3 through line 4 on page 4, inclusive.

On page 4, in line 5, strike "**(4)**" and substitute "**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION:**

1.";

in line 6, after the semicolon, insert "**OR**"; in line 7, strike "**(5)**" and substitute "**2.**"; in line 8, strike "**; OR**" and substitute a period; after line 8, insert:

"**(2) PARAGRAPH (1)(II) OF THIS SUBSECTION DOES NOT APPLY TO THE SHARING OF INFORMATION:**

(I) REQUIRED BY FEDERAL OR STATE LAW;

(II) IN CONNECTION WITH AN ACQUISITION OR MERGER INVOLVING THE PHARMACY BENEFITS MANAGER; OR

(III) AT THE PAYOR'S REQUEST OR UNDER THE TERMS OF THE AGREEMENT BETWEEN THE PHARMACY BENEFITS MANAGER AND THE PAYOR.";

and strike in their entirety lines 9 and 10.

AMENDMENT NO. 4

On page 5, strike beginning with the colon in line 18 down through "**(II)**" in line 21 and substitute a comma; in line 22, strike the second "**THE**" and substitute "**AN**"; and in the same line, after "**APPEAL**" insert "**UNDER SUBSECTION (I) OF THIS SECTION**".

AMENDMENT NO. 5

On page 5, in line 32, strike "**SHALL**" and substitute "**MAY**"; and in lines 32 and 33, strike "**THAT STANDARDIZE**" and substitute "**REGARDING**".

AMENDMENT NO. 6

On page 6, in line 9, strike "**(A)**"; in line 16, strike "**OR**"; and in line 18, after "**PHARMACIST**" insert "**; OR**

(4) SUBJECT TO § 15–1629(H)(2) OF THIS PART, THE CLAIM OTHERWISE CAUSED MONETARY LOSS TO THE PHARMACY BENEFITS MANAGER, PROVIDED THAT THE PHARMACY BENEFITS MANAGER ALLOWED THE PHARMACY A REASONABLE OPPORTUNITY TO REMEDY THE CAUSE OF THE MONETARY LOSS".

On pages 6 and 7, strike in their entirety the lines beginning with line 19 on page 6 through line 8 on page 7, inclusive.

The preceding 6 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 903 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Adults with Developmental Disabilities Citizen's Advisory Committee
PG 407–12

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 957 – Delegates Cullison, Bromwell, Frank, Kach, A. Kelly, Krebs, Luedtke, Murphy, Oaks, Reznik, Tarrant, and V. Turner

AN ACT concerning

Health Occupations – Public Disclosure of Professional Credentials

HB0957/826682/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 957
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Credentials" insert "and Reports on Advertising Regulations and Policies"; strike beginning with "requiring" in line 3 down through "regulations;" in line 13; in line 14, after "circumstances;" insert "authorizing the Board to approve a certain certifying board if the certifying board requires certain physicians to meet certain qualifications;"; in line 15, strike "defining certain terms;"

and substitute "requiring certain health occupation boards to submit certain information related to advertising by health care practitioners to certain committees of the General Assembly on or before a certain date;"; and strike in their entirety lines 18 through 23, inclusive.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 4 on page 2 through line 10 on page 4, inclusive.

On page 4, in lines 12 and 13, strike "**, THROUGH AN ADVERTISEMENT,**"; in line 16, strike "**ADVERTISEMENT INCLUDES**" and substitute "**PHYSICIAN DISCLOSES**"; in line 28, after "**THAT**" insert "**, IN ORDER TO BE CERTIFIED,**"; and in line 29, strike "**, IN ORDER TO BE CERTIFIED, COMPLETE**" and substitute "**:**

1. COMPLETE".

On page 5, in lines 1 and 3, strike "**1.**" and "**2.**", respectively, and substitute "**A.**" and "**B.**", respectively; in line 5, after "**ASSOCIATION**" insert "**; AND**

2. BE CERTIFIED BY THE MEMBER BOARD OF THE AMERICAN BOARD OF MEDICAL SPECIALTIES OR THE AMERICAN OSTEOPATHIC ASSOCIATION IN THE TRAINING FIELD.

(B) THE BOARD MAY APPROVE A CERTIFYING BOARD UNDER SUBSECTION (A)(2)(II) OF THIS SECTION ONLY IF THE CERTIFYING BOARD REQUIRES THAT, IN ORDER TO BE CERTIFIED, THE PHYSICIAN:

(1) COMPLETE A POSTGRADUATE TRAINING PROGRAM THAT:

(I) PROVIDES COMPLETE TRAINING IN THE SPECIALTY OR SUBSPECIALTY BEING CERTIFIED; AND

(II) IS ACCREDITED BY THE ACCREDITATION COUNCIL FOR GRADUATE MEDICAL EDUCATION OR THE AMERICAN OSTEOPATHIC ASSOCIATION; AND

(2) BE CERTIFIED BY THE AMERICAN BOARD OF MEDICAL SPECIALTIES OR AMERICAN OSTEOPATHIC ASSOCIATION IN THE SAME TRAINING FIELD";

in line 6, strike "**(B)**" and substitute "**(C)**"; in line 7, strike "**IN ACCORDANCE WITH**" and substitute "**SUBJECT TO**"; after line 7, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2012, each health occupation board established under the Health Occupations Article shall submit any existing regulations or policies governing advertising by the health care practitioners regulated by the board to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee.";

and in line 8, 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 1055 – Delegates A. Kelly, Alston, Arora, Barkley, Carr, Cullison, Frick, Glenn, Gutierrez, Hixson, Howard, Hubbard, Hucker, Ivey, Kaiser, Kipke, Lee, Luedtke, Mizeur, Pena–Melnyk, Reznik, S. Robinson, Tarrant, F. Turner, Valentino–Smith, Waldstreicher, Washington, Wilson, and Zucker

AN ACT concerning

Health Insurance – Habilitative Services – Required Coverage and Workgroup

HB1055/196380/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1055
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Zucker" and substitute "Zucker, Hammen, Pendergrass, Bromwell, Costa, Donoghue, Elliott, Kach, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, and Ready"; in line 2, strike "and" and substitute a comma; in line 3, after "Workgroup" insert ", and Technical Advisory Group"; strike beginning with "altering" in line 4 down through "services;" in line 6; in line 6, after "which" insert "certain insurers, nonprofit health service plans, and health maintenance organizations must provide"; in line 7, strike "must be provided" and substitute "of habilitative services"; in the same line, after the semicolon insert "requiring that certain determinations made by certain insurers, nonprofit health service plans, and health maintenance organizations be made in accordance with certain regulations beginning on a certain date; requiring the Department of Health and Mental Hygiene, in consultation with the Maryland Insurance Commissioner, to establish a technical advisory group on the medically necessary and appropriate use of habilitative services to treat autism and autism spectrum disorders; establishing the composition of the technical advisory group; requiring the technical advisory group to develop certain recommendations and obtain certain input; requiring the Commissioner, on or before a certain date, to adopt certain regulations based on the recommendations of the technical advisory group;"; in the same line, strike "Maryland Insurance"; in line 10, strike "report" and substitute "submit certain reports on"; in line 11, strike "a certain date" and substitute "certain dates"; and in line 12, after "definition;" insert "providing for the construction of this Act;".

AMENDMENT NO. 2

On page 2, strike beginning with "**DEVELOPMENTAL**" in line 12 down through "**SPELLING)**" in line 13 and substitute "**CONGENITAL OR GENETIC DEVELOPMENTAL DISABILITIES**".

On page 3, in line 2, strike the brackets; and in the same line, strike "**21**".

AMENDMENT NO. 3

On page 3, after line 14, insert:

"**(F) BEGINNING NOVEMBER 1, 2013, A DETERMINATION BY AN ENTITY SUBJECT TO THIS SECTION OF WHETHER HABILITATIVE SERVICES COVERED UNDER THIS SECTION ARE MEDICALLY NECESSARY AND APPROPRIATE TO TREAT AUTISM AND AUTISM SPECTRUM DISORDERS SHALL BE MADE IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSIONER.**".

AMENDMENT NO. 4

On page 3, after line 15, insert:

"(a) The Department of Health and Mental Hygiene, in consultation with the Maryland Insurance Commissioner, shall establish a technical advisory group on the medically necessary and appropriate use of habilitative services to treat autism and autism spectrum disorders.

(b) The technical advisory group shall be composed of individuals with expertise in the treatment of children with autism and autism spectrum disorders.

(c) The technical advisory group shall develop recommendations for the medically necessary and appropriate use of habilitative services to treat autism and autism spectrum disorders.

(d) When making a recommendation, the technical advisory group shall consider whether the recommendation is:

(1) objective;

(2) clinically valid;

(3) compatible with established principles of health care; and

(4) flexible enough to allow deviations from norms when justified on a case by case basis.

(e) In its work, the technical advisory group shall obtain input from the public, including input from:

(1) parents of children with autism and autism spectrum disorders; and

(2) the insurers, nonprofit health service plans, and health maintenance organizations that are subject to § 15–835 of the Insurance Article, as enacted by Section 1 of this Act.

(f) Based on the recommendations of the technical advisory group, the Commissioner, on or before November 1, 2013, shall adopt regulations that relate to the medically necessary and appropriate use of habilitative services to treat autism and autism spectrum disorders for purposes of § 15–835 of the Insurance Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That:".

AMENDMENT NO. 5

On page 3, in line 18, after "of" insert ":

(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)";

in line 19, after "pathologists," insert "pediatricians,"; in line 20, strike "special needs"; in the same line, after "child" insert "with special needs"; in line 22, after "Education," insert "the Maryland Developmental Disabilities Council, the Maryland Department of Disabilities,"; and in line 28, strike "and".

On page 4, in line 2, after "systems" insert "; and

(4) the costs and benefits associated with expanding habilitative services coverage to individuals under the age of 26 years";

in line 3, after "(d)" insert "(1)"; in the same line, after "shall" insert "submit an interim"; and after line 6, insert:

"(2) On or before November 1, 2013, the Commissioner shall submit a final report, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Health and Government Operations Committee on the findings and recommendations of the workgroup.".

AMENDMENT NO. 6

On page 4, before line 7, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That the changes made under Section 1 of this Act to the definition of "congenital or genetic birth defect" in § 15–835(a)(2) of the Insurance Article are intended to clarify the scope of coverage of services required under § 15–835 as it existed before the effective date of this Act, and are not intended, and may not be interpreted or construed, to expand the coverage of services required under § 15–835 as it existed before the effective date of this Act.";

and in line 7, strike "3." and substitute "5.".

The preceding 6 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 1149 – Delegates Lee, Smigiel, Afzali, Beitzel, Clagett, Conaway, Cullison, DeBoy, Hammen, Healey, Howard, Jameson, Kach, A. Kelly, McComas, Nathan–Pulliam, Pendergrass, B. Robinson, Stocksdale, Tarrant, and V. Turner

AN ACT concerning

Health Insurance – Coverage for Telemedicine Services

HB1149/236080/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1149
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and V. Turner" and substitute "V. Turner, Bromwell, Costa, Donoghue, Elliott, Frank, Hubbard, Kipke, Krebs, McDonough, Morhaim, Murphy, Oaks, Pena–Melnyk, Ready, and Reznik"; in line 2, after "for" insert "Services Delivered Through"; in the same line, strike "Services"; in line 4, strike "the same"; in line 5, strike "in person or"; in the same line, strike "a"; in the same line, strike "service" and substitute "in a certain manner"; in line 8, strike "a"; in the same line, strike "service"; strike beginning with "on" in line 10 down through

"basis" in line 11; in line 12, after "amount," insert "or"; strike beginning with the fourth comma in line 12 down through "circumstances" in line 13 and substitute "for certain services"; in line 13, after the semicolon insert "prohibiting the imposition of a lifetime dollar maximum for certain services;"; strike beginning with "requiring" in line 19 down through "circumstances;" in line 20; strike beginning with "providing" in line 21 down through "coverage;" in line 24; in line 26, after "date;" insert "requiring the Department of Health and Mental Hygiene to conduct a certain review, make a certain determination, conduct a certain analysis, and report to certain committees of the General Assembly on or before a certain date concerning telemedicine and the Maryland Medical Assistance population;"; and in line 28, strike "services".

On page 2, strike in their entirety lines 6 through 10, inclusive; and strike in their entirety lines 16 through 20, inclusive.

AMENDMENT NO. 2

On page 2, in lines 25 and 32, in each instance, strike "**SERVICE**".

On page 3, in line 14, strike "**THE SAME**"; in line 15, after "**SERVICES**" insert "**APPROPRIATELY**"; in line 16, strike "**IN PERSON OR**"; in the same line, strike "**A**"; in the same line, strike "**SERVICE**"; in line 18, strike "**A**"; in the same line, strike the second "**SERVICE**"; strike beginning with "**ON**" in line 25 down through "**SERVICE**" in line 27 and substitute "**THAT CAN BE APPROPRIATELY PROVIDED THROUGH TELEMEDICINE**"; in line 30, strike "**A**"; and in the same line, strike the second "**SERVICE**".

On page 4, in line 4, after "**(3)**" insert "**(I)**"; in the same line, after "**COPAYMENT,**" insert "**OR**"; in line 5, strike beginning with the first comma through the second "**MAXIMUM**"; in line 7, strike "**A**" and substitute "**THROUGH**"; strike beginning with "**SERVICE**" in line 7 down through "**SERVICES**" in line 9 and substitute "**;**

(II) MAY IMPOSE AN ANNUAL DOLLAR MAXIMUM AS PERMITTED BY FEDERAL LAW; AND

(III) MAY NOT IMPOSE A LIFETIME DOLLAR MAXIMUM";

in line 10, strike "**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN**" and substitute "**AN**"; in line 11, after "**REVIEW**" insert "**, INCLUDING PREAUTHORIZATION,**"; in line 13, strike "**A**" and substitute "**THROUGH**"; in line 14, strike "**SERVICE**"; strike in their entirety lines 16 through 18, inclusive; in lines 22, 24, and 27, in each instance, strike "**SERVICE**"; in line 22, strike "**BY A**" and substitute "**THROUGH**"; in line 24, strike "**A**"; and in line 26, strike the second "**THE**".

On pages 4 and 5, strike in their entirety the lines beginning with line 30 on page 4 through line 4 on page 5, inclusive.

On page 5, strike in their entirety lines 8 through 17, inclusive; and after line 25, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene shall:

(1) conduct a review of the current literature and evidence regarding the different types of telemedicine, and conduct a review of other payers' and other State Medicaid agencies' telemedicine policies and procedures;

(2) include in its review the evidence regarding the appropriate use of telemedicine in delivering mental health services;

(3) based on its review, determine which types of patients would be suitable for which types of telemedicine and conduct a fiscal impact analysis that estimates the potential effect of Medicaid coverage of telemedicine on utilization, price, substitution, and effects on other services; and

(4) on or before December 1, 2012, report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article, on the findings of its review and any recommendations on the provision of telemedicine for the Maryland Medical Assistance Program population, including:

(i) any cost–neutral coverage of telemedicine that can be implemented in fiscal year 2013; and

(ii) any recommended coverage of telemedicine that would require additional funding to implement in fiscal year 2014.";

and in lines 26 and 29, strike "3." and "4.", respectively, and substitute "4." and "5.", respectively.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1455 – Delegates Costa and Hubbard

AN ACT concerning

Mortality and Quality Review Committee – Reporting Requirements – Sunset Extension

Favorable report 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 130 – Delegates Arora, Conaway, McComas, McDermott, McMillan, Mitchell, and Washington

AN ACT concerning

Laser Safety Act

HB0130/512217/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 130
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "cause" in line 3 down through "focusing" in line 4 and substitute "shine, point, or focus"; and in line 5, strike "a motor vehicle, vessel, or" and substitute "an".

AMENDMENT NO. 2

On page 2, in line 3, strike "**OR**"; in line 7, after "**TRAINING**" insert "**;**

(3) BY A LAW ENFORCEMENT OFFICER, AS DEFINED IN § 3–101 OF THE PUBLIC SAFETY ARTICLE, ACTING IN AN OFFICIAL CAPACITY;

(4) BY AN INDIVIDUAL ATTEMPTING TO MAKE THE INDIVIDUAL'S LOCATION KNOWN; OR

(5) BY AN INDIVIDUAL ATTEMPTING TO GIVE A WARNING SIGNAL";

strike beginning with "**CAUSE**" in line 8 down through "**FOCUSING**" in line 9 and substitute "**SHINE, POINT, OR FOCUS**"; strike beginning with the second "**A**" in line 10 down through "**OR**" in line 11 and substitute "**AN**"; and in line 14, strike "**10**" and substitute "**3**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 140 – Delegates Hough, Afzali, Boteler, Cluster, Dwyer, Eckardt, Frank, George, Hogan, Kaiser, Kipke, McComas, McDermott, McDonough, McMillan, Parrott, Ready, and Smigiel

AN ACT concerning

Department of Public Safety and Correctional Services – Annual Report on Effectiveness of Programs for Offenders

HB0140/382311/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 140
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Annual Report" and substitute "Study and Reports"; in lines 4 and 5, in each instance, strike "requiring" and substitute "authorizing"; in the line 6, strike "requiring" and substitute "providing that, if a certain study is conducted, the intent of the General Assembly is that"; in the same line, strike the second "to"; in line 7, strike "annually" and substitute "certain information"; and in the same line, after "date" insert "and at certain intervals thereafter".

AMENDMENT NO. 2

On page 1, in line 20, strike "**SHALL**" and substitute "**MAY**".

AMENDMENT NO. 3

On page 2, in line 1, strike "**REQUIRED**" and substitute "**AUTHORIZED**"; in line 2, strike "**SHALL**" and substitute "**MAY**"; in line 3, strike "**EACH PROGRAM**" and substitute "**A SELECTED GROUP OF PROGRAMS**"; in line 6, strike "**EACH**" and substitute "**A**"; strike in their entirety lines 12 through 15, inclusive; after line 15, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That if the Department of Public Safety and Correctional Services conducts the study described in this Act, it is the intent of the General Assembly that the Department, on or before September 1, 2013, and every 3 years thereafter, report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the effectiveness of departmental programs for offenders.";

and in line 16, 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 Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 353 – Delegates Holmes and Glenn

AN ACT concerning

Jury Service – Employers – Prohibited Acts

HB0353/202912/1
BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 353
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 5 and 6, strike ", subject to a certain exception" and substitute "or on a day after the individual performs jury service or acts related to jury service".

AMENDMENT NO. 2

On page 2, strike beginning with "**(1)**" in line 3 down through the first "**AN**" in line 4 and substitute "**AN**"; strike beginning with "**TO**" in line 4 down through "**TITLE**" in line 7 and substitute "**WHO IS SUMMONED AND APPEARS FOR JURY SERVICE FOR 4 OR MORE HOURS, INCLUDING TRAVELING TIME, TO WORK AN EMPLOYMENT SHIFT THAT BEGINS:**

(1) ON OR AFTER 5 P.M. ON THE DAY OF THE INDIVIDUAL'S APPEARANCE FOR JURY SERVICE; OR

(2) BEFORE 3 A.M. ON THE DAY FOLLOWING THE INDIVIDUAL'S APPEARANCE FOR JURY SERVICE";

and strike in their entirety lines 8 through 12, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 509 – Delegates K. Kelly, Beitzel, Clippinger, Cluster, Dumais, Hough, McConkey, Myers, Parrott, Valentino–Smith, and Wilson

AN ACT concerning

Public Health – Inmates – HIV Testing

HB0509/182415/1

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 509
(First Reading File Bill)

On page 4, in line 13, strike "**30**" and substitute "**15**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 513 – Delegates K. Kelly, Beitzel, Cluster, Dumais, McDermott, Parrott, Simmons, and Valentino–Smith

AN ACT concerning

Criminal Procedure – Custody of Arrested Persons Before Release

HB0513/162412/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 513
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike "requiring" and substitute "authorizing"; in the same line, strike "employee" and substitute "officer"; in the same line, strike "monitor" and substitute "supervise and transport"; and in line 7, after "of" insert "or provide transport for".

AMENDMENT NO. 2

On page 2, in line 3, strike "**EMPLOYEE SHALL**" and substitute "**OFFICER MAY**"; in the same line, after "**OF**" insert "**OR PROVIDE TRANSPORT FOR**"; in line 6, strike "**CORRECTION**" and substitute "**THE DIVISION OF PRETRIAL DETENTION AND SERVICES OR LOCAL MANAGING OFFICIAL**"; in line 7, strike "**EMPLOYEE TO MONITOR**" and substitute "**CORRECTIONAL OFFICER TO SUPERVISE AND TRANSPORT**"; in line 8, strike "**EMPLOYEE**" and substitute "**CORRECTIONAL OFFICER**"; in the same line, strike "**MONITOR**" and substitute "**SUPERVISE**"; in line 9, after "**FACILITY**" insert "**OR DURING TRANSPORT**"; and in line 12, after the second "**OF**" insert "**THE ARRESTED PERSON OR**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 604 – Delegates Parrott, Afzali, Aumann, Bates, Beitzel, Boteler, Burns, DeBoy, Dwyer, Eckardt, Elliott, Frush, George, Glass, Hogan, Hough, Impallaria, Kach, Kipke, Krebs, McDonough, Niemann, Ready, B. Robinson, Serafini, Sophocleus, Stifler, Stocksdale, Vitale, and Wood

AN ACT concerning

Justice's Law

HB0604/822116/1

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 604

(First Reading File Bill)

On page 2, in line 25, strike "**LIFE IN PRISON**" and substitute "**40 YEARS**".

On page 3, in line 2, strike "**LIFE IN PRISON**" and substitute "**40 YEARS**".

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 670 – Delegates Hough, Waldstreicher, Bates, and B. Robinson

AN ACT concerning

Earned Compliance Credit and Reinvestment Act of 2012

HB0670/412810/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 670
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike "requiring" and substitute "authorizing"; and in line 18, after "terms;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 2, in line 15, strike "**OR SUBSTANTIAL**"; and in line 25, strike "**SERVICE**" and substitute "**SUPERVISION**".

AMENDMENT NO. 3

On page 3, in line 3, strike "**CURRENTLY BEING SUPERVISED**" and substitute "**CONVICTED**"; in lines 4 and 5, strike "**OR CURRENTLY BEING SUPERVISED**" and substitute "**, ON PROBATION, OR CONVICTED**"; in lines 7 and 8, strike "**OR CURRENTLY BEING SUPERVISED**" and substitute "**, ON PROBATION, OR CONVICTED**"; in line 11, strike "**LAW**" and substitute "**PROCEDURE**"; and in line 24, strike "**SHALL**" and substitute "**MAY**".

AMENDMENT NO. 4

On page 4, in line 1, strike "**INITIAL PERIOD OF ACTIVE SUPERVISION**" and substitute "**SENTENCE**"; in line 14, strike "**FROM SUBSECTION (G)(1)**"; in line 15,

after "**DEPARTMENT**" insert "**IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION**"; after line 20, insert:

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

in line 21, strike "2." and substitute "3."; and in line 22, strike "October 1, 2014" and substitute "January 1, 2013".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate McDonough moved to make the Bill a Special Order for Saturday.

The motion was adopted.

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

House Bill 860 – Delegate Stein

AN ACT concerning

Children in Need of Assistance – Sexual Abuse – Definition

HB0860/332915/1

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 860
(First Reading File Bill)

On page 1, in line 2, after "Assistance" insert "and Child Abuse and Neglect".

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 1120 – Delegates Carter, Alston, Anderson, Barnes, Boteler, Braveboy, Cane, Dumais, Haynes, Holmes, Kach, K. Kelly, Lee, Mitchell, Nathan–Pulliam, Oaks, Proctor, B. Robinson, Rosenberg, Simmons, Smigiel, Stukes, Tarrant, F. Turner, Walker, and Washington

AN ACT concerning

Missing Children – Search Efforts and Collaboration
(Phylicia's Law)

HB1120/972717/1
BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1120
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 4 down through "child;" in line 5; in line 9, after "report;" insert "requiring a law enforcement agency that is attempting to locate a child to make an effort to include certain organizations and groups if appropriate;"; strike beginning with the first "to" in line 10 down through "Clearinghouse" in line 12; and in line 13, after "State;" insert "authorizing the Clearinghouse to establish and maintain a list of organizations and groups that provide volunteer search teams or resources relating to missing children;".

AMENDMENT NO. 2

On page 2, in line 13, strike the brackets; and in the same line, strike "**17**".

On page 3, after line 20, insert:

"**(G) A LOCAL LAW ENFORCEMENT AGENCY THAT IS ATTEMPTING TO LOCATE A MISSING CHILD SHALL MAKE AN EFFORT TO INCLUDE ORGANIZATIONS AND GROUPS THAT PROVIDE VOLUNTEER SEARCH TEAMS OR RESOURCES RELATING TO MISSING CHILDREN IF APPROPRIATE.**";

in line 31, strike "**SHALL**"; and strike beginning with "**COORDINATE**" in line 32 down through "**CHILDREN;**" in line 34.

On page 4, strike beginning with "**(2)**" in line 1 down through "**(3)**" in line 3 and substitute "**SHALL**"; in line 5, after "**CHILDREN;**" insert "**AND**"; strike beginning with "**UPDATES**" in line 6 down through "**(III)**" in line 8; and in line 8, after "**CHILDREN**" insert "**; AND**

(2) MAY ESTABLISH AND MAINTAIN A LIST OF ORGANIZATIONS AND GROUPS THAT PROVIDE VOLUNTEER SEARCH TEAMS OR RESOURCES RELATING TO MISSING CHILDREN".

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 #14

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

House Bill 300 – Delegates Cluster, Alston, Boteler, Clippinger, Dwyer, Hough, K. Kelly, McComas, McDermott, Mitchell, Parrott, Smigiel, and Valentino–Smith

AN ACT concerning

Public Safety – Handgun Permits – Renewal Period for Retired Law Enforcement

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 480 – Delegates Braveboy, Jameson, Alston, Barnes, Carter, Frush, Gaines, Holmes, Howard, Pena–Melnyk, Proctor, Ross, V. Turner, Valderrama, Valentino–Smith, Vallario, Vaughn, and Walker

AN ACT concerning

Criminal Procedure – Unexecuted Warrant, Summons, or Other Criminal Process – Invalidation and Destruction

HB0480/352510/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 480
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike "requiring" and substitute "authorizing".

AMENDMENT NO. 2

On page 2, in line 5, strike "**AN UNEXECUTED**" and substitute "**A**"; in the same line, strike "**FOR A MISDEMEANOR OFFENSE**"; and in line 6, after "**PROCESS**" insert "**FOR A MISDEMEANOR OFFENSE THAT HAS REMAINED UNEXECUTED FOR AT LEAST 10 YEARS**".

AMENDMENT NO. 3

On page 2, in line 11, strike "**SHALL**" and substitute "**MAY**"; in line 20, strike "**AN**" and substitute "**THE**"; in the same line, strike "**FOR A MISDEMEANOR OFFENSE**"; and in line 24, after "**WARRANT**" insert "**, SUMMONS,**".

AMENDMENT NO. 4

On page 2, in line 33, strike "**OR**"; and after line 33, insert:

"**(3) NULLIFY OR REMOVE A FAILURE TO APPEAR DESIGNATION THAT HAS BEEN PLACED ON AN INDIVIDUAL'S DRIVING RECORD BY THE MOTOR VEHICLE ADMINISTRATION; OR**".

On page 3, in line 1, strike "**(3)**" and substitute "**(4)**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 543 – Delegates Hough, Afzali, Cluster, Eckardt, Kach, Krebs, McComas, McDermott, Mitchell, Ready, Simmons, Smigiel, and Waldstreicher

AN ACT concerning

Criminal Procedure – Victim–Offender Mediation Program

HB0543/432617/1
BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 543
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "authorizing" and substitute "requiring"; in line 15, strike "requiring" and substitute "authorizing"; in line 16, after "circumstances;" insert "providing for the construction of this Act;"; in the same line, strike "a"; in the same line, strike "term" and substitute "terms"; and in line 20, strike "11–1105" and substitute "11–1106".

AMENDMENT NO. 2

On page 2, in line 3, before "**IN**" insert "**(A)**"; in the same line, strike the comma and substitute "**THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(B) "DOMESTIC VIOLENCE" MEANS ABUSE OCCURRING BETWEEN:

(1) CURRENT OR FORMER SPOUSES OR COHABITANTS;

(2) PERSONS WHO HAVE A CHILD IN COMMON; OR

(3) PERSONS CURRENTLY OR FORMERLY INVOLVED IN A DATING RELATIONSHIP.

(C)";

in line 3, strike "**ELIGIBLE**" and substitute "**ELIGIBLE**"; in line 4, before the first "**IS**" insert "**IS AT LEAST 18 YEARS OLD;**

(2)";

in the same line, after "**NOT**" insert "**:**

(I)";

in line 5, after the semicolon insert "**OR**

(II) A VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE OR § 3–602 OF THE CRIMINAL LAW ARTICLE;";

in line 6, strike "**(2)**" and substitute "**(3)**"; and in line 7, strike "**(3)**" and substitute "**(4)**".

AMENDMENT NO. 3

On page 2, in line 10, strike "**MAY**" and substitute "**SHALL**"; strike beginning with "**AN**" in line 16 down through "**(B)**" in line 19; in line 19, strike "**RECOMMEND TO**" and substitute "**REQUEST**"; in the same line, strike "**THAT**" and substitute "**TO DIVERT**"; in line 20, strike "**BE DIVERTED**"; and strike in their entirety lines 22 through 24, inclusive, and substitute:

"**(B) THE STATE'S ATTORNEY SHALL INFORM THE VICTIM OR VICTIM'S REPRESENTATIVE ABOUT THE VICTIM–OFFENDER MEDIATION PROGRAM, THE RIGHT TO RESTITUTION, AND THE ABILITY TO SEEK A NO CONTACT ORDER.**".

AMENDMENT NO. 4

On page 2, in line 26, strike "**A**" and substitute "**IF A VICTIM OR VICTIM'S REPRESENTATIVE AND ELIGIBLE DEFENDANT REACH AN AGREEMENT, A**".

On page 3, strike beginning with "**AFTER**" in line 1 down through "**PROGRAM**" in line 4 and substitute "**THE COURT FINDS THAT THE VICTIM OR THE VICTIM'S REPRESENTATIVE AND ELIGIBLE DEFENDANT HAVE KNOWINGLY AND VOLUNTARILY CONSENTED TO THE MEDIATION AGREEMENT**"; in line 5, after "**THE**" insert "**ELIGIBLE**"; in line 6, strike "**AND**"; in line 7, strike "**BINDING**"; in line 8, after "**SUBTITLE**" insert "**;**

(III) AGREES TO ANY OTHER TERMS THAT THE COURT SETS FOR THE CHARGE TO BE MARKED "STET BY VICTIM–OFFENDER MEDIATION" ON THE DOCKET; AND

(IV) PAYS THE COSTS THAT WOULD HAVE BEEN ASSESSED UNDER § 7–409 OF THE COURTS ARTICLE IF THE DEFENDANT WOULD HAVE BEEN FOUND GUILTY OF THE CHARGE, UNLESS THE DEFENDANT IS UNABLE TO PAY BY REASON OF INDIGENCY";

strike beginning with "**RATIFIED**" in line 12 down through "**APPROVE**" in line 13 and substitute "**INCORPORATED BUT NOT MERGED INTO AN ORDER OF THE COURT, IF THE STATE'S ATTORNEY HAS RATIFIED**"; in line 13, after "**AGREEMENT**" insert "**AND THE COURT HAS APPROVED**"; in line 14, after "**AGREEMENT**" insert "**OR COURT ORDER IMPOSING ADDITIONAL SEPARATE REQUIREMENTS ON THE ELIGIBLE DEFENDANT AS A CONDITION OF MARKING THE CHARGE "STET BY VICTIM–OFFENDER MEDIATION"**"; in line 18, after "**RESTITUTION**" insert "**OR OTHER AMOUNTS**"; strike beginning with "**THAT**" in line 22 down through "**CHARGED**" in line 23 and substitute "**AGREED TO BY THE VICTIM OR VICTIM'S REPRESENTATIVE AND ELIGIBLE DEFENDANT**"; in line 24, strike "**APPROVES**" and substitute "**, VICTIM OR VICTIM'S REPRESENTATIVE, AND ELIGIBLE DEFENDANT APPROVE**"; in the same line, after "**EXTENSION**" insert "**OR REDUCTION**"; in line 25, strike "**VALID**" and substitute "**ENFORCEABLE**"; in the same line, strike "**1 YEAR**" and substitute "**3 YEARS**"; and in line 26, strike "**MEDIATION AGREEMENT IS RATIFIED**" and substitute "**CASE IS MARKED "STET" ON THE DOCKET**".

AMENDMENT NO. 5

On page 4, strike beginning with "**AN**" in line 1 down through "**PROGRAM**" in line 2 and substitute "**A MEDIATION HAS BEEN APPROVED BY THE COURT**"; in line 4, after "**STET**" insert "**BY VICTIM–OFFENDER MEDIATION**"; strike beginning with the colon in line 12 down through "**(2)**" in line 15; strike beginning with "**(1)**" in line 21 down through "**(2)**" in line 26; in line 26, strike "**SHALL**" and substitute "**MAY**"; and strike beginning with "**AN**" in line 27 down through the second "**PROGRAM**" in line 28 and substitute "**A COURT COST SUFFICIENT TO COVER ANY COSTS OF THE MEDIATION**".

AMENDMENT NO. 6

On page 4, after line 28, insert:

"**11–1106.**

THIS SUBTITLE DOES NOT LIMIT THE ABILITY OF A STATE'S ATTORNEY'S OFFICE TO:

(1) REFER A MATTER TO A COMMUNITY MEDIATION MODEL PROGRAM AS DEVELOPED BY COMMUNITY MEDIATION MARYLAND OR THE COMMUNITY CONFERENCING CENTER; OR

(2) FILE A PRETRIAL MOTION TO COMPROMISE A CHARGE OF ASSAULT UNDER § 3–207 OF THE CRIMINAL LAW ARTICLE.".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 545 – Delegate Anderson (By Request – Baltimore City Administration) and Delegate Oaks

AN ACT concerning

Crimes – Theft from a Motor Vehicle – Penalties

HB0545/392917/1
BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 545
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "– Penalties"; strike beginning with "knowingly" in line 3 down through "term" in line 15 and substitute "being in or on the motor vehicle of another with the intent to commit theft of property that is on the motor vehicle;

establishing that a certain penalty applies to a violation of this Act"; and strike in their entirety lines 16 through 20, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 6–206
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 24 on page 1 through line 14 on page 3, inclusive, and substitute:

"6–206.

(a) A person may not possess a burglar's tool with the intent to use or allow the use of the burglar's tool in the commission of a crime involving the breaking and entering of a motor vehicle.

(b) A person may not be in or on the motor vehicle of another with the intent to commit theft of the motor vehicle or property that is in **OR ON** the motor vehicle.

(c) A person who violates this section is guilty of a misdemeanor, shall be considered a rogue and vagabond, and on conviction is subject to imprisonment not exceeding 3 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 Vallario, Chair, for the Committee on Judiciary reported favorably:

House Bill 707 – Delegates Valentino–Smith, Cluster, Cullison, A. Kelly, McComas, McDermott, Parrott, Proctor, Valderrama, and Vallario

AN ACT concerning

Wrongful Death and Survival Causes of Action – Criminal Homicide – Time Limits for Bringing Civil Action

Favorable report adopted.

Delegate Malone moved to make the Bill a Special Order for Saturday.

The motion was adopted.

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

House Bill 774 – Delegate Waldstreicher

AN ACT concerning

Maryland General and Limited Power of Attorney Act

HB0774/112418/1
BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 774
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "specifying" in line 3 down through "a" in line 4 and substitute "clarifying the form of document that may be used to create a certain statutory form"; in line 4, after the semicolon insert "providing that a document substantially in the form of a certain statutory form in effect on the date the document is executed shall continue to have a certain meaning and effect notwithstanding enactment of certain legislation;"; in line 8, after "authority" insert "to make gifts to certain persons,"; and in line 9, after "plans" insert a comma.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 23 through 28, inclusive, and substitute:

"**(B) A DOCUMENT SUBSTANTIALLY IN ONE OF THE FORMS SET FORTH IN THIS SUBTITLE IN EFFECT ON THE DATE THE DOCUMENT IS EXECUTED SHALL CONTINUE TO HAVE THE MEANING AND EFFECT PRESCRIBED BY THIS TITLE, NOTWITHSTANDING ENACTMENT OF LEGISLATION ALTERING THAT STATUTORY FORM AFTER THE DATE THE DOCUMENT IS EXECUTED.**".

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 1122 – Delegates Valderrama, Anderson, Lee, F. Turner, and Valentino–Smith

AN ACT concerning

Juveniles – Confinement in Juvenile Facilities

HB1122/572219/1
BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1122
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Facilities" insert "– Report"; strike beginning with "providing" in line 3 down through "changes" in line 16 and substitute "requiring the Department of Juvenile Services to make a certain report to the General Assembly on or before a certain date".

On pages 1 and 2, strike in their entirety the lines beginning with line 18 on page 1 through line 4 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, in line 6, strike "the Laws of Maryland read as follows".

On pages 2 through 8, strike in their entirety the lines beginning with line 7 on page 2 through line 24 on page 8 and substitute:

"(a) On or before December 1, 2012, the Department of Juvenile Services shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the manner in which the Department will use existing resources to ensure that youth charged as adults can be detained in juvenile detention facilities.

(b) The report shall include information on:

(1) the number of youth charged as adults held in adult detention facilities from December 1, 2011, through December 1, 2012; and

(2) the Department's plan to reduce the overall number of youth in juvenile detention to make room for youth charged as adults, including:

(i) the number of youth transferred from adult detention to juvenile detention before a transfer hearing is held;

(ii) the number of youth transferred to juvenile court on a motion to transfer filed by the defendant;

(iii) the number of youth in juvenile detention receiving Detention Risk Assessment Instrument (DRAI) screening;

(iv) the use of the Juvenile Detention Alternative Initiative;

(v) the use of prevention and diversion services;

(vi) the plan for reducing the number of youth in detention pending placement; and

(vii) the average length of stay for youth charged as adults in juvenile facilities.".

On page 8, in line 26, strike "October" and substitute "July".

The preceding 2 amendments were read only.

Delegate Vallario moved to make the Bill and Amendments a Special Order for Saturday.

The motion was adopted.

THE COMMITTEE ON WAYS AND MEANS REPORT #7

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

House Bill 9 – Delegate Howard

AN ACT concerning

Education – Children and Youth – Reporting of Information Concerning Student Health, Well–Being, and Growth

HB0009/655766/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 9
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Howard" and substitute "Delegates Howard, Cane, Healey, and B. Robinson"; strike beginning with "requiring" in line 4 down through "year;" in line 7; and in line 10, after "year;" insert "encouraging county boards of education to incorporate certain lessons into the county boards' health education curriculum;".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 2 through 5, inclusive; in line 6, strike "**(B)**"; in the same line, strike "**DECEMBER 1 OF EACH YEAR**" and substitute "**DECEMBER 1, 2012, AND EVERY 5 YEARS THEREAFTER**"; strike beginning with "**UNDER**" in line 9 down through "**SECTION**" in line 10 and substitute "**DURING THE FINANCIAL LITERACY COMAR CERTIFICATION PROCESS**"; and strike in their entirety lines 15 through 19, inclusive, and substitute:

"(2) Instruction in health education, including the importance of physical activity in maintaining good health; and".

On page 3, strike beginning with "**(1)**" in line 11 down through "**(2)**" in line 15; in line 15, strike "**DECEMBER 1 OF EACH YEAR**" and substitute "**DECEMBER 1, 2012, AND EVERY 5 YEARS THEREAFTER**"; in line 19, strike "**UNDER SUBSECTION (A) OF THIS SECTION**" and substitute "**DURING THE COMAR CERTIFICATION PROCESS**"; in line 22, after "violence" insert "**AND DIABETES AND ITS TREATMENT AND PREVENTION**"; strike beginning with "**(1)**" in line 24 down through "**(2)**" in line 28; in line 28, strike "**DECEMBER 1 OF EACH YEAR**" and substitute "**DECEMBER 1, 2012, AND EVERY 5 YEARS THEREAFTER**"; and in line 32, strike "**UNDER**

PARAGRAPH (1) OF THIS SUBSECTION" and substitute "**DURING THE COMAR CERTIFICATION PROCESS**".

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 158 – Delegates Beidle and Vitale

AN ACT concerning

Property Tax – High Performance Building Tax Credit – National Green Building Standards

HB0158/985064/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 158
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Vitale" and substitute ", Vitale, Summers, Miller, Boteler, Stukes, Walker, Myers, Kaiser, Ross, Hixson, Rosenberg, Howard, F. Turner, Cardin, Ivey, Frick, George, and Luedtke"; and in line 5, after "credit;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 1, in line 21, after "**(II)**" insert "**IS A RESIDENTIAL BUILDING THAT**".

On page 2, in line 20, strike "October" and substitute "June"; and in the same line, after "2012" insert ", and shall be applicable to all taxable years beginning after June 30, 2012".

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 390 – Delegates Luedtke and Reznik

AN ACT concerning

Libraries – Maryland Deaf Culture Digital Library

HB0390/175261/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 390
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Reznik" and substitute "Reznik, Afzali, Boteler, Cardin, Howard, Ivey, and F. Turner"; in line 2, strike "Libraries – Maryland" and substitute "Task Force to Study the Establishment of a"; strike beginning with "requiring" in line 3 down through the second "library" in line 7 and substitute "creating the Task Force to Study the Establishment of a Deaf Culture Digital Library; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act"; in line 8, strike "the establishment of"; in the same line, strike "Maryland" and substitute "Task Force to Study the Establishment of a"; and strike in their entirety lines 10 through 14, inclusive.

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 15 on page 1 through line 13 on page 3, inclusive, and substitute:

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

(a) There is a Task Force to Study the Establishment of a Deaf Culture Library.

(b) The Task Force consists of the following 11 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 State Superintendent of Education, or the Superintendent's designee; and

(4) the following six members, appointed by the Governor:

(i) one representative of the Division of Library Development and Services in the State Department of Education;

(ii) one representative of the Governor's Office of the Deaf and Hard of Hearing;

(iii) one representative of the Maryland Library Association; and

(iv) three representatives of the deaf community or of deaf organizations in the State.

(c) The Governor shall designate the chair of the Task Force.

(d) The State Department of Education 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:

(1) study the establishment of a Deaf Culture Digital Library, including potential funding sources for the library through a public–private partnership or the establishment of a friends of the library organization; and

(2) make recommendations regarding the coordination of a Deaf Culture Digital Library to educate individuals about deaf cultures in the United States and other countries, including reference material and links to other resources.

(g) On or before December 1, 2012, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.".

AMENDMENT NO. 3

On page 3, in line 15, strike "October" and substitute "July"; and in the same line, after "2012." insert "It shall remain effective for a period of 1 year, and at the end of June 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 515 – Delegates Stein, Arora, Bobo, Cardin, DeBoy, Frick, Kach, A. Kelly, Kipke, Kramer, Lafferty, Morhaim, Olszewski, Reznik, B. Robinson, Stukes, and Zucker

AN ACT concerning

State Government – Financial Education and Capability Commission

HB0515/595566/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 515

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Zucker" and substitute "Zucker, Howard, and Walker".

AMENDMENT NO. 2

On page 3, strike beginning with "**WHO**" in line 10 down through "**EDUCATION**" in line 11.

On page 4, strike beginning with "**DEPARTMENT**" in line 17 down through "**JOINTLY**" in line 18 and substitute "**MARYLAND CASH CAMPAIGN**".

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 563 – Delegates Hixson, Barve, Cardin, Frick, Howard, Ivey, Kaiser, Luedtke, A. Miller, Rosenberg, Ross, Stukes, and Summers

AN ACT concerning

Telecommunications Taxes – Reform Commission and Moratorium

HB0563/945767/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 563
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "and Moratorium"; in lines 2 and 3, in each instance, strike "Telecommunications" and substitute "Communications"; in lines 8, 9, 12, 13, 15, 17, and 21, in each instance, strike "telecommunications" and substitute "communications"; in line 24, strike "a"; in line 25, strike "date" and substitute "dates"; and strike beginning with "prohibiting" in line 25 down through "term;" in line 29.

On page 2, in line 2, strike "Telecommunications" and substitute "Communications"; in lines 5, 6, 10, 11, 14, 15, 18, 20, 22, 23, 24, 26, 29, 30, and 32, in

each instance, strike "telecommunications" and substitute "communications"; in line 21, strike "and" and substitute a comma; in the same line, after "counties" insert ", and the municipal corporations"; and in lines 27 and 34, in each instance, strike "2013" and substitute "2014".

AMENDMENT NO. 2

On page 3, in line 3, strike "Telecommunications" and substitute "Communications"; in line 13, strike "two" and substitute "four"; in the same line, after "Counties" insert ", representing different geographic regions of the State"; in line 14, strike "and" and substitute:

"(ii) two representatives of the Maryland Municipal League, one representing a municipality with a relatively small population and one representing a municipality with a relatively large population;

(iii) two citizens of the State who are consumers of communications services;

(iv) one representative of a labor union representing workers in the communications industry;

(v) one representative of the Tech Council of Maryland;

(vi) one representative of the Maryland Chamber of Commerce; and";

in line 15, strike "(ii)" and substitute "(vii)"; and in line 16, strike "telecommunications" and substitute "communications".

AMENDMENT NO. 3

On page 4, in line 1, after the first "the" insert: ":

(1)";

in lines 3, 4, 8, 15, 18, 23, 25, and 27, in each instance, strike "telecommunications" and substitute "communications"; strike beginning with "encourages" in line 3 down through "and" in line 4; in line 5, after "providers" insert: "; and

(2) efficacy of tax and other incentives to encourage investment in broadband networks and emerging technologies";

in line 15, strike the semicolon and substitute "and fees; and"; strike beginning with "local" in line 16 down through "(7)" in line 18; in lines 22 and 26, in each instance, strike "each county government" and substitute "local governments"; in line 22, strike "current" and substitute "relevant"; in line 27, after "in" insert "relevant"; in line 28, strike "2011" and substitute "2012"; and in line 32, strike "September" and substitute "December".

AMENDMENT NO. 4

On page 5, in lines 1, 6, and 11, strike "telecommunications" and substitute "communications"; in line 5, strike "county" and substitute "local"; in line 17, after "(i)" insert:

"(1) On or before December 31, 2012, the Commission shall make an interim report of its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

(2)";

in line 17, strike "January 1, 2013" and substitute "June 30, 2013"; and in the same line, strike "report" and substitute "make a final report of".

AMENDMENT NO. 5

On page 5, strike in their entirety lines 20 through 34, inclusive.

The preceding 5 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 592 – Chair, Ways and Means Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Tax Credit for Businesses That Create New Jobs – Enhanced Credit – 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:

House Bill 600 – Delegates Zucker, Anderson, Barve, Branch, Clippinger, Glass, Haynes, Howard, Ivey, Kaiser, Luedtke, McIntosh, A. Miller, Mitchell, Myers, Niemann, Ready, S. Robinson, Rosenberg, Ross, Serafini, Stukes, Vaughn, Walker, and Washington

AN ACT concerning

Income Tax – Subtraction Modification – Mortgage Forgiveness Debt Relief

HB0600/825667/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 600
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Washington" and substitute "Washington, Cardin, and F. Turner".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0600/345468/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 600
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, strike "10–208(a)" and substitute "10–207(a)"; and in line 18, strike "10–208(r)" and substitute "10–207(y)".

AMENDMENT NO. 2

On page 2, strike beginning with "**IN**" in line 6 down through "**YEAR**" in line 7; in line 7, strike "**10–208(R)**" and substitute "**10–207(Y)**"; strike in their entirety lines 16 through 19, inclusive, and substitute:

"10–207.

(a) To the extent included in federal adjusted gross income, the amounts under this section are subtracted from the federal adjusted gross income of a resident to determine Maryland adjusted gross income.";

and in line 20, strike "**(R)**" and substitute "**(Y)**".

The preceding 2 amendments were read and 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 745 – Delegates Serafini, Bates, and McComas

AN ACT concerning

Education – Maryland Advisory Council for Virtual Learning – Establishment

HB0745/495365/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 745
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 13, strike "**15**"; in lines 18 and 20, in each instance, strike "**ONE MEMBER**" and substitute "**TWO MEMBERS**"; and in line 27, strike "**AND**".

On page 3, in line 2, after "**PROVIDERS**" insert "**;**

(V) ONE REPRESENTATIVE OF THE BUSINESS COMMUNITY;

(VI) ONE PARENT OF A STUDENT PARTICIPATING IN DIGITAL LEARNING OPPORTUNITIES;

(VII) ONE SCHOOL TEACHER ENGAGED IN DIGITAL INSTRUCTION;

(VIII) ONE MEMBER OF THE BALTIMORE TEACHERS UNION;

(IX) ONE MEMBER OF THE MARYLAND STATE EDUCATION ASSOCIATION; AND

(X) ONE CHARTER SCHOOL ADVOCATE".

AMENDMENT NO. 2

On page 4, in line 6, after "**SHALL**" insert "**MAKE RECOMMENDATIONS REGARDING**"; and strike in their entirety lines 7 through 26, inclusive.

On page 5, in lines 1, 4, 6, 7, 9, 11, 13, 15, 17, 19, 21, 24, and 26, strike "**(II)**", "**(III)**", "**(IV)**", "**(V)**", "**(VI)**", "**(VII)**", "**(VIII)**", "**(IX)**", "**(X)**", "**(XI)**", "**(XII)**", "**(8)**", and "**(B)**", respectively, and substitute "**(1)**", "**(2)**", "**(3)**", "**(4)**", "**(5)**", "**(6)**", "**(7)**", "**(8)**", "**(9)**", "**(10)**", "**(11)**", "**(B)**", and "**(C)**", respectively; in line 22, strike the semicolon and substitute a period; strike line 23 in its entirety; in line 24, strike "**PERFORM**" and substitute "**THE COUNCIL SHALL PERFORM**"; in line 27, after "**REPORT**" insert "**ITS RECOMMENDATIONS**"; and in line 28, strike "**GENERAL ASSEMBLY**" and substitute "**HOUSE COMMITTEE ON WAYS AND MEANS AND THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE**".

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 764 – Delegates Frick, Afzali, Arora, Bobo, Carr, Clagett, DeBoy, Hixson, Howard, Lafferty, Luedtke, McMillan, Mizeur, Pendergrass, Stein, Stocksdale, Summers, and Zucker

AN ACT concerning

Tax Credit Evaluation Act

HB0764/115962/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 764
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Zucker" and substitute "Zucker, and A. Miller"; strike beginning with "providing" in line 5 down through "circumstances;" in line 6; in line 18, after "Section" insert "11–704; and"; and in line 24, after "10–704.9," insert "10–704.10,".

AMENDMENT NO. 2

On page 3, in line 18, strike "**2013**" and substitute "**2014**"; strike beginning with "**§§**" in line 28 down through "**COAL);**" in line 29, and substitute "**§ 10–730 OF THIS ARTICLE (FILM PRODUCTION ACTIVITY);**".

On page 4, in line 11, strike "**2014**" and substitute "**2015**"; strike beginning with "**§ 11–704**" in line 16 down through "**EMPLOYEES)**" in line 17, inclusive, and substitute "**§§ 8–406(B) AND 10–704.1 OF THIS ARTICLE (PURCHASE OF MARYLAND–MINED COAL)**"; and in line 30, strike "**2015**" and substitute "**2016**".

On page 5, in line 18, strike "**2016**" and substitute "**2017**".

On page 6, in line 1, after the semicolon insert "**AND**"; and strike beginning with "**; AND**" in line 3 down through "**ACTIVITY)**" in line 4.

AMENDMENT NO. 3

On page 8, in line 9, strike beginning with "**REESTABLISHED**" through "**TERMINATE**" and substitute "**CONTINUED, WITH OR WITHOUT CHANGES, OR TERMINATED**"; in line 10, strike "**EACH BILL**" and substitute "**ANY LEGISLATION**"; strike in their entirety lines 13 through 15, inclusive; strike in their entirety lines 20 through 22, inclusive; in line 16, strike "**(B)**"; in the same line, strike "**REESTABLISHMENT**" and substitute "**CONTINUATION**"; strike beginning with the

second "**THE**" in line 18 down through "**SETS**" in line 19; and in line 19, after "**PERIOD**" insert "**IS SET BY LAW**".

AMENDMENT NO. 4

On page 8, in line 25, after "Section(s)" insert "11–704; and"; and in line 28, after "10–704.9," insert "10–704.10,".

On pages 8 and 9, strike beginning with "the" in line 31 on page 8 down through "or" in line 1 on page 9.

On page 9, in lines 4 and 6, in each instance, strike "termination or".

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 Saturday.

The motion was adopted.

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

House Bill 886 – Delegates Ivey, Barve, Cardin, Clippinger, Glenn, Kaiser, Lafferty, McIntosh, Mitchell, Pena–Melnyk, B. Robinson, Rosenberg, Ross, Walker, and Washington

AN ACT concerning

Maryland After–School and Summer Opportunity Fund Program

HB0886/835564/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 886
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Washington" and substitute "Washington, A. Miller, and Stukes".

AMENDMENT NO. 2

On page 4, in line 21, strike "**SIXTEEN**" and substitute "**SEVENTEEN**".

On page 5, in line 14, strike "**AND**"; and in line 16, after "**EDUCATION**" insert "**; AND**

(XIII) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF DISABILITIES".

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 907 – Delegates McIntosh and Hixson

AN ACT concerning

Environment – Natural Gas Production – Severance Tax

HB0907/385868/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 907
(First Reading File Bill)

On page 6, in line 8, strike "**15%**" and substitute "**7.5%**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Delegate Beitzel moved to make the Bill a Special Order for Saturday.

The motion was adopted.

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

House Bill 918 – Delegates Hixson, Afzali, Barve, Cardin, Frick, George, Howard, Ivey, Kaiser, Kipke, Luedtke, McDonough, McMillan, A. Miller, W. Miller, Rosenberg, Ross, Rudolph, Stocksdale, and Summers

AN ACT concerning

Sales and Use Tax – Alcoholic Beverages – Calculation of Tax

HB0918/735460/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 918
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 3 down through "individuals;" in line 6; strike in their entirety lines 11 through 15, inclusive; and in line 18, strike "11–101(l)(5) and".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 4 through 14, inclusive; and in line 28, strike "**11 OR MORE**" and substitute "**MORE THAN 10**".

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 #8

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

House Bill 59 – Delegates McConkey, Costa, Dwyer, George, McMillan, Schuh, Sophocleus, and Vitale

AN ACT concerning

Anne Arundel County – Property Tax Payment Deferral – Eligibility

HB0059/645162/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 59
(First Reading File Bill)

On page 1, in the sponsor line, strike "Delegates McConkey, Costa, Dwyer, George, McMillan, Schuh, Sophocleus, and Vitale" 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 120 – Delegates Sophocleus, Beidle, Costa, Dwyer, Frush, George, Kipke, Love, and Vitale

AN ACT concerning

Maryland Income Tax Refund – Anne Arundel County – Warrants

HB0120/125068/1
BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 120
(First Reading File Bill)

On page 1, in the sponsor line, strike "Delegates Sophocleus, Beidle, Costa, Dwyer, Frush, George, Kipke, Love, and Vitale" 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 125 – Frederick County Delegation

AN ACT concerning

Frederick County – Property Tax Credit – Job Creation by Small Businesses

HB0125/645661/1
BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 125
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "Delegation" insert "and Washington County Delegation".

AMENDMENT NO. 2

On page 1, in line 2, after "County" insert "and Washington County"; in lines 3 and 10, in each instance, after "County" insert "and the governing body of Washington County"; in line 7, after "County" insert "or in Washington County"; in line 15, after "County" insert "and in Washington County"; and in line 24, after "9–312(i)" insert "and 9–323(g)".

AMENDMENT NO. 3

On page 2, in line 13, after "**2.**" insert "**AT LEAST**".

On page 5, after line 22, insert:

"9–323.

(G) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) "AFFILIATE" MEANS A PERSON:

1. THAT DIRECTLY OR INDIRECTLY OWNS AT LEAST 80% OF A BUSINESS ENTITY; OR

2. AT LEAST 80% OF WHICH IS OWNED, DIRECTLY OR INDIRECTLY, BY A BUSINESS ENTITY.

(III) "BUSINESS ENTITY" MEANS A PERSON CONDUCTING A TRADE OR BUSINESS IN THE STATE THAT IS SUBJECT TO THE STATE INDIVIDUAL OR CORPORATE INCOME TAX OR INSURANCE PREMIUMS TAX.

(IV) "FULL–TIME POSITION" MEANS A POSITION REQUIRING AT LEAST 840 HOURS OF AN INDIVIDUAL'S TIME DURING AT LEAST 24 WEEKS IN A 6–MONTH PERIOD.

(V) "NEW OR EXPANDED PREMISES" MEANS COMMERCIAL OR INDUSTRIAL REAL PROPERTY, INCLUDING A BUILDING OR PART OF A BUILDING THAT HAS NOT BEEN PREVIOUSLY OCCUPIED, WHERE A BUSINESS ENTITY OR ITS AFFILIATES LOCATE TO CONDUCT BUSINESS.

(VI) 1. "NEW PERMANENT FULL–TIME POSITION" MEANS A POSITION THAT IS:

A. A FULL–TIME POSITION OF INDEFINITE DURATION;

B. LOCATED IN WASHINGTON COUNTY;

C. NEWLY CREATED, AS A RESULT OF THE ESTABLISHMENT OR EXPANSION OF A BUSINESS FACILITY IN THE COUNTY; AND

D. FILLED.

2. "NEW PERMANENT FULL–TIME POSITION" DOES NOT INCLUDE A POSITION THAT IS:

A. CREATED WHEN AN EMPLOYMENT FUNCTION IS SHIFTED FROM AN EXISTING BUSINESS FACILITY OF THE BUSINESS ENTITY OR ITS AFFILIATES LOCATED IN WASHINGTON COUNTY TO ANOTHER BUSINESS

FACILITY OF THE SAME ENTITY OR ITS AFFILIATES, IF THE POSITION DOES NOT REPRESENT A NET NEW JOB IN THE COUNTY;

B. CREATED THROUGH A CHANGE IN OWNERSHIP OF A TRADE OR BUSINESS;

C. CREATED THROUGH A CONSOLIDATION, MERGER, OR RESTRUCTURING OF A BUSINESS ENTITY OR ITS AFFILIATES, IF THE POSITION DOES NOT REPRESENT A NET NEW JOB IN THE COUNTY;

D. CREATED WHEN AN EMPLOYMENT FUNCTION IS CONTRACTUALLY SHIFTED FROM AN EXISTING BUSINESS ENTITY OR ITS AFFILIATES LOCATED IN THE COUNTY TO ANOTHER BUSINESS ENTITY OR ITS AFFILIATES, IF THE POSITION DOES NOT REPRESENT A NET NEW JOB IN THE COUNTY; OR

E. FILLED FOR A PERIOD OF LESS THAN 12 MONTHS.

(2) THE GOVERNING BODY OF WASHINGTON COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT AGAINST THE COUNTY PROPERTY TAX IMPOSED ON REAL PROPERTY OWNED OR LEASED BY A BUSINESS ENTITY THAT MEETS THE REQUIREMENTS SPECIFIED FOR THE TAX CREDIT UNDER THIS SUBSECTION.

(3) TO QUALIFY FOR A PROPERTY TAX CREDIT UNDER THIS SUBSECTION, BEFORE A BUSINESS ENTITY OBTAINS THE NEW OR EXPANDED PREMISES OR HIRES EMPLOYEES TO FILL THE NEW PERMANENT FULL–TIME POSITIONS AT THE NEW OR EXPANDED PREMISES, THE BUSINESS ENTITY SHALL PROVIDE WRITTEN NOTIFICATION TO THE GOVERNING BODY OF WASHINGTON COUNTY STATING:

(I) THAT THE BUSINESS ENTITY INTENDS TO CLAIM THE PROPERTY TAX CREDIT; AND

(II) WHEN THE BUSINESS ENTITY EXPECTS TO OBTAIN THE NEW OR EXPANDED PREMISES AND HIRE THE REQUIRED NUMBER OF EMPLOYEES IN THE NEW PERMANENT FULL–TIME POSITIONS.

(4) (I) TO QUALIFY FOR A PROPERTY TAX CREDIT UNDER THIS SUBSECTION, AN EXISTING BUSINESS ENTITY IN THE COUNTY SHALL:

1. OBTAIN AT LEAST AN ADDITIONAL 1,500 SQUARE FEET OF NEW OR EXPANDED PREMISES BY PURCHASING NEWLY CONSTRUCTED PREMISES, CONSTRUCTING NEW PREMISES, CAUSING NEW PREMISES TO BE CONSTRUCTED, OR LEASING PREVIOUSLY UNOCCUPIED PREMISES; AND

2. EMPLOY AT LEAST ONE INDIVIDUAL IN A NEW PERMANENT FULL–TIME POSITION DURING A 12–MONTH PERIOD, DURING WHICH PERIOD THE BUSINESS ENTITY ALSO MUST OBTAIN AND OCCUPY THE NEW OR EXPANDED PREMISES.

(II) TO QUALIFY FOR THE PROPERTY TAX CREDIT UNDER THIS SUBSECTION, A NEW BUSINESS ENTITY LOCATING IN THE COUNTY SHALL:

1. OBTAIN AT LEAST 2,500 SQUARE FEET OF NEW OR EXPANDED PREMISES BY PURCHASING NEWLY CONSTRUCTED PREMISES, CONSTRUCTING NEW PREMISES, CAUSING NEW PREMISES TO BE CONSTRUCTED, OR LEASING PREVIOUSLY UNOCCUPIED PREMISES; AND

2. EMPLOY AT LEAST FIVE INDIVIDUALS IN NEW PERMANENT FULL–TIME POSITIONS DURING A 24–MONTH PERIOD, DURING WHICH PERIOD THE BUSINESS ENTITY ALSO MUST OBTAIN AND OCCUPY THE NEW OR EXPANDED PREMISES.

(5) (I) IF AN EXISTING BUSINESS ENTITY IN THE COUNTY MEETS THE REQUIREMENTS OF PARAGRAPH (4)(I) OF THIS SUBSECTION, THE PROPERTY TAX CREDIT GRANTED UNDER THIS SUBSECTION SHALL EQUAL A PERCENTAGE OF THE AMOUNT OF PROPERTY TAX IMPOSED ON THE ASSESSMENT OF THE NEW OR EXPANDED PREMISES, AS FOLLOWS:

1. 52% IN THE FIRST AND SECOND TAXABLE YEARS;

2. 39% IN THE THIRD AND FOURTH TAXABLE YEARS; AND

3. 26% IN THE FIFTH AND SIXTH TAXABLE YEARS.

(II) IF A NEW BUSINESS ENTITY LOCATING IN THE COUNTY MEETS THE REQUIREMENTS OF PARAGRAPH (4)(II) OF THIS SUBSECTION, THE PROPERTY TAX CREDIT GRANTED UNDER THIS SUBSECTION SHALL EQUAL A PERCENTAGE OF THE AMOUNT OF PROPERTY TAX IMPOSED ON THE ASSESSMENT OF THE NEW OR EXPANDED PREMISES, AS FOLLOWS:

1. 30% IN THE FIRST AND SECOND TAXABLE YEARS;

2. 20% IN THE THIRD AND FOURTH TAXABLE YEARS; AND

3. 10% IN THE FIFTH AND SIXTH TAXABLE YEARS.

(6) THE LESSOR OF REAL PROPERTY GRANTED A PROPERTY TAX CREDIT UNDER THIS SUBSECTION SHALL REDUCE THE AMOUNT OF TAXES FOR WHICH A BUSINESS ENTITY IS CONTRACTUALLY LIABLE UNDER THE LEASE AGREEMENT BY THE AMOUNT OF ANY CREDIT GRANTED UNDER THIS SUBSECTION FOR IMPROVEMENTS MADE BY THE BUSINESS ENTITY.

(7) THE GOVERNING BODY OF WASHINGTON COUNTY SHALL PROVIDE, BY LAW, FOR:

(I) THE SPECIFIC REQUIREMENTS FOR ELIGIBILITY FOR A PROPERTY TAX CREDIT AUTHORIZED UNDER THIS SUBSECTION;

(II) ANY ADDITIONAL LIMITATIONS ON ELIGIBILITY FOR THE CREDIT; AND

(III) ANY OTHER PROVISION APPROPRIATE TO IMPLEMENT THE CREDIT.".

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 136 – Carroll County Delegation

AN ACT concerning

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

HB0136/625467/1
BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 136
(First Reading File Bill)

On page 1, in line 24, strike "**CONTINUING CARE**" and substitute "**COMMUNITY OR**".

On page 2, in line 1, after "**(I)**" insert "**1.**"; in lines 3, 5, and 6, strike "**(II)**", "**(III)**", and "**(IV)**", respectively, and substitute "**2.**", "**3.**", and "**4.**", respectively; and in line 9, after "**CODE**" insert "**; OR**

(II) OFFERS AN AGE–RESTRICTED LIFE OCCUPANCY AGREEMENT AND REQUIRES PAYMENT OF AN ENTRANCE FEE".

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:

House Bill 216 – Washington County Delegation

AN ACT concerning

Washington County – Distribution of Amounts to Town of Williamsport – Payments in Lieu of Property Taxes on Electricity Generation Facilities

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 224 – Delegate Beitzel

AN ACT concerning

Garrett County – Hotel Rental Tax Rate

HB0224/665062/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 224
(First Reading File Bill)

AMENDMENT NO. 1

In line 2, strike "Rate"; in line 3, after "of" insert "altering the definition of "transient charge", as it relates to Garrett County, for purposes of certain provisions of law authorizing certain counties to impose a hotel rental tax on certain transient charges collected by certain hotels;"; in line 4, strike "rate"; and in line 7, after "Section" insert "9–301(f) and".

AMENDMENT NO. 2

After line 12, insert:

"9–301.

(f) (1) Except as provided in paragraphs (2) and (3) of this subsection, "transient charge" means a hotel charge for sleeping accommodations for a period not exceeding 4 consecutive months.

(2) In Frederick County**, GARRETT COUNTY,** and Washington County, "transient charge" means a hotel charge for sleeping accommodations for a period not exceeding 30 days.

(3) In Carroll County, "transient charge" means a hotel charge for sleeping accommodations for a period not exceeding 25 days.

(4) "Transient charge" does not include any hotel charge for services or for accommodations other than sleeping accommodations.".

AMENDMENT NO. 3

In line 17, 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 with amendments:

House Bill 518 – Frederick County Delegation

AN ACT concerning

Frederick County – Tax Sales – Auctioneer's Fees

HB0518/935463/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 518

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "bid" insert "for each property sold".

AMENDMENT NO. 2

On page 2, in line 31, after "**BID**" insert "**FOR EACH PROPERTY SOLD**".

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 97 – Delegate Anderson (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Hotel Room Tax – Convention Center Promotion

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 726 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Property Tax Credit – Benefit Corporations and Benefit Limited Liability Companies
MC 13–12

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 897 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Property Tax – Installment Payment Schedule
PG 416–12

HB0897/245465/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 897
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "six–installment" and substitute "certain installment".

AMENDMENT NO. 2

On page 1, in line 24, strike "**A SIX–INSTALLMENT**" and substitute "**AN INSTALLMENT**"; and in the same line, after "**SCHEDULE**" insert "**OF NO MORE THAN SIX PAYMENTS**".

On page 2, strike beginning with "**ELIGIBLE**" in line 4 down through "**ARTICLE**" in line 5 and substitute "**AT LEAST 62 YEARS OLD**".

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 898 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Property Tax – Exemption for Economic Development Projects
PG 418–12

HB0898/645260/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 898
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Exemption" in line 2 down through "Projects" in line 3 and substitute "Payment in Lieu of Taxes Agreements".

AMENDMENT NO. 2

On page 1, in line 10, after "terms;" insert "requiring the Prince George's County Office of the County Executive to report to certain delegations of the General Assembly on or before a certain date; providing for the termination of this Act;".

AMENDMENT NO. 3

On page 2, in line 10, strike "**AND**" and substitute "**OR**"; in line 15, strike "**OR MULTIFAMILY RESIDENTIAL**"; and in line 28, strike "**150**" and substitute "**100**".

AMENDMENT NO. 4

On page 3, strike beginning with "**A**" in line 8 down through "**5.**" in line 11; in line 15, strike "**6.**" and substitute "**5.**"; in line 16, strike "**5**" and substitute "**4**"; in line 18, strike "**4,**"; in the same line, strike "**5**" and substitute "**4**"; and in line 19, after "**COUNTY**" insert "**, BY RESOLUTION,**".

AMENDMENT NO. 5

On page 4, in line 27, strike the second "**AND**"; after line 27 insert:

"**6. THE PARTICIPATION OF LOCAL MINORITY BUSINESS ENTERPRISES AND LOCAL BUSINESS ENTERPRISES IN THE ECONOMIC DEVELOPMENT PROJECT; AND**";

and in line 28, strike "**6.**" and substitute "**7.**".

AMENDMENT NO. 6

On page 5, in line 9, strike "**A MULTIFAMILY RESIDENTIAL FACILITY OR**"; in line 21, strike "**5%**" and substitute "**25%**"; in line 24, strike "**25**" and substitute "**15**"; in line 29, strike "**AND**"; and in line 34, after "**WAIVED**" insert:

"**; AND**

(4) THE AUTHORIZING RESOLUTION STATES THAT THE PROJECT MAY NOT INVOLVE GAMBLING ACTIVITIES".

AMENDMENT NO. 7

On page 6, after line 24, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2016, the Prince George's County Office of the County Executive shall report to the Chairs of the Prince George's County House and Senate Delegations, in accordance with § 2–1246 of the State Government Article, on the implementation of this Act.";

in line 25, strike "**2.**" and substitute "**3.**"; in line 26, strike "October" and substitute "July"; and in the same line, after "2012." insert "It shall remain effective for a period of 5 years and, at the end of June 30, 2017, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 7 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 1054 – Charles County Delegation

AN ACT concerning

Charles County – Property Tax Credit – Conservation Easements

Favorable report 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 90 – Delegates Aumann, Frank, Boteler, Cluster, Impallaria, Kach, and Szeliga

AN ACT concerning

Election Law – Baltimore County Republican Party Central Committee – Election of Chairman

HB0090/275661/1
BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 90
(First Reading File Bill)

On page 1, in the sponsor line, strike "Delegates Aumann, Frank, Boteler, Cluster, Impallaria, Kach, and Szeliga" and substitute "Baltimore 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:

House Bill 135 – Carroll County Delegation

AN ACT concerning

Carroll 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:

House Bill 138 – Carroll County Delegation

AN ACT concerning

Carroll County – Polling Places – Electioneering Boundaries

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 250 – Delegates Oaks, Carter, and Rosenberg

AN ACT concerning

Elections – Baltimore City – Election Dates

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 339 – Delegate Niemann

AN ACT concerning

Admissions and Amusement Tax – Returns and Penalties

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 434 – Delegate O'Donnell

AN ACT concerning

Sales and Use Tax – Sales of Dyed Diesel Fuel

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 923 – Delegates Lafferty, Beidle, Bromwell, Clippinger, Cluster, Holmes, Morhaim, Niemann, and Summers

AN ACT concerning

Property Tax Credit – Neighborhood Conservation Act of 2012

HB0923/905267/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 923

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Summers" and substitute "Summers, and Cardin"; and in line 8, after "credit;" insert "requiring the Department of Housing and Community Development to adopt regulations that establish application procedures for the designation of certain neighborhood conservation areas;".

AMENDMENT NO. 2

On page 2, in line 1, after "**(A)**" insert "**(1)**"; strike beginning with "**AN**" in line 6 down through "**AS**" in line 7; and in the same line, after "**AREA**" insert "**ESTABLISHED OR RENEWED BY APPLICATION TO THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT BASED ON THE CRITERIA SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION.**

(2) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL ADOPT REGULATIONS THAT ESTABLISH APPLICATION PROCEDURES FOR THE DESIGNATION OF A NEIGHBORHOOD CONSERVATION AREA BASED ON:

(I) THE CONCENTRATION OF FORECLOSURE ACTIVITY;

(II) THE CONCENTRATION OF BLIGHTED OR VACANT PROPERTIES; AND

(III) THE LOCATION WITHIN A PRIORITY FUNDING AREA, WITH PREFERENCE GIVEN TO SUSTAINABLE COMMUNITIES UNDER § 6–201 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE".

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 959 – Delegates Barve, Branch, and Luedtke

AN ACT concerning

Recordation and Transfer Taxes – Transfer of Property Between Related Entities – Exemption

HB0959/735868/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 959
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Luedtke" and substitute "Luedtke, Cardin, and Walker".

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:

House Bill 1456 – Delegate Mizeur

AN ACT concerning

Income Tax – Tax Credits – Electronic Filing Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #11

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

House Bill 239 – Frederick County Delegation

AN ACT concerning

Frederick County Board of Education – Membership and Employment

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 680 – Delegates Rosenberg, Luedtke, and Washington

AN ACT concerning

Education – Development of Guidelines to Incorporate Sustainable Agricultural Education

HB0680/725067/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 680
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Development of Guidelines to Incorporate" and substitute "Task Force to Explore Including"; in line 3, strike "Agricultural Education" and substitute "Agriculture in Existing Curricular Areas"; in line 7, strike "jointly develop guidelines to incorporate education about" and substitute "create a task force to explore options for including"; in line 8, strike "into science curricula" and substitute "and other agricultural issues in all existing curricular areas"; strike beginning with "development" in line 9 down through "about" in line 10 and substitute "creation of a task force to include"; and in line 10, strike "into science curricula" and substitute "in existing curricular areas".

AMENDMENT NO. 2

On page 1, in line 20, strike "**2013**" and substitute "**2014**"; in line 24, strike "**JOINTLY**"; and in the same line, strike "**DEVELOP GUIDELINES TO**" and substitute "**CREATE A TASK FORCE TO EXPLORE OPTIONS FOR INCLUDING**".

On page 2, in line 1, strike "**INCORPORATE EDUCATION ABOUT**"; in the same line, strike "**INTO THE**" and substitute "**AND OTHER AGRICULTURAL ISSUES IN ALL**"; in line 2, strike "**SCIENCE CURRICULA**" and substitute "**CURRICULAR AREAS**"; in line 4, strike "2" and substitute "3"; and in line 5, strike "2014" and substitute "2015".

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 701 – Montgomery County Delegation

AN ACT concerning

Montgomery County Board of Education – Student Member – Voting
MC 9–12

Delegate Hixson moved the Bill be recommitted.

The motion was adopted.

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

House Bill 757 – Delegates Luedtke and Wilson

AN ACT concerning

Education – Children in State–Supervised Care – Geographical Attendance Area

HB0757/115067/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 757
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Children" in line 2 down through "Area" in line 3 and substitute "Domicile Requirements for Attendance – Exception"; strike beginning with "authorizing" in line 4 down through "factors;" in line 8; strike beginning with "in" in line 9 down through "domiciled" in line 10; in line 11, after "Resources" insert "and the Secretary of Juvenile Services each"; and in line 12, after "children;" insert "requiring the State Department of Education to adopt certain regulations to implement certain provisions of a certain federal law;"; in line 13, strike "in State–supervised care"; in line 14, strike "whether the child resides in the

geographical area of the school" and substitute "the domicile requirements for attendance at that school"; and in line 17, strike "4–109 and".

AMENDMENT NO. 2

On pages 1 and 2, strike beginning with line 23 on page 1 through line 18 on page 2, inclusive.

AMENDMENT NO. 3

On page 2, in line 30, strike "**ANY SCHOOL IN THE COUNTY THAT THE CHILD HAS BEEN**" and substitute "**THE SCHOOL THAT THE CHILD IS**"; and strike beginning with "**IN**" in line 31 down through "**AND**" in line 32 and substitute "**WHO IS:**

A. IN THE CUSTODY OF, COMMITTED TO, OR OTHERWISE PLACED BY A LOCAL DEPARTMENT OF SOCIAL SERVICES OR THE DEPARTMENT OF JUVENILE SERVICES; AND

B. SUBJECT TO THE EDUCATIONAL STABILITY PROVISIONS OF THE FEDERAL FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008;

2. THE CHILD IS NOT SUBJECT TO THE EDUCATIONAL STABILITY PROVISIONS OF THE FEDERAL MCKINNEY–VENTO HOMELESS ASSISTANCE ACT AS A CHILD AWAITING FOSTER CARE PLACEMENT AS DEFINED BY THE DEPARTMENT IN REGULATION;

3. THE CHILD IS NOT IN ANY OF THE FOLLOWING PLACEMENTS:

A. A DETENTION FACILITY;

B. A FORESTRY CAMP;

C. A TRAINING SCHOOL;

D. A STATE–OWNED AND STATE–OPERATED FACILITY THAT ACCOMMODATES MORE THAN 25 CHILDREN; OR

E. ANY OTHER FACILITY OPERATED PRIMARILY FOR THE DETENTION OF CHILDREN WHO ARE DETERMINED TO BE DELINQUENT;".

On page 3, in line 1, strike "**2.**" and substitute "**4.**"; strike beginning with the comma in line 1 down through "**HYGIENE,**" in line 2; in line 3, after "**DETERMINES**" insert "**, IN CONSULTATION WITH THE LOCAL SCHOOL SYSTEM,**"; in line 4, after "**SCHOOL**" insert "**; AND**

5. THE LOCAL DEPARTMENT OF SOCIAL SERVICES OR THE DEPARTMENT OF JUVENILE SERVICES PAYS FOR THE COST OF TRANSPORTING THE CHILD TO AND FROM SCHOOL";

in line 5, after "**(III)**" insert "**1.**"; in the same line, strike "**SECRETARY**" and substitute "**DEPARTMENT**"; in the same line, after "**RESOURCES**" insert "**AND THE DEPARTMENT OF JUVENILE SERVICES EACH**"; strike beginning with "**IN**" in line 7 down through "**PARAGRAPH**" in line 8 and substitute "**UNDER THIS SECTION**"; and after line 8, insert:

"**2. THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE EDUCATIONAL STABILITY PROVISIONS OF THE FEDERAL FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008.**".

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 802 – Prince George's County Delegation

AN ACT concerning

Education – Prince George's County School Board Budgets – Transparency
PG 410–12

HB0802/895968/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 802
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "schools;" insert "providing for a delayed effective date;".

AMENDMENT NO. 2

On page 3, in line 6, 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:

House Bill 803 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Board of Education – Operation of Schools – Year–Round Basis
PG 405–12

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 1006 – Delegate Jones

AN ACT concerning

Baltimore County – Public School Employees – Collective Bargaining Units

HB1006/505267/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1006
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Jones" and substitute "Baltimore County Delegation"; and in line 6, strike beginning with "establishing" through "employees" and substitute "including a unit of certain supervisory employees among certain units authorized".

AMENDMENT NO. 2

On page 2, in line 27, after "**ARE**" insert "**ADMINISTRATIVE AND**".

On page 3, in line 7, strike the brackets; in lines 7 and 8, strike "**:**

(I) THERE";

in line 8, strike "nonsupervisory"; in the same line, after "units" insert a comma; and in lines 9 and 10, strike "**; AND (II) ONE NONCERTIFICATED**" and substitute "**INCLUDING ONE**".

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 1080 – Delegate Walker

AN ACT concerning

Education – Student Athletes – Heat Acclimatization Guidelines

HB1080/515468/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1080
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Walker" and substitute "Delegates Walker, Cardin, Frick, Hixson, Howard, Ivey, Kaiser, A. Miller, Myers, Rosenberg, Stukes, Summers, and F. Turner".

AMENDMENT NO. 2

On page 2, strike beginning with "**BEFORE**" in line 10 down through "**SEASON**" in line 11.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1188 – Delegates Ross, Ivey, Summers, Vaughn, and Walker

AN ACT concerning

State Department of Education – Lacrosse Opportunities Program

HB1188/505161/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1188
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Walker" and substitute "Walker, Cardin, and Frick".

AMENDMENT NO. 2

On page 3, in line 11, strike "**$100,000**" and substitute "**$40,000**".

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 346 – Chair, Ways and Means Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Tobacco Products – Tobacco Tax – Exemptions and Penalties

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

HB0346/243994/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 346
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "establishing" in line 8 down through "paid;" in line 11.

AMENDMENT NO. 2

On page 3, in line 3, strike "**SUBSECTIONS**" and substitute "**SUBSECTION**"; in line 4, strike "**AND (C)**"; in line 7, strike the brackets; in line 10, after "**TRANSPORTED**" insert "**OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH**"; and strike in their entirety lines 11 through 17, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 350 – Delegates Clippinger, Alston, Anderson, Bobo, Carter, Cluster, Cullison, Dumais, Dwyer, Glenn, Hammen, Kaiser, K. Kelly, Luedtke, McDermott, McHale, McIntosh, Mitchell, Niemann, B. Robinson, Rosenberg, Simmons, Smigiel, Tarrant, Valentino–Smith, Waldstreicher, Washington, Wilson, and Zucker

AN ACT concerning

Criminal Law – Possession of Marijuana – De Minimus Quantity

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

FLOOR AMENDMENT

HB0350/983724/1
BY: Delegates Mitchell, Conaway, Clippinger, Alston, Anderson, Braveboy, Carter, and Pena–Melnyk

AMENDMENTS TO HOUSE BILL 350
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "crime;" insert "providing that a sentence imposed under this Act shall be stayed under certain circumstances without requiring an appeal bond;".

AMENDMENT NO. 2

On page 2, after line 28, insert:

"**3. IF A PERSON IS CONVICTED UNDER THIS SUBPARAGRAPH AND FILES AN APPEAL, THE COURT SHALL STAY ANY SENTENCE IMPOSED THAT INCLUDES A PERIOD OF IMPRISONMENT DURING THE PENDENCY OF THE APPEAL WITHOUT REQUIRING AN APPEAL BOND.**".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 443 – The Speaker (By Request – Administration) and Delegates Barnes, Gaines, Griffith, Hammen, Haynes, Hucker, Jones, Morhaim, Pena–Melnyk, Pendergrass, Proctor, V. Turner, and Waldstreicher

AN ACT concerning

Maryland Health Benefit Exchange Act of 2012

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

FLOOR AMENDMENT

HB0443/743122/1
BY: Delegate Pendergrass

AMENDMENTS TO HOUSE BILL 443, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 3 of the Health and Government Operations Committee Amendments (HB0443/396881/2), in line 11 of Amendment No. 1, after the semicolon insert "providing for the effective dates of this Act;".

AMENDMENT NO. 2

On page 4 of the Health and Government Operations Committee Amendments, in Amendment No. 3, strike beginning with the colon in line 3 down through "**(1)**" in line 4; and strike beginning with the semicolon in line 5 down through "**2013**" in line 8.

On page 6 of the Health and Government Operations Committee Amendments, in Amendment No. 3, strike beginning with the colon in line 20 down through "**(I)**" in line 21.

On pages 6 and 7 of the Health and Government Operations Committee Amendments, in Amendment No. 3, strike beginning with the semicolon in line 22 on page 6 down through "**2013**" in line 3 on page 7.

On page 10 of the Health and Government Operations Committee Amendments, in line 5 of Amendment No. 3, strike "**ARE**"; in line 7, after "(1)" insert "**THIS SUBSECTION APPLIES TO A CARRIER WITH RESPECT TO ANY HEALTH BENEFIT PLAN THAT IS A GRANDFATHERED HEALTH PLAN.**

(2)";

and in line 10, strike "(2)" and substitute "**(3)**".

On page 11 of the Health and Government Operations Committee Amendments, in Amendment No. 3, strike beginning with the colon in line 10 down through "**(I)**" in line 11; and strike beginning with the semicolon in line 12 down through "**2013**" in line 15.

AMENDMENT NO. 3

On page 8 of the bill, after line 17, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Insurance".

On page 45 of the bill, in lines 5 and 16, strike "3." and "4.", respectively, and substitute "4." and "5.", respectively.

On page 46 of the bill, in line 28, strike "5." and substitute "6.".

On page 47 of the bill, in lines 1 and 8, strike "6." and "7.", respectively, and substitute "7." and "8.", respectively.

AMENDMENT NO. 4

On page 56 of the Health and Government Operations Committee Amendments, in Amendment No. 17, in lines 1, 5, and 16, strike "8.", "9.", and "10.", respectively, and substitute "9.", "10.", and "12.", respectively; and after line 15, insert:

"SECTION 11. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1, 2014.".

AMENDMENT NO. 5

On page 47 of the bill, in line 19, after "That" insert ", except as provided in Section 11 of this Act,".

The preceding 5 amendments were read and adopted.

FLOOR AMENDMENT

HB0443/593327/1

BY: Delegate Schulz

AMENDMENTS TO HOUSE BILL 443
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, before "requiring" insert "restricting the use of certain funds for coverage of abortion services;".

AMENDMENT NO. 2

On page 14, in line 10, after "employers" insert "**, PROVIDED THAT:**

(I) COVERAGE OF ABORTION SERVICES IS SUBJECT TO THE SPECIAL RULES RELATING TO COVERAGE OF ABORTION SERVICES UNDER § 1303(B) OF THE AFFORDABLE CARE ACT; AND

(II) NO STATE FUNDS, INCLUDING FUNDS FROM USER FEES, ASSESSMENTS, OR OTHER STATE REVENUES, MAY BE USED TO PAY FOR COVERAGE OF ABORTION SERVICES, EXCEPT:

1. WHERE CONTINUATION OF THE PREGNANCY IS LIKELY TO RESULT IN THE DEATH OF THE WOMAN; OR

2. THE WOMAN IS A VICTIM OF RAPE, SEXUAL OFFENSE, OR INCEST, WHICH HAS BEEN REPORTED TO A LAW ENFORCEMENT AGENCY OR A PUBLIC HEALTH OR SOCIAL AGENCY".

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

Affirmative – 45 Negative – 83 (See Roll Call No. 612)

FLOOR AMENDMENT

HB0443/593429/1
BY: Delegate Hough

AMENDMENTS TO HOUSE BILL 443, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 2 of the bill, in line 15, after "programs;" insert "requiring certain funding mechanisms to be imposed or implemented in a certain manner;".

On page 3 of the bill, after line 4, insert:

"BY repealing and reenacting, with amendments,
Article – Insurance
Section 31–118
Annotated Code of Maryland
(2011 Replacement Volume)
(As enacted by Section 1 of this Act)".

AMENDMENT NO. 2

On page 43 of the bill, after line 4, insert:

"31–118.

(a) Beginning January 1, 2014, subject to subsections (b) and (c) of this section, the Exchange may:

(1) impose user fees, licensing or other regulatory fees, or other assessments that do not exceed reasonable projections regarding the amount necessary to support the operations of the Exchange under this title; or

(2) otherwise generate funding necessary to support its operations under this title.

(b) Any fees, assessments, or other funding mechanisms shall be imposed or implemented**[**, to the maximum extent possible,**]** in a manner that is transparent and **[**broad–based**]** **PAID BY QUALIFIED INDIVIDUALS AND QUALIFIED EMPLOYERS WHO PURCHASE INSURANCE THROUGH THE EXCHANGE**.

(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.

(d) Funds collected through any fees, assessments, or other funding mechanisms:

(1) shall be deposited in the Fund;

(2) shall be used only for the purposes authorized under this title; and

(3) may not be used for staff retreats, promotional giveaways, excessive executive compensation, or promotion of federal or State legislative and regulatory actions.

(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.

(f) The Exchange shall maintain a Web site on which it shall publish:

(1) the average amounts of any fees, assessments, or other payments required by the Exchange;

(2) the administrative costs of the Exchange; and

(3) the amount of funds known to be lost through waste, fraud, and abuse.".

AMENDMENT NO. 3

On page 46 of the bill, in line 9, strike "a combination of"; and strike beginning with the colon in line 10 down through "sectors" in line 21 and substitute "rely on assessments or user fees paid by qualified individuals and qualified employers who purchase insurance through the Exchange".

AMENDMENT NO. 4

On page 55 of the Health and Government Operations Committee Amendments (HB0443/396881/2), in lines 9, 13, and 14 of Amendment No. 16, strike "(4)", "(5)", and "(6)", respectively, and substitute "(3)", "(4)", and "(5)", respectively.

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

Affirmative – 43 Negative – 88 (See Roll Call No. 613)

FLOOR AMENDMENT

HB0443/443525/1
BY: Delegate George

AMENDMENTS TO HOUSE BILL 443, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike beginning with "authorizing" in line 10 down through "circumstances" in line 11.

On page 1 of the Health and Government Operations Committee Amendments (HB0443/396881/2), in line 14 of Amendment No. 1, strike "and for a certain purpose;"; and strike beginning with "requiring" in line 16 down through "comment" in line 18.

AMENDMENT NO. 2

On page 19 of the bill, strike in their entirety lines 5 though 16, inclusive.

On page 23 of the Health and Government Operations Committee Amendments, in line 1 of Amendment No. 7, strike "**SUBJECT TO SUBSECTION (E) OF THIS SECTION, THE**" and substitute "**THE**"; in line 19, strike "**(E)**"; strike beginning with "**SUBJECT**" in line 20 down through "**2016,**" in line 21; and in line 22, strike "**VALUE–BASED INSURANCE DESIGN,**".

On pages 23 and 24 of the Health and Government Operations Committee Amendments, in Amendment No. 7, strike beginning with "**(F)**" in line 24 on page 23 down through "**COMMENT.**" in line 18 on page 24.

AMENDMENT NO. 3

On page 47 of the bill, before line 19, insert:

"SECTION 10. AND BE IT FURTHER ENACTED, That:

(a) The Board of Trustees of the Maryland Health Benefit Exchange shall study the feasibility and desirability of employing alternative contracting options and

active purchasing strategies for qualified plans offered through the Maryland Health Benefit Exchange.

(b) The study shall include an analysis of:

(1) the objectives to be achieved through use of alternative contracting options or active purchasing strategies; and

(2) the impact on the insurance markets inside and outside the Exchange and on consumers.

(c) On or before January 1, 2016, the Board shall submit the study, together with any recommendations, 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 page 56 of the Health and Government Operations Committee Amendments, in the last line of Amendment No. 17, strike "10." and substitute "11.".

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 44 Negative – 88 (See Roll Call No. 614)

FLOOR AMENDMENT

HB0443/693727/1
BY: Delegate Eckardt

AMENDMENTS TO HOUSE BILL 443
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, before "requiring" insert "requiring the Maryland Health Benefit Exchange Fund to be used to subsidize certain uncompensated care under certain circumstances;".

On page 2, in line 41, before "31–108," insert "31–107,".

AMENDMENT NO. 2

On page 14, before line 3, insert:

"31–107.

(a) There is a Maryland Health Benefit Exchange Fund.

(b) The purpose of the Fund is to provide funding for the operation and administration of the Exchange in carrying out the purposes of the Exchange under this title.

(c) The Exchange shall administer the Fund.

(d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(e) The Fund consists of:

(1) any user fees or other assessments collected by the Exchange;

(2) income from investments made on behalf of the Fund;

(3) interest on deposits or investments of money in the Fund;

(4) money collected by the Board as a result of legal or other actions taken by the Board on behalf of the Exchange or the Fund;

(5) money donated to the Fund;

(6) money awarded to the Fund through grants; and

(7) any other money from any other source accepted for the benefit of the Fund.

(f) **(1)** **[**The**]** **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** Fund may be used only to provide funding for the operation and administration of the Exchange in carrying out the purposes authorized under this title.

(2) IF THE FUND ACCUMULATES REVENUES THAT EXCEED THE LEVEL OF EXPENDITURES NEEDED TO OPERATE AND ADMINISTER THE EXCHANGE IN CARRYING OUT THE PURPOSES AUTHORIZED UNDER THIS TITLE, THE FUND SHALL BE USED TO SUBSIDIZE UNCOMPENSATED CARE COSTS INCURRED BY HOSPITALS IN THE STATE.

(g) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the Fund shall be credited to the Fund.

(3) No part of the Fund may revert or be credited to the General Fund or any special fund of the State.

(h) A debt or an obligation of the Fund is not a debt of the State or a pledge of credit of the State.".

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

Affirmative – 45 Negative – 88 (See Roll Call No. 615)

Read the second time and ordered prepared for Third Reading.

House Bill 576 – The Speaker (By Request – Administration) and Delegates Arora, Bohanan, Clagett, Gaines, Griffith, Healey, Hixson, Holmes, Howard, James, Jones, Lafferty, Lee, Love, A. Miller, Niemann, Proctor, Ross, Rudolph, Summers, and Washington

AN ACT concerning

Public–Private Partnerships

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

Delegate McIntosh moved to make the Bill and Amendments a Special Order for Saturday.

The motion was adopted.

House Bill 662 – Delegates Barkley, Barnes, Burns, Feldman, Gilchrist, Haddaway–Riccio, Harrison, Hershey, Impallaria, Jameson, Love,

W. Miller, Minnick, Olszewski, Reznik, S. Robinson, Rudolph, Schulz, Summers, and Vaughn

AN ACT concerning

Gas Companies – Rate Regulation – Infrastructure Replacement Surcharge

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

FLOOR AMENDMENT

HB0662/133621/1
BY: Delegate Carr

AMENDMENTS TO HOUSE BILL 662
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "surcharge;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 3, in line 10, strike "**A GAS COOPERATIVE**" and substitute "**:**

(1) A GAS COOPERATIVE; OR

(2) A GAS COMPANY THAT HAS A SUBSTANTIAL INTERNATIONAL OPERATION, INCLUDING OPERATING A CALL CENTER OVERSEAS, AS DETERMINED BY THE COMMISSION".

The preceding 2 amendments were read and rejected.

FLOOR AMENDMENT

HB0662/563027/1
BY: Delegate McMillan

AMENDMENT TO HOUSE BILL 662
(First Reading File Bill)

On page 4, in line 6, strike "**AT THE SAME TIME**" and substitute "**ONLY AFTER**"; and in line 7, strike "**MADE**" and substitute "**COMPLETED**".

The preceding amendment was read and rejected.

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 21 – Delegate McConkey

AN ACT concerning

Environment – Reduction of Lead Risk in Housing – Repeal of Obsolete Language

HB0021/250014/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 21
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Environment" in line 2 down through "Language" in line 3 and substitute "Certificate of a Qualified Expert – Lead Paint Poisoning Claims"; strike beginning with "removing" in line 4 down through "housing" in line 7 and substitute "requiring the court to dismiss a certain claim filed in a circuit court or a United States District Court against a person for injury caused by the ingestion of lead–based paint or lead–contaminated dust if the person does not file a certificate of a qualified expert for each defendant; specifying the contents of the certificate; requiring the certificate to be filed within a certain period of time and be served on certain persons, subject to certain exceptions; requiring a person who files a certificate of a qualified expert to provide a defendant with a certain list of qualifications; requiring a defendant to produce certain evidence under certain circumstances; altering a certain time period for filing a certificate of a qualified expert under certain circumstances; providing that the failure to provide certain evidence constitutes a certain waiver; authorizing the court to waive or modify the

requirement to file a certificate of a qualified expert under certain circumstances; requiring a defendant of a certain claim to file a written response to a certificate of a qualified expert; specifying the contents of the written response; requiring the written response to be filed within a certain period of time and be served on certain persons; providing that a failure to file a written response constitutes a certain admission; requiring the court to schedule and hold a hearing regarding the certificate of a qualified expert and the written response to a certificate of a qualified expert; authorizing the court to recall a former judge for temporary assignment for certain purposes; requiring the court to allow the claimant and defendant an opportunity to be heard; authorizing the court to enter summary judgment in favor of or against the claimant or defendant under certain circumstances; defining certain terms; providing for the application of this Act; and generally relating to lead paint poisoning claims"; and strike in their entirety lines 8 through 13, inclusive, and substitute:

"BY adding to
Article – Courts and Judicial Proceedings
Section 3–2D–01 through 3–2D–04 to be under the new subtitle "Subtitle 2D. Lead Paint Poisoning Claims"
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On pages 1 through 8, strike in their entirety the lines beginning with line 16 on page 1 through line 23 on page 8, inclusive, and substitute:

"Article – Courts and Judicial Proceedings

SUBTITLE 2D. LEAD PAINT POISONING CLAIMS.

3–2D–01.

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

(B) "CLAIM" MEANS A CIVIL ACTION, INCLUDING AN ORIGINAL CLAIM, COUNTERCLAIM, CROSS–CLAIM, OR THIRD–PARTY CLAIM, ORIGINALLY FILED IN A CIRCUIT COURT OR UNITED STATES DISTRICT COURT AGAINST A PERSON FOR INJURY CAUSED BY THE INGESTION OF LEAD–BASED PAINT OR

LEAD–CONTAMINATED DUST, AS DEFINED IN § 6–801 OF THE ENVIRONMENT ARTICLE.

(C) (1) "QUALIFIED EXPERT" MEANS AN INDIVIDUAL WHO HAS EDUCATION, TRAINING, AND EXPERIENCE IN DETERMINING THE POTENTIAL SOURCES OF INGESTION OF LEAD AND THE HEALTH CONSEQUENCES OF INGESTION OF LEAD.

(2) "QUALIFIED EXPERT" DOES NOT INCLUDE:

(I) A PARTY TO THE CLAIM;

(II) AN EMPLOYEE OR PARTNER OF A PARTY;

(III) AN EMPLOYEE OR STOCKHOLDER OF A PROFESSIONAL CORPORATION OF WHICH A PARTY IS A STOCKHOLDER; OR

(IV) A PERSON HAVING A FINANCIAL INTEREST IN THE OUTCOME OF THE CLAIM.

3–2D–02.

(A) (1) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, THE COURT SHALL DISMISS A CLAIM, WITHOUT PREJUDICE, IF THE CLAIMANT FAILS TO FILE A CERTIFICATE OF A QUALIFIED EXPERT WITH THE COURT FOR EACH DEFENDANT.

(2) A CERTIFICATE OF A QUALIFIED EXPERT SHALL:

(I) CONTAIN A STATEMENT FROM A QUALIFIED EXPERT ATTESTING THAT, WITH A REASONABLE DEGREE OF PROBABILITY, THE:

1. PROPERTY INVOLVED WAS A SOURCE OF THE CLAIMANT'S INGESTION OF LEAD, INCLUDING THE BASIS FOR SUCH A FINDING; AND

2. INGESTION OF LEAD FROM THE PROPERTY WAS A SUBSTANTIAL CONTRIBUTING FACTOR TO THE INJURIES ALLEGED BY THE CLAIMANT;

(II) SUBJECT TO THE PROVISIONS OF SUBSECTIONS (B) AND (C) OF THIS SECTION, BE FILED WITHIN 90 DAYS AFTER THE CLAIM IS FILED; AND

(III) BE SERVED ON ALL OTHER PARTIES TO THE CLAIM OR THE PARTIES' ATTORNEYS OF RECORD IN ACCORDANCE WITH THE MARYLAND RULES.

(3) FOR EACH CERTIFICATE OF A QUALIFIED EXPERT, THE CLAIMANT SHALL PROVIDE THE DEFENDANT WITH A LIST OF:

(I) THE QUALIFICATIONS AND PUBLICATIONS OF THE QUALIFIED EXPERT; AND

(II) THE CASES IN WHICH THE QUALIFIED EXPERT HAS TESTIFIED, INCLUDING WHICH PARTY THE QUALIFIED EXPERT REPRESENTED.

(B) (1) ON WRITTEN REQUEST MADE BY THE CLAIMANT WITHIN 30 DAYS OF THE DATE THE CLAIM IS SERVED, THE DEFENDANT SHALL PRODUCE DOCUMENTARY EVIDENCE THAT WOULD BE OTHERWISE DISCOVERABLE, IF THE DOCUMENTARY EVIDENCE IS REASONABLY NECESSARY IN ORDER TO OBTAIN A CERTIFICATE OF A QUALIFIED EXPERT.

(2) THE TIME FOR FILING A CERTIFICATE OF A QUALIFIED EXPERT BEGINS ON THE DATE ON WHICH THE DEFENDANT'S PRODUCTION OF THE DOCUMENTARY EVIDENCE UNDER PARAGRAPH (1) OF THIS SUBSECTION IS COMPLETED.

(3) THE DEFENDANT'S FAILURE TO PRODUCE THE REQUESTED DOCUMENTARY EVIDENCE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL CONSTITUTE A WAIVER OF THE REQUIREMENT THAT THE CLAIMANT FILE A CERTIFICATE OF A QUALIFIED EXPERT AS TO THAT DEFENDANT.

(C) (1) ON WRITTEN REQUEST BY THE CLAIMANT AND A FINDING OF GOOD CAUSE BY THE COURT, THE COURT MAY WAIVE OR MODIFY THE REQUIREMENT FOR THE FILING OF THE CERTIFICATE OF A QUALIFIED EXPERT.

(2) THE TIME FOR FILING THE CERTIFICATE OF A QUALIFIED EXPERT SHALL BE SUSPENDED UNTIL THE COURT RULES ON THE REQUEST AND, ABSENT AN ORDER TO THE CONTRARY, THE CERTIFICATE SHALL BE FILED WITHIN 90 DAYS OF THE COURT'S RULING.

(D) DISCOVERY BY THE DEFENDANT AS TO THE BASIS OF THE CERTIFICATE OF A QUALIFIED EXPERT SHALL BE AVAILABLE.

3–2D–03.

(A) A DEFENDANT WHO RECEIVES A CERTIFICATE OF A QUALIFIED EXPERT FROM A CLAIMANT SHALL FILE A WRITTEN RESPONSE WITH THE COURT.

(B) THE WRITTEN RESPONSE TO A CERTIFICATE OF A QUALIFIED EXPERT SHALL:

(1) STATE THE REASONS THAT THE PROPERTY ALLEGED TO BE A SOURCE OF THE CLAIMANT'S INGESTION OF LEAD WAS NOT A SUBSTANTIAL CONTRIBUTING FACTOR IN THE ALLEGED INJURIES OF THE CLAIMANT;

(2) BE FILED WITHIN 120 DAYS OF RECEIPT OF THE CERTIFICATE OF A QUALIFIED EXPERT; AND

(3) BE SERVED ON ALL OTHER PARTIES TO THE CLAIM OR THE PARTIES' ATTORNEYS OF RECORD IN ACCORDANCE WITH THE MARYLAND RULES.

(C) A DEFENDANT'S FAILURE TO FILE A WRITTEN RESPONSE TO A CERTIFICATE OF A QUALIFIED EXPERT WITH THE COURT SHALL CONSTITUTE AN

ADMISSION THAT THERE IS NO DISPUTE AS TO ANY MATERIAL FACT IN THE CLAIM.

3–2D–04.

(A) (1) THE COURT SHALL SCHEDULE A HEARING AFTER A DEFENDANT FILES A WRITTEN RESPONSE TO A CERTIFICATE OF A QUALIFIED EXPERT.

(2) A FORMER JUDGE MAY BE RECALLED FOR TEMPORARY ASSIGNMENT UNDER § 1–302 OF THIS ARTICLE FOR PURPOSES RELATING TO THE HEARING.

(B) DURING THE HEARING, THE CLAIMANT AND DEFENDANT SHALL EACH HAVE AN OPPORTUNITY TO BE HEARD ON THE CERTIFICATE OF A QUALIFIED EXPERT AND THE WRITTEN RESPONSE TO THE CERTIFICATE OF A QUALIFIED EXPERT.

(C) FOLLOWING THE HEARING, THE COURT MAY ENTER JUDGMENT IN FAVOR OF OR AGAINST THE CLAIMANT OR DEFENDANT IN ACCORDANCE WITH RULE 2–501 OF THE MARYLAND RULES.";

in line 24, after "ENACTED," insert "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 civil action filed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED,";

and in line 25, 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 McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 499 – Delegate Niemann

AN ACT concerning

Vehicle Laws – Disposition of Vehicle to Automotive Dismantler and Recycler or Scrap Processor

HB0499/770515/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 499
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Niemann" and substitute "Delegates Niemann and Frush"; in line 15, after "vehicle" insert "under certain circumstances"; strike beginning with "requiring" in line 18 down through "certification" in line 21 and substitute "clarifying that certain activity related to the delivery of a vehicle to an automotive dismantler and recycler or scrap processor does not require licensure as an automotive dismantler and recycler or scrap processor; providing for the application of provisions of law governing the disposition of a vehicle to an automotive dismantler and recycler or scrap processor; altering the required notice to and notice process for an owner and secured party of a defectively titled vehicle before the vehicle may be obtained by an automotive dismantler and recycler or scrap processor; establishing documentation that an automotive dismantler and recycler or scrap processor is required to obtain and keep on file for a certain period of time for inspection by law enforcement; prohibiting an automotive dismantler and recycler or scrap processor from accepting a defectively titled vehicle that is transported by an improperly registered tow truck; altering the reclamation period for a defectively titled vehicle possessed by an automotive dismantler and recycler or scrap processor; altering the procedures that a law enforcement agency is required to follow in issuing a certificate of authority for a defectively titled vehicle; altering the penalties for violations related to the disposition of a vehicle to an automotive dismantler and recycler or scrap processor"; in line 21, after "stylistic" insert "and clarifying"; in line 26, after "Section" insert "15–502,"; and in the same line, after "15–509" insert ", 25–209, and 27–101(c) and (d)".

AMENDMENT NO. 2

On page 2, in line 2, strike "25–205, and 25–209" and substitute ", 25–205, and 27–101(a), (b), and (i)"; and after line 9, insert:

"BY adding to
Article – Transportation
Section 27–101.2
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)".

On page 2, after line 12, insert:

"15–502.

(a) A person may not conduct the business of an automotive dismantler and recycler or a scrap processor, or engage in the business of acquiring or offering to purchase or remove vehicles which are to be dismantled in whole or in part by that person for the sale of usable parts, unless the person is licensed by the Administration under this subtitle.

(b) (1) A person may not advertise for the purchase, towing, or removal of junk or abandoned vehicles unless the person is licensed by the Administration under this subtitle.

(2) Any advertisement for the purchase, towing, or removal of junk or abandoned vehicles by a licensee under this subtitle shall include the license number of the licensee.

(c) A person may not store on any private property for more than 30 days any vehicle that is to be dismantled, destroyed, or scrapped, unless the person is an automotive dismantler and recycler or a scrap processor licensed under this subtitle.

(d) This section does not prohibit an unlicensed person from **PURCHASING,** transporting**, TOWING, OR REMOVING** a vehicle to a licensed automotive dismantler and recycler or a licensed scrap processor for dismantling, destroying, or scrapping.";

in line 16, before "If" insert "**(1)**"; in line 17, after "vehicle" insert "**FROM A PERSON OTHER THAN THE OWNER OF THE VEHICLE**"; after line 20, insert:

"**(2) THIS SECTION DOES NOT APPLY TO A VEHICLE TOWED FROM RESIDENTIAL OR COMMERCIAL PROPERTY UNDER A CONTINUING CONTRACT TO**

TOW UNAUTHORIZED VEHICLES, FOR WHICH A CERTIFICATE OF AUTHORITY IS REQUIRED TO BE OBTAINED UNDER § 25–209 OF THIS ARTICLE.";

and strike beginning with "**AN**" in line 30 down through "**ARTICLE**" in line 34 and substitute "**(1) AS SOON AS REASONABLY POSSIBLE AND WITHIN 7 DAYS AFTER IT TAKES A VEHICLE INTO POSSESSION FROM A PERSON OTHER THAN THE OWNER OF THE VEHICLE, AN AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR SHALL SEND A NOTICE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE, TO:**

(I) THE LAST KNOWN REGISTERED OWNER OF THE VEHICLE; AND

(II) EACH SECURED PARTY, AS SHOWN ON THE RECORDS OF THE ADMINISTRATION.

(2) THE NOTICE SHALL:

(I) STATE THAT THE VEHICLE HAS BEEN TAKEN INTO CUSTODY;

(II) DESCRIBE THE YEAR, MAKE, MODEL, AND VEHICLE IDENTIFICATION NUMBER OF THE VEHICLE;

(III) GIVE THE LOCATION OF THE FACILITY WHERE THE VEHICLE IS HELD;

(IV) INFORM THE OWNER AND SECURED PARTY OF THE OWNER'S AND SECURED PARTY'S RIGHT TO RECLAIM THE VEHICLE WITHIN 11 WORKING DAYS AFTER THE DATE OF THE NOTICE, ON PAYMENT OF ALL TOWING, RECOVERY, AND STORAGE CHARGES OWED TO THE AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR RESULTING FROM TAKING OR HOLDING THE VEHICLE; AND

(V) STATE THAT THE FAILURE OF THE OWNER OR SECURED PARTY TO EXERCISE THIS RIGHT IN THE TIME PROVIDED IS:

1. A WAIVER BY THE OWNER OR SECURED PARTY OF ALL OF THE OWNER'S OR SECURED PARTY'S RIGHT, TITLE, AND INTEREST IN THE VEHICLE; AND

2. A CONSENT TO THE DISMANTLING, DESTROYING, OR SCRAPPING OF THE VEHICLE.

(C) IF THE AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR RECEIVES WITH THE VEHICLE DOCUMENTARY PROOF THAT THE NOTIFICATION PROCEDURES OF SUBSECTION (B) OF THIS SECTION ALREADY HAVE BEEN COMPLETED BY ANOTHER PERSON BEFORE TAKING POSSESSION OF THE VEHICLE OR THAT THE VEHICLE IS BEING RECEIVED FROM THE OWNER OF THE VEHICLE OR AN AGENT OF THE OWNER, THE AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR MAY ACCEPT DOCUMENTATION AS TO NOTICE OR OWNERSHIP AS PROOF OF COMPLIANCE AND IS NOT REQUIRED TO REPEAT PROVISION OF THIS NOTIFICATION.

(D) IN ADDITION TO DOCUMENTATION OF NOTICE UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION, AN AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR SHALL OBTAIN FROM A PERSON WHO PROVIDES THE VEHICLE:

(1) AN AFFIDAVIT IN A FORM APPROVED BY THE ADMINISTRATION SIGNED UNDER PENALTY OF PERJURY BY THE PERSON PROVIDING THE VEHICLE;

(2) A COPY OF THE DRIVER'S LICENSE OF THE PERSON WHO PROVIDES THE VEHICLE;

(3) ANY PROOF OF OWNERSHIP DOCUMENTS ACCEPTABLE TO THE ADMINISTRATION, IF AVAILABLE; AND

(4) IF THE VEHICLE IS TRANSPORTED BY A TOW VEHICLE, A COPY OF THE REGISTRATION OF THE TOW VEHICLE.

(E) AN AFFIDAVIT UNDER SUBSECTION (D) OF THIS SECTION SHALL INCLUDE:

(1) A STATEMENT THAT THE PERSON PROVIDING THE VEHICLE HAS THE LAWFUL RIGHT TO POSSESS THE VEHICLE AND THE BASIS OF THAT RIGHT;

(2) A STATEMENT THAT, EXCEPT AS PROVIDED IN § 25–209 OF THIS ARTICLE, THE VEHICLE MAY NOT BE RETITLED AND MAY ONLY BE DISMANTLED, DESTROYED, OR SCRAPPED;

(3) A DESCRIPTION OF THE VEHICLE, INCLUDING YEAR, MAKE, MODEL, COLOR, AND VEHICLE IDENTIFICATION NUMBER;

(4) THE NAME, ADDRESS, DRIVER'S LICENSE NUMBER, AND SIGNATURE OF THE PERSON PROVIDING THE VEHICLE;

(5) AN ACKNOWLEDGEMENT THAT:

(I) THE FORM IS BEING SIGNED UNDER PENALTY OF PERJURY; AND

(II) THE PENALTIES ESTABLISHED UNDER § 27–101.2 OF THIS ARTICLE APPLY;

(6) THE DATE THE VEHICLE IS PROVIDED TO THE AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR;

(7) THE NAME, ADDRESS, AND STATE–ISSUED LICENSE NUMBER OF THE AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR ACQUIRING THE VEHICLE; AND

(8) THE PRINTED NAME, TITLE, AND SIGNATURE OF THE PERSON ACCEPTING THE VEHICLE.

(F) THE AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR SHALL KEEP AND MAKE AVAILABLE FOR INSPECTION BY A LAW ENFORCEMENT AGENCY FOR 3 YEARS UNDER PROCEDURES ADOPTED BY THE ADMINISTRATION BY REGULATION:

(I) ALL DOCUMENTATION OF NOTICE PROVIDED UNDER SUBSECTIONS (B) OR (C) OF THIS SECTION; AND

(II) ALL ADDITIONAL DOCUMENTATION REQUIRED TO BE OBTAINED OR KEPT ON FILE UNDER SUBSECTION (D) OF THIS SECTION.

(G) AN AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR MAY NOT ACCEPT A VEHICLE THAT IS TRANSPORTED BY A TOW TRUCK UNLESS THE TOW TRUCK IS REGISTERED UNDER § 13–920 OF THIS ARTICLE.

(H) ON RECEIPT OF A VEHICLE, AN AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR SHALL COMPLY WITH PROCEDURES FOR NOTIFICATION, REPORTING, AND DOCUMENT RETENTION AS ESTABLISHED BY THE ADMINISTRATION BY REGULATION".

AMENDMENT NO. 3

On page 3, in line 1, strike "**(C)**" and substitute "**(I)**"; in line 2, after "vehicle" insert "**FOR THE PURPOSE OF DISMANTLING, RECYCLING, OR SCRAP PROCESSING**"; in line 8, strike "**RECLAMATION**" and substitute "**11–WORKING DAY**"; and strike in their entirety lines 16 through 25, inclusive.

AMENDMENT NO. 4

On page 5, strike beginning with "Any" in line 27 down through "vehicle," in line 28 and substitute "**A PERSON WHO OWNS A VEHICLE, ON WHOSE PROPERTY IS FOUND AN ABANDONED VEHICLE, OR WHO HAS LAWFUL, DOCUMENTED POSSESSION OF A VEHICLE**"; and in line 29, strike "the police department of" and substitute "**A LAW ENFORCEMENT AGENCY FOR**".

AMENDMENT NO. 5

On page 6, in line 1, after "shall" insert "**BE MADE UNDER PENALTY OF PERJURY AND SHALL**"; in lines 9, 12, 16, and 19, in each instance, strike "police department" and substitute "**LAW ENFORCEMENT AGENCY**"; in line 12, strike "shall" and substitute "**MAY:**

(I) IF THE APPLICANT APPEARS TO BE THE RIGHTFUL OWNER, APPROVE THE REQUEST ON VERIFICATION OF THE INFORMATION IN THE APPLICATION; OR

(II) IF THE APPLICATION IS MADE BY A PERSON OTHER THAN THE RIGHTFUL OWNER,";

in line 16, strike "may" and substitute "**SHALL**"; in line 17, strike "department" and substitute "**AGENCY**"; and in line 19, after "subtitle" insert "**OR NOTICE HAS ALREADY BEEN PROVIDED TO THE OWNER AND ANY SECURED PARTY**".

AMENDMENT NO. 6

On page 7, after line 19, insert:

"27–101.

(a) It is a misdemeanor for any person to violate any of the provisions of the Maryland Vehicle Law unless the violation:

(1) Is declared to be a felony by the Maryland Vehicle Law or by any other law of this State; or

(2) Is punishable by a civil penalty under the applicable provision of the Maryland Vehicle Law.

(b) Except as otherwise provided in this section, any person convicted of a misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is subject to a fine of not more than $500.

(c) Any person who is convicted of a violation of any of the provisions of the following sections of this article is subject to a fine of not more than $500 or imprisonment for not more than 2 months or both:

(1) § 12–301(e) or (f) ("Special identification cards: Unlawful use of identification card prohibited");

(2) § 14–102 ("Taking or driving vehicle without consent of owner");

(3) § 14–104 ("Damaging or tampering with vehicle");

(4) § 14–107 ("Removed, falsified, or unauthorized identification number or registration card or plate");

(5) § 14–110 ("Altered or forged documents and plates");

(6) § 15–312 ("Dealers: Prohibited acts – Vehicle sales transactions");

(7) § 15–313 ("Dealers: Prohibited acts – Advertising practices");

(8) § 15–314 ("Dealers: Prohibited acts – Violation of licensing laws");

(9) § 15–411 ("Vehicle salesmen: Prohibited acts");

(10) **[**§ 15–502(c) ("Storage of certain vehicles by unlicensed persons prohibited");

(11)**]** § 16–113(j) ("Violation of alcohol restriction");

[(12)**] (11)** § 16–301, except § 16–301(a) or (b) ("Unlawful use of license");

[(13)**] (12)** § 16–303(h) ("Licenses suspended under certain provisions of Code");

[(14)**] (13)** § 16–303(i) ("Licenses suspended under certain provisions of the traffic laws or regulations of another state");

[(15)**] (14)** § 18–106 ("Unauthorized use of rented motor vehicle");

[(16)**] (15)** § 20–103 ("Driver to remain at scene – Accidents resulting only in damage to attended vehicle or property");

[(17)**] (16)** § 20–104 ("Duty to give information and render aid");

[(18)**] (17)** § 20–105 ("Duty on striking unattended vehicle or other property");

[(19)**] (18)** § 20–108 ("False reports prohibited");

[(20)**] (19)** § 21–206 ("Interference with traffic control devices or railroad signs and signals");

[(21)**] (20)** As to a pedestrian in a marked crosswalk, § 21–502(a) ("Pedestrians' right–of–way in crosswalks: In general"), if the violation contributes to an accident;

[(22)**] (21)** As to another vehicle stopped at a marked crosswalk, § 21–502(c) ("Passing of vehicle stopped for pedestrian prohibited"), if the violation contributes to an accident;

[(23)**] (22)** Except as provided in subsections (f) and (q) of this section, § 21–902(b) ("Driving while impaired by alcohol");

[(24)**] (23)** Except as provided in subsections (f) and (q) of this section, § 21–902(c) ("Driving while impaired by drugs or drugs and alcohol");

[(25)**] (24)** § 21–902.1 ("Driving within 12 hours after arrest"); or

[(26)**] (25)** § 27–107(d), (e), (f), or (g) ("Prohibited acts – Ignition interlock systems").

(d) Any person who is convicted of a violation of any of the provisions of the following sections of this article is subject to a fine of not more than $500 or imprisonment for not more than 6 months or both:

(1) § 18–104 ("Renting motor vehicle with incorrect odometer");

(2) § 22–405.1 ("Regrooved tires");

(3) § 22–415 ("Tampering with or altering odometer"); **[**or**]**

(4) For each vehicle for which there is a violation, § 23–109 ("Inspections of used vehicles and warnings for defective equipment: Prohibited activities")**; OR**

(5) EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION AND § 27–101.2 OF THIS SUBTITLE, TITLE 15, SUBTITLE 5 OF THIS ARTICLE.

(i) Any person who is convicted of a violation of any of the provisions of § 15–402 of this article ("Vehicle salesman's license required") or § 15–502(a) of this article ("Automotive dismantler and recycler or scrap processor – License required") is subject to:

(1) For a first offense, a fine of not more than $1,000 or imprisonment for not more than 6 months or both; and

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

27–101.2.

A PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT ON AN AFFIDAVIT OF LAWFUL POSSESSION UNDER § 15–509 OF THIS ARTICLE OR ON AN APPLICATION FOR A CERTIFICATE OF AUTHORITY UNDER § 25–209 OF THIS ARTICLE IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING $1,000 OR IMPRISONMENT NOT EXCEEDING 10 YEARS OR BOTH.".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate W. Miller 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 721 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Solicitation and Collection of Money or Donations from Occupants of Vehicles – Adoption of a Permit Program MC 10–12

HB0721/180616/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 721
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, strike "and the" and substitute "except in compliance with a"; and in the same line, strike "has not been".

AMENDMENT NO. 2

On page 2, in line 14, after the comma insert "**EXCEPT IN COMPLIANCE WITH A PERMIT OBTAINED IN ACCORDANCE WITH THE LOCAL LAW,**"; and strike beginning with "**WHO**" in line 14 down through "**LAW**" in line 15.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 740 – Delegate Braveboy

AN ACT concerning

Residential Condominiums – Governing Documents – Claims Provisions

HB0740/630010/1
BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 740

(First Reading File Bill)

On page 2, in line 2, after "**IS**" insert a colon; in line 3, strike "**OCCUPIED**" and substitute:

"**(1) OCCUPIED**";

and in the same line, after "**PURPOSES**" insert "**; OR**

(2) SOLD BY A DEVELOPER AT A DISCOUNT "AS IS" AND WITH NO WARRANTIES".

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 884 – Delegates Summers, Bobo, Braveboy, Gaines, Healey, Holmes, Howard, Ivey, Jacobs, Jones, Kaiser, Lafferty, McDonough, Niemann, B. Robinson, Stocksdale, and Zucker

AN ACT concerning

Electric, Gas, and Water Service – Default Notice to Condominium Unit Owners and Residents

HB0884/920210/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 884
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Gas," insert "Sewer,"; in line 5, after "water," insert "sewer,"; in line 6, strike "at certain affected condominium units" and substitute "conspicuously at or near the entry to the common area"; strike beginning with "and" in line 6 down through "units" in line 8; in line 10, strike "on" and substitute "at"; in

line 11, strike "of certain units" and substitute "to the common area"; and in line 12, after "gas," insert "sewer,".

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 33 down through "**POST**" in line 34 and substitute "**POST**"; and in line 35, strike "**; AND**" and substitute a period.

On page 3, strike in their entirety lines 1 and 2.

On page 4, strike beginning with the colon in line 6 down through "**POST**" in line 7 and substitute "**POST**"; and strike beginning with the semicolon in line 8 down through "**UNIT**" in line 10.

On page 5, strike beginning with the colon in line 19 down through "**POST**" in line 20 and substitute "**POST**"; and strike beginning with the semicolon in line 21 down through "**UNIT**" in line 23.

On page 6, in lines 6 and 7, strike "**: (1)**"; and strike beginning with the semicolon in line 8 down through "**UNIT**" in line 10.

On page 8, in lines 2 and 3, strike "**: (I)**"; and strike beginning with the semicolon in line 4 down through "**UNIT**" in line 6.

AMENDMENT NO. 3

On page 2 in line 34, on page 4 in line 7, on page 5 in line 20, on page 6 in line 7, and on page 8 in line 3, in each instance, strike "**AT EACH AFFECTED UNIT**" and substitute "**CONSPICUOUSLY AT OR NEAR THE ENTRY TO THE COMMON AREA**".

On page 3, in lines 5 and 6, strike "**AT OR NEAR THE ENTRY OF EACH AFFECTED UNIT**".

On page 4 in lines 13 and 14, on page 5 in lines 26 and 27, on page 6 in lines 13 and 14, and on page 8 in lines 9 and 10, in each instance, strike "**ON OR NEAR THE ENTRY OF EACH AFFECTED UNIT**".

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 900 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Prince George's County – Proposed Subdivisions – Escrow Funds for Traffic Mitigation
PG/MC 109–12

HB0900/100314/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 900
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Escrow Funds" and substitute "Development Impact Fees"; strike beginning with "authorizing" in line 5 down through "terms" in line 17 and substitute "repealing a limitation on a certain impact fee; altering the requirement that the Prince George's County Council provide credit in lieu of payment of development impact fees to include certain payments made regarding certain permanent or interim public transportation projects; requiring the County Council to provide credit in lieu of payment of certain development impact fees for certain payments related to subdivision approval; authorizing that a certain local law may allow the Prince George's County Planning Board to impose a certain development impact fee in lieu of certain mandatory transportation improvements if certain requirements are met; repealing the requirement that certain impact fees be retained in a separate account; requiring that certain impact fees be retained in a certain escrow account; altering the permissible uses for certain impact fees; requiring that a certain escrow account be budgeted, maintained, and accounted for in a certain manner by the Prince George's County Department of Finance; authorizing that a certain account be expended only for certain purposes; requiring certain development impact fees collected and maintained by Prince George's County before a certain date be aggregated into a certain escrow account and be expended for certain purposes; making certain conforming changes"; in line 18, strike "escrow funds" and substitute

"development impact fees"; and strike in their entirety lines 19 through 23, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
The Public Local Laws of Prince George's County
Section 10–265
Article 17 – Public Local Laws of Maryland
(2007 Edition and 2008/2009 Supplement, as amended)".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 26 on page 1 through line 23 on page 3, inclusive, and substitute:

"Article 17 – Prince George's County

10–265.

(a) Subject to the provisions of **[**Subsection (b) of**]** this Section, the County Council may, by **[**ordinance**] LOCAL LAW**, impose and provide for the collection of development impact fees for financing up to 50% of the capital costs of additional or expanded transportation projects required to accommodate new construction or development.

(b) (1) Any impact fees imposed under this Section shall be adopted in accordance with a general statement of public policy adopted by the County Council to impose impact fees in areas of the County in which the level of new construction or development is creating a need for additional or expanded transportation projects.

(2) **[**The impact fee imposed under this Section for single–family residences may not exceed $1,000 per unit.

(3)**]** The County Council shall:

(A) Adopt a method for determining the timing and location of the areas in which an impact fee is to be imposed; and

(B) In lieu of payment of development impact fees **IMPOSED UNDER THIS SECTION**, provide credit for**:**

(I) [payments] **PAYMENTS** made for the construction of, or improvements to, **PERMANENT OR INTERIM** public transportation projects [included among the transportation projects subject to impact fee funding within the impact fee area] **AUTHORIZED FOR IMPACT FEE FUNDING AS PROVIDED IN THIS SECTION; AND**

(II) PAYMENTS RELATED TO SUBDIVISION APPROVAL AS PROVIDED IN SUBSECTION (C) OF THIS SECTION.

(C) A LOCAL LAW ENACTED IN ACCORDANCE WITH THIS SECTION MAY AUTHORIZE THE PLANNING BOARD TO IMPOSE A DEVELOPMENT IMPACT FEE IN LIEU OF MANDATORY TRANSPORTATION IMPROVEMENTS OTHERWISE REQUIRED TO ACHIEVE TRANSPORTATION ADEQUACY AT THE TIME OF SUBDIVISION APPROVAL IF:

(1) THE PROPOSED DEVELOPMENT IS LOCATED WITHIN AN AREA OF THE COUNTY IN WHICH IMPACT FEES ARE AUTHORIZED BY THE COUNTY COUNCIL UNDER THIS SECTION;

(2) TRANSPORTATION ADEQUACY IS DETERMINED BY THE PLANNING BOARD ACCORDING TO THE GUIDELINES FOR THE ANALYSIS OF THE TRAFFIC IMPACT OF DEVELOPMENT PROPOSALS IN PRINCE GEORGE'S COUNTY;

(3) THE LOCAL LAW PROVIDES STANDARDS FOR AND THE PLANNING BOARD FINDS THAT IT WOULD NOT BE EQUITABLE OR ECONOMICALLY REASONABLE TO REQUIRE THE APPLICANT DEVELOPER TO FUND THE ENTIRE COST OF ROAD IMPROVEMENTS NECESSARY TO ACHIEVE AN ACCEPTABLE PEAK HOUR SERVICE LEVEL UNDER THE GUIDELINES;

(4) THE IMPACT FEE IN LIEU OF MANDATORY TRANSPORTATION IMPROVEMENTS OTHERWISE REQUIRED IS ONLY IMPOSED WITH THE CONSENT OF THE OWNER OF THE PROPERTY SUBJECT TO THE SUBDIVISION APPROVAL;

(5) PAYMENT OF THE IMPACT FEE IS AN EXPRESS CONDITION OF THE SUBDIVISION'S APPROVAL AND NOTED ON THE FINAL PLAT BEFORE RECORDING THE PLAT IN THE LAND RECORDS;

(6) THE COUNTY DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION HAS APPROVED THE ESTIMATED COST OF REQUIRED TRANSPORTATION IMPROVEMENTS;

(7) THE LOCAL LAW PROVIDES STANDARDS FOR THE PLANNING BOARD TO DETERMINE THE IMPACT FEE ALLOCABLE TO THE PROPOSED SUBDIVISION SUBJECT TO THE FOLLOWING:

(A) THE IMPACT FEE PAYABLE SHALL BE CALCULATED ON THE BASIS OF DAILY VEHICLE TRIPS FOR ALL DEVELOPMENTS TO BE SERVED BY THE TRANSPORTATION FACILITIES INVOLVED;

(B) EXCEPT AS PROVIDED IN ITEM (C) OF THIS ITEM, THE IMPACT FEE SHALL REPRESENT A REASONABLE ALLOCATION OF THE TOTAL ESTIMATED COST OF REQUIRED TRANSPORTATION IMPROVEMENTS AND SHALL BE CALCULATED BASED ON 150% OF THE SUBDIVISION'S PRO RATA SHARE OF THE TOTAL TRIPS FOR THE TRAFFIC FACILITIES INVOLVED; AND

(C) THE LOCAL LAW MAY PROVIDE FOR AN ADJUSTMENT IN CALCULATING THE SUBDIVISION'S SHARE OF TRIPS BY REDUCTION TO ACCOUNT FOR PREEXISTING TRIPS THAT DO NOT ORIGINATE OR TERMINATE WITHIN PRINCE GEORGE'S COUNTY; AND

(8) THE LOCAL LAW PROVIDES STANDARDS FOR THE PLANNING BOARD TO REQUIRE THE APPLICANT OR OWNER TO CONSTRUCT INTERIM IMPROVEMENTS IF THE PLANNING BOARD FINDS THAT THE IMPROVEMENTS WOULD MATERIALLY IMPROVE THE EXISTING TRAFFIC CONDITIONS IN THE ROADWAY OR INTERSECTION.

[(c)**] (D)** Any impact fees collected by the County:

(1) Shall be retained in **[**a separate account**] THE ESCROW ACCOUNT MAINTAINED IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION**;

(2) May be used **AT THE DISCRETION OF THE COUNTY DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION** only for the capital costs of additional or expanded transportation projects within the **[**area**] AREAS OF THE COUNTY** in which the **IMPACT** fees are **[**imposed**] AUTHORIZED BY THE COUNTY COUNCIL UNDER THIS SECTION**; and

(3) May not be transferred to any other account.

(E) THE ESCROW ACCOUNT REQUIRED BY SUBSECTION (D) OF THIS SECTION SHALL BE BUDGETED, MAINTAINED, AND ACCOUNTED FOR ON AN AGGREGATE BASIS AS A RESTRICTED FUND BY THE COUNTY DEPARTMENT OF FINANCE AND MAY BE EXPENDED ONLY FOR THE PURPOSES SET FORTH IN THIS SECTION IN ANY AREA OF THE COUNTY IN WHICH IMPACT FEES ARE AUTHORIZED BY THE COUNTY COUNCIL UNDER THIS SECTION.".

On page 3, before line 24, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That any development impact fees collected and maintained by the County before October 1, 2012, shall be aggregated into the escrow account established in accordance with this Act and expended thereafter for the purposes authorized by this Act.";

and in line 24, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 979 – Calvert County Delegation

AN ACT concerning

Calvert County – Annual Financial Report – Filing Date

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1161 – Charles County Delegation

AN ACT concerning

Charles County – Assessment for Abatement of Zoning Violation

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 1305 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – Authority to Establish Free Fishing Areas

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 1306 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – Aquaculture Leasing

HB1306/340519/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1306
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "newspaper;" insert "prohibiting a leaseholder from placing certain oysters on a lease; altering a certain restriction on the location of a demonstration lease;"; in line 9, after "State;" insert "repealing provisions of law that restrict the Department's authority to regulate the taking, possession, transportation, or sale of certain oysters;"; in line 12, after "(g)(1)" insert ", 4–11A–10(c), 4–11A–11(d), and 4–11A–19"; and after line 14, insert:

"BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4–11A–11(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 3, after line 2 insert:

"4–11A–10.

(c) A leaseholder may not:

(1) Place shellfish, bags, nets, or structures on submerged aquatic vegetation;

(2) Plant or harvest shellfish within 500 yards of any stationary blind or blind site that is occupied and being used for hunting migratory waterfowl;

(3) Sublease a lease;

(4) Transfer a lease without the approval of the Department; **[**or**]**

(5) Harvest shellfish between the hours of sunset and sunrise**; OR**

(6) PLACE UNLAWFULLY HARVESTED OYSTERS ON A LEASE.

4–11A–11.

(a) This section applies to demonstration leases.

(d) The proposed lease area may not be located:

(1) Within a minimum of 50 feet of shoreline or any pier without the written permission of the riparian owner at the time of application for the lease;

(2) Within 150 feet of the public shellfish fishery or a registered pound net site;

(3) Within 150 feet of an **[**oyster sanctuary or**]** oyster reserve **OR ANY YATES BAR LOCATED IN AN OYSTER SANCTUARY**;

(4) Within 150 feet of a federal navigational channel;

(5) In any creek, cove, bay, or inlet less than 300 feet wide at its mouth at mean low tide;

(6) In an SAV Protection Zone; or

(7) In a setback or buffer from the Assateague Island National Seashore established by the Department.";

and after line 19, insert:

"4–11A–19.

Notwithstanding any other provision of this title, the Department may adopt regulations that allow taking, possession, transport, or sale of oysters, from leased oyster bottoms **[**only for the purpose of replanting on leased bottoms,**]** that are less than the minimum size limit in §§ 4–1015 and 4–1015.1 of this title. **[**This section may not be construed to permit the sale of oysters for human consumption that are less than the minimum size limit specified in §§ 4–1015 and 4–1015.1 of this title.**]**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1325 – Delegate O'Donnell

AN ACT concerning

Natural Resources – Crabs – Catch Times for Trotline Gear

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #15

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

House Bill 1478 – Delegates Jameson, Wilson, and Wood

AN ACT concerning

Video Lottery Terminals and Table Games – Expansion

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

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 616)

ADJOURNMENT

At 5:31 P.M. on motion of Delegate Barve the House adjourned until 12:00 P.M. on Legislative Day March 21, 2012, Calendar Day Saturday, March 24, 2012.

Annapolis, Maryland
Legislative Day: March 21, 2012
Calendar Day: Saturday, March 24, 2012

The House met at 1:04 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Mary Ann Love of Anne Arundel County.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 617)

The Journal of March 20, 2012 was read and approved.

EXCUSES:
Del. Afzali – left early – personal business
Del. Bates – left early – business
Del. Branch – funeral
Del. Costa – illness
Del. Donoghue – left early – illness
Del. Frush – illness
Del. Harrison – left early – illness
Del. Hubbard – left early – illness
Del. Impallaria – left early – illness
Del. McDonough – left early – business
Del. W. Miller – left early – personal
Del. Myers – left early – personal
Del. Norman – personal
Del. Serafini – left early – personal
Del. Sophocleus – illness
Del. V. Turner – medical

THE COMMITTEE ON APPROPRIATIONS REPORT #10

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

House Bill 249 – The Speaker (By Request – Judicial Compensation Commission)

AN ACT concerning

Judges' Retirement System – Contribution Rates for New Members

HB0249/494667/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 249
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "System –" insert "Compensation,"; in the same line, strike "for New Members" and substitute ", and Vesting Requirements"; in line 3, after the first "of" insert "altering the process under which the salary recommendations of the Judicial Compensation Commission go into effect;"; strike beginning with "individuals" in line 3 down through "become" in line 4; in line 4, strike "on or after a certain date"; in line 5, before "and" insert "requiring individuals who become members of the Judges' Retirement System on or after a certain date to earn a certain amount of eligibility service before becoming eligible to receive a vested allowance;";

after line 5, insert:

"BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 1–708
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)";

and after line 10, insert:

"BY repealing
Article – State Personnel and Pensions
Section 29–301
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 29–301

Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 1, after line 12, insert:

"Article – Courts and Judicial Proceedings

1–708.

(a) The salaries and pensions of the judges of the Court of Appeals, the Court of Special Appeals, the circuit courts of the counties, and the District Court shall be established as provided by this section, §§ 1–701 through 1–707 of this subtitle, and Title 27 of the State Personnel and Pensions Article.

(b) (1) There is a Judicial Compensation Commission. The Commission shall study and make recommendations with respect to all aspects of judicial compensation, to the end that the judicial compensation structure shall be adequate to assure that highly qualified persons will be attracted to the bench and will continue to serve there without unreasonable economic hardship.

(2) The Commission consists of seven members appointed by the Governor. No more than three members of the Commission may be individuals admitted to practice law in this State. In nominating and appointing members, special consideration shall be given to individuals who have knowledge of compensation practices and financial matters. The Governor shall appoint:

(i) Two members from a list of the names of at least five nominees submitted by the President of the Senate;

(ii) Two from a list of the names of at least five nominees submitted by the Speaker of the House of Delegates;

(iii) One from a list of the names of at least three nominees submitted by the Maryland State Bar Association, Inc.; and

(iv) Two at large.

(3) A member of the General Assembly, officer or employee of the State or a political subdivision of the State, or judge or former judge is not eligible for appointment to the Commission.

(4) The term of a member is 6 years, commencing July 1, 1980, and until the member's successor is appointed. However, of the members first appointed to the Commission, the Governor shall designate one of the members nominated by the President of the Senate to serve for 3 years and one for 6 years; one of the members nominated by the Speaker to serve for 4 years and one for 5 years; the member nominated by the Maryland State Bar Association, Inc., to serve for 3 years; and one of the members at large to serve for 2 years, and one for 6 years. A member is eligible for reappointment.

(5) Members of the Commission serve without compensation, but shall be reimbursed for reasonable expenses incurred in carrying out their responsibilities under this section.

(6) The members of the Commission shall elect a member as chairman of the Commission.

(7) The concurrence of at least five members is required for any formal Commission action.

(8) The Commission may request and receive assistance and information from any unit of State government.

(c) On or after September 1, 2011, September 1, 2013, and every 4 years thereafter, the Commission shall review the salaries and pensions of the judges of the courts listed in subsection (a) of this section and make written recommendations to the Governor and General Assembly on or before the next ensuing regular session of the General Assembly. The Governor shall include in the budget for the next ensuing fiscal year the funding necessary to implement those recommendations, contingent on action by the General Assembly under subsections (d) and (e) of this section.

(d) (1) The salary recommendations made by the Commission shall be introduced as a joint resolution in each House of the General Assembly not later than the fifteenth day of the session. The General Assembly may amend the joint resolution to decrease any of the Commission salary recommendations, but no reduction may diminish the salary of a judge during his continuance in office. The General Assembly

may not amend the joint resolution to increase the recommended salaries. **[**If the General Assembly fails to adopt or amend the joint resolution within 50 days after its introduction, the salaries recommended by the Commission shall apply. If the joint resolution is adopted or amended in accordance with this section within 50 days after its introduction, the salaries so provided shall apply.**] THE JOINT RESOLUTION SHALL BECOME EFFECTIVE ONLY IF PASSED BY THE GENERAL ASSEMBLY.** If the General Assembly **[**rejects**] FAILS TO ADOPT OR AMEND** any or all of the Commission's salary recommendations **CONTAINED IN THE JOINT RESOLUTION**, the salaries of the judges affected remain unchanged, unless modified under other provisions of law.

(2) The Governor or the General Assembly may not increase the recommended salaries, except as provided under § 1–703(b) of this subtitle.

(e) The recommendation of the Commission as to pensions shall be introduced by the presiding officers of the Senate and the House of Delegates in the form of legislation, and shall become effective only if passed by both Houses.

(f) Any change in salaries or pensions adopted by the General Assembly under this section takes effect as of the July 1 of the year next following the year in which the Commission makes its recommendations.

(g) This section does not affect § 1–702(b), § 1–703(b), or §§ 1–705 through 1–707 of this subtitle, or Title 27 of the State Personnel and Pensions Article.".

AMENDMENT NO. 3

On page 1, in line 15, strike the brackets; in the same line, strike "**SUBSECTIONS (B) AND (C)**"; in line 16, strike "6%" and substitute "**8%**"; and strike beginning with "**THE**" in line 17 down through "**(C)**" in line 20.

AMENDMENT NO. 4

On page 1, after line 21, insert:

"**[**29–301.

This subtitle does not apply to the Judges' Retirement System.**]**

29–301.

(A) THIS SECTION APPLIES ONLY TO A MEMBERS OF THE JUDGES' RETIREMENT SYSTEM WHO BECOMES A MEMBER ON OR AFTER JULY 1, 2012.

(B) (1) 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) THE MEMBER HAS AT LEAST 5 YEARS OF ELIGIBILITY SERVICE.

(2) A MEMBER IS DEEMED TO HAVE ELECTED A VESTED ALLOWANCE, UNLESS THE MEMBER REQUESTS THE RETURN OF THE ACCUMULATED CONTRIBUTIONS BEFORE MEMBERSHIP ENDS.

(C) A VESTED ALLOWANCE IS A DEFERRED ALLOWANCE STARTING AT AGE 60.

(D) A VESTED ALLOWANCE:

(1) IS COMPUTED AS A RETIREMENT ALLOWANCE UNDER § 27–402 OF THIS ARTICLE ON THE BASIS OF THE FORMER MEMBER'S CREDITABLE SERVICE AT THE TIME OF SEPARATION FROM EMPLOYMENT; AND

(2) MAY BE PAID IN ONE OF THE OPTIONAL FORMS OF ALLOWANCES UNDER § 21–403 OF THIS ARTICLE, IF AT RETIREMENT, THE MEMBER DOES NOT HAVE A SPOUSE OR CHILD UNDER THE AGE OF 18.

(E) (1) IF A FORMER MEMBER WHO ELECTED A VESTED ALLOWANCE REQUESTS THE RETURN OF ACCUMULATED CONTRIBUTIONS BEFORE PAYMENT OF THE VESTED ALLOWANCE BEGINS, THE BOARD OF TRUSTEES SHALL RETURN THE ACCUMULATED CONTRIBUTIONS TO THE FORMER MEMBER.

(2) WHEN ACCUMULATED CONTRIBUTIONS ARE RETURNED TO A FORMER MEMBER, THE FORMER MEMBER IS NOT ENTITLED TO FURTHER BENEFITS ON ACCOUNT OF THE FORMER MEMBER'S PREVIOUS MEMBERSHIP.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 572 – Delegates George, Afzali, Aumann, Barnes, Bates, Beidle, Beitzel, Bohanan, Boteler, Burns, Clagett, Cluster, Costa, Davis, DeBoy, Dwyer, Eckardt, Elliott, Feldman, Frank, Frick, Frush, Glass, Haddaway–Riccio, Hershey, Hogan, Hough, Impallaria, Ivey, Jacobs, James, Kach, K. Kelly, Kipke, Krebs, Love, McComas, McConkey, McDermott, McMillan, W. Miller, Minnick, Murphy, Myers, Norman, O'Donnell, Olszewski, Otto, Parrott, Ready, B. Robinson, Schuh, Schulz, Serafini, Sophocleus, Stocksdale, Szeliga, Valentino–Smith, Vitale, Weir, Wood, and Zucker

AN ACT concerning

Elected Public Officials – Criminal Acts – Forfeiture or Suspension of Retirement Benefits

HB0572/484262/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 572
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike lines 1 and 2 in their entirety and substitute "Task Force to Study Retirement Benefits for Public Officials"; and strike in their entirety lines 4 through 21, inclusive, and substitute:

"FOR the purpose of establishing the Task Force to Study Retirement Benefits for Public Officials; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain

compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the Joint Committee on Pensions on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study Retirement Benefits for Public Officials.

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

(a) There is a Task Force to Study Retirement Benefits for Public Officials.

(b) The Task Force consists of 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 Executive Director of the State Retirement Agency or the Executive Director's designee;

(4) the Executive Director of the State Ethics Commission, or the Executive Director's designee;

(5) one member of the Board of Governors of the Maryland State Bar Association, appointed by the President of the Maryland State Bar Association;

(6) one representative of the Maryland Attorney General's Office, appointed by the Attorney General;

(7) the Executive Director of the Maryland Association of Counties, or the Executive Director's designee; and

(8) the Executive Director of the Maryland Municipal League, or the Executive Director's designee.

(c) The President of the Senate and the Speaker of the House jointly shall designate the chair of the Task Force.

(d) The Department of Legislative Services 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:

(1) study the possible forfeiture or suspension of retirement benefits for public officials when charged with or convicted of a criminal act, including:

(i) the circumstances under which retirement benefits should be subject to forfeiture or suspension;

(ii) the public officials that should be subject to possible forfeiture or suspension of benefits;

(iii) the process for making a determination to suspend or forfeit retirement benefits; and

(iv) the process for notifying the appropriate agency if a determination is made to suspend or forfeit retirement benefits; and

(2) make recommendations regarding the forfeiture or suspension of retirement benefits for public officials charged with or convicted of a criminal act.

(g) On or before November 30, 2012, the Task Force shall report its findings and recommendations to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the Joint Committee on Pensions, in accordance with § 2–1246 of the State Government Article.”.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 1 on page 2 through line 15 on page 4, inclusive.

On page 4, in line 16, strike "4." and substitute "2."; and in line 17, after "2012." insert "It shall remain effective for a period of 2 years and, at the end of June 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 806 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Investment Division – Salary Setting

HB0806/224466/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 806
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after "salaries" insert "of certain professional staff"; in the same line, after "Division" insert "and certain professional staff who terminated employment in the Investment Division during a certain fiscal year"; and in the same line, strike "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 2, in line 10, strike "**ES10**" and substitute "**ES11**"; and in line 13, strike "**ES8**" and substitute "**ES9**".

AMENDMENT NO. 3

On page 2, after line 18, insert:

"(4) ON OR BEFORE OCTOBER 1, 2012, AND EACH OCTOBER 1 THEREAFTER, THE BOARD OF TRUSTEES SHALL REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE JOINT COMMITTEE ON PENSIONS, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE ON:

(I) THE CURRENT SALARIES OF THE DEPUTY CHIEF INVESTMENT OFFICER AND THE MANAGING DIRECTORS OF THE INVESTMENT DIVISION;

(II) ANY SALARY INCREASES THE DEPUTY CHIEF INVESTMENT OFFICER OR MANAGING DIRECTORS OF THE INVESTMENT DIVISION HAVE RECEIVED IN THE FISCAL YEAR IMMEDIATELY PRECEDING THAT OCTOBER 1; AND

(III) 1. THE NUMBER OF INDIVIDUALS IN THE INVESTMENT DIVISION OF THE STATE RETIREMENT AGENCY WHO WERE EMPLOYED AS PROFESSIONAL INVESTMENT STAFF AND TERMINATED EMPLOYMENT WITH THE STATE RETIREMENT AGENCY IN THE FISCAL YEAR IMMEDIATELY PRECEDING THAT OCTOBER 1;

2. THE NUMBER OF YEARS OF EMPLOYMENT AN INDIVIDUAL DESCRIBED IN ITEM 1 OF THIS ITEM HAD ACCRUED WITH THE STATE RETIREMENT AGENCY AT THE TIME THE INDIVIDUAL TERMINATED EMPLOYMENT WITH THE STATE RETIREMENT AGENCY; AND

3. TO THE EXTENT POSSIBLE, THE NEW EMPLOYER, POSITION, AND SALARY THE INDIVIDUAL DESCRIBED IN ITEM 1 OF THIS ITEM ACCEPTED UPON TERMINATING EMPLOYMENT WITH THE STATE RETIREMENT AGENCY.";

strike in their entirety lines 19 through 24, inclusive; in line 25, strike "3." and substitute "2."; and strike beginning with "It" in line 26 down through the period in line 28.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Serafini moved to make the Bill a Special Order for later this session.

The motion was adopted.

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

House Bill 807 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Contribution Rates and Reinvestment of Savings – Technical Clarifications

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 916 – Delegate Braveboy

AN ACT concerning

State Retirement and Pension System – Study of Asset Management

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 930 – Delegates Proctor, Vallario, Anderson, Aumann, Beitzel, Bohanan, Clagett, Gutierrez, Guzzone, Haynes, Hucker, James, Jones, K. Kelly, McConkey, Mitchell, Mizeur, B. Robinson, Sophocleus, Stocksdale, Stukes, Valderrama, Washington, Wood, and Zucker

AN ACT concerning

Correctional Services – Correctional Officer – Emergency Suspension Rescinded

HB0930/114765/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 930
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "charge" and substitute "charged"; and in line 7, after "restored;" insert "providing that this Act does not apply to a State correctional officer under certain circumstances;".

AMENDMENT NO. 2

On page 2, in line 15, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, A**"; and after line 20, insert:

"**(4) PARAGRAPH (3) OF THIS SUBSECTION DOES NOT APPLY TO A CORRECTIONAL OFFICER WHO:**

(I) RESIGNS BEFORE THE DISPOSITION OF THE CRIMINAL MATTER FOR WHICH THE SUSPENSION WAS IMPOSED; OR

(II) IS NO LONGER EMPLOYED BY THE DEPARTMENT WHEN A DETERMINATION IS MADE BY A COURT WITH RESPECT TO THE CRIMINAL MATTER FOR WHICH THE SUSPENSION WAS IMPOSED.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1121 – Delegates Guzzone, Anderson, Clagett, Haynes, Jones, K. Kelly, Washington, and Zucker

AN ACT concerning

Correctional Services – Employee Caseloads – Disciplinary Actions

HB1121/854564/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1121
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Correctional Services" and substitute "Parole and Probation"; in line 3, strike "establish" and substitute "consider"; in line 4, strike "standard"; strike beginning with the semicolon in line 4 down through "during" in line 5 and substitute "when considering"; and in line 8, strike "with" and substitute "without".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 5 and 6; in lines 7, 9, and 12, in each instance, strike the brackets; in the same lines, strike "**(IV)**", "**(V)**", and "**(VI)**", respectively; in line 23, strike "**THE**" and substitute "**WHEN CONSIDERING DISCIPLINARY ACTION RELATED TO THE PERFORMANCE OF A PAROLE AND PROBATION EMPLOYEE, THE**"; and strike beginning with the colon in line 23 down through "**PERFORMANCE**" in line 28 and substitute "**CONSIDER THE SIZE OF THE EMPLOYEE'S ACTIVE CASELOAD AND THE CLASSIFICATION OF THE OFFENDERS WITHIN THE EMPLOYEE'S ACTIVE CASELOAD AT THE TIME OF THE EVENT GIVING RISE TO THE CONSIDERATION OF DISCIPLINARY 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 ECONOMIC MATTERS REPORT #14

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

House Bill 279 – Delegate Barkley

AN ACT concerning

Maryland Automobile Insurance Fund – Claims for Bodily Injury or Death – Payment Limitation

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 401 – Delegates McHale, Clippinger, and Hammen

AN ACT concerning

Baltimore City – Alcoholic Beverages – Refillable Containers

HB0401/803893/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 401
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "of" insert "authorizing certain Class B licenses to include a certain off–sale privilege under certain circumstances, notwithstanding certain provisions;"; strike beginning with the first "a" in line 5 down through "restaurant" in line 6 and substitute "any class of alcoholic beverages license issued by the Board except a Class C license and a Class M–G license"; in line 6, after "sell" insert "draft"; strike beginning with "to" in line 8 down through "consumption" in line 9; in line 9, after the semicolon insert "requiring a refillable container to meet certain requirements;"; in line 11, after "that" insert "certain applicants meet"; in line 12, strike "be met"; strike beginning with "exercise" in line 15 down through "restaurant" in line 16 and substitute "refill only a refillable container that was branded by the license holder"; in line 16, strike "authorizing" and substitute "requiring"; in line 21, strike the second "and" and substitute a comma; in the same line, after "(b)" insert ", 9–204.1(f)(1), and 12–108(a)(1)"; after line 23, insert:

"BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(d)(1)(v) and (vi), 9–204.1(f)(2), and 12–113(c)
Annotated Code of Maryland
(2011 Replacement Volume)";

and in line 26, after "8–203(e)" insert "and 9–204.1(f)(8)".

On page 2, strike in their entirety lines 1 through 5, inclusive.

AMENDMENT NO. 2

On page 3, after line 11, insert:

"6–201.

(d) (1) (v) **1.** [In] **EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, IN** an area coterminous with the 47th Alcoholic Beverages District as that district existed before the Legislative Districting Plan was ordered by the Maryland Court of Appeals on June 21, 2002, a Class B beer, wine and liquor license issued for use in a restaurant:

[1.] **A.** After July 1, 1991 may not include an off–sale alcoholic beverages privilege;

[2.] **B.** Before July 1, 1991 with an on–sale alcoholic beverages privilege only may not be changed or altered to include an off–sale alcoholic beverages privilege;

[3.] **C.** Before July 1, 1991 with both on– and off–sale alcoholic beverages privileges may continue to be sold, renewed, or transferred within the 47th Alcoholic Beverages District with both privileges; and

[4.] **D.** Except as provided in subparagraph (vi) of this paragraph, before July 1, 1991 may not include an off–sale privilege for sales of alcoholic beverages from 12 midnight on Saturday to 2 a.m. on Monday.

2. A LICENSE SPECIFIED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY INCLUDE AN OFF–SALE PRIVILEGE FOR SALES OF REFILLABLE CONTAINERS UNDER A REFILLABLE CONTAINER LICENSE ISSUED IN ACCORDANCE WITH § 8–203(E) OF THIS ARTICLE.

(vi) The sales prohibition in subparagraph [(v)4] **(V)1D** of this paragraph does not apply to a Class B beer, wine and liquor licensee:

1. Whose license was issued before July 1, 1991; and

2. Who prior to July 1, 1991 operated the premises and exercised the sales privileges under the license on Sundays.";

strike beginning with the second "**A**" in line 18 down through "**RESTAURANT**" in line 19 and substitute "**ANY CLASS OF ALCOHOLIC BEVERAGES LICENSE ISSUED BY THE BOARD EXCEPT A CLASS C LICENSE AND A CLASS M–G LICENSE**"; in line 20, strike "**A**" and substitute "**SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A**"; in line 21, after "**SELL**" insert "**DRAFT**"; strike beginning with the colon in line 21 down through "**IN**" in line 22 and substitute "**IN**"; strike beginning with the semicolon in line 23 down through "**CONSUMPTION**" in line 28; and after line 28, insert:

"**(4) TO BE USED AS A REFILLABLE CONTAINER UNDER PARAGRAPH (3)(I) OF THIS SUBSECTION, A CONTAINER SHALL:**

(I) BE SEALABLE;

(II) BE BRANDED WITH AN IDENTIFYING MARK OF THE LICENSE HOLDER;

(III) BEAR THE FEDERAL HEALTH WARNING STATEMENT REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R. 16.21;

(IV) DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER; AND

(V) BEAR A LABEL STATING THAT:

1. CLEANING THE CONTAINER IS THE RESPONSIBILITY OF THE CONSUMER; AND

2. THE CONTENTS OF THE CONTAINER ARE PERISHABLE AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED WITHIN 48 HOURS AFTER PURCHASE.".

On page 4, in line 3, strike "**$500; AND**" and substitute "**:**

A. $500 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE DOES NOT HAVE AN OFF–SALE PRIVILEGE; OR

B. $50 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE HAS AN OFF–SALE PRIVILEGE; AND";

in line 4, strike "**THE**" and substitute "**AN APPLICANT WHO HOLDS A LICENSE WITHOUT AN OFF–SALE PRIVILEGE SHALL MEET THE**"; in line 6, strike "**SHALL BE MET**"; in line 14, after "**LICENSE**" insert a colon; in line 15, strike "**ARE THE SAME**" and substitute:

"**(I) BEGIN AT THE SAME TIME**";

in line 16, after "**ISSUED**" insert "**; AND**

(II) END AT MIDNIGHT";

strike beginning with "**THE**" in line 17 down through "**RESTAURANT**" in line 19 and substitute "**A LICENSE HOLDER MAY REFILL ONLY A REFILLABLE CONTAINER THAT WAS BRANDED BY THE LICENSE HOLDER**"; in line 20, strike "**MAY**" and substitute "**SHALL**"; strike beginning with the comma in line 21 down through "**ISSUED**" in line 22; and after line 22, insert:

"9–204.1.

(f) (1) This subsection applies only in the 46th alcoholic beverages district.

(2) Notwithstanding § 6–201(d)(1)(vii) of this article, **AND SUBJECT TO PARAGRAPH (8) OF THIS SUBSECTION,** the Board may issue a Class B beer, wine and liquor license:

(i) For a restaurant in ward 26, precinct 8, if the restaurant has a minimum capital investment of $700,000, a seating capacity exceeding 150 persons, and average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant;

(ii) For a restaurant in ward 4, precinct 1 or ward 22, precinct 1, if the restaurant has a minimum capital investment of $700,000, a seating capacity that exceeds 75 persons, average daily receipts for the sale of food that are at least 65% of the total daily receipts of the restaurant, and no sales for off–premises consumption;

(iii) For not more than three restaurants in a residential planned unit development for Silo Point as approved by the Mayor and City Council of Baltimore City in Ordinance 04–697 on June 23, 2004, if the restaurant has a minimum capital investment of $700,000, a seating capacity that exceeds 75 persons, average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant, and no sales for off–premises consumption; and

(iv) For not more than three restaurants in a business planned unit development in ward 24, precinct 5 of the 46th alcoholic beverages district, which at all times shall be coterminous with the 46th Legislative District in the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21, 2002, if each restaurant has a minimum capital investment of $700,000, a seating capacity that exceeds 75 persons but is not more than 150 persons, average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant, and no sales for off–premises consumption.

(8) NOTWITHSTANDING PARAGRAPH (2)(II) THROUGH (IV) OF THIS SUBSECTION, A LICENSE SPECIFIED UNDER THIS SUBSECTION, INCLUDING A LICENSE THAT ALLOWS NO SALES FOR OFF–PREMISES CONSUMPTION, MAY INCLUDE AN OFF–SALE PRIVILEGE FOR SALES OF REFILLABLE CONTAINERS UNDER A REFILLABLE CONTAINER LICENSE ISSUED IN ACCORDANCE WITH § 8–203(E) OF THIS ARTICLE.

12–108.

(a) (1) A licensee licensed under this article, or any employee of the licensee, may not sell or furnish any alcoholic beverages at any time:

(i) To a person under 21 years of age for the underage person's own use or for the use of any other person; or

(ii) To any person who, at the time of the sale, or delivery, is visibly under the influence of any alcoholic beverage.".

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 913 – Delegate Davis

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 920 – Delegate Rosenberg

AN ACT concerning

Maryland Uniform Athlete Agents Act – Definitions and Prohibitions

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 1101 – The Speaker (By Request – Administration) and Delegates Barkley, Barnes, Guzzone, Hucker, Ivey, Malone, McHale, Ross, Valentino–Smith, and Vaughn

AN ACT concerning

Workers' Compensation – Medical Presumptions

HB1101/233290/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1101
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "providing" in line 3 down through "service;" in line 5; and strike beginning with "limiting" in line 7 down through "amount;" in line 8.

AMENDMENT NO. 2

On page 1, in line 20, strike "**(1)**".

On page 2, in lines 4, 6, and 8, in each instance, strike the brackets; in the same lines, strike "**(I)**", "**(II)**", and "**(III)**", respectively; and strike beginning with "**(2)**" in line 13 down through "**SERVICE.**" in line 15.

AMENDMENT NO. 3

On page 3, in line 9, strike "**(1)**"; in lines 16, 20, 24, and 28, in each instance, strike the brackets; in the same lines, strike "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively; and strike beginning with "**BLADDER**" in line 17 down through "**DIGESTIVE**" in line 18, and substitute "**OR BREAST**".

On pages 3 and 4, strike in their entirety the lines beginning with line 33 on page 3 through line 2 on page 4, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Jameson moved to make the Bill a Special Order for Monday.

The motion was adopted.

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

House Bill 1262 – Delegates Hucker, S. Robinson, and Weir

AN ACT concerning

Environment – Asbestos Worker Protection

HB1262/683195/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1262
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "fees;" insert "altering the circumstances under which a certain penalty may be composed;"; and strike beginning with "establishing" in line 8 down through "circumstance;" in line 9.

AMENDMENT NO. 2

On page 4, in line 10, strike "willfully"; and strike beginning with the comma in line 16 down through "**VIOLATION**" in line 17.

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 Monday.

The motion was adopted.

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

House Bill 1268 – Delegates Barnes, Davis, Feldman, Hershey, Impallaria, and W. Miller

AN ACT concerning

Business Occupations and Professions – Plumbers – Lead–Free Materials

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 1427 – Delegates Jameson and Schuh

AN ACT concerning

Electricity – Certificate of Public Convenience and Necessity – Overhead Transmission Lines

HB1427/523596/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1427
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Certificate of Public Convenience and Necessity –" and substitute "Construction of"; in line 3, after "Lines" insert "and Wind Generating Stations"; in line 10, after "construction" insert "related to an existing overhead transmission line that is"; in line 13, after the semicolon, insert "providing that a certain provision that requires a person to obtain certain approval from the Commission before constructing a certain generating station does not apply to a person constructing a certain wind generating station that has wind turbines within a certain distance from the Patuxent River Naval Air Station, as determined by certain regulation;"; in line 14, strike "certificates of public convenience and necessity for" and substitute "the construction of"; in line 15, after "lines" insert "and certain wind generating stations"; and in line 23, after "7–207(b)" insert "and 7–207.1(a)".

AMENDMENT NO. 2

On page 3, in line 20, strike "**THE**" and substitute "**FOR CONSTRUCTION RELATED TO AN EXISTING OVERHEAD TRANSMISSION LINE, THE**".

On page 4, in line 1, after "**CONSTRUCTION**" insert "**RELATED TO AN EXISTING OVERHEAD TRANSMISSION LINE**"; and after line 7, insert:

"7–207.1.

(a) This section applies to a person who:

(1) constructs a generating station:

(i) designed to provide on–site generated electricity if:

1. the capacity of the generating station does not exceed 70 megawatts; and

2. the electricity that may be exported for sale from the generating station to the electric system is sold only on the wholesale market pursuant to an interconnection, operation, and maintenance agreement with the local electric company; or

(ii) that produces electricity from wind if:

1. the generating station is land–based;

2. the capacity of the generating station does not exceed 70 megawatts;

3. the electricity that may be exported for sale from the generating station to the electric system is sold only on the wholesale market pursuant to an interconnection, operation, and maintenance agreement with the local electric company; **[**and**]**

4. the Commission provides an opportunity for public comment at a public hearing as provided in subsection (e) of this section; **AND**

5. THE GENERATING STATION'S WIND TURBINES ARE NOT LOCATED WITHIN A DISTANCE FROM THE PATUXENT RIVER NAVAL AIR STATION THAT IS DETERMINED BY REGULATIONS ADOPTED BY THE COMMISSION IN COORDINATION WITH THE COMMANDER, NAVAL AIR WARFARE CENTER AIRCRAFT DIVISION, PROVIDED THAT THE DISTANCE REQUIREMENT UNDER THE REGULATION IS:

A. NOT GREATER THAN IS NECESSARY TO ENCOMPASS AN AREA IN WHICH UTILITY SCALE WIND TURBINES COULD CREATE DOPPLER RADAR INTERFERENCE FOR MISSIONS AT THE PATUXENT RIVER NAVAL AIR STATION;

B. NOT GREATER THAN 46 MILES, MEASURED FROM LOCATION 38.29667N, 76.37668W; AND

C. SUBJECT TO MODIFICATION IF NECESSARY TO REFLECT CHANGES IN MISSIONS OR TECHNOLOGY AT THE PATUXENT RIVER NAVAL AIR STATION OR CHANGES IN WIND ENERGY TECHNOLOGY; or

(2) constructs a generating station if:

(i) the capacity of the generating station does not exceed 25 megawatts;

(ii) the electricity that may be exported for sale from the generating station to the electric system is sold only on the wholesale market pursuant to an interconnection, operation, and maintenance agreement with the local electric company; and

(iii) at least 10% of the electricity generated at the generating station each year is consumed on–site.".

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 #13

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

House Bill 929 – Delegates Stein, Frush, and Niemann

AN ACT concerning

Environment – Recycling Rates and Waste Diversion – Statewide Goals

HB0929/480518/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 929
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "parties;" insert "authorizing a certain county to combine its recycling rate with the recycling rates of certain adjacent counties in a certain manner and under certain circumstances; requiring the Secretary of the Environment to calculate a certain recycling rate for certain counties under certain circumstances; authorizing a certain county that has met or exceeded a certain percentage reduction of its solid waste stream through recycling in a certain year to submit a letter containing certain certifications to the Secretary by a certain date instead of revising a certain county recycling plan;".

AMENDMENT NO. 2

On page 2, in lines 3 and 15, in each instance, strike "**2013**" and substitute "**2014**"; and in lines 12 and 24, in each instance, strike "**JULY 1, 2015**" and substitute "**DECEMBER 31, 2015**".

AMENDMENT NO. 3

On page 3, after line 29, insert:

"**(4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, WHEN CALCULATING A COUNTY'S RECYCLING RATE FOR THE PURPOSES OF THIS SUBSECTION, A COUNTY WITH A POPULATION OF LESS THAN 100,000 MAY COMBINE ITS RECYCLING RATE WITH THE RECYCLING RATES OF ONE OR MORE ADJACENT COUNTIES.**

(II) A COUNTY MAY NOT USE THE RECYCLING RATE CALCULATION IN THIS PARAGRAPH FOR MORE THAN 5 CONSECUTIVE YEARS.

(III) SUBJECT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH, EACH COUNTY THAT ELECTS TO USE THE RECYCLING RATE CALCULATION IN THIS PARAGRAPH SHALL SUBMIT A LETTER OF CONCURRENCE FROM THE HIGHEST ELECTED OFFICIAL OF THE COUNTY TO THE SECRETARY:

1. THAT STATES THE COUNTY'S AGREEMENT TO COMBINE ITS RECYCLING RATE CALCULATION WITH THE RECYCLING RATE CALCULATION OF AN ADJACENT COUNTY; AND

2. AT THE SAME TIME THE ANNUAL REPORT REQUIRED UNDER § 9–1705(B) OF THIS SUBTITLE IS SUBMITTED.

(IV) THE ANNUAL REPORT REQUIRED UNDER § 9–1705(B) OF THIS SUBTITLE SHALL BE SUBMITTED AS ONE REPORT FOR THE COUNTIES THAT ELECT TO USE THE RECYCLING RATE CALCULATION UNDER THIS PARAGRAPH.

(V) THE SECRETARY SHALL CALCULATE ONE RECYCLING RATE FOR THE COUNTIES THAT ELECT TO USE THE RECYCLING RATE CALCULATION IN ACCORDANCE WITH THIS PARAGRAPH.".

On page 4, after line 17, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, for a county with a population greater than 150,000 that has met or exceeded a 35% reduction of the county's solid waste stream through recycling in calendar year 2010, the requirement to revise the county recycling plan in § 9–505(a)(18) of the Environment Article, as enacted by Section 1 of this Act, may be satisfied by the submission of a letter on or before December 31, 2013, from the highest elected county official to the Secretary of the Environment certifying that:

(1) the required 35% county recycling rate will continue to be met or exceeded in each calendar year through 2015; and

(2) details regarding the increased recycling rates and methods for achieving the rates will be included in the county's next regular 3–year review of its 10–year county solid waste management plan under § 9–503(b) of the Environment Article.

SECTION 3. AND BE IT FURTHER ENACTED, That, for a county with a population less than 150,000 that has met or exceeded a 20% reduction of the county's solid waste stream through recycling in calendar year 2010, the requirement to revise the county recycling plan in § 9–505(a)(19) of the Environment Article, as enacted by Section 1 of this Act, may be satisfied by the submission of a letter on or before December 31, 2013, from the highest elected county official to the Secretary of the Environment certifying that:

(1) the required 20% county recycling rate will continue to be met or exceeded in each calendar year through 2015; and

(2) details regarding the increased recycling rates and methods for achieving the rates will be included in the county's next regular 3–year review of its 10–year county solid waste management plan under § 9–503(b) of the Environment Article.";

and in line 18, strike "2." and substitute "4.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 983 – Delegates Frush and Hubbard

AN ACT concerning

Chesapeake and Atlantic Coastal Bays Critical Area – Prohibition – Junk and Scrap Metal Facilities

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 1117 – Delegates Hershey and Jameson

AN ACT concerning

Zoning, Construction, and Stormwater – Permits and Variances – Solar Panels

HB1117/990011/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1117
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "a" in line 7 down through the first "of" in line 8 and substitute "the foundation or base supporting"; and in line 8, after "panel;" insert "establishing a certain exception; defining a certain term;".

AMENDMENT NO. 2

On page 3, after line 4, insert:

"**(A) IN THIS SECTION, "CRITICAL AREA" INCLUDES THE AREAS DESIGNATED AS THE CHESAPEAKE BAY CRITICAL AREA AND THE ATLANTIC COASTAL BAYS CRITICAL AREA UNDER § 8–1807 OF THE NATURAL RESOURCES ARTICLE.**

(B) THIS SECTION DOES NOT APPLY IN THE CRITICAL AREA.";

in line 5, before "**FOR**" insert "**(C)**"; and in line 9, strike "**THE BASE OF**" and substitute "**THE FOUNDATION OR BASE SUPPORTING**".

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 1180 – Delegates Rudolph and Malone

AN ACT concerning

Vehicle Laws – Required Security – Electronic Reporting Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1329 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Washington Suburban Transit Commission – Washington Metropolitan Area Transit Authority Board of Directors – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1331 – Delegates Carr, Beidle, Bobo, Cane, Frush, Hucker, Luedtke, Niemann, Reznik, S. Robinson, Stein, and Weir

AN ACT concerning

Residential Property Sales – Disclosure of Utility Consumption

HB1331/160110/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1331
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "display or make available" and substitute "provide, on written request,"; strike beginning with "requiring" in line 5 down through "score;" in line 7; and in line 8, after "property;" insert "providing that certain information is provided without warranties; establishing that this Act does not prohibit a local government from enacting a certain more stringent local law; requiring the State Real Estate Commission to submit a certain report on or before a certain date;".

AMENDMENT NO. 2

On page 3, strike beginning with "**DISPLAY**" in line 2 down through "**PROPERTY**" in line 4 and substitute "**PROVIDE, ON WRITTEN REQUEST,**"; in line 9, after "**BE**" insert "**PROVIDED IF**"; and strike in their entirety lines 10 through 17, inclusive, and substitute:

"**(I) THE REQUEST IS MADE BY A PROSPECTIVE PURCHASER WHO HAS SIGNED A LETTER OF INTENT; AND**

(II) THE VENDOR HAS ACCESS TO THE INFORMATION.".

AMENDMENT NO. 3

On page 3, strike in their entirety lines 18 through 22, inclusive; in line 23, strike "**(4)**" and substitute "**(3)**"; and after line 25, insert:

"**(4) THE INFORMATION PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS PROVIDED WITHOUT WARRANTIES, EITHER EXPRESS OR IMPLIED, INCLUDING AS TO THE ACCURACY, COMPLETENESS, OR SUITABILITY OF THE INFORMATION.**

(C) THIS SECTION DOES NOT PROHIBIT A LOCAL GOVERNMENT FROM ENACTING A LOCAL LAW REQUIRING A VENDOR TO PROVIDE UTILITY INFORMATION THAT IS MORE STRINGENT THAN THE REQUIREMENTS OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That the State Real Estate Commission shall develop methods to inform consumers of the right to request utility information under this Act and, on or before December 31, 2012, the Commission shall report to the Senate Judicial Proceedings Committee and the House Environmental Matters Committee, in accordance with § 2–1246 of the State Government Article, on the Commission's efforts to increase consumer awareness and the effectiveness of any methods the Commission has implemented.";

in lines 26 and 30, strike "2." and "3.", respectively, and substitute "3." and "4.", respectively.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Barnes moved to make the Bill a Special Order for Monday.

The motion was adopted.

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

House Bill 1372 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Natural Resources – Commercial Fishing Licenses, Authorizations, and Permits

HB1372/750417/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1372
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first "of" insert "requiring that certain appropriations for fishery management purposes be allocated in a certain manner between the recreational and commercial fisheries;"; and strike beginning with "repealing" in line 25 down through "another" in line 26 and substitute "altering the requirements and procedures for the authorization of a".

On page 2, in line 1, after "authorizations;" insert "requiring a licensee to pay to the Department a certain amount for the difference between certain fees;"; in line 9, after "date;" insert "requiring the Department to determine the allocation of certain revenues in accordance with the revenues derived from the respective commercial and recreational fisheries;"; and in line 26, after "4–101(l)" insert "and 4–205(m)".

AMENDMENT NO. 2

On page 3, after line 5, insert:

"4–205.

(M) EXCEPT FOR ANY APPROPRIATION MADE FOR AQUACULTURE, AN APPROPRIATION FROM THE GENERAL FUND MADE FOR FISHERY MANAGEMENT PURPOSES SHALL BE ALLOCATED FAIRLY AND REASONABLY BETWEEN THE RECREATIONAL AND COMMERCIAL FISHERIES.".

AMENDMENT NO. 3

On page 7, in lines 2 and 3, in each instance, strike the bracket; and in line 2, strike the second "to" and substitute "**NOT TO EXCEED**".

AMENDMENT NO. 4

On page 10, in line 1, strike "**ONCE**" and substitute "**TWICE**"; strike beginning with the colon in line 13 down through "**PROVIDES**" in line 18 and substitute "**PROVIDES**"; and after line 19, insert:

"**(7) (I) EXCEPT FOR A FISHING GUIDE LICENSEE OR A MASTER FISHING GUIDE LICENSEE, A LICENSEE MAY ALLOW ONE INDIVIDUAL TO USE THE LICENSEE'S COMMERCIAL FISHING VESSEL TO ENGAGE IN ACTIVITIES AUTHORIZED UNDER THE LICENSE IF:**

1. THE LICENSEE'S COMMERCIAL FISHING VESSEL NUMBER IS REGISTERED ON THE LICENSE; AND

2. THE LICENSEE HAS INDICATED THE NAME OF THE ASSIGNED INDIVIDUAL TO THE DEPARTMENT ON A FORM PROVIDED BY THE DEPARTMENT.

(II) A LICENSEE MAY CHANGE THE ASSIGNMENT ONCE PER LICENSE YEAR.

(III) IF A LICENSEE ALLOWS AN INDIVIDUAL TO UTILIZE A VESSEL UNDER THIS PARAGRAPH, THE INDIVIDUAL AND THE LICENSEE SHALL BE HELD RESPONSIBLE FOR ANY VIOLATIONS COMMITTED BY THE INDIVIDUAL USING THE VESSEL.".

AMENDMENT NO. 5

On page 11, in line 1, after "At" insert "**] BEFORE SEPTEMBER 1, 2012, AT**"; in line 4, strike the bracket and substitute:

"**(2) (I)**";

in lines 4 and 5, strike "**AT THE TIME OF LICENSE RENEWAL, A**" and substitute "**A**"; after line 8, insert:

"**(II) IF THE FEE FOR AN UNLIMITED TIDAL FISH LICENSE IS LESS THAN THE TOTAL OF THE FEES FOR AUTHORIZATIONS RECEIVED BY A LICENSEE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE LICENSEE SHALL PAY TO THE DEPARTMENT AN AMOUNT EQUAL TO THE DIFFERENCE**

BETWEEN THE FEE FOR THE UNLIMITED TIDAL FISH LICENSE AND THE TOTAL OF THE FEES FOR THE AUTHORIZATIONS RECEIVED.";

in line 9, strike "(2)" and substitute "**(3)**"; and in line 11, strike "paragraph (1)" and substitute "**PARAGRAPHS (1) AND (2)**".

AMENDMENT NO. 6

On page 16, in line 24, strike "equitable" and substitute "reasonable"; in line 27, strike "Fish" and substitute "Fisheries"; in line 29, after "(d)" insert "In conducting the review and developing the recommendations, the Department shall determine the allocation of the user fees for fisheries management of commercial or recreational fisheries based on revenues from those respective sectors.

(e) (1)";

and after line 32, insert:

"(2) The report shall identify the actions needed to implement the plan by July 1, 2013.".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1419 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Natural Resources – Hunting Licenses and Stamps

HB1419/420214/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1419
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "language;" insert "repealing provisions of law that establish bonus antlered deer stamps;"; strike beginning with "nonresident" in line 6 down through "stamps" in line 7 and substitute "bonus deer stamp"; in line 9, after "nonresident" insert "hunting and"; strike beginning with "establishing" in line 10 down through "stamps;" in line 11; strike beginning with "providing" in line 11 down through "Act;" in line 12 and substitute "requiring the Department to work with certain organizations to identify certain funding mechanisms on or before a certain date;"; and in line 27, after "10–308(b)" insert "and 10–503".

On page 2, strike in their entirety lines 3 through 8, inclusive.

AMENDMENT NO. 2

On page 2, in line 31, strike "antlered".

On page 3, in line 33, strike "**A TURKEY STAMP,**".

On page 4, in line 14, strike "**NONRESIDENT**"; and after line 18, insert:

"**(III) A JUNIOR HUNTING LICENSE FOR AN INDIVIDUAL UNDER THE AGE OF 16 YEARS THAT ENABLES THE LICENSEE TO HUNT AND TRAP ALL LEGAL GAME BIRDS AND MAMMALS NOT EXCEPTED BY THE DEPARTMENT IN REGULATION, DURING ANY APPROPRIATE SEASON IN MARYLAND, WITHOUT THE PURCHASE OF AN ADDITIONAL LICENSE OR STAMP.**".

On page 5, in line 8, strike "$9.00" and substitute "**$12.00**"; strike in their entirety lines 9 and 10; in line 11, in each instance, strike the bracket; in the same line, strike "**(VII)** Resident bonus antlered" and substitute "**BONUS**"; in the same line, strike "$10.00" and substitute "**$25.00**"; and strike in their entirety lines 12 through 15, inclusive.

On page 6, after line 21, insert:

"10–308.1.

(b) (1) A person may obtain a Maryland migratory game bird stamp for **[**a**] THE** fee **[**of $9.00**] ESTABLISHED IN § 10–301 OF THIS SUBTITLE** from any person designated by the Department. The issuing person designated shall retain the

sum of 75 cents as compensation for issuing each stamp. The balance of the fee is paid over and accounted for to the State Treasurer. The Treasurer shall credit all such fees received to the State Wildlife Management and Protection Fund, in accordance with § 10–209 of this title.".

On page 8, after line 22, insert:

"[10–503.

A nonresident of the State may not hunt or trap or attempt to hunt or trap any beaver or otter in the State.]".

On pages 8 through 11, strike in their entirety the lines beginning with line 23 on page 8 through line 18 on page 11, inclusive.

On page 11, in line 19, strike "3." and substitute "2."; strike beginning with "Section" in line 19 down through "2013" in line 20 and substitute "the Department shall consult with the Wildlife Advisory Commission, the Maryland Legislative Sportsmen's Foundation, and other interested organizations to identify additional funding mechanisms for wildlife management in Maryland before December 31, 2012"; in line 21, strike "4." and substitute "3."; and strike beginning with ", except" in line 21 down through "Act," in line 22.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1448 – Queen Anne's County Delegation

AN ACT concerning

Queen Anne's County – Deer Hunting on Private Property – Sundays

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS REPORT #9

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

House Bill 510 – Delegates Cluster, Boteler, and Bromwell

AN ACT concerning

Baltimore County Revenue Authority – Purchases – Competitive Bidding

HB0510/896581/1
BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 510
(First Reading File Bill)

On page 1, in the sponsor line, strike "Delegates Cluster, Boteler, and Bromwell" and substitute "Baltimore 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 Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 679 – Delegates Nathan–Pulliam, Braveboy, Burns, Gaines, Gutierrez, Howard, Hubbard, Ivey, Jones, Morhaim, Murphy, Oaks, B. Robinson, Ross, Tarrant, V. Turner, and Valderrama

AN ACT concerning

Cultural Competency and Health Literacy – Education

HB0679/376880/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 679

(First Reading File Bill)

On page 3, strike beginning with the second "Maryland" in line 20 down through "Work" in line 21 and substitute "Maryland Clinical Social Work Coalition".

On page 4, in line 8, after "report" 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 Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 841 – Delegates Frick, Dumais, Eckardt, Feldman, Frank, George, Gilchrist, Haddaway–Riccio, Hixson, Hucker, Kach, A. Kelly, Kipke, Krebs, Lee, McDermott, McDonough, McMillan, A. Miller, Ready, Reznik, Schuh, Stocksdale, and Waldstreicher

AN ACT concerning

Food Service Facilities – Open Windows and Doors – Regulations

HB0841/326288/1
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 "and Waldstreicher" and substitute "Waldstreicher, Bromwell, Morhaim, and Pendergrass"; in line 2, strike "– Regulations"; strike beginning with "requiring" in line 3 down through "department;" in line 6 and substitute "authorizing a food service facility to operate with the outer doors or outer windows of the facility open unless the local health department finds evidence of certain vermin or flying insects while the facility is operating with the outer doors or outer windows open; requiring a food service facility to take certain actions under certain circumstances; authorizing a local health department to take

certain actions under certain circumstances; providing for the application of this Act;"; and in line 7, strike "regulations for".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 18 on page 1 through line 2 on page 2, inclusive, and substitute:

"**(A) THIS SECTION DOES NOT APPLY TO AN OUTER DOOR OF A FOOD SERVICE FACILITY THAT LEADS FROM THE KITCHEN TO THE OUTSIDE.**

(B) A FOOD SERVICE FACILITY MAY OPERATE WITH THE OUTER WINDOWS OR OUTER DOORS OPEN UNLESS, WHILE THE FOOD SERVICE FACILITY IS OPERATING WITH THE OUTER DOORS OR OUTER WINDOWS OPEN, THE LOCAL HEALTH DEPARTMENT:

(1) FINDS EVIDENCE OF VERMIN IN FOOD PREPARATION OR FOOD STORAGE AREAS; OR

(2) FINDS EVIDENCE OF FLYING INSECTS IN FOOD PREPARATION OR FOOD STORAGE AREAS THAT POSE A SIGNIFICANT THREAT TO SANITATION OR PUBLIC HEALTH.

(C) IF A LOCAL HEALTH DEPARTMENT FINDS THAT A FOOD SERVICE FACILITY IS OPERATING IN VIOLATION OF SUBSECTION (B) OF THIS SECTION, THE FOOD SERVICE FACILITY SHALL TAKE IMMEDIATE ACTION TO ELIMINATE THE VERMIN OR FLYING INSECTS.

(D) A LOCAL HEALTH DEPARTMENT MAY CLOSE A FOOD SERVICE FACILITY FOUND TO BE OPERATING IN VIOLATION OF SUBSECTION (B) OF THIS SECTION, OR ORDER A TEMPORARY CLOSURE OF THE OUTER WINDOWS AND OUTER DOORS AT THE FOOD SERVICE FACILITY, UNTIL THE VERMIN OR FLYING INSECTS ARE ELIMINATED FROM THE FOOD PREPARATION OR FOOD STORAGE AREAS, OR UNTIL ANOTHER ACTION APPROVED BY THE LOCAL HEALTH DEPARTMENT IS TAKEN.

(E) A FOOD SERVICE FACILITY FOUND TO BE OPERATING IN VIOLATION OF SUBSECTION (B) OF THIS SECTION ON THREE OR MORE SEPARATE

OCCASIONS SHALL KEEP THE OUTER WINDOWS AND OUTER DOORS CLOSED AT ALL TIMES UNTIL:

(1) MODIFICATIONS APPROVED BY THE LOCAL HEALTH DEPARTMENT ARE MADE TO THE FOOD SERVICE FACILITY TO EFFECTIVELY PROTECT AGAINST THE ENTRANCE OF VERMIN AND FLYING INSECTS; OR

(2) ANOTHER ACTION APPROVED BY THE LOCAL HEALTH DEPARTMENT IS TAKEN.".

AMENDMENT NO. 3

On page 2, in line 4, 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 Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 865 – Delegates Pena–Melnyk, Barnes, Braveboy, Bromwell, Cardin, Carr, Clagett, Guzzone, Healey, Hucker, Ivey, A. Kelly, Kipke, Lafferty, Mitchell, Mizeur, Nathan–Pulliam, Oaks, Olszewski, Reznik, Rosenberg, Stein, Summers, F. Turner, V. Turner, and Zucker

AN ACT concerning

State Procurement – Disclosure of the Relocation of Jobs to a Foreign Country

HB0865/656788/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 865
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "of the Relocation of Jobs to a Foreign Country" and substitute "– Location of the Performance of Services"; strike beginning

with "requiring" in line 4 down through "period;" in line 11 and substitute "requiring, under certain circumstances, a bidder to disclose certain information regarding whether services required under a procurement contract will be performed outside the United States;"; in line 12, after "right;" insert "defining certain terms; providing for the termination of this Act;"; strike beginning with "the" in line 13 down through "countries" in line 14 and substitute "disclosures regarding the location of the performance of services required under procurement contracts"; and strike beginning with "11–401" in line 17 down through "Country"" in line 18 and substitute "12–110".

AMENDMENT NO. 2

On page 2, after line 15, insert:

"**12–110.**

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

(2) "PUBLIC EMPLOYER" MEANS:

(I) A UNIT;

(II) A COUNTY;

(III) A MUNICIPALITY;

(IV) A COUNTY BOARD OF EDUCATION; OR

(V) A SPECIAL TAXING DISTRICT.

(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, "SERVICES" HAS THE MEANING STATED IN § 11–101(T) OF THIS ARTICLE.

(II) "SERVICES" INCLUDES:

1. CONSTRUCTION–RELATED SERVICES;

2. ARCHITECTURAL SERVICES;

3. ENGINEERING SERVICES; OR

4. ENERGY PERFORMANCE CONTRACT SERVICES.

(B) THIS SECTION APPLIES TO A PROCUREMENT CONTRACT WITH AN ESTIMATED VALUE OF $2,000,000 OR MORE.

(C) IN RESPONSE TO A SOLICITATION FOR A PROCUREMENT CONTRACT ISSUED BY A PUBLIC EMPLOYER, A BIDDER SHALL DISCLOSE TO THE PUBLIC EMPLOYER THE FOLLOWING:

(1) WHETHER THE BIDDER OR ANY CONTRACTOR THAT THE BIDDER WILL SUBCONTRACT WITH TO PERFORM THE CONTRACT HAS PLANS, AT THE TIME THE BID IS SUBMITTED, TO PERFORM ANY SERVICES REQUIRED UNDER THE CONTRACT OUTSIDE THE UNITED STATES; AND

(2) IF SERVICES REQUIRED UNDER THE CONTRACT ARE ANTICIPATED TO BE PERFORMED OUTSIDE THE UNITED STATES:

(I) WHERE THE SERVICES WILL BE PERFORMED; AND

(II) THE REASONS WHY IT IS NECESSARY OR ADVANTAGEOUS TO PERFORM THE SERVICES OUTSIDE THE UNITED STATES.".

On pages 2 and 3, strike in their entirety the lines beginning with line 16 on page 2 through line 24 on page 3, inclusive.

On page 3, in line 28, after "October 1, 2012." insert "It shall remain effective for a period of 3 years and, at the end of September 30, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 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 1118 – Delegate Morhaim

AN ACT concerning

Nursing Home Administrator License – Revocation or Surrender – Ban on Employment

HB1118/866184/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1118
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 6 and 13, in each instance, after "license" insert "under certain circumstances"; and in line 8, after "discipline" insert "except in certain circumstances".

AMENDMENT NO. 2

On page 2, in line 25, strike "**A**" and substitute "**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**"; in line 26, after "**WHO**" insert "**, FOR AN ACTIVITY DESCRIBED IN § 9–314(B)(8), (9), OR (10) OF THIS SUBTITLE,**"; in line 28, strike "**§ 9–314(B)(8), (9), OR (10)**" and substitute "**§ 9–314**"; and after line 28, insert:

"**(2) A NURSING HOME OR NURSING HOME MANAGEMENT FIRM MAY HIRE OR RETAIN AS A CONSULTANT AN INDIVIDUAL WHO HAD A LICENSE REVOKED UNDER THIS SUBTITLE, BUT HAD THE LICENSE RESTORED BY THE BOARD, AND WHO IS NOW A LICENSEE IN GOOD STANDING UNDER THE PROVISIONS OF THIS TITLE.**".

On page 3, in line 26, after "**WHO**" insert "**, FOR AN ACTIVITY DESCRIBED IN § 9–314(B)(8), (9), OR (10) OF THE HEALTH OCCUPATIONS ARTICLE,**"; in the same line, after "**HAS**" insert "**:**

(I)";

in line 27, strike "**SURRENDERED**" and substitute "**SURRENDERED**"; in line 28, after "**ARTICLE**" insert a semicolon; in the same line, strike "**HAS**" and substitute:

"**(II) HAS**";

and in line 29, strike "**§ 9–314(B)(8), (9), OR (10)**" and substitute "**§ 9–314**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Malone moved to make the Bill a Special Order for Monday.

The motion was adopted.

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

House Bill 1429 – Delegates Lee, Nathan–Pulliam, Alston, Arora, Beidle, Bobo, Braveboy, Burns, Cane, Carr, Conaway, Cullison, Eckardt, Frick, Frush, Gaines, George, Glenn, Gutierrez, Harrison, Healey, Howard, Jones, A. Kelly, Love, Luedtke, McComas, A. Miller, Pena–Melnyk, B. Robinson, Stukes, Tarrant, Valderrama, and Washington

AN ACT concerning

State Government – Statue of Harriet Tubman

HB1429/136583/1
BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 1429
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Washington" and substitute "Washington, Hammen, Pendergrass, Bromwell, Donoghue, Elliott, Frank, Hubbard, Kach, Kipke, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Ready, and Reznik".

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 1435 – Delegates Stukes and Mitchell

AN ACT concerning

Maryland Veterans Commission – Membership – Revision

HB1435/406380/1
BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1435
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; and in line 3, after "Commission;" insert "making this Act an emergency measure;".

AMENDMENT NO. 2

On page 3, in lines 6 and 7, strike "shall take effect October 1, 2012" and substitute "is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB1435/236685/1
BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 1435
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Mitchell" and substitute "Mitchell, Bromwell, Donoghue, Kach, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, and Tarrant".

The preceding amendment was read and 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 499 – Delegate Niemann

AN ACT concerning

Vehicle Laws – Disposition of Vehicle to Automotive Dismantler and Recycler or Scrap Processor

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

Read the second time and ordered prepared for Third Reading.

House Bill 670 – Delegates Hough, Waldstreicher, Bates, and B. Robinson

AN ACT concerning

Earned Compliance Credit and Reinvestment Act of 2012

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

FLOOR AMENDMENT

HB0670/173325/1
BY: Delegate McDonough

AMENDMENTS TO HOUSE BILL 670, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 18, before "providing" insert "requiring the Department of Public Safety and Correctional Services to submit a certain report to the General Assembly on or before a certain date;"; and in the same line, after "date;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 1 of the House Judiciary Committee Amendments (HB0670/412810/1), in line 8 of Amendment No. 4, after "Act" insert ".

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before January 1, 2014, the Department of Public Safety and Correctional Services shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the effectiveness of this Act".

AMENDMENT NO. 3

On page 2 of the House Judiciary Committee Amendments, in line 1 of Amendment No. 4, strike "3." and substitute "4."; and in line 2, after "2013" insert ". It shall remain effective for a period of 2 years and, at the end of December 31, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect".

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 47 Negative – 80 (See Roll Call No. 618)

FLOOR AMENDMENT

HB0670/273220/1
BY: Delegate McDonough

AMENDMENT TO HOUSE BILL 670
(First Reading File Bill)

On page 2, in line 12, strike "**20–DAY**" and substitute "**5–DAY**".

The preceding amendment was read and rejected.

FLOOR AMENDMENT

HB0670/843122/1
BY: Delegate McDonough

AMENDMENTS TO HOUSE BILL 670, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 15, strike "a certain percentage of".

AMENDMENT NO. 2

On pages 1 and 2 of the House Judiciary Committee Amendments (HB0670/412810/1), strike Amendment No. 4 in its entirety.

AMENDMENT NO. 3

On page 4 of the bill, in line 1, strike "**INITIAL PERIOD OF ACTIVE SUPERVISION**" and substitute "**SENTENCE**"; in line 11, strike "**(1)**"; in the same line, strike "**TWENTY–FIVE**" and substitute "**ONE HUNDRED**"; strike in their entirety lines 14 through 16, inclusive; after line 20, insert:

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

in line 21, strike "2." and substitute "3."; and in line 22, strike "October 1, 2014" and substitute "January 1, 2013".

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 42 Negative – 77 (See Roll Call No. 619)

Read the second time and ordered prepared for Third Reading.

House Bill 764 – Delegates Frick, Afzali, Arora, Bobo, Carr, Clagett, DeBoy, Hixson, Howard, Lafferty, Luedtke, McMillan, Mizeur, Pendergrass, Stein, Stocksdale, Summers, and Zucker

AN ACT concerning

Tax Credit Evaluation Act

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

Read the second time and ordered prepared for Third Reading.

House Bill 907 – Delegates McIntosh and Hixson

AN ACT concerning

Environment – Natural Gas Production – Severance Tax

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

FLOOR AMENDMENT

HB0907/853821/1
BY: Delegate Beitzel

AMENDMENTS TO HOUSE BILL 907, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 7, strike "setting" and substitute "stating that"; and in the same line, after "tax" insert "may not exceed a certain percentage".

AMENDMENT NO. 2

On page 6 of the bill, in line 8, after "**THE**" insert "**AMOUNT OF THE**"; in the same line, strike "**IS**"; in the same line, before "**OF**" insert "**ESTABLISHED IN THIS SECTION AND A TAX IMPOSED BY A COUNTY OR MUNICIPAL CORPORATION ON THE PRODUCTION OF GAS MAY NOT EXCEED A TOTAL OF 7.5%**"; and strike in their entirety lines 20 through 22, inclusive.

AMENDMENT NO. 3

On page 1 of the Committee on Ways and Means Amendments (HB0907/385868/1), strike "**7.5%**".

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 43 Negative – 78 (See Roll Call No. 620)

Read the second time and ordered prepared for Third Reading.

House Bill 1122 – Delegates Valderrama, Anderson, Lee, F. Turner, and Valentino–Smith

AN ACT concerning

Juveniles – Confinement in Juvenile Facilities

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

HB1122/572219/1
BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1122
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Facilities" insert "– Report"; strike beginning with "providing" in line 3 down through "changes" in line 16 and substitute "requiring the Department of Juvenile Services to make a certain report to the General Assembly on or before a certain date".

On pages 1 and 2, strike in their entirety the lines beginning with line 18 on page 1 through line 4 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, in line 6, strike "the Laws of Maryland read as follows".

On pages 2 through 8, strike in their entirety the lines beginning with line 7 on page 2 through line 24 on page 8 and substitute:

"(a) On or before December 1, 2012, the Department of Juvenile Services shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the manner in which the Department will use existing resources to ensure that youth charged as adults can be detained in juvenile detention facilities.

(b) The report shall include information on:

(1) the number of youth charged as adults held in adult detention facilities from December 1, 2011, through December 1, 2012; and

(2) the Department's plan to reduce the overall number of youth in juvenile detention to make room for youth charged as adults, including:

(i) the number of youth transferred from adult detention to juvenile detention before a transfer hearing is held;

(ii) the number of youth transferred to juvenile court on a motion to transfer filed by the defendant;

(iii) the number of youth in juvenile detention receiving Detention Risk Assessment Instrument (DRAI) screening;

(iv) the use of the Juvenile Detention Alternative Initiative;

(v) the use of prevention and diversion services;

(vi) the plan for reducing the number of youth in detention pending placement; and

(vii) the average length of stay for youth charged as adults in juvenile facilities.".

On page 8, in line 26, strike "October" and substitute "July".

The preceding 2 amendments were withdrawn.

HB1122/772312/1

BY: House Judiciary Committee

SUBSTITUTE AMENDMENTS TO HOUSE BILL 1122
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Facilities" insert "– Report"; strike beginning with "providing" in line 3 down through "changes" in line 16 and substitute "requiring the Department of Juvenile Services to make a certain report to the General Assembly on or before a certain date".

On pages 1 and 2, strike in their entirety the lines beginning with line 18 on page 1 through line 4 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, in line 6, strike "the Laws of Maryland read as follows".

On pages 2 through 8, strike in their entirety the lines beginning with line 7 on page 2 through line 24 on page 8, and substitute:

"(a) On or before December 1, 2012, the Department of Juvenile Services shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the manner in which the Department will use existing resources to ensure that youth charged as adults can be detained in juvenile detention facilities.

(b) The report shall include information on:

(1) the number of youth charged as adults held in adult detention facilities from December 1, 2011 through December 1, 2012; and

(2) the Department's plan to reduce the overall number of youth in juvenile detention, including:

(i) the number of youth transferred from adult detention to juvenile detention pending a transfer determination;

(ii) the number of youth transferred to juvenile court jurisdiction on a motion to transfer from adult court jurisdiction;

(iii) the number of youth in juvenile detention receiving Detention Risk Assessment Instrument (DRAI) screening;

(iv) the use of the Juvenile Detention Alternative Initiative;

(v) the use of prevention and diversion services;

(vi) the plan for reducing the number of youth in detention pending placement; and

(vii) the average length of stay for youth charged as adults in juvenile facilities.".

On page 8, in line 26, 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.

House Bill 806 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Investment Division – Salary Setting

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

FLOOR AMENDMENT

HB0806/193129/1
BY: Delegate Serafini

AMENDMENTS TO HOUSE BILL 806
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "year;" insert "prohibiting the Board of Trustees from increasing certain salaries unless a certain average of rates of actual investment returns is at least a certain rate;".

AMENDMENT NO. 2

On page 2, in line 14, strike "**OR**"; and in line 18, after "**YEAR**" insert "**; OR**

(V) INCREASE A SALARY UNDER THIS SUBSECTION UNLESS THE AVERAGE OF THE RATES OF ACTUAL INVESTMENT RETURNS OF THE SEVERAL SYSTEMS FOR THE PRIOR 3 YEARS IS AT LEAST THE ACTUARIALLY ASSUMED RATE OF INVESTMENT RETURN FOR THE SEVERAL SYSTEMS FOR THOSE YEARS".

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

Affirmative – 43 Negative – 77 (See Roll Call No. 621)

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 with amendments:

House Bill 1438 – Delegate Clagett

AN ACT concerning

City of Frederick – Criminal History Records Check – Taxi Driver and Tow Truck Driver Applicants

HB1438/722617/1
BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1438
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "and" in line 2 down through "Driver" in line 3; in lines 5 and 6, 8 and 9, and 15 and 16, in each instance, strike "and tow truck driver applicants".

AMENDMENT NO. 2

On page 3, strike beginning with "**AND**" in line 12 down through "**APPLICANT**" in line 13; in lines 18 and 29 and 30, in each instance, strike "**OR TOW TRUCK DRIVER APPLICANT'S**"; and in line 28, strike "**OR TOW TRUCK DRIVER APPLICANT**".

On page 4, in line 3, strike "**OR TOW TRUCK DRIVER APPLICANT**".

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

House Bill 742 – Delegate Barnes

AN ACT concerning

Bail Bondsmen – Qualifications for Licensure – Acceptance of Installment Contracts

HB0742/582710/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 742
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Qualifications for Licensure – "; strike beginning with "establishing" in line 4 down through "bondsman;" in line 5; and in line 26, strike "and 10–305".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 6 through 15, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0742/593023/1

BY: Delegate Vallario

AMENDMENT TO HOUSE BILL 742
(First Reading File Bill)

On page 4, in line 4, strike "**FINANCED**" and substitute "**DUE**".

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 129 Members present.

(See Roll Call No. 622)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #40

House Bill 442 – The Speaker (By Request – Administration) and Delegates Davis, Feldman, Frick, Mizeur, and Washington

AN ACT concerning

Economic Development – Maryland Technology Development Corporation – Maryland Innovation Initiative

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

Affirmative – 90 Negative – 38 (See Roll Call No. 623)

The Bill was then sent to the Senate.

House Bill 456 – Delegates Reznik, Mizeur, Kipke, Donoghue, A. Kelly, and Ready

AN ACT concerning

Small Business Reserve Program – Definition of Small Business – Revision

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

Affirmative – 129 Negative – 0 (See Roll Call No. 624)

The Bill was then sent to the Senate.

House Bill 511 – Chair, Environmental Matters Committee and Delegate Hubbard

AN ACT concerning

State Board of Environmental Health Specialists – Transfer of Responsibilities

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

Affirmative – 131 Negative – 0 (See Roll Call No. 625)

The Bill was then sent to the Senate.

House Bill 982 – Delegate Davis

AN ACT concerning

Health Insurance – Fees for Administrative Services Provided by Insurance Producers – Authorized

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

Affirmative – 125 Negative – 5 (See Roll Call No. 626)

The Bill was then sent to the Senate.

House Bill 997 – Delegates Washington, Anderson, Arora, Bobo, Braveboy, Carr, Clippinger, Conaway, Cullison, Davis, Feldman, Frick, Frush, Gaines, Glenn, Howard, Hucker, Jameson, Kaiser, A. Kelly, Luedtke, McIntosh, A. Miller, Mitchell, Mizeur, Morhaim, Murphy, Nathan–Pulliam, Pena–Melnyk, B. Robinson, S. Robinson, Rosenberg, Summers, Tarrant, Vaughn, Walker, and Zucker

AN ACT concerning

Commercial Law – Rental–Purchase Agreements Best Practices Act

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

Affirmative – 92 Negative – 39 (See Roll Call No. 627)

The Bill was then sent to the Senate.

House Bill 1068 – Delegates Burns, Braveboy, Haddaway–Riccio, Harrison, Hucker, Impallaria, Kramer, W. Miller, Minnick, Olszewski, Schuh, Schulz, and Vaughn

AN ACT concerning

Homeowner's Insurance – Limitation on Number of Claims Made – Notice

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

Affirmative – 127 Negative – 3 (See Roll Call No. 628)

The Bill was then sent to the Senate.

House Bill 1103 – Delegates Cardin and Summers

AN ACT concerning

Election Law – Campaign Contributors – Occupation and Employer

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

Affirmative – 87 Negative – 42 (See Roll Call No. 629)

The Bill was then sent to the Senate.

House Bill 1196 – Delegates Ready and Pena–Melnyk

AN ACT concerning

Participation in Procurement – Conflict of Interest – Exemption

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

Affirmative – 131 Negative – 0 (See Roll Call No. 630)

The Bill was then sent to the Senate.

House Bill 1207 – Delegates Pendergrass, Hammen, Carr, K. Kelly, McHale, Pena–Melnyk, ~~and B. Robinson~~ B. Robinson, Hubbard, ~~and Morhaim~~ Morhaim, and Clippinger

AN ACT concerning

State Board of Professional Counselors and Therapists – Licensure of Clinical Professional Art Therapists

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

Affirmative – 128 Negative – 1 (See Roll Call No. 631)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #43

House Bill 713 – Delegate Feldman

AN ACT concerning

Commercial Law – Uniform Commercial Code – Secured Transactions – Revision

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

Affirmative – 131 Negative – 0 (See Roll Call No. 632)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #44

House Bill 1023 – Calvert County Delegation

AN ACT concerning

Calvert County – Litter Control Law – Local Ordinance

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

Affirmative – 127 Negative – 1 (See Roll Call No. 633)

The Bill was then sent to the Senate.

House Bill 1059 – Delegate Feldman

AN ACT concerning

Property and Casualty Insurance – Rescission of Policy or Binder – Authorized

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

Affirmative – 125 Negative – 5 (See Roll Call No. 634)

The Bill was then sent to the Senate.

House Bill 1140 – Delegates Pendergrass, Hammen, Hubbard, A. Kelly, Kipke, McDermott, Nathan–Pulliam, and Pena–Melnyk

AN ACT concerning

Physicians – Sharing of Information with Maryland Health Care Commission

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

Affirmative – 112 Negative – 18 (See Roll Call No. 635)

The Bill was then sent to the Senate.

House Bill 1186 – Delegates Jameson, Hucker, Afzali, Barkley, Barve, Beitzel, Carr, Eckardt, Elliott, Feldman, Jacobs, Krebs, Love, McComas, Murphy, Myers, Norman, Otto, Serafini, Stein, Stocksdale, and Wood

AN ACT concerning

Renewable Energy Portfolio Standard – Renewable Energy Credits – Geothermal Heating and Cooling

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

Affirmative – 130 Negative – 0 (See Roll Call No. 636)

The Bill was then sent to the Senate.

House Bill 1187 – Delegates Jameson, Barkley, Barnes, Barve, Feldman, Hershey, Hucker, Kramer, Love, Minnick, Schuh, and Vaughn

AN ACT concerning

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

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

Affirmative – 131 Negative – 0 (See Roll Call No. 637)

The Bill was then sent to the Senate.

House Bill 1238 – Delegate Dumais

AN ACT concerning

Maryland Legal Services Corporation Fund – Net Interest Earnings

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

Affirmative – 131 Negative – 0 (See Roll Call No. 638)

The Bill was then sent to the Senate.

House Bill 1257 – Delegates Kramer, Arora, Barkley, Bates, Bobo, Carr, Clagett, Conway, Cullison, DeBoy, Dumais, Frick, Frush, Glass, Howard, Hucker, A. Kelly, K. Kelly, McDonough, Morhaim, Reznik, B. Robinson, S. Robinson, Rudolph, Simmons, Stein, Summers, Valderrama, ~~and Waldstreicher~~ Waldstreicher, Barnes, Davis, Haddaway–Riccio, Hershey, Jameson, Love, McHale, Stifler, and Vaughn

AN ACT concerning

Fiduciary Institutions – Protection of Elder Adults from Financial Abuse – Reporting Requirements

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

Affirmative – 131 Negative – 0 (See Roll Call No. 639)

The Bill was then sent to the Senate.

House Bill 1326 – Delegate Norman

AN ACT concerning

Harford County – Disposition of Fee for Performing Marriage Ceremony – Funds for Historical Society

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

Affirmative – 128 Negative – 2 (See Roll Call No. 640)

The Bill was then sent to the Senate.

House Bill 1327 – Delegate Lafferty

AN ACT concerning

Community Legacy Program – Sustainable Community Designation – Time Extension

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

Affirmative – 131 Negative – 0 (See Roll Call No. 641)

The Bill was then sent to the Senate.

House Bill 1364 – Delegates Schulz, Afzali, Bates, Clagett, Eckardt, Elliott, Frank, George, Haddaway–Riccio, Hershey, Hogan, Jacobs, Krebs, McComas, W. Miller, Minnick, Norman, O'Donnell, Otto, Schuh, Stifler, ~~and Vitale~~ Vitale, Barkley, Davis, Feldman, Jameson, Love, McHale, Olszewski, and Vaughn

AN ACT concerning

Labor and Employment – ~~Determination of Independent Contractor Status –~~ Workplace Fraud Act ~~and Unemployment Insurance~~ – Revisions

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

Affirmative – 130 Negative – 0 (See Roll Call No. 642)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #46

House Bill 149 – Delegates Beidle, Olszewski, Stein, Glenn, Lafferty, Niemann, ~~and Norman~~ and Kipke

AN ACT concerning

Mopeds and Motor Scooters – Titling, ~~Registration,~~ Insurance, and Required Use of Protective Headgear

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

Affirmative – 98 Negative – 33 (See Roll Call No. 643)

The Bill was then sent to the Senate.

House Bill 423 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Agricultural Preservation Advisory Board – Membership

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

Affirmative – 131 Negative – 0 (See Roll Call No. 644)

The Bill was then sent to the Senate.

House Bill 425 – Delegates S. Robinson, Arora, Barkley, Barve, Carr, Clippinger, Cullison, Gilchrist, Gutierrez, Holmes, Hucker, Kach, A. Kelly, Luedtke, McIntosh, A. Miller, Mitchell, Otto, Reznik, Summers, Washington, Wilson, ~~and Zucker~~ Zucker, Donoghue, Kipke, Morhaim, Oaks, and Pena–Melnyk

AN ACT concerning

Procurement – Required Disclosure – Conflict Minerals Originated in the Democratic Republic of the Congo

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

Affirmative – 129 Negative – 0 (See Roll Call No. 645)

The Bill was then sent to the Senate.

House Bill 475 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Redistricting Board – Revisions

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

Affirmative – 131 Negative – 0 (See Roll Call No. 646)

The Bill was then sent to the Senate.

House Bill 598 – Delegates McComas, Afzali, Clippinger, Frush, Kach, McDonough, B. Robinson, Sophocleus, Stocksdale, and Vitale

AN ACT concerning

Juvenile Law – Taking Child into Custody – Arrest Warrant

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

Affirmative – 128 Negative – 1 (See Roll Call No. 647)

The Bill was then sent to the Senate.

House Bill 715 – Delegate Feldman

AN ACT concerning

Motor Vehicle Insurance – Uninsured Motorist Coverage – Effect of Consent to Offer of Settlement

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

Affirmative – 125 Negative – 5 (See Roll Call No. 648)

The Bill was then sent to the Senate.

House Bill 723 – Montgomery County Delegation

AN ACT concerning

Montgomery County – On–Site Sewage Disposal System and Well Easements – Rural Zones
MC 7–12

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

Affirmative – 132 Negative – 0 (See Roll Call No. 649)

The Bill was then sent to the Senate.

House Bill 762 – Delegate Dumais

AN ACT concerning

Courts and Judicial Proceedings – Maryland Mediation Confidentiality Act

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

Affirmative – 132 Negative – 0 (See Roll Call No. 650)

The Bill was then sent to the Senate.

House Bill 772 – Delegate Waldstreicher

AN ACT concerning

Estates and Trusts – Maryland Uniform Principal and Income Act – Certain Payments to and from Trusts

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

Affirmative – 130 Negative – 0 (See Roll Call No. 651)

The Bill was then sent to the Senate.

House Bill 1418 – Delegates Anderson, Alston, Carter, Simmons, Valentino–Smith, Vallario, and Waldstreicher

AN ACT concerning

Criminal Procedure – Coram Nobis – Failure to Seek Appeal

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

Affirmative – 97 Negative – 34 (See Roll Call No. 652)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #48

House Bill 21 – Delegate McConkey

AN ACT concerning

~~**Environment – Reduction of Lead Risk in Housing – Repeal of Obsolete Language**~~

Certificate of a Qualified Expert – Lead Paint Poisoning Claims

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

Affirmative – 131 Negative – 0 (See Roll Call No. 653)

The Bill was then sent to the Senate.

House Bill 90 – ~~Delegates Aumann, Frank, Boteler, Cluster, Impallaria, Kach, and Szeliga~~ Baltimore County Delegation

AN ACT concerning

Election Law – Baltimore County Republican Party Central Committee – Election of Chairman

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

Affirmative – 132 Negative – 0 (See Roll Call No. 654)

The Bill was then sent to the Senate.

House Bill 138 – Carroll County Delegation

AN ACT concerning

Carroll County – Polling Places – Electioneering Boundaries

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

Affirmative – 132 Negative – 0 (See Roll Call No. 655)

The Bill was then sent to the Senate.

House Bill 140 – Delegates Hough, Afzali, Boteler, Cluster, Dwyer, Eckardt, Frank, George, Hogan, Kaiser, Kipke, McComas, McDermott, McDonough, McMillan, Parrott, Ready, and Smigiel

AN ACT concerning

Department of Public Safety and Correctional Services – ~~Annual Report~~ Study and Reports on Effectiveness of Programs for Offenders

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

Affirmative – 132 Negative – 0 (See Roll Call No. 656)

The Bill was then sent to the Senate.

House Bill 250 – Delegates Oaks, Carter, and Rosenberg

AN ACT concerning

Elections – Baltimore City – Election Dates

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

Affirmative – 130 Negative – 0 (See Roll Call No. 657)

The Bill was then sent to the Senate.

House Bill 300 – Delegates Cluster, Alston, Boteler, Clippinger, Dwyer, Hough, K. Kelly, McComas, McDermott, Mitchell, Parrott, Smigiel, and Valentino–Smith

AN ACT concerning

Public Safety – Handgun Permits – Renewal Period for Retired Law Enforcement

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

Affirmative – 127 Negative – 1 (See Roll Call No. 658)

The Bill was then sent to the Senate.

House Bill 339 – Delegate Niemann

AN ACT concerning

Admissions and Amusement Tax – Returns and Penalties

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

The motion was adopted.

House Bill 346 – Chair, Ways and Means Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Tobacco Products – Tobacco Tax – Exemptions and Penalties

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

Affirmative – 115 Negative – 12 (See Roll Call No. 659)

The Bill was then sent to the Senate.

House Bill 350 – Delegates Clippinger, Alston, Anderson, Bobo, Carter, Cluster, Cullison, Dumais, Dwyer, Glenn, Hammen, Kaiser, K. Kelly, Luedtke, McDermott, McHale, McIntosh, Mitchell, Niemann, B. Robinson, Rosenberg, Simmons, Smigiel, Tarrant, Valentino–Smith, Waldstreicher, Washington, Wilson, and Zucker

AN ACT concerning

Criminal Law – Possession of Marijuana – De Minimus Quantity

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

Affirmative – 100 Negative – 31 (See Roll Call No. 660)

The Bill was then sent to the Senate.

House Bill 353 – Delegates Holmes and Glenn

AN ACT concerning

Jury Service – Employers – Prohibited Acts

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

Affirmative – 98 Negative – 34 (See Roll Call No. 661)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #49

House Bill 480 – Delegates Braveboy, Jameson, Alston, Barnes, Carter, Frush, Gaines, Holmes, Howard, Pena–Melnyk, Proctor, Ross, V. Turner, Valderrama, Valentino–Smith, Vallario, Vaughn, and Walker

AN ACT concerning

Criminal Procedure – Unexecuted Warrant, Summons, or Other Criminal Process – Invalidation and Destruction

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

Affirmative – 123 Negative – 7 (See Roll Call No. 662)

The Bill was then sent to the Senate.

House Bill 509 – Delegates K. Kelly, Beitzel, Clippinger, Cluster, Dumais, Hough, McConkey, Myers, Parrott, Valentino–Smith, and Wilson

AN ACT concerning

Public Health – Inmates – HIV Testing

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

Affirmative – 129 Negative – 0 (See Roll Call No. 663)

The Bill was then sent to the Senate.

House Bill 513 – Delegates K. Kelly, Beitzel, Cluster, Dumais, McDermott, Parrott, Simmons, and Valentino–Smith

AN ACT concerning

Criminal Procedure – Custody of Arrested Persons Before Release

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

Affirmative – 132 Negative – 0 (See Roll Call No. 664)

The Bill was then sent to the Senate.

House Bill 515 – Delegates Stein, Arora, Bobo, Cardin, DeBoy, Frick, Kach, A. Kelly, Kipke, Kramer, Lafferty, Morhaim, Olszewski, Reznik, B. Robinson, Stukes, ~~and Zucker~~ Zucker, Howard, and Walker

AN ACT concerning

State Government – Financial Education and Capability Commission

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

Affirmative – 120 Negative – 12 (See Roll Call No. 665)

The Bill was then sent to the Senate.

House Bill 526 – Delegates Clagett, Anderson, Barkley, Bohanan, Guzzone, Haynes, Hucker, Jones, Mizeur, Proctor, B. Robinson, Washington, and Zucker

AN ACT concerning

State Personnel – Special Appointments – Status

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

Affirmative – 98 Negative – 34 (See Roll Call No. 666)

The Bill was then sent to the Senate.

House Bill 545 – Delegate Anderson (By Request – Baltimore City Administration) and Delegate Oaks

AN ACT concerning

Crimes – Theft from a Motor Vehicle ~~– Penalties~~

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

Affirmative – 132 Negative – 0 (See Roll Call No. 667)

The Bill was then sent to the Senate.

House Bill 563 – Delegates Hixson, Barve, Cardin, Frick, Howard, Ivey, Kaiser, Luedtke, A. Miller, Rosenberg, Ross, Stukes, and Summers

AN ACT concerning

~~Telecommunications~~ Communications Taxes – Reform Commission ~~and Moratorium~~

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

Affirmative – 104 Negative – 26 (See Roll Call No. 668)

The Bill was then sent to the Senate.

House Bill 604 – Delegates Parrott, Afzali, Aumann, Bates, Beitzel, Boteler, Burns, DeBoy, Dwyer, Eckardt, Elliott, Frush, George, Glass, Hogan, Hough, Impallaria, Kach, Kipke, Krebs, McDonough, Niemann, Ready, B. Robinson, Serafini, Sophocleus, Stifler, Stocksdale, Vitale, and Wood

AN ACT concerning

Justice's Law

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

Affirmative – 131 Negative – 0 (See Roll Call No. 669)

The Bill was then sent to the Senate.

House Bill 827 – Delegate Hubbard

AN ACT concerning

Polysomnographic Technologists – Education and Examination Requirements

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

Affirmative – 132 Negative – 0 (See Roll Call No. 670)

The Bill was then sent to the Senate.

House Bill 860 – Delegate Stein

AN ACT concerning

Children in Need of Assistance and Child Abuse and Neglect – Sexual Abuse – Definition

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

Affirmative – 131 Negative – 0 (See Roll Call No. 671)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #50

House Bill 903 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Adults with Developmental Disabilities Citizen's Advisory Committee
PG 407–12

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

Affirmative – 129 Negative – 0 (See Roll Call No. 672)

The Bill was then sent to the Senate.

House Bill 918 – Delegates Hixson, Afzali, Barve, Cardin, Frick, George, Howard, Ivey, Kaiser, Kipke, Luedtke, McDonough, McMillan, A. Miller, W. Miller, Rosenberg, Ross, Rudolph, Stocksdale, and Summers

AN ACT concerning

Sales and Use Tax – Alcoholic Beverages – Calculation of Tax

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

Affirmative – 129 Negative – 1 (See Roll Call No. 673)

The Bill was then sent to the Senate.

House Bill 957 – Delegates Cullison, Bromwell, Frank, Kach, A. Kelly, Krebs, Luedtke, Murphy, Oaks, Reznik, Tarrant, and V. Turner

AN ACT concerning

Health Occupations – Public Disclosure of Professional Credentials and Reports on Advertising Regulations and Policies

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

Affirmative – 130 Negative – 0 (See Roll Call No. 674)

The Bill was then sent to the Senate.

House Bill 1055 – Delegates A. Kelly, Alston, Arora, Barkley, Carr, Cullison, Frick, Glenn, Gutierrez, Hixson, Howard, Hubbard, Hucker, Ivey, Kaiser, Kipke, Lee, Luedtke, Mizeur, Pena–Melnyk, Reznik, S. Robinson, Tarrant, F. Turner, Valentino–Smith, Waldstreicher, Washington, Wilson, ~~and Zucker~~ Zucker, Hammen, Pendergrass, Bromwell, Costa, Donoghue, Elliott, Kach, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, and Ready

AN ACT concerning

Health Insurance – Habilitative Services – Required Coverage ~~and~~, Workgroup, and Technical Advisory Group

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

Affirmative – 130 Negative – 0 (See Roll Call No. 675)

The Bill was then sent to the Senate.

House Bill 1149 – Delegates Lee, Smigiel, Afzali, Beitzel, Clagett, Conaway, Cullison, DeBoy, Hammen, Healey, Howard, Jameson, Kach, A. Kelly, McComas, Nathan–Pulliam, Pendergrass, B. Robinson, Stocksdale, Tarrant, ~~and V. Turner~~ V. Turner, Bromwell, Costa, Donoghue, Elliott, Frank, Hubbard, Kipke, Krebs, McDonough, Morhaim, Murphy, Oaks, Pena–Melnyk, Ready, and Reznik

AN ACT concerning

Health Insurance – Coverage for Services Delivered Through Telemedicine ~~Services~~

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

Affirmative – 131 Negative – 0 (See Roll Call No. 676)

The Bill was then sent to the Senate.

House Bill 1182 – Charles County Delegation

AN ACT concerning

Charles County Sheriff – Collective Bargaining – Binding Arbitration

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

Affirmative – 100 Negative – 30 (See Roll Call No. 677)

The Bill was then sent to the Senate.

House Bill 1189 – Howard County Delegation

AN ACT concerning

Howard County – Deputy Sheriffs – Collective Bargaining
Ho. Co. 11–12

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

Affirmative – 101 Negative – 30 (See Roll Call No. 678)

The Bill was then sent to the Senate.

House Bill 1193 – Delegates Nathan–Pulliam, Costa, Cullison, Elliott, Frank, Hubbard, Kach, A. Kelly, Kipke, Krebs, Oaks, Pena–Melnyk, Ready, Reznik, Tarrant, and V. Turner

AN ACT concerning

State Personnel – Traumatic Events – Mental Health Support Services

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

Affirmative – 130 Negative – 0 (See Roll Call No. 679)

The Bill was then sent to the Senate.

House Bill 1228 – Delegate Bohanan

AN ACT concerning

Regional Higher Education Centers – Funding Formula

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

Affirmative – 132 Negative – 0 (See Roll Call No. 680)

The Bill was then sent to the Senate.

House Bill 1455 – Delegates Costa and Hubbard

AN ACT concerning

Mortality and Quality Review Committee – Reporting Requirements – Sunset Extension

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

Affirmative – 130 Negative – 0 (See Roll Call No. 681)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #51

House Bill 600 – Delegates Zucker, Anderson, Barve, Branch, Clippinger, Glass, Haynes, Howard, Ivey, Kaiser, Luedtke, McIntosh, A. Miller, Mitchell, Myers, Niemann, Ready, S. Robinson, Rosenberg, Ross, Serafini, Stukes, Vaughn, Walker, ~~and Washington~~ Washington, Cardin, and F. Turner

AN ACT concerning

Income Tax – Subtraction Modification – Mortgage Forgiveness Debt Relief

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

Affirmative – 132 Negative – 0 (See Roll Call No. 682)

The Bill was then sent to the Senate.

House Bill 662 – Delegates Barkley, Barnes, Burns, Feldman, Gilchrist, Haddaway–Riccio, Harrison, Hershey, Impallaria, Jameson, Love,

W. Miller, Minnick, Olszewski, Reznik, S. Robinson, Rudolph, Schulz, Summers, and Vaughn

AN ACT concerning

Gas Companies – Rate Regulation – Infrastructure Replacement Surcharge

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

Affirmative – 111 Negative – 15 (See Roll Call No. 683)

The Bill was then sent to the Senate.

House Bill 680 – Delegates Rosenberg, Luedtke, and Washington

AN ACT concerning

Education – ~~Development of Guidelines to Incorporate~~ Task Force to Explore Including Sustainable ~~Agricultural Education~~ Agriculture in Existing Curricular Areas

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

Affirmative – 129 Negative – 0 (See Roll Call No. 684)

The Bill was then sent to the Senate.

House Bill 721 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Solicitation and Collection of Money or Donations from Occupants of Vehicles – Adoption of a Permit Program MC 10–12

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

Affirmative – 126 Negative – 2 (See Roll Call No. 685)

The Bill was then sent to the Senate.

House Bill 740 – Delegate Braveboy

AN ACT concerning

Residential Condominiums – Governing Documents – Claims Provisions

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

Affirmative – 130 Negative – 0 (See Roll Call No. 686)

The Bill was then sent to the Senate.

House Bill 745 – Delegates Serafini, Bates, and McComas

AN ACT concerning

Education – Maryland Advisory Council for Virtual Learning – Establishment

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

Affirmative – 130 Negative – 0 (See Roll Call No. 687)

The Bill was then sent to the Senate.

House Bill 757 – Delegates Luedtke and Wilson

AN ACT concerning

Education – ~~Children in State-Supervised Care – Geographical Attendance Area~~ Domicile Requirements for Attendance – Exception

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

Affirmative – 127 Negative – 3 (See Roll Call No. 688)

The Bill was then sent to the Senate.

House Bill 833 – Delegates Reznik, Cullison, Donoghue, and Kach

AN ACT concerning

Respiratory Care Practitioners – Practicing Polysomnography – Licensing Exceptions

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

Affirmative – 131 Negative – 0 (See Roll Call No. 689)

The Bill was then sent to the Senate.

House Bill 1306 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – Aquaculture Leasing

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

Affirmative – 130 Negative – 0 (See Roll Call No. 690)

The Bill was then sent to the Senate.

SPECIAL ORDERS

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

House Bill 576 – The Speaker (By Request – Administration) and Delegates Arora, Bohanan, Clagett, Gaines, Griffith, Healey, Hixson, Holmes, Howard, James, Jones, Lafferty, Lee, Love, A. Miller, Niemann, Proctor, Ross, Rudolph, Summers, and Washington

AN ACT concerning

Public–Private Partnerships

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

HB0576/840415/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 576
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Washington" and substitute "Washington, Beidle, Glenn, Guzzone, Tarrant, Walker, B. Robinson, Mizeur, and Zucker"; in line 4, after "partnerships;" insert "establishing that the Court of Appeals has jurisdiction over certain immediate appeals related to certain public–private partnerships; establishing certain time limits related to certain appeals;"; in lines 5 and 6, strike "a partnership" and substitute "an"; in line 6, strike "certain functions, services, or assets" and substitute "any public infrastructure asset; providing that an agreement executed under a certain provision of law may include certain provisions; prohibiting certain units of State government from establishing a public–private

partnership"; in line 13, after "reports;" insert "requiring certain projects to comply with certain provisions of law; requiring a reporting agency to issue a public notice of solicitation for a public–private partnership under certain circumstances;"; in line 16, after "entities;" insert "authorizing a reporting agency to reimburse a private entity for certain costs and pay a certain entity for the right to use a certain work product; requiring a reporting agency to adopt certain regulations that establish the process for the reimbursement of a private entity; prohibiting a reporting agency from reimbursing a private entity under certain circumstances;"; and in line 17, after "committees;" insert "requiring the Board of Public Works to approve or disapprove each partnership agreement;".

On page 2, in line 5, after "agreement;" insert "specifying the provisions that a public–private partnership agreement must, may, and may not include; authorizing the Board of Public Works to grant a waiver from a certain time limitation under certain circumstances; providing, under certain circumstances, that the provisions of the Minority Business Enterprise Program apply to public–private partnerships; prohibiting the Board of Public Works from approving a public–private partnership agreement until the reporting agency, in consultation with certain entities, establishes certain minority business enterprise goals and procedures; requiring that certain goals and procedures be based on the requirements of certain provisions of law; requiring a circuit court to decide a certain motion within a certain period of time;"; in line 6, after "law;" insert "altering the requirement that the Maryland Transportation Authority provide certain information to certain entities before entering into a certain contract or agreement;"; in the same line, after "repealing" insert "a"; in the same line, strike "provisions" and substitute "provision"; in the same line, strike "a"; in line 7, strike "term" and substitute "terms"; in the same line, after "of" insert "certain provisions of"; after line 8, insert:

"BY adding to
Article – Courts and Judicial Proceedings
Section 12–309
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)";

in line 21, strike "10A–104" and substitute "10A–105"; in line 24, strike "and" and substitute "through"; in line 25, strike "10A–402" and substitute "10A–404"; after line 28, insert:

"BY repealing and reenacting, with amendments,

Article – Transportation
Section 4–205
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)";

and in line 31, strike "4–205 and".

On page 3, in line 5, after "management," insert "operational,"; in the same line, after "resources" insert "and expertise"; and strike in their entirety lines 12 through 17, inclusive.

AMENDMENT NO. 2

On page 3, after line 29, insert:

"Article – Courts and Judicial Proceedings

12–309.

(A) THE COURT OF APPEALS HAS JURISDICTION TO HEAR AN IMMEDIATE APPEAL FROM ANY ORDER OF A CIRCUIT COURT, INCLUDING A FINAL JUDGMENT OR AN INTERLOCUTORY ORDER, AFFECTING THE VALIDITY OF A PUBLIC–PRIVATE PARTNERSHIP, AS DEFINED UNDER § 10A–101 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(B) BRIEFING FOR AN APPEAL UNDER SUBSECTION (A) OF THIS SECTION SHALL BE COMPLETED WITHIN 60 DAYS AFTER THE FILING OF THE APPEAL.

(C) THE COURT OF APPEALS SHALL ISSUE A DECISION ON AN APPEAL UNDER SUBSECTION (A) OF THIS SECTION WITHIN 150 DAYS AFTER THE FILING OF THE APPEAL.

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

AMENDMENT NO. 3

On page 4, after line 6, insert:

"**(D)** **"PUBLIC INFRASTRUCTURE ASSET" MEANS A CAPITAL FACILITY OR STRUCTURE, INCLUDING SYSTEMS AND EQUIPMENT RELATED TO THE FACILITY OR STRUCTURE, INTENDED FOR PUBLIC USE.**";

and in lines 7 and 11, strike "**(D)**" and "**(E)**", respectively, and substitute "**(E)**" and "**(F)**", respectively.

On page 5, in line 7, strike "**(F)**" and substitute "**(G)**"; in lines 10 and 11, strike "**OR THE MARYLAND TRANSPORTATION AUTHORITY**"; after line 11, insert:

"**(3)** **THE MARYLAND TRANSPORTATION AUTHORITY;**";

and in lines 12, 13, 14, and 15, strike "**(3)**", "**(4)**", "**(5)**", and "**(6)**", respectively, and substitute "**(4)**", "**(5)**", "**(6)**", and "**(7)**", respectively.

On page 6, in line 12, strike "**(G)**" and substitute "**(H)**".

AMENDMENT NO. 4

On page 7, in line 1, before "**IT**" insert "**(A)**"; in line 2, strike "**FOR INFRASTRUCTURE INITIATIVES FOR**" and substitute "**, IF APPROPRIATE, TO**"; in line 3, strike "**FURTHERING THE DEVELOPMENT AND MAINTENANCE OF**" and substitute "**DEVELOP AND STRENGTHEN THE STATE'S PUBLIC**"; in line 5, strike "**APPORTIONING**" and substitute "**APPORTION**"; in the same line, strike "**SECTOR**"; in the same line, strike the second "**THE**"; in line 6, strike "**SECTOR**" and substitute "**SECTORS**"; strike beginning with "**IN**" in line 6 down through "**OF**" in line 7 and substitute "**WITH DEVELOPING AND STRENGTHENING PUBLIC**"; in line 8, strike "**FOSTERING**" and substitute "**FOSTER**"; in line 9, strike "**PROMOTING**" and substitute "**PROMOTE**"; and after line 10, insert:

"**(B)** **IT IS THE PUBLIC POLICY OF THE STATE:**

(1) **THAT A PRIVATE ENTITY THAT ENTERS INTO A PUBLIC–PRIVATE PARTNERSHIP WITH A REPORTING AGENCY COMPLY WITH THE LABOR AND EMPLOYMENT ARTICLE AND THE FEDERAL FAIR LABOR STANDARDS ACT; AND**

(2) TO USE STATE EMPLOYEES TO PERFORM ALL STATE FUNCTIONS IN STATE–OPERATED FACILITIES IN PREFERENCE TO CONTRACTING WITH THE PRIVATE SECTOR TO PERFORM THOSE FUNCTIONS.".

AMENDMENT NO. 5

On page 7, in line 12, after "**(A)**" insert "**(1) (I)**"; in line 13, strike "**A PARTNERSHIP**" and substitute "**AN**"; in line 14, strike "**FUNCTION, SERVICE, OR**" and substitute "**PUBLIC INFRASTRUCTURE**"; and after line 16, insert:

"**(II) A PUBLIC–PRIVATE PARTNERSHIP AGREEMENT EXECUTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY INCLUDE PROVISIONS THAT ARE NECESSARY TO DEVELOP AND STRENGTHEN A PUBLIC INFRASTRUCTURE ASSET IN CONJUNCTION WITH A PUBLIC–PRIVATE PARTNERSHIP.**

(2) A UNIT OF STATE GOVERNMENT THAT IS NOT A REPORTING AGENCY MAY NOT ESTABLISH A PUBLIC–PRIVATE PARTNERSHIP UNDER PARAGRAPH (1) OF THIS SUBSECTION.".

On page 9, after line 2, insert:

"**10A–105.**

A PROJECT UNDERTAKEN BY A REPORTING AGENCY THROUGH A PUBLIC–PRIVATE PARTNERSHIP SHALL COMPLY WITH THE FOLLOWING PROVISIONS, TO THE EXTENT THAT THE PROVISIONS ARE APPLICABLE TO THE PROJECT:

(1) § 3–602.1 OF THIS ARTICLE; AND

(2) THE ENVIRONMENT ARTICLE.".

On page 10, in line 5, after "**INFORMATION**" insert "**, INCLUDING:**

1. CONFIDENTIAL COMMERCIAL INFORMATION;

2. CONFIDENTIAL FINANCIAL INFORMATION; AND

3. TRADE SECRETS".

AMENDMENT NO. 6

On page 10, in lines 10 and 18, in each instance, strike "**MAY**" and substitute "**SHALL**"; in line 18, strike "**A**" and substitute "**IF A REPORTING AGENCY INTENDS TO ESTABLISH A PUBLIC–PRIVATE PARTNERSHIP UNDER § 10A–103 OF THIS TITLE, THE**"; in line 19, strike "**A**" and substitute "**THE**"; in line 22, strike "**THE**" and substitute "**A**"; strike beginning with "**INVOLVES**" in line 22 down through "**PARTNER**" in line 23 and substitute "**IS COMPRISED OF MULTIPLE SUBENTITIES OR PARTNERS**"; in line 24, after "**EACH**" insert "**SUBENTITY OR**"; in the same line, strike "**OR OFFICER**"; in line 26, after "**THE**" insert "**OWNERSHIP**"; and in line 27, after "**PARTNERSHIP**" insert "**, AS DESCRIBED IN SUBSECTION (C) OF THIS SECTION,**".

On page 11, in line 2, after "**(E)**" insert "**(1)**"; in the same line, strike the colon; in line 3, strike "**(1)**"; in line 4, after "**A**" insert "**RESPONSE TO A PUBLIC NOTICE OF A**"; in the same line, strike "**; AND**" and substitute a period; after line 4, insert:

"**(2) A REPORTING AGENCY SHALL ADOPT REGULATIONS THAT ESTABLISH THE PROCESS FOR REIMBURSING A PRIVATE ENTITY UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

(3) REGULATIONS ADOPTED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL:

(I) PROVIDE FOR THE REIMBURSEMENT OF A PRIVATE ENTITY BASED ON THE DOLLAR VALUE OF A PROJECT; AND

(II) SPECIFY A MAXIMUM DOLLAR AMOUNT THAT A REPORTING AGENCY MAY REIMBURSE A PRIVATE ENTITY FOR COSTS INCURRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.".

in line 5, strike "**(2)**" and substitute "**(4) A REPORTING AGENCY MAY**"; and after line 6, insert:

"**(5)** **A REPORTING AGENCY MAY NOT REIMBURSE A PRIVATE ENTITY FOR ANY PORTION OF THE COSTS INCURRED TO DEVELOP A SOLICITATION IF:**

(I) **THE PRIVATE ENTITY ENTERS INTO A PARTNERSHIP AGREEMENT WITH THE REPORTING AGENCY;**

(II) **THE PARTNERSHIP AGREEMENT ENTERED INTO UNDER ITEM (I) OF THIS PARAGRAPH IS APPROVED BY THE BOARD OF PUBLIC WORKS; AND**

(III) **THE SOLICITATION IS THE SUBJECT OF THE PARTNERSHIP AGREEMENT APPROVED BY THE BOARD OF PUBLIC WORKS UNDER ITEM (II) OF THIS PARAGRAPH.**

(F) **A REPORTING AGENCY SHALL SUBMIT A COPY OF THE PROPOSED AGREEMENT SIMULTANEOUSLY TO THE COMPTROLLER, THE STATE TREASURER, THE BUDGET COMMITTEES, AND THE DEPARTMENT OF LEGISLATIVE SERVICES, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE.**".

AMENDMENT NO. 7

On page 11, after line 7, insert:

"**(A)** **THE BOARD OF PUBLIC WORKS SHALL APPROVE OR DISAPPROVE EACH PUBLIC–PRIVATE PARTNERSHIP AGREEMENT.**";

in line 8, strike "**(A)**" and substitute "**(B)**"; and strike beginning with "**, IN**" in line 13 down through "**ARTICLE**" in line 14 and substitute "**AS REQUIRED BY § 10A–202(F) OF THIS SUBTITLE**".

On page 12, in line 10, strike "**(B)**" and substitute "**(C)**"; in line 11, after "**INFORMATION**" insert "**, INCLUDING:**

1. **CONFIDENTIAL COMMERCIAL INFORMATION;**

2. **CONFIDENTIAL FINANCIAL INFORMATION; AND**

3. TRADE SECRETS";

and in line 15, strike "**MAY**" and substitute "**SHALL**".

AMENDMENT NO. 8

On page 13, in line 16, after "**BIDDING**" insert "**SOLICITATION**"; in the same line, strike "**AND**"; after line 16, insert:

"**(2) PROTECT PROPRIETARY INFORMATION INCLUDED IN THE UNSOLICITED PROPOSAL TO THE SAME EXTENT PROPRIETARY INFORMATION IS PROTECTED UNDER § 10A–201(B) OF THIS TITLE; AND**";

in line 17, strike "**(2)**" and substitute "**(3)**"; in line 27, after "**(1)**" insert "**THE METHOD FOR APPROVAL OF ANY REASSIGNMENT OF ANY LEASE, SUBLEASE, OR SALE, INCLUDING WHETHER**"; strike beginning with "**AND**" in line 27 down through "**SALE,**" in line 28; and in line 28, after "**AND**" insert "**THAT**".

On page 14, in line 10, after "**SERVICES**" insert "**, AS APPLICABLE,**"; strike in their entirety lines 12 and 13; in lines 14, 16, 18, 22, and 25, strike "**(9)**", "**(10)**", "**(11)**", "**(12)**", and "**(13)**", respectively, and substitute "**(8)**", "**(9)**", "**(10)**", "**(11)**", and "**(12)**", respectively; in line 18, strike "**STATEMENTS**" and substitute "**RECORDS**"; strike beginning with "**, AS**" in line 19 down through "**ENTITY,**" in line 20; in line 21, after "**BY**" insert "**THE STATE, INCLUDING**"; in the same line, strike "**NO MORE THAN EVERY 3 YEARS**"; in line 24, strike "**AND**"; in line 25, after "**PROVIDE**" insert "**, IF APPLICABLE,**"; and in line 26, after "**BOND**" insert "**OR A LETTER OF CREDIT; AND**

(13) THE PRIVATE ENTITY AND ANY CONTRACTORS OR SUBCONTRACTORS CONSTRUCTING A PUBLIC INFRASTRUCTURE ASSET SHALL BE SUBJECT TO TITLE 17, SUBTITLE 2 OF THIS ARTICLE REGARDLESS OF WHETHER THE CONTRACT QUALIFIES AS A PUBLIC WORKS CONTRACT".

On page 15, in lines 16 and 20, in each instance, strike "**GRANT AN EXEMPTION TO**" and substitute "**WAIVE**"; in lines 17 and 21, in each instance, strike "**(B)**" and substitute "**(A)**"; in line 25, after "**(H)**" insert "**(1)**"; in the same line, strike "**THIS DIVISION II**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS DIVISION**"; after line 26, insert:

"**(2) THE FOLLOWING PROVISIONS OF THIS DIVISION APPLY TO A PUBLIC–PRIVATE PARTNERSHIP UNDER TITLE 10A OF THIS ARTICLE:**

(I) § 11–205 OF THIS SUBTITLE ("COLLUSION");

(II) § 11–205.1 OF THIS SUBTITLE ("FALSIFICATION, CONCEALMENT, ETC. OF MATERIAL FACTS");

(III) TITLE 12, SUBTITLE 4 OF THIS ARTICLE ("POLICIES AND PROCEDURES FOR EXEMPT UNITS");

(IV) § 13–219 OF THIS ARTICLE ("REQUIRED CLAUSES – NONDISCRIMINATION CLAUSE");

(V) TITLE 17, SUBTITLE 2 OF THIS ARTICLE ("PREVAILING WAGE RATES – PUBLIC WORK CONTRACTS"); AND

(VI) TITLE 18 OF THIS ARTICLE ("LIVING WAGE").".

AMENDMENT NO. 9

On page 15, after line 23, insert:

"**10A–403.**

IN AN ACTION RELATED TO A PUBLIC–PRIVATE PARTNERSHIP, THE CIRCUIT COURT SHALL DECIDE A MOTION TO DISMISS OR MOTION FOR SUMMARY JUDGMENT AFFECTING THE VALIDITY OF THE PUBLIC–PRIVATE PARTNERSHIP WITHIN 120 DAYS AFTER THE FILING OF THE MOTION.";

and in line 28, strike the bracket.

On page 16, in line 6, strike "45" and substitute "**30**"; and in line 36, strike the bracket.

AMENDMENT NO. 10

On page 18, after line 18, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Finance and Procurement

10A–404.

(A) THE FINDINGS AND EVIDENCE RELIED ON BY THE GENERAL ASSEMBLY FOR THE CONTINUATION OF THE MINORITY BUSINESS ENTERPRISE PROGRAM UNDER TITLE 14, SUBTITLE 3 OF THIS ARTICLE, AS ENACTED BY CHAPTER 253 OF THE ACTS OF 2011 AND CHAPTER _____(H.B. 1370 OF THE ACTS OF 2012), ARE HEREBY INCORPORATED.

(B) TO THE EXTENT PRACTICABLE AND PERMITTED BY THE UNITED STATES CONSTITUTION, THE PROVISIONS OF THE MINORITY BUSINESS ENTERPRISE PROGRAM UNDER TITLE 14, SUBTITLE 3 OF THIS ARTICLE SHALL APPLY TO PUBLIC–PRIVATE PARTNERSHIPS ESTABLISHED UNDER THIS TITLE.

(C) (1) THE BOARD OF PUBLIC WORKS MAY NOT APPROVE A PUBLIC–PRIVATE PARTNERSHIP AGREEMENT UNDER § 10A–203 OF THIS TITLE UNTIL THE REPORTING AGENCY, IN CONSULTATION WITH THE GOVERNOR'S OFFICE OF MINORITY AFFAIRS, THE OFFICE OF THE ATTORNEY GENERAL, AND THE PRIVATE ENTITY, ESTABLISHES REASONABLE AND APPROPRIATE MINORITY BUSINESS ENTERPRISE PARTICIPATION GOALS AND PROCEDURES FOR THE PROJECT.

(2) TO THE EXTENT PRACTICABLE, GOALS AND PROCEDURES ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE BASED ON THE REQUIREMENTS OF:

(I) TITLE 14, SUBTITLE 3 OF THIS ARTICLE, INCLUDING THE IMPLEMENTING OF REGULATIONS ADOPTED UNDER § 14–303 OF THIS ARTICLE; AND

(II) REGULATIONS ADOPTED SPECIFICALLY TO IMPLEMENT THIS SECTION.";

before line 19, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall apply to a public–private partnership established before, on, or after the effective date of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That on or before July 31, 2012, a party may appeal an order of a circuit court issued before the effective date of this Act to the Court of Appeals under Section 1 of this Act.";

in line 19, strike "2." and substitute "6."; in the same line, after "That" insert ", except as provided in Section 4 of this Act,"; after line 20, insert:

"SECTION 7. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2012. It shall remain effective for a period of 4 years and, at the end of June 30, 2016, with no further action required by the General Assembly, Section 3 of this Act shall be abrogated and of no further force and effect.";

and in line 21, strike "3." and substitute "8.".

The preceding 10 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0576/673921/1
BY: Delegate Lafferty

AMENDMENT TO HOUSE BILL 576, AS AMENDED
(First Reading File Bill)

On page 2, in line 8, after "Act;" insert "providing for the termination of certain provisions of this Act;".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0576/963222/1

BY: Delegate James

AMENDMENTS TO HOUSE BILL 576, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 10 of the bill, in line 5, after "**WITHHOLD**" insert "**A PRIVATE ENTITY'S**".

On page 12 of the bill, in line 11, after "**WITHHOLD**" insert "**A PRIVATE ENTITY'S**".

AMENDMENT NO. 2

On page 6 of the Environmental Matters Committee Amendments (HB0576/840415/1), in line 6 of Amendment No. 5, strike "**, INCLUDING**" and substitute "**IN ACCORDANCE WITH § 10–617(D) OF THE STATE GOVERNMENT ARTICLE, RELATING TO**".

On page 8 of the Environmental Matters Committee Amendments, in line 8 of Amendment No. 7, strike "**, INCLUDING**" and substitute "**IN ACCORDANCE WITH § 10–617(D) OF THE STATE GOVERNMENT ARTICLE, RELATING TO**".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

HB0576/753526/2
BY: Delegates Dumais and Vallario

AMENDMENTS TO HOUSE BILL 576, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Environmental Matters Committee Amendments (HB0576/840415/1), in line 3 of Amendment No. 1, after "of" insert "Special".

AMENDMENT NO. 2

On page 3 of the Environmental Matters Committee Amendments, in lines 4 and 12 of Amendment No. 2, in each instance, after "**OF**" insert "**SPECIAL**"; strike beginning with "**FROM**" in line 5 down through "**AFFECTING**" in line 6 and substitute

"**OF A MOTION TO DISMISS, MOTION FOR SUMMARY JUDGMENT THAT DISPOSES OF THE ENTIRE ACTION, OR FINAL ORDER OF A CIRCUIT COURT THAT AFFECTS**"; in line 13, strike "150" and substitute "90"; and in line 14, after "**APPEAL**" insert "**.**

(D) IF ANY PARTY SEEKS REVIEW OF A DECISION ISSUED BY THE COURT OF SPECIAL APPEALS UNDER SUBSECTION (C) OF THIS SECTION BY THE COURT OF APPEALS, THE COURT OF APPEALS SHALL:

(1) ACT EXPEDITIOUSLY TO CONSIDER THE PETITION FOR A WRIT OF CERTIORARI; AND

(2) IF THE WRIT IS GRANTED:

(I) ESTABLISH AN EXPEDITIOUS BRIEFING SCHEDULE; AND

(II) ISSUE A DECISION AN EXPEDITIOUSLY AS POSSIBLE".

AMENDMENT NO. 3

On page 12 of the Environmental Matters Committee Amendments, in line 22 of in Amendment No. 10, after "of" insert "Special".

The preceding 3 amendments were read and adopted.

FLOOR AMENDMENT

HB0576/433422/2
BY: Delegate Simmons

AMENDMENTS TO HOUSE BILL 576, AS AMENDED

AMENDMENT NO. 1

Strike amendment by the Delegates Dumais and Vallario (HB0576/753526/2) in its entirety.

AMENDMENT NO. 2

On page 1 of the Environmental Matters Committee Amendments (HB0576/840415/1), in Amendment No. 1, strike beginning with "establishing" in line 3 down through "appeals;" in line 5.

On page 2 of the Environmental Matters Committee Amendments, in Amendment No. 1, strike beginning with "BY" in line 11 down through "Supplement)" in line 15.

AMENDMENT NO. 3

On page 3 of the Environmental Matters Committee Amendments, strike Amendment No. 2 in its entirety.

On page 11 of the Environmental Matters Committee Amendments, in line 2 of Amendment No. 10, strike "3." and substitute "2.".

On page 12 of the Environmental Matters Committee Amendments, in Amendment No. 10, strike beginning with "SECTION" in line 17 down through "Act." in line 22.

On page 13 of the Environmental Matters Committee Amendments, in line 1 of Amendment No. 10, strike "6." and substitute "3."; strike beginning with ", except" in line 1 down through "Act," in line 2; in line 3, strike "7." and substitute "4."; in lines 3 and 6, in each instance, strike "3" and substitute "2"; and in line 7, strike "8." and substitute "5.".

The preceding 3 amendments were read only.

Delegate Minnick moved the previous question.

The motion was adopted.

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 25 Negative – 100 (See Roll Call No. 691)

FLOOR AMENDMENT

HB0576/243621/1
BY: Delegate Simmons

AMENDMENT TO HOUSE BILL 576, AS AMENDED

On page 12 of the Environmental Matters Committee Amendments (HB0576/840415/1), in Amendment No. 10, strike in their entirety lines 20 through 22, inclusive, and substitute:

"SECTION 5. AND BE IT FURTHER ENACTED, That § 12–309 of the Courts and Judicial Proceedings Article shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any case filed before the effective date of this Act.".

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

Affirmative – 36 Negative – 91 (See Roll Call No. 692)

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 167 – Delegates Hucker, Anderson, Arora, Barve, Bobo, Carr, Carter, Conaway, Cullison, Frush, Gilchrist, Holmes, Howard, A. Kelly, Lafferty, Luedtke, Oaks, Reznik, S. Robinson, Stein, Waldstreicher, and Washington

AN ACT concerning

Agriculture – Commercial Feed – Arsenic Prohibition

HB0167/890411/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 167
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "arsenic;" insert "providing for the termination of this Act under certain circumstances; requiring the State Department of Agriculture to provide a certain notification;".

AMENDMENT NO. 2

On page 1, after line 19, insert:

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

(a) This Act shall be abrogated and of no further force and effect if the U.S. Food and Drug Administration:

(1) approves the use of Roxarsone, or any other additive that contains arsenic; and

(2) finds that the exposure to Roxarsone, or any other additive that contains arsenic is:

(i) unavoidable and necessary; and

(ii) without adverse effects to the environment.

(b) The State Department of Agriculture shall notify the Department of Legislative Services within 5 days after the action under subsection (a) of this section occurs.".

AMENDMENT NO. 3

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

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Haddaway–Riccio moved to make the Bill a Special Order for Monday.

The motion was adopted.

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

House Bill 924 – Delegate Beitzel

AN ACT concerning

Vehicle Laws – Local Authority – Use of Highways by Snowmobiles

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 1089 – Calvert County Delegation

AN ACT concerning

Calvert County – Appointment of Assistant Sheriff – Candidates

HB1089/470318/1
BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1089
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "examination;" insert "establishing that the assistant sheriff serves at the pleasure of the Sheriff;"; and in line 9, after "salary" insert ", benefits,".

AMENDMENT NO. 2

On page 3, after line 9, insert:

"**3. THE ASSISTANT SHERIFF SERVES AT THE PLEASURE OF THE SHERIFF.**";

in line 27, strike "**AND**"; and in line 28, after "**B.**" insert "**SHALL BE AFFORDED ALL THE BENEFITS AVAILABLE TO FULL–TIME EMPLOYEES IN THE CALVERT COUNTY SHERIFF'S OFFICE; AND**

C.".

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 1446 – Delegates Otto and McDermott

AN ACT concerning

Somerset and Worcester Counties – Deer Hunting on Private Property – Sundays

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #12

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

House Bill 7 – Delegate Olszewski

AN ACT concerning

Criminal Law – Betting, Wagering, and Gambling – Fantasy Competition

HB0007/775564/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 7
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "term;" insert "authorizing the Comptroller to adopt certain regulations;".

AMENDMENT NO. 2

On page 1, in line 14, strike "**FOR THE PURPOSES OF**" and substitute "**IN**"; in line 15, after "**ANY**" insert "**ONLINE**"; and in line 16, strike "**ONLINE OR OTHERWISE,**".

On page 2, after line 13, insert:

"**(C) THE COMPTROLLER MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS 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:

House Bill 325 – Delegates Conway and McDermott

EMERGENCY BILL

AN ACT concerning

Slot Machines for Nonprofit Organizations on the Eastern Shore – Uses of Proceeds

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 568 – Delegate Rosenberg

AN ACT concerning

Sustainable Communities Tax Credit Program – Credit Allocation

HB0568/115267/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 568
(First Reading File Bill)

On page 1, in line 20, strike "retroactively" and substitute "only prospectively"; in the same line, strike "shall" and substitute "may not"; and in line 22, strike "on or after January 1, 2005" and substitute "before the effective date of this Act".

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:

House Bill 590 – Chair, Ways and Means Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Horse Racing – Maryland Standardbred Race Fund Advisory Committee – Registration of Horses

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 596 – Delegates Kaiser, Barkley, Cullison, Gutierrez, Ivey, A. Kelly, Luedtke, Reznik, S. Robinson, Stukes, Summers, and Zucker

AN ACT concerning

Child with a Disability – Individualized Education Program Meeting – Document Access

HB0596/785460/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 596
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 4 down through "appropriate" in line 5 and substitute "authorizing"; in line 5, strike "must" and substitute "to"; in line 7, after "child" insert "in a certain manner; defining certain terms"; and in line 11, strike "8–405(c)" and substitute "8–405".

AMENDMENT NO. 2

On page 1, after line 17, insert:

"(a) **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "ACCESSIBLE COPY" MEANS A COPY OF A DOCUMENT PROVIDED TO AN INDIVIDUAL IN A FORMAT, INCLUDING A SPECIALIZED FORMAT AS DEFINED IN § 8–408 OF THIS SUBTITLE, NECESSARY FOR THE UNDERSTANDING OF THE DOCUMENT BY THE INDIVIDUAL ACCEPTING THE DOCUMENT.

(3) "EXTENUATING CIRCUMSTANCE" MEANS:

(I) A DEATH IN THE FAMILY;

(II) A PERSONAL EMERGENCY;

(III) A NATURAL DISASTER; OR

(IV) ANY OTHER SIMILAR SITUATION DEFINED BY THE DEPARTMENT.

(B) When a team of qualified professionals and the parents meet for the purpose of discussing the identification, evaluation, educational program, or the provision of a free appropriate public education of a child with a disability:

(1) The parents of the child shall be afforded the opportunity to participate and shall be provided reasonable notice in advance of the meeting; and

(2) Reasonable notice shall be at least 10 calendar days in advance of the meeting, unless an expedited meeting is being conducted to:

(i) Address disciplinary issues;

(ii) Determine the placement of the child with a disability not currently receiving educational services; or

(iii) Meet other urgent needs of a child with a disability to ensure the provision of a free appropriate public education.

[(b)**] (C)** The individualized education program team shall determine, on at least an annual basis, whether the child requires extended year services in order to ensure that the child is not deprived of a free appropriate public education by virtue of the normal break in the regular school year.";

in line 18, strike "(c)" and substitute "**(D)**"; in line 19, strike the brackets; and in the same line, strike "**CALENDAR**".

AMENDMENT NO. 3

On page 2, after line 11, insert:

"**[**(d)**] (E)** (1) Not later than 5 business days after a scheduled meeting of the individualized education program team or other multidisciplinary team for a child with a disability, appropriate school personnel shall provide the parents of the child with a copy of the completed individualized education program.

(2) If the individualized education program has not been completed by the 5th business day after the meeting, the parents shall be provided with the draft copy of the individualized education program.

(3) The completed or draft individualized education program shall be provided to the parents in an accessible format.

(F) SCHOOL PERSONNEL MAY PROVIDE THE DOCUMENTS REQUIRED UNDER THIS SUBSECTION THROUGH ANY REASONABLE AND LEGAL METHOD OF DELIVERY TO FULFILL THE PURPOSES OF THIS SECTION.

[(e)**] (G)** Failure to comply with this section does not constitute a substantive violation of the requirement to provide a student with a free appropriate public education.".

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 597 – Chair, Ways and Means Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Horse Racing – Mile Thoroughbred Racetracks – Payment of Taxes and Impact Aid

HB0597/625465/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 597
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "Aid" insert "and Arabian Breed Racing Authorization".

AMENDMENT NO. 2

On page 1, in line 6, after "day;" insert "authorizing a licensee at Pimlico Race Course to conduct live racing of Arabian breed horses under certain circumstances;"; in line 9, after "betting;" insert "defining a certain term; making this Act an emergency measure;"; and after line 15, insert:

"BY adding to
Article – Business Regulation
Section 11–522
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 3

On page 2, after line 2, insert:

"**11–522.**

(A) IN THIS SECTION, "ARABIAN BREED HORSE" MEANS A HORSE THAT:

(1) IS A PUREBRED ARABIAN BREED HORSE; AND

(2) HAS A VALID CERTIFICATE OF REGISTRY WITH THE ARABIAN JOCKEY CLUB OF AMERICA.

(B) A LICENSEE AT PIMLICO RACE COURSE MAY CONDUCT LIVE RACING OF ARABIAN BREED HORSES IF:

(1) NO MORE THAN ONE ARABIAN BREED RACE IS CONDUCTED PER DAY;

(2) NO MORE THAN THREE ARABIAN BREED RACES ARE CONDUCTED DURING A RACE MEET;

(3) AN ARABIAN BREED RACE IS CONDUCTED IN ADDITION TO, AND NOT IN PLACE OF, AN EXISTING THOROUGHBRED RACE;

(4) AN ARABIAN BREED RACE DOES NOT REDUCE THE NUMBER OF THOROUGHBRED RACES CONDUCTED BY THE LICENSEE PER RACING DAY;

(5) THE PURSE FOR AN ARABIAN BREED RACE IS:

(I) NOT FUNDED BY THE THOROUGHBRED PURSE ACCOUNT; AND

(II) FUNDED BY THE LICENSEE OR THE SPONSOR OF THE ARABIAN HORSE RACE;

(6) THE TAKEOUT PROVISIONS OF §§ 11–514 AND 11–515 OF THIS SUBTITLE ARE APPLIED TO THE RACE;

(7) THE LICENSEE PAYS ALL TAXES AND FEES ASSOCIATED WITH THE ARABIAN BREED RACE THAT WOULD OTHERWISE BE DUE ON A THOROUGHBRED RACE; AND

(8) THE ARABIAN BREED RACE IS APPROVED BY THE STATE RACING COMMISSION.”.

AMENDMENT NO. 4

On page 2, strike beginning with "shall" in line 14 down through "2012" in line 15 and substitute "is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 640 – Delegates Serafini, Dwyer, Glass, and Ready

AN ACT concerning

Income Tax – Subtraction Modification – Credit Card Debt Forgiveness

HB0640/945568/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 640
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Ready" and substitute "Ready, Afzali, Barve, Boteler, Cardin, Frick, George, Hixson, Howard, Ivey, Kaiser, Luedtke, A. Miller, Myers, Rosenberg, Ross, Stukes, F. Turner, and Walker"; and in line 5, after "debt;" insert "providing that the amount of the subtraction modification may not exceed a certain amount for certain taxpayers;";

AMENDMENT NO. 2

On page 2, in line 1, strike "**PARAGRAPH**" and substitute "**PARAGRAPHS**"; in the same line, after "**(2)**" insert "**AND (3)**"; and after line 10, insert:

"**(3) THE SUBTRACTION UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT EXCEED:**

(I) $5,000 FOR AN INDIVIDUAL; OR

(II) $8,000 FOR A MARRIED COUPLE FILING A JOINT RETURN.".

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 701 – Montgomery County Delegation

AN ACT concerning

Montgomery County Board of Education – Student Member – Voting
MC 9–12

HB0701/275969/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 701
(First Reading File Bill)

On page 2, in line 29, after "article" insert "**IN WHICH THE TEACHER, PRINCIPAL, SUPERVISOR, ASSISTANT SUPERINTENDENT, OR OTHER PROFESSIONAL ASSISTANT FACING SUSPENSION OR DISMISSAL IS EMPLOYED BY THE SCHOOL ATTENDED BY THE STUDENT MEMBER**".

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 724 – Delegates Kaiser, Carr, Frick, Luedtke, B. Robinson, Stocksdale, Stukes, Summers, Washington, and Zucker

AN ACT concerning

State Department of Education – School Guidance Counselors – Reporting

HB0724/645360/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 724
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Counselors" insert "and Pupil Personnel Workers"; and in lines 4 and 8, in each instance, after "counselors" insert "and pupil personnel workers".

AMENDMENT NO. 2

On page 1, in line 18, strike "and"; after line 20, insert:

"(iv) The number of students each school guidance counselor is responsible for at the school;

(2) A description of the local school system's pupil personnel worker program, including:

(i) Data relating to the number of pupil personnel workers employed by the local school system;

(ii) The general duties and responsibilities of the pupil personnel workers; and

(iii) The number of students each pupil personnel worker is responsible for at the school; and";

and in line 21, 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 725 – Montgomery County Delegation

AN ACT concerning

Montgomery County – County Council Special Elections – Voting by Mail
MC 5–12

HB0725/475267/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 725
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "requiring" and substitute "authorizing the Montgomery County Council to direct"; in line 8, strike "active"; in the same line, strike "certain"; in the same line, after "election" insert "conducted by mail unless the voter has requested that the ballot be transmitted by other means"; in line 10, after "ballot;" insert "requiring the local board to send a vote–by–mail ballot to each eligible voter at least a certain number of days before the day of a special election;"; in line 11, after "board;" insert "requiring that vote–by–mail ballots be mailed to the address on file in the statewide voter registration list for each eligible voter except in certain circumstances;"; strike beginning with "requiring" in line 13 down through "voters;" in line 15; in line 16, strike "at least one polling place" and substitute "a certain number of voting centers"; in lines 18 and 19, in each instance, strike "polling place" and substitute "voting center"; in line 19, after "period;" insert "providing that a certain process for applying in person for an absentee ballot at the office of a local board does not apply to a special election conducted by mail; providing that certain provisions of law relating to voting at a polling place on election day also apply to voting at a voting center established under this Act;"; in line 22, after "deadlines" insert "and meet certain requirements"; in line 23, strike "providing for the application of this Act;"; and in line 24, strike "requiring" and substitute "authorizing".

On page 2, in line 1, strike "9–507" and substitute "9–506"; and in the same line, after "5." insert "Montgomery County".

AMENDMENT NO. 2

On page 2, in line 8, after "**5.**" insert "**MONTGOMERY COUNTY**"; in line 13, strike "**SHALL**" and substitute "**MAY**"; after line 14, insert:

"**(C) A SPECIAL ELECTION TO FILL A VACANCY IN THE MONTGOMERY COUNTY COUNCIL SHALL BE CONDUCTED BY MAIL IF THE RESOLUTION OF THE MONTGOMERY COUNTY COUNCIL ESTABLISHING THE DATE OF THE SPECIAL ELECTION DIRECTS THAT THE ELECTION BE CONDUCTED BY MAIL.**";

in lines 15 and 21, strike "**(C)**" and "**(D)**", respectively, and substitute "**(D)**" and "**(E)**", respectively; in line 25, strike "**THE**" and substitute "**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE**"; in line 26, strike "**ACTIVE**"; and after line 27, insert:

"**(2) THE LOCAL BOARD IS NOT REQUIRED TO MAIL A VOTE–BY–MAIL BALLOT TO A VOTER IF THE VOTER HAS REQUESTED THAT THE BALLOT BE SENT BY OTHER MEANS.**".

On page 3, after line 5, insert:

"**(D) THE LOCAL BOARD SHALL SEND A VOTE–BY–MAIL BALLOT TO EACH ELIGIBLE VOTER AT LEAST 14 DAYS BEFORE THE DAY OF A SPECIAL ELECTION.**

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A VOTE–BY–MAIL BALLOT SHALL BE MAILED TO THE ADDRESS THAT IS ON FILE IN THE STATEWIDE VOTER REGISTRATION LIST FOR EACH ELIGIBLE VOTER.

(2) A REGISTERED VOTER MAY REQUEST TO RECEIVE A VOTE–BY–MAIL BALLOT AT AN ADDRESS OTHER THAN THE ADDRESS THAT IS ON FILE IN THE STATEWIDE VOTER REGISTRATION LIST BY:

(I) SUBMITTING AN ABSENTEE BALLOT APPLICATION IN ACCORDANCE WITH § 9–305(A) OF THIS TITLE NOT LATER THAN THE TUESDAY PRECEDING THE DAY OF A SPECIAL ELECTION, IF THE VOTER IS TEMPORARILY

ABSENT FROM THE ADDRESS THAT IS ON FILE IN THE STATEWIDE VOTER REGISTRATION LIST; OR

(II) NOTIFYING A LOCAL BOARD OF A CHANGE OF ADDRESS NOT LATER THAN THE TUESDAY PRECEDING THE DAY OF A SPECIAL ELECTION, IF THE VOTER'S RESIDENCE HAS CHANGED FROM THE ADDRESS THAT IS ON FILE IN THE STATEWIDE VOTER REGISTRATION LIST TO ANOTHER LOCATION WITHIN THE STATE.";

in line 6, strike "**(D)**" and substitute "**(F)**"; strike in their entirety lines 10 through 26, inclusive; and in line 27, strike "**9–504.**" and substitute "**9–503.**".

AMENDMENT NO. 3

On page 3, strike beginning with "**AT**" in line 28 down through "**PLACE**" in line 29 and substitute "**VOTING CENTERS**"; in line 30, after "**ELECTION**" insert "**IN ACCORDANCE WITH THIS SECTION**"; after line 30, insert:

"**(B) (1) IN A SPECIAL ELECTION HELD IN A SINGLE COUNTY COUNCIL DISTRICT, AT LEAST THREE VOTING CENTERS SHALL BE ESTABLISHED IN THE COUNTY COUNCIL DISTRICT WHERE THE SPECIAL ELECTION IS BEING HELD.**

(2) IN A COUNTYWIDE SPECIAL ELECTION, AT LEAST THREE VOTING CENTERS SHALL BE ESTABLISHED IN EACH COUNTY COUNCIL DISTRICT.";

in line 31, strike "**(B)**" and substitute "**(C)**"; and in the same line, strike "**POLLING PLACE**" and substitute "**VOTING CENTER**".

On page 4, strike beginning with "**BE**" in line 1 down through "**(2)**" in line 4; in line 7, strike "**AND**" and substitute:

"**(2) PROVIDE FOR PROVISIONAL VOTING IN ACCORDANCE WITH SUBTITLE 4 OF THIS TITLE;**

(3) SATISFY THE REQUIREMENTS OF § 10–101 OF THIS ARTICLE; AND";

in line 8, strike "**(3)**" and substitute "**(4)**"; strike beginning with "**BEGINNING**" in line 8 down through "**ELECTION**" in line 10 and substitute "**DURING THE DAYS AND FOR THE HOURS THAT THE COUNTY COUNCIL DIRECTS IN THE RESOLUTION UNDER § 9–501(C) OF THIS SUBTITLE**"; after line 15, insert:

"**(D) THE PROCESS FOR APPLYING IN PERSON FOR AN ABSENTEE BALLOT AT THE OFFICE OF A LOCAL BOARD UNDER § 9–305(C) OF THIS TITLE DOES NOT APPLY TO A SPECIAL ELECTION CONDUCTED BY MAIL.**

(E) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ANY PROVISION OF THIS ARTICLE THAT APPLIES TO VOTING AT A POLLING PLACE ON ELECTION DAY ALSO APPLIES TO VOTING AT A VOTING CENTER ESTABLISHED UNDER THIS SECTION.";

and in line 16, strike "**9–505.**" and substitute "**9–504.**".

On page 5, strike in their entirety lines 1 through 13, inclusive, and substitute:

"**9–505.**

(A) A VOTE–BY–MAIL BALLOT IS CONSIDERED TIMELY AND MAY BE COUNTED IF THE BALLOT:

(1) IS RETURNED IN PERSON TO THE OFFICE OF THE LOCAL BOARD BY THE VOTER OR THE VOTER'S DULY AUTHORIZED AGENT NO LATER THAN 8 P.M. ON THE DAY OF A SPECIAL ELECTION; OR

(2) (I) IS RECEIVED BY MAIL BY THE LOCAL BOARD NO LATER THAN 10 A.M. ON THE SECOND FRIDAY AFTER A SPECIAL ELECTION; AND

(II) WAS MAILED ON OR BEFORE ELECTION DAY, AS VERIFIED:

1. BY A POSTMARK; OR

2. IF THE RETURN ENVELOPE DOES NOT CONTAIN A POSTMARK OR THE POSTMARK IS ILLEGIBLE, BY THE VOTER'S AFFIDAVIT THAT THE BALLOT WAS MAILED ON OR BEFORE ELECTION DAY.

(B) A VOTE–BY–MAIL BALLOT THAT DOES NOT MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION IS NOT TIMELY AND MAY NOT BE COUNTED.

9–506.";

and in line 14, strike "**SHALL**" and substitute "**MAY**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 804 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Special Elections – Reduction of Polling Places
PG 404–12

HB0804/435560/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 804
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Reduction of Polling Places" and substitute "Voting by Mail"; strike beginning with "authorizing" in line 4 down through "County" in line 11 and substitute "authorizing the Prince George's County Council to direct that voting by mail be utilized in certain special elections; specifying the application of certain provisions of law to a special election conducted by mail; requiring the local board of elections to mail a vote–by–mail ballot to each registered voter who is eligible

to vote in a special election conducted by mail unless the voter has requested that the ballot be transmitted by other means; specifying that a voter is not required to submit an application to receive a vote–by–mail ballot; requiring the local board to send a vote–by–mail ballot to each eligible voter at least a certain number of days before the day of a special election; requiring that vote–by–mail ballots be mailed to the address on file in the statewide voter registration list for each eligible voter except in certain circumstances; requiring the local board to issue a replacement vote–by–mail ballot to a voter under certain circumstances; requiring the local board to establish a certain number of voting centers for the use of any eligible voter who chooses to cast a ballot in person in a special election; specifying certain requirements for a voting center established by the local board; authorizing the local board to establish a voting center during a certain time period; providing that a certain process for applying in person for an absentee ballot at the office of the local board does not apply to a special election conducted by mail; providing that certain provisions of law relating to voting at a polling place on election day also apply to voting at a voting center established under this Act; requiring a voter to return a vote–by–mail ballot by certain methods; authorizing a voter to designate an agent to return a vote–by–mail ballot to the local board; requiring that a vote–by–mail ballot be returned to the local board by certain deadlines and meet certain requirements to be considered timely and be counted; authorizing the State Board of Elections to adopt regulations as necessary to implement this Act; and generally relating to voting by mail in certain special elections in Prince George's County"; in line 14, strike "8–402" and substitute "9–501 through 9–506 to be under the new subtitle "Subtitle 5. Prince George's County Voting by Mail"".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 20 on page 1 through line 17 on page 2, inclusive, and substitute:

"**SUBTITLE 5. PRINCE GEORGE'S COUNTY VOTING BY MAIL.**

9–501.

(A) THIS SUBTITLE APPLIES ONLY TO A SPECIAL ELECTION THAT IS NOT HELD CONCURRENTLY WITH A REGULARLY SCHEDULED PRIMARY OR GENERAL ELECTION.

(B) VOTING BY MAIL MAY BE UTILIZED IN A SPECIAL ELECTION IN PRINCE GEORGE'S COUNTY IN ACCORDANCE WITH THIS SUBTITLE.

(C) A SPECIAL ELECTION TO FILL A VACANCY IN THE PRINCE GEORGE'S COUNTY COUNCIL OR PRINCE GEORGE'S COUNTY BOARD OF EDUCATION SHALL BE CONDUCTED BY MAIL IF THE RESOLUTION OF THE COUNTY COUNCIL ESTABLISHING THE DATE OF THE SPECIAL ELECTION DIRECTS THAT THE ELECTION BE CONDUCTED BY MAIL.

(D) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE:

(1) PROVISIONS OF THIS ARTICLE RELATING TO ABSENTEE VOTING APPLY TO VOTING BY MAIL; AND

(2) LOCAL LAWS RELATING TO THE CONDUCT OF A SPECIAL ELECTION APPLY TO A SPECIAL ELECTION CONDUCTED UNDER THIS SUBTITLE.

(E) PROVISIONS OF THIS ARTICLE RELATING TO THE CONDUCT OF ELECTIONS APPLY TO A SPECIAL ELECTION CONDUCTED UNDER THIS SUBTITLE UNLESS A LAW SPECIFICALLY RELEVANT TO A SPECIAL ELECTION APPLIES.

9–502.

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE LOCAL BOARD SHALL MAIL BY NONFORWARDABLE MAIL A VOTE–BY–MAIL BALLOT TO EACH REGISTERED VOTER WHO IS ELIGIBLE TO VOTE IN A SPECIAL ELECTION.

(2) A LOCAL BOARD IS NOT REQUIRED TO MAIL A VOTE–BY–MAIL BALLOT TO A VOTER IF THE VOTER HAS REQUESTED THAT THE BALLOT BE TRANSMITTED BY OTHER MEANS.

(B) A VOTER IS NOT REQUIRED TO SUBMIT AN APPLICATION TO RECEIVE A VOTE–BY–MAIL BALLOT.

(C) A LOCAL BOARD SHALL SEND A VOTE–BY–MAIL BALLOT TO EACH ELIGIBLE VOTER AT LEAST 14 DAYS BEFORE THE DAY OF A SPECIAL ELECTION.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A VOTE–BY–MAIL BALLOT SHALL BE MAILED TO THE ADDRESS THAT IS ON FILE IN THE STATEWIDE VOTER REGISTRATION LIST FOR EACH ELIGIBLE VOTER.

(2) A REGISTERED VOTER MAY REQUEST TO RECEIVE A VOTE–BY–MAIL BALLOT AT AN ADDRESS OTHER THAN THE ADDRESS THAT IS ON FILE IN THE STATEWIDE VOTER REGISTRATION LIST BY:

(I) SUBMITTING AN ABSENTEE BALLOT APPLICATION IN ACCORDANCE WITH § 9–305(A) OF THIS TITLE NOT LATER THAN THE TUESDAY PRECEDING THE DAY OF A SPECIAL ELECTION, IF THE VOTER IS TEMPORARILY ABSENT FROM THE ADDRESS THAT IS ON FILE IN THE STATEWIDE VOTER REGISTRATION LIST; OR

(II) NOTIFYING A LOCAL BOARD OF A CHANGE OF ADDRESS NOT LATER THAN THE TUESDAY PRECEDING THE DAY OF A SPECIAL ELECTION, IF THE VOTER'S RESIDENCE HAS CHANGED FROM THE ADDRESS THAT IS ON FILE IN THE STATEWIDE VOTER REGISTRATION LIST TO ANOTHER LOCATION WITHIN THE STATE.

(E) THE LOCAL BOARD SHALL ISSUE A REPLACEMENT VOTE–BY–MAIL BALLOT TO A VOTER IF THE LOCAL BOARD HAS REASONABLE GROUNDS TO BELIEVE THAT A VOTE–BY–MAIL BALLOT PREVIOUSLY ISSUED TO THE VOTER HAS BEEN LOST, DESTROYED, SPOILED, OR NOT RECEIVED.

9–503.

(A) THE LOCAL BOARD SHALL ESTABLISH AT LEAST THREE VOTING CENTERS FOR THE USE OF ANY ELIGIBLE VOTER WHO CHOOSES TO CAST A BALLOT IN PERSON IN A SPECIAL ELECTION.

(B) A VOTING CENTER ESTABLISHED UNDER THIS SECTION SHALL:

(1) BE LOCATED WITHIN THE COUNTY COUNCIL DISTRICT OR BOARD OF EDUCATION DISTRICT WHERE THE SPECIAL ELECTION IS BEING HELD;

(2) PROVIDE ACCESS TO A VOTING SYSTEM THAT IS ACCESSIBLE TO VOTERS WITH DISABILITIES IN ACCORDANCE WITH THE FEDERAL AMERICANS WITH DISABILITIES ACT AND THE FEDERAL HELP AMERICA VOTE ACT;

(3) PROVIDE FOR PROVISIONAL VOTING IN ACCORDANCE WITH SUBTITLE 4 OF THIS TITLE;

(4) SATISFY THE REQUIREMENTS OF § 10–101 OF THIS ARTICLE; AND

(5) BE OPEN FOR VOTING DURING THE DAYS AND FOR THE HOURS THAT THE COUNTY COUNCIL DIRECTS IN THE RESOLUTION UNDER § 9–501(C) OF THIS SUBTITLE.

(C) IF NECESSARY TO EXPEDITE THE CONDUCT OF A SPECIAL ELECTION AND SUBJECT TO THE APPROVAL OF THE STATE BOARD, THE LOCAL BOARD MAY ESTABLISH A VOTING CENTER UNDER THIS SECTION DURING A PERIOD WHEN A CHANGE IN POLLING PLACES IS PROHIBITED UNDER § 2–303 OF THIS ARTICLE.

(D) THE PROCESS FOR APPLYING IN PERSON FOR AN ABSENTEE BALLOT AT THE OFFICE OF THE LOCAL BOARD UNDER § 9–305(C) OF THIS TITLE DOES NOT APPLY TO A SPECIAL ELECTION CONDUCTED BY MAIL.

(E) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ANY PROVISION OF THIS ARTICLE THAT APPLIES TO VOTING AT A POLLING PLACE ON ELECTION DAY ALSO APPLIES TO VOTING AT A VOTING CENTER ESTABLISHED UNDER THIS SECTION.

9–504.

(A) A VOTER MAY RETURN A VOTE–BY–MAIL BALLOT TO A LOCAL BOARD:

(1) BY MAIL;

(2) IN PERSON DURING REGULAR OFFICE HOURS; OR

(3) THROUGH A DULY AUTHORIZED AGENT IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

(B) (1) A VOTER MAY DESIGNATE A DULY AUTHORIZED AGENT IN ACCORDANCE WITH § 9–307 OF THIS TITLE TO RETURN A VOTE–BY–MAIL BALLOT TO A LOCAL BOARD DURING REGULAR OFFICE HOURS.

(2) NOTWITHSTANDING § 9–307(B)(4)(I) OF THIS TITLE, AN AGENT IS REQUIRED ONLY TO:

(I) WITNESS THE VOTER MARK THE BALLOT AND PLACE IT IN AN ENVELOPE; AND

(II) RETURN THE BALLOT TO A LOCAL BOARD.

9–505.

(A) A VOTE–BY–MAIL BALLOT IS CONSIDERED TIMELY AND MAY BE COUNTED IF THE BALLOT:

(1) IS RETURNED IN PERSON TO THE OFFICE OF THE LOCAL BOARD BY THE VOTER OR THE VOTER'S DULY AUTHORIZED AGENT NO LATER THAN 8 P.M. ON THE DAY OF A SPECIAL ELECTION; OR

(2) (I) IS RECEIVED BY MAIL BY THE LOCAL BOARD NO LATER THAN 10 A.M. ON THE SECOND FRIDAY AFTER A SPECIAL ELECTION; AND

(II) WAS MAILED ON OR BEFORE ELECTION DAY, AS VERIFIED:

1. BY A POSTMARK; OR

2. IF THE RETURN ENVELOPE DOES NOT CONTAIN A POSTMARK OR THE POSTMARK IS ILLEGIBLE, BY THE VOTER'S AFFIDAVIT THAT THE BALLOT WAS MAILED ON OR BEFORE ELECTION DAY.

(B) A VOTE–BY–MAIL BALLOT THAT DOES NOT MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION IS NOT TIMELY AND MAY NOT BE COUNTED.

9–506.

THE STATE BOARD MAY ADOPT REGULATIONS AS NECESSARY TO IMPLEMENT 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 Hixson, Chair, for the Committee on Ways and Means reported favorably:

House Bill 842 – Delegate Oaks

AN ACT concerning

Maryland Transit Administration – Free Ridership for State Employees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 927 – Calvert County Delegation

AN ACT concerning

Calvert County – Electronic Bingo

HB0927/145965/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 927
(First Reading File Bill)

On page 2, in line 27, strike "**2008**" and substitute "**2009**".

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:

House Bill 1005 – Washington County Delegation

AN ACT concerning

Washington County – Tip Jars – Accountability and Oversight

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 1081 – Delegate Rosenberg

AN ACT concerning

Homestead Property Tax Credit Reform Act of 2012

HB1081/405368/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1081
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 9 down through "circumstances;" in line 18.

On page 2, strike in their entirety lines 1 through 5, inclusive.

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 19 on page 3 through line 28 on page 4, inclusive.

AMENDMENT NO. 3

On page 4, in line 29, strike "3." and substitute "2."; in the same line, strike "Section 1 of"; in the same line, after "shall", insert "take effect June 1, 2012, and shall"; and strike in their entirety lines 31 and 32.

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 1213 – Delegates McComas, Impallaria, James, McDonough, Norman, Stifler, and Szeliga

AN ACT concerning

Harford County Board of Education – Student Member – Voting Rights

HB1213/315569/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1213

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegates McComas, Impallaria, James, McDonough, Norman, Stifler, and Szeliga" and substitute "Harford County

Delegation"; in line 2, strike "– Voting Rights"; in line 5, after "matters;" insert "providing that certain provisions of law relating to the payment of certain expenses for members of the Harford County Board of Education do not apply to the student member of the Board;"; in line 7, after "rights" insert "and expense allowance"; and in line 10, strike "and 3–6A–02" and substitute ", 3–6A–02, and 3–6A–04".

AMENDMENT NO. 2

On page 3, in lines 26 and 27, strike "**HARFORD COUNTY BOARD OF EDUCATION**" and substitute "**COUNTY BOARD**".

AMENDMENT NO. 3

On page 5, after line 23, insert:

"3–6A–04.

(a) Each **NONSTUDENT** member of the Harford County Board is entitled to receive $3,600 annually for travel and other expenses related to the performance of duties as a member of the board.

(b) Payments to a **NONSTUDENT** member for the expenses described in subsection (a) of this section shall be paid in 12 equal monthly installments.

(c) Subject to the approval of the board, a **NONSTUDENT** member may be reimbursed for additional travel and other expenses.".

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 1220 – Delegate Haynes

AN ACT concerning

Secondary Education – Electronic Reader Pilot Program in Baltimore City

HB1220/245369/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1220
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "in Baltimore City" and substitute "– Study"; strike beginning with "establishing" in line 3 down through "terms;" in line 12 and substitute "requiring the State Department of Education to study establishing an electronic reader pilot program in certain public middle schools or high schools in the State in accordance with certain requirements; requiring the Department to report certain findings and recommendations to certain committees of the General Assembly on or before a certain date; providing for the termination of this Act;"; and strike beginning with "the" in line 12 down through "City" in line 13 and substitute "studying the establishment of an electronic reader pilot program".

On page 1, strike in their entirety lines 14 through 19, inclusive; and in line 21, strike "the Laws of Maryland read as follows".

AMENDMENT NO. 2

On pages 1 through 4, strike in their entirety the lines beginning with line 22 on page 1 through line 18 on page 4, inclusive.

AMENDMENT NO. 3

On page 4, after line 18, insert:

"(a) The State Department of Education shall study establishing an electronic reader pilot program in the public middle schools or high schools in the State.

(b) The Department shall study:

(1) whether there is an educational benefit to making available to middle school or high school students in public schools required reading lists and reading list materials on electronic readers in conjunction with the library staff of the middle schools or high schools;

(2) whether it is advisable to limit the pilot program to local school systems that have 65% of their students who qualify for the free– and reduced–price lunch program;

(3) whether the pilot program would be most effective in middle schools or high schools;

(4) whether the minimum standards for a pilot program should include:

(i) the encouragement and development of students' familiarity with electronic readers and training for teachers to integrate the use of electronic readers into their curriculum;

(ii) the increased academic performance of the students participating in the pilot program; and

(iii) student performance evaluation indicators that illustrate how teachers' familiarity with electronic readers and the teaching resources that may be utilized with electronic readers increases the performance of students participating in the pilot program; and

(5) the projected costs of and savings from implementing the pilot program.

(c) The Department shall only consider the use of technology that meets the technical standards for electronic and information technology issued under Section 508 of the federal Rehabilitation Act of 1974, 29 U.S.C. § 794(a)(2).

(d) On or before December 31, 2012, the Department shall:

(1) determine whether to establish an electronic reader pilot program in public middle schools or high schools in the State; and

(2) report its findings and recommendations to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means, in accordance with § 2–1246 of the State Government Article.";

and in line 20, after "2012." insert "It shall remain effective for a period of 6 months and, at the end of December 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 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 1227 – Delegates Busch, Kaiser, Branch, Conway, Cullison, Gilchrist, Haddaway–Riccio, Kach, Luedtke, McComas, McHale, Mitchell, O'Donnell, Olszewski, Reznik, S. Robinson, Rudolph, Stukes, Waldstreicher, and Zucker

AN ACT concerning

Education – Core Content Areas – Accountability Program

HB1227/815761/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1227
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Zucker" and substitute "Zucker, Cardin, Fisher, Hixson, Howard, Ivey, A. Miller, Myers, Rosenberg, Ross, Serafini, Summers, and F. Turner"; in line 8, strike "design and"; in line 9, strike "social studies"; in line 10, strike "program" and substitute "programs"; in the same line, after "information" insert "and feedback"; in line 12, after "year;" insert "requiring the State Department of Education to conduct a certain statewide survey of public schools and public school teachers; requiring the Department to compile and publish the survey results on the Department's Web site;"; in line 14, strike "defining a certain term;"; in line 15, strike "Department of Education" and substitute "Board"; in the same line, strike "a"; in line 16, strike "State specific assessment" and substitute "State–specific assessments"; in the same line, strike the second "a"; in line 17, strike "determination is" and substitute "determinations are"; in the same line, strike "a"; in the same line, strike "grade band" and substitute "and high school level"; and in line 18, strike "assessment;" and substitute "assessments; requiring the Governor to include a certain appropriation in the fiscal year 2014 State budget bill if a certain amount of funding to administer a certain Maryland high school assessment is not provided in

the fiscal year 2013 State budget bill; prohibiting implementation of certain provisions of this Act under certain circumstances; defining a certain term;".

AMENDMENT NO. 2

On page 3, strike beginning with the colon in line 15 down through "**ONE**" in line 19 and substitute "**ONE**"; and in line 20, strike "**SPECIFIC**" and substitute "**CORE ACADEMIC**".

On page 4, in line 1, strike "**SOCIAL STUDIES**"; in line 6, strike "**AND**"; in line 8, strike "**IN SOCIAL STUDIES**"; after line 9, insert:

"**C. PROVIDE TIMELY FEEDBACK TO SCHOOLS AND TEACHERS FOR THE PURPOSES OF ADAPTING THE INSTRUCTIONAL PROGRAM AND MAKING PLACEMENT DECISIONS FOR STUDENTS; AND**";

strike beginning with "**AT**" in line 13 down through "**B.**" in line 18; strike beginning with "**STATE'S**" in line 21 down through "**CURRICULA**" in line 22 and substitute "**COMMON CORE CURRICULA OR THE STATE'S ADOPTED CURRICULA FOR THE CORE CONTENT AREAS OF READING, LANGUAGE, MATHEMATICS, SCIENCE, AND SOCIAL STUDIES**"; in line 23, strike "**C.**" and substitute "**B.**"; and in line 26, strike "**GOVERNMENT CURRICULA**" and substitute "**CURRICULA FOR THE CORE CONTENT AREAS OF READING, LANGUAGE, MATHEMATICS, SCIENCE, AND SOCIAL STUDIES**".

On page 5, after line 2, insert:

"**(3) (I) AFTER THE 2014–2015 SCHOOL YEAR, THE STATE BOARD SHALL DETERMINE WHETHER THE ASSESSMENTS AT THE MIDDLE SCHOOL AND HIGH SCHOOL LEVELS REQUIRED UNDER PARAGRAPH (2)(III)3 OF THIS SUBSECTION ADEQUATELY MEASURE THE SKILLS AND KNOWLEDGE SET FORTH IN THE STATE'S ADOPTED CURRICULA FOR THE CORE CONTENT AREAS OF READING, LANGUAGE, MATHEMATICS, SCIENCE, AND SOCIAL STUDIES.**

(II) IF THE STATE BOARD MAKES A DETERMINATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT AN ASSESSMENT DOES NOT ADEQUATELY MEASURE THE SKILLS AND KNOWLEDGE SET FORTH IN THE STATE'S ADOPTED CURRICULA FOR A CORE CONTENT AREA, THE DEPARTMENT

SHALL DEVELOP A STATE–SPECIFIC ASSESSMENT IN THAT CORE CONTENT AREA TO BE IMPLEMENTED IN THE 2016–2017 SCHOOL YEAR.";

AMENDMENT NO. 3

On page 5, after line 10, insert:

"**(E) (1) THE DEPARTMENT SHALL SURVEY A STATEWIDE, REPRESENTATIVE SAMPLE OF PUBLIC SCHOOLS AND PUBLIC SCHOOL TEACHERS ANNUALLY TO MEASURE:**

(I) THE AMOUNT OF INSTRUCTIONAL TIME SPENT ON SOCIAL STUDIES AND SCIENCE INSTRUCTION IN ELEMENTARY SCHOOLS;

(II) THE AVAILABILITY AND USE OF APPROPRIATE INSTRUCTIONAL RESOURCES AND TEACHING TECHNOLOGY IN SOCIAL STUDIES AND SCIENCE CLASSROOMS;

(III) THE AVAILABILITY AND USE OF APPROPRIATE PROFESSIONAL DEVELOPMENT FOR SOCIAL STUDIES AND SCIENCE TEACHERS; AND

(IV) THE NUMBER OF SECONDARY SCHOOL SOCIAL STUDIES AND SCIENCE CLASSES THAT ARE TAUGHT BY TEACHERS WHO ARE:

1. CERTIFIED IN THE SUBJECT BEING TAUGHT; AND

2. NOT CERTIFIED IN THE SUBJECT BEING TAUGHT.

(2) THE DEPARTMENT SHALL:

(I) COMPILE THE RESULTS OF THE SURVEY CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) PUBLISH THE RESULTS ON THE DEPARTMENT'S WEB SITE.";

and in lines 11 and 20, strike "(e)" and "(f)", respectively, and substitute "**(F)**" and "**(G)**", respectively.

AMENDMENT NO. 4

On page 5, strike in their entirety lines 23 through 28, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That if funding is not provided in the fiscal year 2013 State budget bill (Chapter (S.B. 150) of the Acts of the General Assembly of 2012) in an amount sufficient to administer the Maryland high school assessment for government to meet the requirements of this Act, the Governor shall include an appropriation in the fiscal year 2014 State budget bill in an amount sufficient to administer the Maryland high school assessment for government to meet the requirements of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That notwithstanding § 7–203(b) of the Education Article, as enacted by Section 1 of this Act, if the State Board of Education has not adopted an assessment to measure the common core curricula before July 30, 2014, then the requirements of § 7–203(b)(2)(iii)3A and (3)(i) for middle school assessments, as enacted by Section 1 of this Act, may not be implemented until the first day of school in the school year that follows the adoption of an assessment to measure the common core curricula by the State Board.";

and in line 29, strike "3." and substitute "4.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1248 – Delegates Ross, Beidle, Bohanan, James, Luedtke, Rudolph, and Valentino–Smith

AN ACT concerning

Income Tax Credit – Security Clearance Expenses

HB1248/695163/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1248
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Clearance Expenses" and substitute "Clearances – Employer Costs"; in line 5, after "clearances" insert "and to construct or renovate certain sensitive compartmented information facilities"; strike beginning with "requiring" in line 5 down through "certificates" in line 9 and substitute "providing for applications to the Department of Business and Economic Development for approval of the credit and certification by the Department to taxpayers of approved credit amounts; limiting the total amount of credits that the Department may approve for any calendar year to a certain amount; requiring the Department to approve a prorated credit for each applicant if the total amount applied for exceeds the maximum that may be approved; requiring certain individuals or certain corporations to file amended tax returns in a certain manner to claim a certain tax credit"; strike beginning with "providing" in line 9 down through "years;" in line 21; in line 24, after "Act;" insert "providing for the termination of certain provisions of this Act;"; and in line 26, strike "incurred to obtain" and substitute "related to".

AMENDMENT NO. 2

On page 2, strike beginning with "**THE**" in line 21 down through "**CLEARANCE**" in line 22 and substitute "**COSTS, AS DEFINED UNDER § 10–731 OF THIS TITLE, FOR SECURITY CLEARANCE ADMINISTRATIVE EXPENSES AND CONSTRUCTION AND EQUIPMENT COSTS INCURRED TO CONSTRUCT OR RENOVATE A SENSITIVE COMPARTMENTED INFORMATION FACILITY**"; in line 22, strike the first "**THE**" and substitute "**AN**"; and in line 23, strike "**CERTIFICATE**".

On page 3, in line 4, strike beginning with "**INCURRED**" through "**CLEARANCE**" and substitute "**FOR SECURITY CLEARANCE ADMINISTRATIVE EXPENSES AND CONSTRUCTION AND EQUIPMENT COSTS INCURRED TO CONSTRUCT OR RENOVATE A SENSITIVE COMPARTMENTED INFORMATION FACILITY**".

AMENDMENT NO. 3

On page 3, after line 7, insert:

"**(2) "COSTS" MEANS THE COSTS TO AN INDIVIDUAL OR CORPORATION FOR:**

(I) SECURITY CLEARANCE ADMINISTRATIVE EXPENSES INCLUDING, BUT NOT LIMITED TO:

1. PROCESSING APPLICATION REQUESTS FOR CLEARANCES;

2. MAINTAINING, UPGRADING, OR INSTALLING COMPUTER SYSTEMS REQUIRED TO OBTAIN FEDERAL SECURITY CLEARANCES; AND

3. TRAINING EMPLOYEES TO ADMINISTER THE APPLICATION PROCESS; AND

(II) CONSTRUCTION AND EQUIPMENT COSTS INCURRED TO CONSTRUCT OR RENOVATE A SENSITIVE COMPARTMENTED INFORMATION FACILITY ("SCIF") AS REQUIRED BY THE FEDERAL GOVERNMENT.";

in line 8, strike "**(2)**" and substitute "**(3)**"; strike in their entirety lines 10 through 12, inclusive; and strike in their entirety lines 15 through 31, inclusive, and substitute:

"**(B) SUBJECT TO THE LIMITATIONS OF THIS SECTION, FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2012, BUT BEFORE JANUARY 1, 2019, AN INDIVIDUAL OR A CORPORATION MAY CLAIM CREDITS AGAINST THE STATE INCOME TAX FOR:**

(1) SECURITY CLEARANCE ADMINISTRATIVE EXPENSES, NOT TO EXCEED $100,000; AND

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, CONSTRUCTION AND EQUIPMENT COSTS INCURRED TO CONSTRUCT OR RENOVATE A SINGLE SCIF IN AN AMOUNT EQUAL TO THE LESSER OF 50% OF THE COSTS OR $100,000.

(II) THE TOTAL AMOUNT OF CONSTRUCTION AND EQUIPMENT COSTS INCURRED TO CONSTRUCT OR RENOVATE MULTIPLE SCIFS

FOR WHICH AN INDIVIDUAL OR A CORPORATION IS ELIGIBLE TO CLAIM AS A CREDIT AGAINST THE STATE INCOME TAX IS $250,000.

(C) (1) BY SEPTEMBER 15 OF THE CALENDAR YEAR FOLLOWING THE END OF THE TAXABLE YEAR IN WHICH THE COSTS WERE INCURRED, AN INDIVIDUAL OR A CORPORATION SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT FOR THE CREDITS ALLOWED UNDER SUBSECTION (B)(1) AND (2) OF THIS SECTION.

(2) (I) THE TOTAL AMOUNT OF CREDITS APPROVED BY THE DEPARTMENT UNDER SUBSECTION (B) OF THIS SECTION MAY NOT EXCEED $2,000,000 FOR ANY CALENDAR YEAR.

(II) IF THE TOTAL AMOUNT OF CREDITS APPLIED FOR BY ALL INDIVIDUALS AND CORPORATIONS UNDER SUBSECTION (B) OF THIS SECTION EXCEEDS THE MAXIMUM SPECIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEPARTMENT SHALL APPROVE A CREDIT UNDER SUBSECTION (B) OF THIS SECTION FOR EACH APPLICANT IN AN AMOUNT EQUAL TO THE PRODUCT OF MULTIPLYING THE CREDIT APPLIED FOR BY THE APPLICANT TIMES A FRACTION:

1. THE NUMERATOR OF WHICH IS THE MAXIMUM SPECIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH; AND

2. THE DENOMINATOR OF WHICH IS THE TOTAL OF ALL CREDITS APPLIED FOR BY ALL APPLICANTS UNDER SUBSECTION (B) OF THIS SECTION IN THE CALENDAR YEAR.

(3) BY DECEMBER 15 OF THE CALENDAR YEAR FOLLOWING THE END OF THE TAXABLE YEAR IN WHICH THE COSTS WERE INCURRED, THE DEPARTMENT SHALL CERTIFY TO THE INDIVIDUAL OR CORPORATION THE AMOUNT OF TAX CREDITS APPROVED BY THE DEPARTMENT FOR THE INDIVIDUAL OR CORPORATION UNDER THIS SECTION.

(4) TO CLAIM THE APPROVED CREDITS ALLOWED UNDER THIS SECTION, AN INDIVIDUAL OR A CORPORATION SHALL:

(I) FILE AN AMENDED INCOME TAX RETURN FOR THE TAXABLE YEAR IN WHICH THE COSTS WERE INCURRED; AND

(II) ATTACH A COPY OF THE DEPARTMENT'S CERTIFICATION OF THE APPROVED CREDIT AMOUNT TO THE AMENDED INCOME TAX RETURN.".

On page 4, strike in their entirety lines 1 and 2, inclusive; in line 3, strike "**(C)**" and substitute "**(D)**"; strike beginning with "**(1)**" in line 3 down through "**(2)**" in line 7; and strike in their entirety lines 12 through 33, inclusive.

On page 5, strike in their entirety lines 1 through 13, inclusive; in lines 14 and 17, strike "**(F)**" and "**(G)**" respectively, and substitute "**(E)**" and "**(F)**" respectively; in line 16, strike beginning with "**AND**" through "**CREDIT**"; in line 20, strike beginning with "**CREDIT**" through "**ISSUED**" and substitute "**CREDITS CERTIFIED**"; in the same line, strike "**FISCAL**" and substitute "**CALENDAR**"; and in line 23, after "2011." insert "Section 10–731 of the Tax – General Article, as enacted by this Act, shall remain effective for a period of 4 years and, at the end of June 30, 2016, with no further action required by the General Assembly, it shall be abrogated and of no further force and effect. The Secretary of Business and Economic Development may not issue credit certificates under § 10–731 of the Tax – General Article, as enacted by this Act, for any fiscal year beginning on or after July 1, 2016.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB1248/403723/1
BY: Delegate Frick

AMENDMENT TO HOUSE BILL 1248, AS AMENDED

On page 3 of the Committee on Ways and Means Amendments (HB1248/695163/1), in line 2 of Amendment No. 3, strike "**2019**" and substitute "**2017**".

The preceding amendment was read and 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 1301 – Delegate Howard

AN ACT concerning

Sales and Use Tax – Machinery and Equipment – Energy Star Windows and Doors

Favorable report 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 481 – Delegates Lafferty, Kach, Aumann, Boteler, DeBoy, Frank, Impallaria, McDonough, and Morhaim

AN ACT concerning

Baltimore County – Elected School Board

HB0481/975165/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 481
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike beginning with "Delegates" down through "Morhaim" and substitute "Baltimore County Delegation"; and in line 17, after "board;" insert "providing for the staggering of the initial terms of the elected members of the county board;".

On page 2, after line 2, insert:

"BY repealing and reenacting, without amendments,
Article – Election Law
Section 8–801
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 4, in line 29, strike "**FIRST MONDAY IN DECEMBER AFTER**" and substitute "**FIRST DAY IN JULY IN THE YEAR FOLLOWING**".

AMENDMENT NO. 3

On page 6, in lines 10 and 12, in each instance, strike "**$3,000**" and substitute "**$100**".

AMENDMENT NO. 4

On page 7, in line 25, strike "**DECEMBER**" and substitute "**JULY**".

AMENDMENT NO. 5

On page 9, in line 6, strike "**AND**" and substitute:

"**(V) ARE MINDFUL OF SCHOOL ATTENDANCE BOUNDARIES AND FEEDER ALIGNMENTS FOR ELEMENTARY, MIDDLE, AND HIGH SCHOOLS; AND**";

in line 7, strike "**(V)**" and substitute "**(VI)**"; and strike in their entirety lines 12 through 16, inclusive, and substitute:

"**(H) THIRTY DAYS AFTER THE RELEASE OF THE SCHOOL BOARD REDISTRICTING COMMISSION RECOMMENDATIONS TO THE PUBLIC:**

(1) THE RECOMMENDATIONS SHALL TAKE EFFECT, UNLESS OTHERWISE DIRECTED BY A JUDICIAL AUTHORITY; AND

(2) THE SCHOOL BOARD REDISTRICTING COMMISSION FOR THAT CENSUS SHALL TERMINATE.".

AMENDMENT NO. 6

On page 12, after line 4, insert:

"Article – Election Law

8–801.

Except as otherwise provided in this subtitle and in Title 3 of the Education Article, the provisions of this article relating to the nomination and election of candidates to public office shall govern the nomination and election of members to an elected county board of education.".

AMENDMENT NO. 7

On page 12, in lines 6 and 7, strike "on November 30, 2014" and substitute "as follows:

(a) the terms of the appointed members, or their successors, of the county board from each of the seven councilmanic districts in Baltimore County who are in office on the effective date of this Act shall expire on June 30, 2015; and

(b) the terms of the four appointed members, or their successors, of the county board appointed at large who are in office on the effective date of this Act shall expire on June 30, 2017.

SECTION 3. AND BE IT FURTHER ENACTED, That the initial terms of the elected members of the Baltimore County Board of Education as required under this Act are staggered as follows:

(a) five members shall be elected to the county board at the general election of November 2014, one each from school board districts 1, 3, 5, 7, and 9, and serve for a term of 4 years, commencing on July 1, 2015; and

(b) four members shall be elected to the county board at the general election of November 2016, one each from school board districts 2, 4, 6, and 8, and serve for a term of 4 years, commencing on July 1, 2017";

and in line 8, strike "3." and substitute "4.".

The preceding 7 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 613 – Delegates Rosenberg, Mitchell, Branch, George, Ivey, Kaiser, Luedtke, Ross, and Walker

AN ACT concerning

Loan Assistance Repayment Program – Nancy Grasmick Teacher Scholars

HB0613/875369/1
BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 613
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Walker" and substitute "Walker, Cardin, Howard, A. Miller, and Stukes"; in lines 3, 11, 14, and 16, in each instance, strike "Grant" and substitute "Award"; strike beginning with "requiring" in line 4 down through "State;" in line 7; in line 10, after "schools" insert "in Maryland"; in line 14, after "include" insert ", for teacher applicants only,"; and in line 15, after "qualifications;" insert "prohibiting the Office from approving more than a certain percentage of awards for teacher applicants to Nancy Grasmick Teacher Scholars;".

AMENDMENT NO. 2

On page 2, in line 27, strike the brackets.

On pages 2 and 3, strike in their entirety the lines beginning with line 29 on page 2 through line 2 on page 3, inclusive.

On page 3, in line 15, after "**TAUGHT**" insert "**IN MARYLAND**"; and in lines 24 and 25, in each instance, strike "**GRANT**" and substitute "**AWARD**".

On page 4, in line 19, strike "**QUALIFIES**" and substitute "**FOR TEACHER APPLICANTS ONLY, QUALIFIES**"; in line 20, strike "**GRANT**" and substitute "**AWARD**"; after line 28, insert:

"**(B) THE OFFICE OF STUDENT FINANCIAL ASSISTANCE MAY NOT APPROVE MORE THAN 50% OF THE TOTAL NUMBER OF AWARDS FOR TEACHER APPLICANTS TO NANCY GRASMICK TEACHER SCHOLARS.**";

and in line 29, strike "(b)" and substitute "**(C)**".

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 965 – Delegates Barve and Branch

AN ACT concerning

Income Tax Credit – General Services Administration Schedules Program – Preparation Expenses

HB0965/765461/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 965
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "proposals;" insert "providing for the application to the Department of Business and Economic Development for approval of the credit and certification to taxpayers of approved credit amounts; limiting the total amount of credits that the Department may approve for any calendar year to a certain amount; requiring the Department to approve a prorated credit for each applicant if the total amount of credits applied for exceeds the maximum amount that may be approved; requiring certain individuals or certain corporations to file amended tax returns in a certain manner to claim a certain tax credit;".

AMENDMENT NO. 2

On page 1, after line 24, insert:

"**(2)** **"DEPARTMENT" MEANS THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT.**".

On page 2, in lines 1 and 14, strike "**(2)**" and "**(3)**", respectively, and substitute "**(3)**" and "**(4)**", respectively; after line 18, insert:

"**(5)** **"SECRETARY" MEANS THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT.**";

after line 32, insert:

"**(D)** **(1)** **BY SEPTEMBER 15 OF THE CALENDAR YEAR FOLLOWING THE END OF THE TAXABLE YEAR IN WHICH THE QUALIFIED PREPARATION EXPENSES WERE INCURRED, AN INDIVIDUAL OR A CORPORATION SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT FOR THE CREDIT ALLOWED UNDER THIS SECTION.**

(2) **(I)** **THE TOTAL AMOUNT OF CREDITS APPROVED BY THE DEPARTMENT UNDER THIS SECTION MAY NOT EXCEED $100,000 FOR ANY CALENDAR YEAR.**

(II) **IF THE TOTAL AMOUNT OF CREDITS APPLIED FOR BY ALL INDIVIDUALS AND CORPORATIONS UNDER THIS SECTION EXCEEDS THE MAXIMUM SPECIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEPARTMENT SHALL APPROVE A CREDIT UNDER THIS SECTION FOR EACH APPLICANT IN AN AMOUNT EQUAL TO THE PRODUCT OF MULTIPLYING THE CREDIT APPLIED FOR BY THE APPLICANT TIMES A FRACTION:**

1. **THE NUMERATOR OF WHICH IS THE MAXIMUM SPECIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH; AND**

2. **THE DENOMINATOR OF WHICH IS THE TOTAL OF ALL CREDITS APPLIED FOR BY ALL APPLICANTS UNDER THIS SECTION IN THE CALENDAR YEAR.**

(3) **BY DECEMBER 15 OF THE CALENDAR YEAR FOLLOWING THE END OF THE TAXABLE YEAR IN WHICH THE QUALIFIED PREPARATION EXPENSES**

WERE INCURRED, THE DEPARTMENT SHALL CERTIFY TO THE INDIVIDUAL OR CORPORATION THE AMOUNT OF TAX CREDITS APPROVED BY THE DEPARTMENT FOR THE INDIVIDUAL OR CORPORATION UNDER THIS SECTION.

(4) TO CLAIM THE APPROVED CREDITS ALLOWED UNDER THIS SECTION, AN INDIVIDUAL OR CORPORATION SHALL:

(I) FILE AN AMENDED INCOME TAX RETURN FOR THE TAXABLE YEAR IN WHICH THE COSTS WERE INCURRED; AND

(II) ATTACH A COPY OF THE DEPARTMENT'S CERTIFICATION OF THE APPROVED CREDIT AMOUNT TO THE AMENDED INCOME TAX RETURN.";

and in line 33, strike "**(D)**" and substitute "**(E)**".

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 975 – Delegates Kach, Boteler, and Olszewski

AN ACT concerning

Income Tax – Subtraction Modification – Forest Conservation and Management Program Expenses

HB0975/795368/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 975
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "Resources" insert "under certain circumstances".

AMENDMENT NO. 2

On page 2, in line 18, after "**RESOURCES**" insert "**, IF THE APPLICATION IS APPROVED BY THE DEPARTMENT**".

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 1281 – Chair, Baltimore County Delegation (By Request – Baltimore County Administration)

AN ACT concerning

Baltimore County – Cooperative or Joint Administration of Programs

HB1281/615569/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1281
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 3 and 7, in each instance, strike "County Council" and substitute "Board of Education"; and in line 5, after "programs" insert ", subject to a certain limitation".

AMENDMENT NO. 2

On page 2, in line 2, after "**(II)**" insert "**1.**"; in the same line, strike "**THE**" and substitute "**SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE**"; and after line 5, insert:

"**2. THE BOARD OF EDUCATION OF BALTIMORE COUNTY MAY ENTER INTO AN AGREEMENT UNDER THIS SUBPARAGRAPH RELATED TO PERSONNEL ONLY FOR PROGRAMS THAT ALSO RELATE TO PROGRAMS UNDER PARAGRAPH (2)(II) THROUGH (VIII) OF THIS SUBSECTION.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1401 – Delegates Oaks, Costa, Frank, Kipke, and Pena–Melnyk

AN ACT concerning

State Department of Education – Oral Health Education – Certification and Monitoring

HB1401/795168/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1401
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Pena–Melnyk" and substitute "Pena–Melnyk, and Stukes"; in line 2, strike "Certification and"; strike beginning with "requiring" in line 4 down through "year;" in line 6; in line 9, strike "each year" and substitute "at certain intervals"; and strike in their entirety lines 16 through 20, inclusive.

AMENDMENT NO. 2

On page 2, strike beginning with "**IN**" in line 7 down through "**(B)**" in line 12; strike beginning with "**AS**" in line 16 down through "**SECTION**" in line 17; and strike in their entirety lines 18 through 30, inclusive, and substitute:

"**(B) ON OR BEFORE DECEMBER 1, 2012, AND EVERY 5 YEARS THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, A SUMMARY OF THE INFORMATION REPORTED TO THE STATE SUPERINTENDENT DURING THE COMPREHENSIVE HEALTH EDUCATION COMAR CERTIFICATION PROCESS.**".

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 707 – Delegates Valentino–Smith, Cluster, Cullison, A. Kelly, McComas, McDermott, Parrott, Proctor, Valderrama, and Vallario

AN ACT concerning

Wrongful Death and Survival Causes of Action – Criminal Homicide – Time Limits for Bringing Civil Action

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

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 123 Members present.

(See Roll Call No. 693)

ADJOURNMENT

At 5:49 P.M. on motion of Delegate Barve the House adjourned until 3:00 P.M. on Legislative Day March 22, 2012, Calendar Day Monday, March 26, 2012.

Annapolis, Maryland
Legislative Day: March 22, 2012
Calendar Day: Monday, March 26, 2012

The House met at 3:24 P.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 122 Members present.

(See Roll Call No. 694)

The Journal of March 21, 2012 was read and approved.

EXCUSES:
Del. Donoghue – left briefly – medical
Del. Griffith – left early – illness
Del. Harrison – left early – illness
Del. Kipke – left early – family emergency
Del. McDonough – late – business
Del. Mitchell – left early – personal – daughter's birthday
Del. Sophocleus – illness
Del. V. Turner – medical

SPECIAL ORDERS

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

House Bill 1101 – The Speaker (By Request – Administration) and Delegates Barkley, Barnes, Guzzone, Hucker, Ivey, Malone, McHale, Ross, Valentino–Smith, and Vaughn

AN ACT concerning

Workers' Compensation – Medical Presumptions

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

Speaker Busch moved to make the Bill a Special Order for later this session.

The motion was adopted.

House Bill 1118 – Delegate Morhaim

AN ACT concerning

Nursing Home Administrator License – Revocation or Surrender – Ban on Employment

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

Read the second time and ordered prepared for Third Reading.

House Bill 167 – Delegates Hucker, Anderson, Arora, Barve, Bobo, Carr, Carter, Conaway, Cullison, Frush, Gilchrist, Holmes, Howard, A. Kelly, Lafferty, Luedtke, Oaks, Reznik, S. Robinson, Stein, Waldstreicher, and Washington

AN ACT concerning

Agriculture – Commercial Feed – Arsenic Prohibition

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

Delegate McMillan moved to make the Bill a Special Order for later this session.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 695)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #52

House Bill 130 – Delegates Arora, Conaway, McComas, McDermott, McMillan, Mitchell, and Washington

AN ACT concerning

Laser Safety Act

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

Affirmative – 136 Negative – 0 (See Roll Call No. 696)

The Bill was then sent to the Senate.

House Bill 158 – Delegates Beidle ~~and Vitale~~, Vitale, Summers, A. Miller, Boteler, Stukes, Walker, Myers, Kaiser, Ross, Hixson, Rosenberg, Howard, F. Turner, Cardin, Ivey, Frick, George, and Luedtke

AN ACT concerning

Property Tax – High Performance Building Tax Credit – National Green Building Standards

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

Affirmative – 136 Negative – 0 (See Roll Call No. 697)

The Bill was then sent to the Senate.

House Bill 239 – Frederick County Delegation

AN ACT concerning

Frederick County Board of Education – Membership and Employment

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

Affirmative – 134 Negative – 0 (See Roll Call No. 698)

The Bill was then sent to the Senate.

House Bill 443 – The Speaker (By Request – Administration) and Delegates Barnes, Gaines, Griffith, Hammen, Haynes, Hucker, Jones, Morhaim, Pena–Melnyk, Pendergrass, Proctor, V. Turner, ~~and Waldstreicher~~ Waldstreicher, Hubbard, Reznik, A. Kelly, Oaks, Donoghue, Nathan–Pulliam, Cullison, and Murphy

AN ACT concerning

Maryland Health Benefit Exchange Act of 2012

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

Affirmative – 94 Negative – 44 (See Roll Call No. 699)

The Bill was then sent to the Senate.

House Bill 923 – Delegates Lafferty, Beidle, Bromwell, Clippinger, Cluster, Holmes, Morhaim, Niemann, ~~and Summers~~ Summers, and Cardin

AN ACT concerning

Property Tax Credit – Neighborhood Conservation Act of 2012

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

Affirmative – 137 Negative – 0 (See Roll Call No. 700)

The Bill was then sent to the Senate.

House Bill 959 – Delegates Barve, Branch, ~~and Luedtke~~ Luedtke, Cardin, and Walker

AN ACT concerning

Recordation and Transfer Taxes – Transfer of Property Between Related Entities – Exemption

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

Affirmative – 138 Negative – 0 (See Roll Call No. 701)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #53

House Bill 97 – Delegate Anderson (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Hotel Room Tax – Convention Center Promotion

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

Affirmative – 105 Negative – 31 (See Roll Call No. 702)

The Bill was then sent to the Senate.

House Bill 726 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Property Tax Credit – Benefit Corporations and Benefit Limited Liability Companies
MC 13–12

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 sent to the Senate.

House Bill 897 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Property Tax – Installment Payment Schedule
PG 416–12

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

Affirmative – 138 Negative – 0 (See Roll Call No. 704)

The Bill was then sent to the Senate.

House Bill 898 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Property Tax – ~~Exemption for Economic Development Projects~~ Payment in Lieu of Taxes Agreements
PG 418–12

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

Affirmative – 137 Negative – 1 (See Roll Call No. 705)

The Bill was then sent to the Senate.

House Bill 1054 – Charles County Delegation

AN ACT concerning

Charles County – Property Tax Credit – Conservation Easements

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

Affirmative – 135 Negative – 2 (See Roll Call No. 706)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #55

House Bill 9 – ~~Delegate Howard~~ Delegates Howard, Cane, Healey, and B. Robinson

AN ACT concerning

Education – Children and Youth – Reporting of Information Concerning Student Health, Well–Being, and Growth

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

Affirmative – 138 Negative – 0 (See Roll Call No. 707)

The Bill was then sent to the Senate.

House Bill 135 – Carroll County Delegation

AN ACT concerning

Carroll 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. 708)

The Bill was then sent to the Senate.

House Bill 390 – Delegates Luedtke ~~and Reznik~~, Reznik, Afzali, Boteler, Cardin, Howard, Ivey, and F. Turner

AN ACT concerning

~~Libraries – Maryland~~ Task Force to Study the Establishment of a Deaf Culture Digital Library

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

Affirmative – 138 Negative – 0 (See Roll Call No. 709)

The Bill was then sent to the Senate.

House Bill 434 – Delegate O'Donnell

AN ACT concerning

Sales and Use Tax – Sales of Dyed Diesel Fuel

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

Affirmative – 136 Negative – 1 (See Roll Call No. 710)

The Bill was then sent to the Senate.

House Bill 439 – The Speaker (By Request – Administration) and Delegates Nathan–Pulliam, Cardin, Cullison, Hammen, Hixson, Holmes, Howard, Hubbard, Lee, Mizeur, Morhaim, Pena–Melnyk, Ross, ~~and V. Turner~~ V. Turner, Pendergrass, Oaks, A. Kelly, Tarrant, Donoghue, and Reznik

AN ACT concerning

Maryland Health Improvement and Disparities Reduction Act of 2012

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

Affirmative – 111 Negative – 23 (See Roll Call No. 711)

The Bill was then sent to the Senate.

House Bill 543 – Delegates Hough, Afzali, Cluster, Eckardt, Kach, Krebs, McComas, McDermott, Mitchell, Ready, Simmons, Smigiel, and Waldstreicher

AN ACT concerning

Criminal Procedure – Victim–Offender Mediation Program

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

Affirmative – 136 Negative – 0 (See Roll Call No. 712)

The Bill was then sent to the Senate.

House Bill 592 – Chair, Ways and Means Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Tax Credit for Businesses That Create New Jobs – Enhanced Credit – Extension

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

Affirmative – 133 Negative – 4 (See Roll Call No. 713)

The Bill was then sent to the Senate.

House Bill 774 – Delegate Waldstreicher

AN ACT concerning

Maryland General and Limited Power of Attorney Act

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

Affirmative – 137 Negative – 0 (See Roll Call No. 714)

The Bill was then sent to the Senate.

House Bill 802 – Prince George's County Delegation

AN ACT concerning

Education – Prince George's County School Board Budgets – Transparency
PG 410–12

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

Affirmative – 137 Negative – 0 (See Roll Call No. 715)

The Bill was then sent to the Senate.

House Bill 803 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Board of Education – Operation of Schools – Year–Round Basis
PG 405–12

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

Affirmative – 137 Negative – 1 (See Roll Call No. 716)

The Bill was then sent to the Senate.

House Bill 824 – Delegate Hammen (Chair, Health and Government Operations Committee)

AN ACT concerning

State Board of Physicians and Allied Health Advisory Committees – ~~Sunset Extension and Program Evaluation~~ Appointment and Term of Chair

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

Affirmative – 138 Negative – 0 (See Roll Call No. 717)

The Bill was then sent to the Senate.

House Bill 838 – ~~Delegate Kipke~~ Delegates Kipke, Hammen, Pendergrass, Bromwell, Costa, Cullison, Donoghue, Elliott, Frank, Hubbard, Kach, A. Kelly, Krebs, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Ready, Reznik, and Tarrant

AN ACT concerning

Health Insurance – Pharmacy Benefits Managers – Audits and Reimbursement of Pharmacies or Pharmacists

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

Affirmative – 138 Negative – 0 (See Roll Call No. 718)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #56

House Bill 884 – Delegates Summers, Bobo, Braveboy, Gaines, Healey, Holmes, Howard, Ivey, Jacobs, Jones, Kaiser, Lafferty, McDonough, Niemann, B. Robinson, Stocksdale, and Zucker

AN ACT concerning

Electric, Gas, Sewer, and Water Service – Default Notice to Condominium Unit Owners and Residents

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

Affirmative – 137 Negative – 0 (See Roll Call No. 719)

The Bill was then sent to the Senate.

House Bill 886 – Delegates Ivey, Barve, Cardin, Clippinger, Glenn, Kaiser, Lafferty, McIntosh, Mitchell, Pena–Melnyk, B. Robinson, Rosenberg, Ross, Walker, ~~and Washington~~ Washington, A. Miller, and Stukes

AN ACT concerning

Maryland After–School and Summer Opportunity Fund Program

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

Affirmative – 138 Negative – 0 (See Roll Call No. 720)

The Bill was then sent to the Senate.

House Bill 900 – Prince George's County Delegation and Montgomery County Delegation

AN ACT concerning

Prince George's County – Proposed Subdivisions – ~~Escrow Funds~~ Development Impact Fees for Traffic Mitigation PG/MC 109–12

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

Affirmative – 126 Negative – 11 (See Roll Call No. 721)

The Bill was then sent to the Senate.

House Bill 979 – Calvert County Delegation

AN ACT concerning

Calvert County – Annual Financial Report – Filing Date

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

Affirmative – 138 Negative – 0 (See Roll Call No. 722)

The Bill was then sent to the Senate.

House Bill 1006 – ~~Delegate Jones~~ Baltimore County Delegation

AN ACT concerning

Baltimore County – Public School Employees – Collective Bargaining Units

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

Affirmative – 95 Negative – 42 (See Roll Call No. 723)

The Bill was then sent to the Senate.

House Bill 1080 – ~~Delegate Walker~~ Delegates Walker, Cardin, Frick, Hixson, Howard, Ivey, Kaiser, A. Miller, Myers, Rosenberg, Stukes, Summers, and F. Turner

AN ACT concerning

Education – Student Athletes – Heat Acclimatization Guidelines

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

Affirmative – 137 Negative – 0 (See Roll Call No. 724)

The Bill was then sent to the Senate.

House Bill 1120 – Delegates Carter, Alston, Anderson, Barnes, Boteler, Braveboy, Cane, Dumais, Haynes, Holmes, Kach, K. Kelly, Lee, Mitchell, Nathan–Pulliam, Oaks, Proctor, B. Robinson, Rosenberg, Simmons, Smigiel, Stukes, Tarrant, F. Turner, Walker, and Washington

AN ACT concerning

Missing Children – Search Efforts and Collaboration (Phylicia's Law)

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

Affirmative – 137 Negative – 0 (See Roll Call No. 725)

The Bill was then sent to the Senate.

House Bill 1161 – Charles County Delegation

AN ACT concerning

Charles County – Assessment for Abatement of Zoning Violation

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

Affirmative – 137 Negative – 0 (See Roll Call No. 726)

The Bill was then sent to the Senate.

House Bill 1188 – Delegates Ross, Ivey, Summers, Vaughn, ~~and Walker~~ Walker, Cardin, and Frick

AN ACT concerning

State Department of Education – Lacrosse Opportunities Program

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

Affirmative – 136 Negative – 0 (See Roll Call No. 727)

The Bill was then sent to the Senate.

House Bill 1305 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – Authority to Establish Free Fishing Areas

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 sent to the Senate.

House Bill 1325 – Delegate O'Donnell

AN ACT concerning

Natural Resources – Crabs – Catch Times for Trotline Gear

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

Affirmative – 134 Negative – 1 (See Roll Call No. 729)

The Bill was then sent to the Senate.

House Bill 1456 – Delegate Mizeur

AN ACT concerning

Income Tax – Tax Credits – Electronic Filing Requirements

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

Affirmative – 137 Negative – 0 (See Roll Call No. 730)

The Bill was then sent to the Senate.

THE COMMITTEE ON APPROPRIATIONS REPORT #11

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

House Bill 1278 – Delegate Cardin

AN ACT concerning

Transportation – Institutions of Higher Education and State Employment Facilities – Bicycle and Pedestrian Access

HB1278/474261/1
BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1278
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "and State Employment Facilities"; strike beginning with "and" in line 4 down through "plan" in line 5 and substitute ", when it revises its facility master plan,"; in line 6, after "the" insert "institution's"; in line 7, strike "or employment facility"; and in line 9, strike "and State employment facilities".

AMENDMENT NO. 2

On page 1, in line 22, strike "**BY FISCAL YEAR 2014, EACH**" and substitute "**WHEN A PUBLIC INSTITUTION OF HIGHER EDUCATION REVISES ITS FACILITY MASTER PLAN, THE**"; and in line 23, strike "**AND STATE EMPLOYMENT FACILITY**".

On pages 1 and 2, strike beginning with "**DEVELOP**" in line 23 on page 1 down through "**ADDRESSES**" in line 1 on page 2 and substitute "**ADDRESS**".

On page 2, in lines 3, 4, and 9, in each instance, strike "**OR EMPLOYMENT FACILITY**"; and in lines 6 and 7, strike "**OR EMPLOYMENT FACILITY**".

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 the end of today's business.

The motion was adopted.

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

House Bill 1381 – Delegates Rudolph and James

AN ACT concerning

Maryland Higher Education Commission – Proposed 2+2 Facility on a Community College Campus – Approval Required

HB1381/594666/1
BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1381
(First Reading File Bill)

AMENDMENT NO. 1

In the sponsor line, strike "and James" and substitute "James, Szeliga, Aumann, Bates, and Stocksdale"; in line 3, strike "Approval" and substitute "Decision"; in line 4, strike "grant" and substitute "make"; in line 5, strike "approvals" and substitute "decisions"; in line 6, after "college" insert "on or before a certain date; requiring the Commission to report on the decisions made under this Act to certain

committees of the General Assembly on or before a certain date"; in line 6, strike "approval" and substitute "decision"; and in line 7, strike the first "of" and substitute "about".

AMENDMENT NO. 2

In line 9, after "That" insert ", on or before August 1, 2012,"; in the same line, strike "grant" and substitute "make"; in line 10, strike "approvals" and substitute "decisions"; and after line 22, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before August 1, 2012, the Maryland Higher Education Commission shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Budget and Taxation Committee, the Senate Education, Health, and Environmental Affairs Committee, and the House Appropriations Committee, on the decisions made under Section 1 of this Act.";

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

Senate Bill 47 – Senator Madaleno

EMERGENCY BILL

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #17

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

House Bill 1365 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Restitution and Other Payments – Referral to the Central Collection Unit

HB1365/672012/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1365
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Criminal Procedure" and substitute "Department of Juvenile Services"; in the same line, strike "and Other Payments"; in line 4, strike "Division of Parole and Probation and the"; in lines 5 and 6, strike "payments, court costs, fines, fees, or"; strike beginning with "authorizing" in line 7 down through "accounts;" in line 12; and in line 16, strike "and 11–618".

AMENDMENT NO. 2

On pages 1 and 2, strike beginning with "The" in line 23 on page 1 down through "Unit**]**" in line 6 on page 2 and substitute:

"**(1) IN ADDITION TO OTHER ACTIONS AUTHORIZED UNDER PART I OF THIS SUBTITLE:**

(I) THE DIVISION MAY REFER AN OVERDUE RESTITUTION ACCOUNT FOR COLLECTION TO THE CENTRAL COLLECTION UNIT; AND

(II) THE DEPARTMENT OF JUVENILE SERVICES MAY REFER A RESTITUTION ACCOUNT FOR COLLECTION TO THE CENTRAL COLLECTION UNIT.

(2) IF PROBATION OR OTHER SUPERVISION IS TERMINATED AND RESTITUTION IS STILL OWED, THE DIVISION OR THE DEPARTMENT OF

JUVENILE SERVICES SHALL REFER THE OVERDUE RESTITUTION ACCOUNT FOR COLLECTION TO THE CENTRAL COLLECTION UNIT".

On page 2, in line 8, strike "**FUNDS**" and substitute "**RESTITUTION**"; in lines 10, 11, and 32, in each instance, strike the brackets; in lines 10 and 32, in each instance, strike "**AN**"; in line 25, strike the comma and substitute "**OR**"; and in line 27, strike "**OR ANY OTHER COST, FINE, FEE, OR ACCOUNT HAS BEEN PAID IN FULL,**".

On page 3, in lines 1 and 12, in each instance, strike the bracket.

On pages 3 and 4, strike in their entirety the lines beginning with line 13 on page 3 through line 30 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.

THE COMMITTEE ON WAYS AND MEANS REPORT #14

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

House Bill 1214 – Delegates Kaiser, Carr, A. Miller, and Stukes

AN ACT concerning

Education – Public High Schools – Maximum Student Enrollment Policy

HB1214/685261/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1214
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "High"; in the same line, after "Policy" insert "– Study"; strike beginning with "each" in line 3 down through "entities" in line 11 and substitute "the State Department of Education to study the establishment of a policy on maximum student enrollment in public schools on or before a certain date;

requiring the Department to submit a certain report on or before a certain date to the General Assembly; providing for the termination of this Act"; in line 11, after "to" insert "a study of"; in line 12, strike "high"; and strike in their entirety lines 13 through 17, inclusive.

AMENDMENT NO. 2

On page 1, in line 19, strike "the Laws of Maryland read as follows".

On pages 1 through 3, strike in their entirety the lines beginning with line 20 on page 1 through line 21 on page 3, inclusive, and substitute:

"(a) On or before December 31, 2013, the State Department of Education shall study:

(1) Whether counties currently have policies regarding the size of schools, including high schools, middle schools, elementary schools, and alternative schools;

(2) Best practices in other states regarding school size;

(3) The educational and extracurricular impacts of school size;

(4) What factors contribute to large school sizes and how might the State mitigate those factors;

(5) What would be the ideal size for high schools, middle schools, elementary schools, and alternative schools;

(6) What process might help ensure appropriate public input into the establishment of any school size standard or guideline;

(7) Whether models exist for the creation of smaller schools, including the subdivision of existing schools into multiple administrative units within the same campus, which share common areas such as cafeterias and sports fields;

(8) The potential impacts on the school construction program of establishing stricter policies regarding smaller schools;

(9) The costs and impacts on zoning of building new schools and how those costs can be reduced;

(10) School boundaries and attendance areas and how those affect school size; and

(11) Whether opportunities are available for alternative methods to create space for smaller schools, including the purchase and renovation of existing buildings, where available, and including suburban and urban school design.

(b) On or before December 31, 2013, the State Department of Education shall submit a report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on whether the State should establish a maximum school size policy or guideline or require local school systems to establish a maximum school size policy or guideline for each jurisdiction.".

On page 3, in line 23, after the period insert "It shall remain effective for a period of 3 years and, at the end of June 30, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 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 339 – Delegate Niemann

AN ACT concerning

Admissions and Amusement Tax – Returns and Penalties

STATUS OF BILL: BILL ON 3RD READING.

Delegate O'Donnell moved to reconsider the vote by which **House Bill 339** was ordered printed for Third Reading.

The motion was adopted.

FLOOR AMENDMENT

HB0339/403020/1
BY: Delegate O'Donnell

AMENDMENT TO HOUSE BILL 339
(Bill as Printed for Third Reading)

On page 2, in lines 2, 8, 13, and 19, in each instance, strike "**5 YEARS**" and substitute "**1 YEAR**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 1331 – Delegates Carr, Beidle, Bobo, Cane, Frush, Hucker, Luedtke, Niemann, Reznik, S. Robinson, Stein, and Weir

AN ACT concerning

Residential Property Sales – Disclosure of Utility Consumption

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

Read the second time and ordered prepared for Third Reading.

House Bill 167 – Delegates Hucker, Anderson, Arora, Barve, Bobo, Carr, Carter, Conaway, Cullison, Frush, Gilchrist, Holmes, Howard, A. Kelly, Lafferty, Luedtke, Oaks, Reznik, S. Robinson, Stein, Waldstreicher, and Washington

AN ACT concerning

Agriculture – Commercial Feed – Arsenic Prohibition

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

FLOOR AMENDMENT

HB0167/183021/1
BY: Delegate McMillan

AMENDMENTS TO HOUSE BILL 167, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 5, before "and" insert "providing for a delayed effective date;".

AMENDMENT NO. 2

On page 1 of the Environmental Matters Committee Amendments (HB0167/890411/1), in line 3 of Amendment No. 2, after "effect" insert "with respect to the specific arsenical additive receiving approval by the U.S. Food and Drug Administration under 21 C.F.R. Part 514,"; and strike in their entirety lines 5 through 10, inclusive, and substitute:

"(1) approves the use of the arsenical additive; and

(2) includes in its approval an evaluation of:

(i) human food safety;

(ii) impact on the environment;

(iii) safety to animals;

(iv) effectiveness of the drug for its intended use; and

(v) chemistry and manufacturing procedures.".

AMENDMENT NO. 3

On page 2 of the bill, in line 2, strike "October 1, 2012" and substitute "January 1, 2013".

The preceding 3 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 1262 – Delegates Hucker, S. Robinson, and Weir

AN ACT concerning

Environment – Asbestos Worker Protection

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

Read the second time and ordered prepared for Third Reading.

House Bill 1101 – The Speaker (By Request – Administration) and Delegates Barkley, Barnes, Guzzone, Hucker, Ivey, Malone, McHale, Ross, Valentino–Smith, and Vaughn

AN ACT concerning

Workers' Compensation – Medical Presumptions

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

FLOOR AMENDMENT

HB1101/843192/2
BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1101
(First Reading File Bill)

On page 3, in line 17, strike "**ESOPHAGEAL**" and substitute "**MULTIPLE MYELOMA, NON–HODGKIN'S LYMPHOMA**".

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 136 Members present.

(See Roll Call No. 731)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #54

House Bill 59 – ~~**Delegates McConkey, Costa, Dwyer, George, McMillan, Schuh, Sophocleus, and Vitale**~~ **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 – 136 Negative – 0 (See Roll Call No. 732)

The Bill was then sent to the Senate.

House Bill 120 – ~~**Delegates Sophocleus, Beidle, Costa, Dwyer, Frush, George, Kipke, Love, and Vitale**~~ **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 – 132 Negative – 2 (See Roll Call No. 733)

The Bill was then sent to the Senate.

House Bill 125 – Frederick County Delegation and Washington County Delegation

AN ACT concerning

Frederick County and Washington County – Property Tax Credit – Job Creation by Small Businesses

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

Affirmative – 137 Negative – 0 (See Roll Call No. 734)

The Bill was then sent to the Senate.

House Bill 136 – Carroll County Delegation

AN ACT concerning

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 735)

The Bill was then sent to the Senate.

House Bill 216 – Washington County Delegation

AN ACT concerning

Washington County – Distribution of Amounts to Town of Williamsport – Payments in Lieu of Property Taxes on Electricity Generation Facilities

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

Affirmative – 137 Negative – 0 (See Roll Call No. 736)

The Bill was then sent to the Senate.

House Bill 224 – Delegate Beitzel

AN ACT concerning

Garrett County – Hotel Rental Tax ~~Rate~~

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

Affirmative – 105 Negative – 28 (See Roll Call No. 737)

The Bill was then sent to the Senate.

House Bill 518 – Frederick County Delegation

AN ACT concerning

Frederick County – Tax Sales – Auctioneer's Fees

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

Affirmative – 134 Negative – 0 (See Roll Call No. 738)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #57

House Bill 7 – Delegate Olszewski

AN ACT concerning

Criminal Law – Betting, Wagering, and Gambling – Fantasy Competition

Delegate McHale moved the previous question.

The motion was adopted.

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

Affirmative – 115 Negative – 15 (See Roll Call No. 739)

The Bill was then sent to the Senate.

House Bill 249 – The Speaker (By Request – Judicial Compensation Commission)

AN ACT concerning

Judges' Retirement System – Compensation, Contribution Rates ~~for New Members~~, and Vesting Requirements

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

Affirmative – 129 Negative – 1 (See Roll Call No. 740)

The Bill was then sent to the Senate.

House Bill 279 – Delegate Barkley

AN ACT concerning

Maryland Automobile Insurance Fund – Claims for Bodily Injury or Death – Payment Limitation

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

Affirmative – 113 Negative – 23 (See Roll Call No. 741)

The Bill was then sent to the Senate.

House Bill 325 – Delegates Conway and McDermott

EMERGENCY BILL

AN ACT concerning

Slot Machines for Nonprofit Organizations on the Eastern Shore – Uses of Proceeds

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

Affirmative – 131 Negative – 0 (See Roll Call No. 742)

The Bill was then sent to the Senate.

House Bill 401 – Delegates McHale, Clippinger, and Hammen

AN ACT concerning

Baltimore City – Alcoholic Beverages – Refillable Containers

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

Affirmative – 134 Negative – 1 (See Roll Call No. 743)

The Bill was then sent to the Senate.

House Bill 481 – ~~Delegates Lafferty, Kach, Aumann, Boteler, DeBoy, Frank, Impallaria, McDonough, and Morhaim~~ Baltimore County Delegation

AN ACT concerning

Baltimore County – Elected School Board

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

Affirmative – 124 Negative – 8 (See Roll Call No. 744)

The Bill was then sent to the Senate.

House Bill 499 – ~~Delegate Niemann~~ Delegates Niemann and Frush

AN ACT concerning

Vehicle Laws – Disposition of Vehicle to Automotive Dismantler and Recycler or Scrap Processor

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

Affirmative – 135 Negative – 0 (See Roll Call No. 745)

The Bill was then sent to the Senate.

House Bill 510 – ~~Delegates Cluster, Boteler, and Bromwell~~ Baltimore County Delegation

AN ACT concerning

Baltimore County Revenue Authority – Purchases – Competitive Bidding

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

Affirmative – 136 Negative – 0 (See Roll Call No. 746)

The Bill was then sent to the Senate.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #15

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

House Bill 512 – Delegate Beitzel

AN ACT concerning

Environment – Garrett County Sanitary District – Imposition of Late Fees

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 1333 – Delegates Frush, McIntosh, Bobo, Healey, Holmes, Hubbard, Lafferty, Murphy, Niemann, S. Robinson, and Stein

AN ACT concerning

Environment – Nitrogen Removal Technology – Payment of Cost Differential

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 1411 – Delegates George, Frush, and Lafferty

AN ACT concerning

Environment – Water Management Administration – Wetlands and Waterways Program Fees

HB1411/910617/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1411
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "major" in line 4 down through "projects" in line 5; in line 5, in each instance, strike the comma; and in line 6, after "modifications;" insert "prohibiting certain fees from being modified without legislative enactment;".

AMENDMENT NO. 2

On page 5, in line 20, strike "**, $2,000 AND A FEE FOR**" and substitute "**WITH**"; in line 23, strike the brackets; and in the same line, strike "**$500**".

AMENDMENT NO. 3

On page 6, in line 2, strike "**$2,000**" and substitute "**$1,500**".

AMENDMENT NO. 4

On page 7, in line 27, strike "prior to January 1, 2012" and substitute "**WITHOUT LEGISLATIVE ENACTMENT**".

AMENDMENT NO. 5

On page 9, in line 12, after "**RATE**" insert "**FOR CABLES, PIPELINES, OR SIMILAR STRUCTURES**".

The preceding 5 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 134 Members present.

(See Roll Call No. 747)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #58

House Bill 965 – Delegates Barve and Branch

AN ACT concerning

Income Tax Credit – General Services Administration Schedules Program – Preparation Expenses

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

Affirmative – 126 Negative – 8 (See Roll Call No. 748)

The Bill was then sent to the Senate.

House Bill 975 – Delegates Kach, Boteler, and Olszewski

AN ACT concerning

Income Tax – Subtraction Modification – Forest Conservation and Management Program Expenses

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

Affirmative – 130 Negative – 5 (See Roll Call No. 749)

The Bill was then sent to the Senate.

House Bill 1005 – Washington County Delegation

AN ACT concerning

Washington County – Tip Jars – Accountability and Oversight

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

Affirmative – 135 Negative – 0 (See Roll Call No. 750)

The Bill was then sent to the Senate.

House Bill 1081 – Delegate Rosenberg

AN ACT concerning

Homestead Property Tax Credit Reform Act of 2012

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

Affirmative – 103 Negative – 33 (See Roll Call No. 751)

The Bill was then sent to the Senate.

House Bill 1089 – Calvert County Delegation

AN ACT concerning

Calvert County – Appointment of Assistant Sheriff – Candidates

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

Affirmative – 137 Negative – 0 (See Roll Call No. 752)

The Bill was then sent to the Senate.

House Bill 1117 – Delegates Hershey and Jameson

AN ACT concerning

Zoning, Construction, and Stormwater – Permits and Variances – Solar Panels

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

Affirmative – 137 Negative – 0 (See Roll Call No. 753)

The Bill was then sent to the Senate.

House Bill 1121 – Delegates Guzzone, Anderson, Clagett, Haynes, Jones, K. Kelly, Washington, and Zucker

AN ACT concerning

~~Correctional Services~~ Parole and Probation – Employee Caseloads – Disciplinary Actions

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

Affirmative – 102 Negative – 31 (See Roll Call No. 754)

The Bill was then sent to the Senate.

House Bill 1122 – Delegates Valderrama, Anderson, Lee, F. Turner, and Valentino–Smith

AN ACT concerning

Juveniles – Confinement in Juvenile Facilities – Report

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

Affirmative – 135 Negative – 1 (See Roll Call No. 755)

The Bill was then sent to the Senate.

House Bill 1180 – Delegates Rudolph and Malone

AN ACT concerning

Vehicle Laws – Required Security – Electronic Reporting Requirements

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

Affirmative – 136 Negative – 1 (See Roll Call No. 756)

The Bill was then sent to the Senate.

House Bill 1213 – ~~Delegates McComas, Impallaria, James, McDonough, Norman, Stifler, and Szeliga~~ Harford County Delegation

AN ACT concerning

Harford County Board of Education – Student Member ~~– Voting Rights~~

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

Affirmative – 138 Negative – 0 (See Roll Call No. 757)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #59

House Bill 1220 – Delegate Haynes

AN ACT concerning

Secondary Education – Electronic Reader Pilot Program ~~in Baltimore City~~ – Study

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

Affirmative – 138 Negative – 0 (See Roll Call No. 758)

The Bill was then sent to the Senate.

House Bill 1227 – Delegates Busch, Kaiser, Branch, Conway, Cullison, Gilchrist, Haddaway–Riccio, Kach, Luedtke, McComas, McHale, Mitchell, O'Donnell, Olszewski, Reznik, S. Robinson, Rudolph, Stukes, Waldstreicher, ~~and Zucker~~ Zucker, Cardin, Fisher, Hixson, Howard, Ivey, A. Miller, Myers, Rosenberg, Ross, Serafini, Summers, and F. Turner

AN ACT concerning

Education – Core Content Areas – Accountability Program

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

Affirmative – 138 Negative – 0 (See Roll Call No. 759)

The Bill was then sent to the Senate.

House Bill 1248 – Delegates Ross, Beidle, Bohanan, James, Luedtke, Rudolph, and Valentino–Smith

AN ACT concerning

Income Tax Credit – Security ~~Clearance Expenses~~ Clearances – Employer Costs

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

Affirmative – 100 Negative – 38 (See Roll Call No. 760)

The Bill was then sent to the Senate.

House Bill 1268 – Delegates Barnes, Davis, Feldman, Hershey, Impallaria, and W. Miller

AN ACT concerning

Business Occupations and Professions – Plumbers – Lead–Free Materials

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

Affirmative – 138 Negative – 0 (See Roll Call No. 761)

The Bill was then sent to the Senate.

House Bill 1281 – Chair, Baltimore County Delegation (By Request – Baltimore County Administration)

AN ACT concerning

Baltimore County – Cooperative or Joint Administration of Programs

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

Affirmative – 137 Negative – 0 (See Roll Call No. 762)

The Bill was then sent to the Senate.

House Bill 1301 – Delegate Howard

AN ACT concerning

Sales and Use Tax – Machinery and Equipment – Energy Star Windows and Doors

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

Affirmative – 138 Negative – 0 (See Roll Call No. 763)

The Bill was then sent to the Senate.

House Bill 1329 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Washington Suburban Transit Commission – Washington Metropolitan Area Transit Authority Board of Directors – Membership

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

Affirmative – 138 Negative – 0 (See Roll Call No. 764)

The Bill was then sent to the Senate.

House Bill 1372 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Natural Resources – Commercial Fishing Licenses, Authorizations, and Permits

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

Affirmative – 115 Negative – 23 (See Roll Call No. 765)

The Bill was then sent to the Senate.

House Bill 1419 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Natural Resources – Hunting Licenses and Stamps

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

Affirmative – 62 Negative – 69 (See Roll Call No. 766)

House Bill 1427 – Delegates Jameson and Schuh

AN ACT concerning

Electricity – ~~Certificate of Public Convenience and Necessity –~~ Construction of Overhead Transmission Lines and Wind Generating Stations

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

Affirmative – 127 Negative – 8 (See Roll Call No. 767)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #60

House Bill 742 – Delegate Barnes

AN ACT concerning

Bail Bondsmen – ~~Qualifications for Licensure –~~ Acceptance of Installment Contracts

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

Affirmative – 132 Negative – 3 (See Roll Call No. 768)

The Bill was then sent to the Senate.

House Bill 916 – Delegate Braveboy

AN ACT concerning

State Retirement and Pension System – Study of Asset Management

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

Affirmative – 135 Negative – 0 (See Roll Call No. 769)

The Bill was then sent to the Senate.

House Bill 920 – Delegate Rosenberg

AN ACT concerning

Maryland Uniform Athlete Agents Act – Definitions and Prohibitions

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

Affirmative – 136 Negative – 0 (See Roll Call No. 770)

The Bill was then sent to the Senate.

House Bill 924 – Delegate Beitzel

AN ACT concerning

Vehicle Laws – Local Authority – Use of Highways by Snowmobiles

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

Affirmative – 137 Negative – 0 (See Roll Call No. 771)

The Bill was then sent to the Senate.

House Bill 927 – Calvert County Delegation

AN ACT concerning

Calvert County – Electronic Bingo

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 929 – Delegates Stein, Frush, and Niemann

AN ACT concerning

Environment – Recycling Rates and Waste Diversion – Statewide Goals

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

Affirmative – 116 Negative – 21 (See Roll Call No. 773)

The Bill was then sent to the Senate.

House Bill 930 – Delegates Proctor, Vallario, Anderson, Aumann, Beitzel, Bohanan, Clagett, Gutierrez, Guzzone, Haynes, Hucker, James, Jones, K. Kelly, McConkey, Mitchell, Mizeur, B. Robinson, Sophocleus, Stocksdale, Stukes, Valderrama, Washington, Wood, and Zucker

AN ACT concerning

Correctional Services – Correctional Officer – Emergency Suspension Rescinded

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

Affirmative – 137 Negative – 0 (See Roll Call No. 774)

The Bill was then sent to the Senate.

House Bill 983 – Delegates Frush and Hubbard

AN ACT concerning

Chesapeake and Atlantic Coastal Bays Critical Area – Prohibition – Junk and Scrap Metal Facilities

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

Affirmative – 136 Negative – 0 (See Roll Call No. 775)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #61

House Bill 764 – Delegates Frick, Afzali, Arora, Bobo, Carr, Clagett, DeBoy, Hixson, Howard, Lafferty, Luedtke, McMillan, Mizeur, Pendergrass, Stein, Stocksdale, Summers, ~~and Zucker~~ Zucker, and A. Miller

AN ACT concerning

Tax Credit Evaluation Act

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

Affirmative – 101 Negative – 36 (See Roll Call No. 776)

The Bill was then sent to the Senate.

House Bill 804 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Special Elections – ~~Reduction of Polling Places~~ Voting by Mail
PG 404–12

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

Affirmative – 107 Negative – 29 (See Roll Call No. 777)

The Bill was then sent to the Senate.

House Bill 806 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Investment Division – Salary Setting

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

Affirmative – 101 Negative – 36 (See Roll Call No. 778)

The Bill was then sent to the Senate.

House Bill 807 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Contribution Rates and Reinvestment of Savings – Technical Clarifications

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

Affirmative – 137 Negative – 0 (See Roll Call No. 779)

The Bill was then sent to the Senate.

House Bill 841 – Delegates Frick, Dumais, Eckardt, Feldman, Frank, George, Gilchrist, Haddaway–Riccio, Hixson, Hucker, Kach, A. Kelly, Kipke, Krebs, Lee, McDermott, McDonough, McMillan, A. Miller, Ready, Reznik, Schuh, Stocksdale, ~~and Waldstreicher~~ Waldstreicher, Bromwell, Morhaim, and Pendergrass

AN ACT concerning

Food Service Facilities – Open Windows and Doors ~~– Regulations~~

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

Affirmative – 135 Negative – 0 (See Roll Call No. 780)

The Bill was then sent to the Senate.

House Bill 842 – Delegate Oaks

AN ACT concerning

Maryland Transit Administration – Free Ridership for State Employees

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

Affirmative – 96 Negative – 39 (See Roll Call No. 781)

The Bill was then sent to the Senate.

House Bill 865 – Delegates Pena–Melnyk, Barnes, Braveboy, Bromwell, Cardin, Carr, Clagett, Guzzone, Healey, Hucker, Ivey, A. Kelly, Kipke, Lafferty, Mitchell, Mizeur, Nathan–Pulliam, Oaks, Olszewski, Reznik, Rosenberg, Stein, Summers, F. Turner, V. Turner, and Zucker

AN ACT concerning

State Procurement – Disclosure ~~of the Relocation of Jobs to a Foreign Country~~ – Location of the Performance of Services

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

Affirmative – 136 Negative – 0 (See Roll Call No. 782)

The Bill was then sent to the Senate.

House Bill 907 – Delegates McIntosh and Hixson

AN ACT concerning

Environment – Natural Gas Production – Severance Tax

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

Affirmative – 82 Negative – 51 (See Roll Call No. 783)

The Bill was then sent to the Senate.

House Bill 913 – Delegate Davis

AN ACT concerning

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

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

Affirmative – 134 Negative – 0 (See Roll Call No. 784)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #62

House Bill 701 – Montgomery County Delegation

AN ACT concerning

Montgomery County Board of Education – Student Member – Voting
MC 9–12

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

Affirmative – 119 Negative – 13 (See Roll Call No. 785)

The Bill was then sent to the Senate.

House Bill 707 – Delegates Valentino–Smith, Cluster, Cullison, A. Kelly, McComas, McDermott, Parrott, Proctor, Valderrama, and Vallario

AN ACT concerning

Wrongful Death and Survival Causes of Action – Criminal Homicide – Time Limits for Bringing Civil Action

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

Affirmative – 132 Negative – 0 (See Roll Call No. 786)

The Bill was then sent to the Senate.

House Bill 724 – Delegates Kaiser, Carr, Frick, Luedtke, B. Robinson, Stocksdale, Stukes, Summers, Washington, and Zucker

AN ACT concerning

State Department of Education – School Guidance Counselors and Pupil Personnel Workers – Reporting

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

Affirmative – 113 Negative – 20 (See Roll Call No. 787)

The Bill was then sent to the Senate.

House Bill 725 – Montgomery County Delegation

AN ACT concerning

Montgomery County – County Council Special Elections – Voting by Mail
MC 5–12

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

Affirmative – 104 Negative – 31 (See Roll Call No. 788)

The Bill was then sent to the Senate.

House Bill 1401 – Delegates Oaks, Costa, Frank, Kipke, ~~and Pena–Melnyk~~ Pena–Melnyk, and Stukes

AN ACT concerning

State Department of Education – Oral Health Education – ~~Certification and~~ Monitoring

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

Affirmative – 133 Negative – 1 (See Roll Call No. 789)

The Bill was then sent to the Senate.

House Bill 1429 – Delegates Lee, Nathan–Pulliam, Alston, Arora, Beidle, Bobo, Braveboy, Burns, Cane, Carr, Conaway, Cullison, Eckardt, Frick, Frush, Gaines, George, Glenn, Gutierrez, Harrison, Healey, Howard, Jones, A. Kelly, Love, Luedtke, McComas, A. Miller, Pena–Melnyk, B. Robinson, Stukes, Tarrant, Valderrama, ~~and Washington~~ Washington, Hammen, Pendergrass, Bromwell, Donoghue, Elliott, Frank, Hubbard, Kach, Kipke, McDonough, Morhaim, Murphy, Oaks, Ready, and Reznik

AN ACT concerning

State Government – Statue of Harriet Tubman

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

Affirmative – 133 Negative – 0 (See Roll Call No. 790)

The Bill was then sent to the Senate.

House Bill 1435 – Delegates Stukes ~~and Mitchell~~, Mitchell, Bromwell, Donoghue, Kach, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, and Tarrant

EMERGENCY BILL

AN ACT concerning

Maryland Veterans Commission – Membership – Revision

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

Affirmative – 134 Negative – 0 (See Roll Call No. 791)

The Bill was then sent to the Senate.

House Bill 1438 – Delegate Clagett

AN ACT concerning

City of Frederick – Criminal History Records Check – Taxi Driver ~~and Tow Truck Driver~~ Applicants

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

Affirmative – 134 Negative – 1 (See Roll Call No. 792)

The Bill was then sent to the Senate.

House Bill 1446 – Delegates Otto and McDermott

AN ACT concerning

Somerset and Worcester Counties – Deer Hunting on Private Property – Sundays

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

Affirmative – 121 Negative – 11 (See Roll Call No. 793)

The Bill was then sent to the Senate.

House Bill 1448 – Queen Anne's County Delegation

AN ACT concerning

Queen Anne's County – Deer Hunting on Private Property – Sundays

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

Affirmative – 119 Negative – 14 (See Roll Call No. 794)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #63

House Bill 568 – Delegate Rosenberg

AN ACT concerning

Sustainable Communities Tax Credit Program – Credit Allocation

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

Affirmative – 121 Negative – 13 (See Roll Call No. 795)

The Bill was then sent to the Senate.

House Bill 572 – Delegates George, Afzali, Aumann, Barnes, Bates, Beidle, Beitzel, Bohanan, Boteler, Burns, Clagett, Cluster, Costa, Davis, DeBoy, Dwyer, Eckardt, Elliott, Feldman, Frank, Frick, Frush, Glass, Haddaway–Riccio, Hershey, Hogan, Hough, Impallaria, Ivey, Jacobs, James, Kach, K. Kelly, Kipke, Krebs, Love, McComas, McConkey, McDermott, McMillan, W. Miller, Minnick, Murphy, Myers, Norman, O'Donnell, Olszewski, Otto, Parrott, Ready, B. Robinson, Schuh, Schulz, Serafini, Sophocleus, Stocksdale, Szeliga, Valentino–Smith, Vitale, Weir, Wood, and Zucker

AN ACT concerning

~~Elected Public Officials – Criminal Acts – Forfeiture or Suspension of Retirement Benefits~~
Task Force to Study Retirement Benefits for Public Officials

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

Affirmative – 135 Negative – 0 (See Roll Call No. 796)

The Bill was then sent to the Senate.

House Bill 576 – The Speaker (By Request – Administration) and Delegates Arora, Bohanan, Clagett, Gaines, Griffith, Healey, Hixson, Holmes, Howard, James, Jones, Lafferty, Lee, Love, A. Miller, Niemann, Proctor, Ross, Rudolph, Summers, ~~and Washington~~ Washington, Beidle, Glenn, Guzzone, Tarrant, Walker, B. Robinson, Mizeur, and Zucker

AN ACT concerning

Public–Private Partnerships

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

Affirmative – 80 Negative – 53 (See Roll Call No. 797)

The Bill was then sent to the Senate.

House Bill 590 – Chair, Ways and Means Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Horse Racing – Maryland Standardbred Race Fund Advisory Committee – Registration of Horses

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

Affirmative – 126 Negative – 0 (See Roll Call No. 798)

The Bill was then sent to the Senate.

House Bill 596 – Delegates Kaiser, Barkley, Cullison, Gutierrez, Ivey, A. Kelly, Luedtke, Reznik, S. Robinson, Stukes, Summers, and Zucker

AN ACT concerning

Child with a Disability – Individualized Education Program Meeting – Document Access

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

Affirmative – 126 Negative – 1 (See Roll Call No. 799)

The Bill was then sent to the Senate.

House Bill 597 – Chair, Ways and Means Committee (By Request – Departmental – Labor, Licensing and Regulation)

EMERGENCY BILL

AN ACT concerning

Horse Racing – Mile Thoroughbred Racetracks – Payment of Taxes and Impact Aid and Arabian Breed Racing Authorization

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

Affirmative – 131 Negative – 0 (See Roll Call No. 800)

The Bill was then sent to the Senate.

House Bill 613 – Delegates Rosenberg, Mitchell, Branch, George, Ivey, Kaiser, Luedtke, Ross, ~~and Walker~~ Walker, Cardin, Howard, A. Miller, and Stukes

AN ACT concerning

Loan Assistance Repayment Program – Nancy Grasmick Teacher Scholars

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

Affirmative – 128 Negative – 4 (See Roll Call No. 801)

The Bill was then sent to the Senate.

House Bill 640 – Delegates Serafini, Dwyer, Glass, ~~and Ready~~ Ready, Afzali, Barve, Boteler, Cardin, Frick, George, Hixson, Howard, Ivey, Kaiser, Luedtke, A. Miller, Myers, Rosenberg, Ross, Stukes, F. Turner, and Walker

AN ACT concerning

Income Tax – Subtraction Modification – Credit Card Debt Forgiveness

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

Affirmative – 132 Negative – 0 (See Roll Call No. 802)

The Bill was then sent to the Senate.

House Bill 670 – Delegates Hough, Waldstreicher, Bates, and B. Robinson

AN ACT concerning

Earned Compliance Credit and Reinvestment Act of 2012

Delegate Cane moved the previous question.

The motion was adopted.

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

Affirmative – 89 Negative – 43 (See Roll Call No. 803)

The Bill was then sent to the Senate.

House Bill 679 – Delegates Nathan–Pulliam, Braveboy, Burns, Gaines, Gutierrez, Howard, Hubbard, Ivey, Jones, Morhaim, Murphy, Oaks, B. Robinson, Ross, Tarrant, V. Turner, and Valderrama

AN ACT concerning

Cultural Competency and Health Literacy – Education

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

Affirmative – 132 Negative – 0 (See Roll Call No. 804)

The Bill was then sent to the Senate.

THE COMMITTEE ON WAYS AND MEANS REPORT #15

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

House Bill 1218 – Delegate Ivey

AN ACT concerning

Public Charter Schools – Chartering Authorities, Application Requirements, Employees, and Facility Funding

HB1218/175367/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1218
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute "Task Force to Study the Improvement of Maryland Public Charter Schools".

On pages 1 and 2, strike beginning with "authorizing" in line 4 on page 1 down through "regulations" in line 9 on page 2 and substitute "establishing a Task Force to Study the Improvement of Maryland Public Charter Schools; providing for the

membership and duties of the Task Force; providing for the designation of a chair of the Task Force; requiring the State Department of Education to provide staff for the Task Force; prohibiting members of the Task Force from receiving compensation; authorizing a member to receive certain reimbursement; 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".

On page 2, strike beginning with "chartering" in line 9 down through "schools" in line 10 and substitute "the establishment of a Task Force to Study the Improvement of Maryland Public Charter Schools"; and strike in their entirety lines 11 through 35, inclusive.

AMENDMENT NO. 2

On page 2, in line 37, strike "the Laws of Maryland read as follows".

On pages 2 through 17, strike in their entirety the lines beginning with line 38 on page 2 through line 12 on page 17, inclusive, and substitute:

"(a) There is a Task Force to Study the Improvement of Maryland Public Charter Schools.

(b) The Task Force consists of 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 State Superintendent of Education, or the Superintendent's designee;

(4) two representatives of the Maryland Association of Boards of Education, appointed by the Executive Director; and

(5) the following nine members, appointed by the Governor:

(i) one additional representative of the State Department of Education;

(ii) two representatives of the charter school community;

(iii) two representatives of charter school operators, one from Baltimore City and one from outside of Baltimore City;

(iv) one parent of a public school student; and

(v) three representatives of public school employees, one from the Baltimore Teachers Union, one from the Maryland State Education Association, and one who represents administrators.

(c) The Governor shall designate the chair of the Task Force.

(d) The State Department of Education 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:

(1) study the use of federal definitions relating to high quality charter schools;

(2) evaluate the current charter school application process and reauthorization process for effectiveness and fairness, including the appeals process;

(3) study whether additional authorizers are needed, what organizations might be appropriate authorizers, and how that process would work with county boards of education as the current authorizing authority;

(4) study whether existing government–owned buildings might be able to be used for charter school facilities and how charter school facilities might be funded;

(5) review procedures for ensuring the input of charter school operators in appointing principals and other leadership positions for charter schools; and

(6) study any other issue that the Task Force agrees to study that affects Maryland's ability to apply for the federal Charter School Grant Award Program, which provides funds to State education agencies for planning and development grants to charter schools.

(g) On or before September 30, 2013, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.".

On page 17, in line 14, after the period insert "It shall remain effective for a period of 2 years and, at the end of June 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 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 1278 – Delegate Cardin

AN ACT concerning

Transportation – Institutions of Higher Education and State Employment Facilities – Bicycle and Pedestrian Access

STATUS OF BILL: BILL ON 2ND READING. 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 131 Members present.

(See Roll Call No. 805)

ADJOURNMENT

At 7:46 P.M. on motion of Delegate Barve the House adjourned until 7:46 P.M. on Legislative Day March 23, 2012, Calendar Day Monday, March 26, 2012.

Annapolis, Maryland
Legislative Day: March 23, 2012
Calendar Day: Monday, March 26, 2012

The House met at 7:46 P.M. and pledged Allegiance to the Flag.

Prayer by Speaker Michael E. Busch of Anne Arundel County.

QUORUM CALL

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

(See Roll Call No. 806)

The Journal of March 22, 2012 was read and approved.

EXCUSES:
Del. Griffith – illness
Del. Harrison – illness
Del. Kipke – family emergency
Del. Mitchell – personal – daughter's birthday
Del. Sophocleus – illness
Del. V. Turner – medical

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #64

House Bill 167 – Delegates Hucker, Anderson, Arora, Barve, Bobo, Carr, Carter, Conaway, Cullison, Frush, Gilchrist, Holmes, Howard, A. Kelly, Lafferty, Luedtke, Oaks, Reznik, S. Robinson, Stein, Waldstreicher, and Washington

AN ACT concerning

Agriculture – Commercial Feed – Arsenic Prohibition

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

Affirmative – 102 Negative – 27 (See Roll Call No. 807)

The Bill was then sent to the Senate.

House Bill 339 – Delegate Niemann

SECOND PRINTING

AN ACT concerning

Admissions and Amusement Tax – Returns and Penalties

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

Affirmative – 105 Negative – 26 (See Roll Call No. 808)

The Bill was then sent to the Senate.

House Bill 1101 – The Speaker (By Request – Administration) and Delegates Barkley, Barnes, Guzzone, Hucker, Ivey, Malone, McHale, Ross, Valentino–Smith, and Vaughn

AN ACT concerning

Workers' Compensation – Medical Presumptions

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

Affirmative – 96 Negative – 34 (See Roll Call No. 809)

The Bill was then sent to the Senate.

House Bill 1118 – Delegate Morhaim

AN ACT concerning

Nursing Home Administrator License – Revocation or Surrender – Ban on Employment

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

Affirmative – 130 Negative – 2 (See Roll Call No. 810)

The Bill was then sent to the Senate.

House Bill 1214 – Delegates Kaiser, Carr, A. Miller, and Stukes

AN ACT concerning

Education – Public ~~High~~ Schools – Maximum Student Enrollment Policy – Study

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

Affirmative – 132 Negative – 0 (See Roll Call No. 811)

The Bill was then sent to the Senate.

House Bill 1365 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

~~Criminal Procedure~~ Department of Juvenile Services – Restitution ~~and Other Payments~~ – Referral to the Central Collection Unit

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

Affirmative – 131 Negative – 2 (See Roll Call No. 812)

The Bill was then sent to the Senate.

House Bill 1381 – Delegates Rudolph ~~and James~~, James, Szeliga, Aumann, Bates, and Stocksdale

AN ACT concerning

Maryland Higher Education Commission – Proposed 2+2 Facility on a Community College Campus – ~~Approval~~ Decision Required

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

Affirmative – 133 Negative – 1 (See Roll Call No. 813)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #65

House Bill 1411 – Delegates George, Frush, and Lafferty

AN ACT concerning

Environment – Water Management Administration – Wetlands and Waterways Program Fees

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

Affirmative – 132 Negative – 1 (See Roll Call No. 814)

The Bill was then sent to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 132 Members present.

(See Roll Call No. 815)

ADJOURNMENT

At 8:04 P.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Legislative Day March 24, 2012, Calendar Day Tuesday, March 27, 2012.

Annapolis, Maryland
Legislative Day: March 24, 2012
Calendar Day: Tuesday, March 27, 2012

The House met at 11:06 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Kathy Szeliga of Baltimore and Harford counties.

QUORUM CALL

The presiding officer announced a quorum call, showing 128 Members present.

(See Roll Call No. 816)

The Journal of March 23, 2012 was read and approved.

EXCUSES:
Del. Bobo – personal – family
Del. George – business
Del. Hershey – business
Del. Malone – funeral
Del. McConkey – business
Del. W. Miller – business
Del. Ross – business
Del. Sophocleus – illness
Del. V. Turner – medical
Del. Vitale – business

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 76 – Senators Kelley, DeGrange, Forehand, Jacobs, Manno, Montgomery, ~~and Rosapepe~~ Rosapepe, Raskin, Shank, and Reilly

AN ACT concerning

Criminal Law – Controlled Dangerous Substances – Research – Synthetic Cannabinoids

FOR the purpose of authorizing a certain authorized provider to conduct research in the State with certain controlled dangerous substances not scheduled under

federal law under certain circumstances; listing ~~certain chemical compounds, known as~~ synthetic cannabinoids, on Schedule I for purposes of designating controlled dangerous substances that may not be legally used, possessed, or distributed; defining a certain term; and generally relating to controlled dangerous substances.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 5–101(a)
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

BY adding to
Article – Criminal Law
Section 5–101(ff)
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 5–304 and 5–402(d)
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

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

Senate Bill 82 – Senator Zirkin

AN ACT concerning

Maryland Automobile Insurance Fund – Claims for Bodily Injury or Death – Payment Limitation

FOR the purpose of increasing the maximum amounts payable from the Maryland Automobile Insurance Fund for certain claims on account of injury to or death of one individual and of more than one individual arising from a motor vehicle accident; providing for the allocation of certain penalties among certain funds on or after a certain date; providing for the application of this Act; and generally relating to claims against the Maryland Automobile Insurance Fund.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 20–602
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Transportation
Section 17–106(e)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 238 – The President (By Request – Administration) and Senators King, Madaleno, Manno, Montgomery, Peters, Pinsky, Pugh, Raskin, Robey, ~~and Rosapepe~~ Rosapepe, Kelley, Klausmeier, and Middleton

AN ACT concerning

Maryland Health Benefit Exchange Act of 2012

FOR the purpose of requiring the Board of Trustees of the Maryland Health Benefit Exchange, subject to a certain waiver, to submit certain regulations to certain legislative committees under certain circumstances; requiring the Board to have a certain number of standing advisory committees; requiring the Maryland Health Benefit Exchange to make certain qualified dental plans and qualified vision plans available to certain individuals and employers in a certain manner and on or before a certain date; requiring the Exchange, to the extent necessary, to modify a certain format to accommodate differences in certain plan options; requiring the Exchange to establish and implement certain navigator programs; prohibiting the Exchange from making available any vision plan that is not a qualified vision plan; authorizing the Exchange to enter into certain agreements or memoranda of understanding with another state under certain circumstances; requiring the Exchange to seek to achieve a certain enrollment and ~~use a certain market impact to pursue certain objectives~~ decrease the number of State residents without health insurance coverage; authorizing the Exchange to employ certain alternative contracting options and active purchasing strategies under certain circumstances and for a certain purpose; requiring certain participation requirements for certain carriers to be suspended under certain circumstances; requiring the Exchange, before employing an alternative contracting option or active purchasing strategy, to submit a certain plan, within a certain timeframe, to certain legislative committees for review and comment; providing that the SHOP Exchange shall be a separate insurance market within the Exchange for small employers and may not be merged with the individual market of the Individual Exchange; requiring the SHOP Exchange to be designed in a certain manner; requiring the SHOP Exchange to allow qualified employers to designate a certain coverage level ~~or~~, or a carrier or a certain insurance holding company system, for a certain purpose; authorizing the SHOP Exchange to allow qualified employers to designate certain qualified dental plans and qualified vision plans to be made available to their employees; authorizing the SHOP Exchange to reassess and modify the design of the SHOP Exchange under certain circumstances; requiring the SHOP Exchange to implement any modification of offerings and

choice through regulations adopted by the SHOP Exchange; establishing certain navigator programs for the SHOP Exchange and the Individual Exchange; establishing certain requirements for the navigator programs; ~~authorizing~~ requiring a SHOP Exchange navigator program and an Individual Exchange navigator program to take certain actions; establishing certain duties of a SHOP Exchange navigator and an Individual Exchange navigator; prohibiting a SHOP Exchange navigator and an Individual Exchange navigator from taking certain actions; prohibiting the Maryland Insurance Commissioner, in the Commissioner's role as a member of the Board, from participating in certain matters under certain circumstances; providing that a carrier is not responsible for the activities and conduct of a SHOP Exchange navigator, an Individual Exchange navigator entity, or an Individual Exchange navigator; establishing a certain licensing process and qualifications for SHOP Exchange navigators; requiring the SHOP Exchange and the Exchange to establish and administer certain insurance producer authorization ~~programs~~ processes; requiring the SHOP Exchange and the Exchange to develop, implement, and update certain training programs; requiring the Individual Exchange to consult with the Commissioner and the Department of Health and Mental Hygiene for a certain purpose; requiring the Commissioner to enter into certain memoranda of understanding; authorizing the Commissioner to require the Individual Exchange to make certain information available to the Commissioner and submit a certain corrective plan under certain circumstances; requiring the Exchange to establish and administer a certain Individual Exchange navigator certification program; specifying the consumer assistance services that are required, and are not required, to be provided by an Individual Exchange navigator; providing for the authorization of Individual Exchange navigator entities; specifying the scope of the authorization; authorizing and requiring an Individual Exchange navigator entity to take certain actions; prohibiting an Individual Exchange navigator entity from receiving certain compensation and providing certain information or services; authorizing the Commissioner to take certain disciplinary actions against an Individual Exchange navigator entity under certain circumstances; establishing certain qualifications for certification as an Individual Exchange navigator; authorizing the ~~Maryland Insurance~~ Commissioner to take certain disciplinary actions against certain individuals under certain circumstances; requiring the Commissioner, the Exchange, the SHOP Exchange, and the Individual Exchange to adopt certain regulations; providing that certain provisions of this Act may not prohibit certain organizations or units of government from providing certain services, subject to certain requirements; providing that certain provisions of this Act do not require certain programs to provide certain financial support to the Individual Exchange for certain services; requiring certain financing arrangements between the Exchange and certain programs to be governed by a certain memorandum of agreement; requiring the Exchange to certify certain dental plans as qualified dental plans and certain vision plans as qualified vision plans; altering certain requirements for certification as a qualified health plan; authorizing the Exchange to determine whether a carrier may elect to include certain nonessential benefits in a qualified health plan; providing that a

qualified health plan is not required to provide certain essential benefits under certain circumstances; altering certain provisions of law relating to the offering and pricing of oral and dental benefits; establishing certain requirements for qualified vision plans offered through the Exchange; providing that a managed care organization may not be required to offer a certain plan in the Exchange; authorizing the Exchange to establish additional requirements for qualified dental plans under certain circumstances; providing for the selection of the State benchmark plan; providing for the implementation and operation of certain reinsurance and risk adjustment programs; requiring the Exchange to establish a certain fraud, waste, and abuse detection and prevention program; prohibiting certain health insurance carriers from offering certain health benefit plans in the small group market or the individual market ~~under certain circumstances~~ unless the carriers also offer certain health benefit plans in the SHOP Exchange and the Individual Exchange; establishing certain exemptions to the requirement that the carriers offer the plans; requiring the Commissioner to establish certain procedures for a carrier to submit certain evidence relating to certain exemptions; authorizing the Commissioner, in consultation with the Exchange, to assess the impact of certain exemptions and alter the exemptions based on the assessment; requiring certain health insurance carriers to offer a certain catastrophic plan in the Exchange; defining certain terms; repealing and altering certain definitions; making certain stylistic ~~and~~, clarifying, and conforming changes; providing for the construction of certain provisions of this Act; requiring the Exchange to conduct certain studies, in consultation with certain entities and persons, and report certain findings and recommendations to the Governor and the General Assembly on or before certain dates; establishing a certain joint legislative and executive committee; requiring the committee to conduct a certain study, in consultation with certain entities and stakeholders, of financing mechanisms for the Exchange and to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing that certain requirements of this Act shall be subject to certain clarification; authorizing the Board to adopt interim policies for a certain purpose, pending adoption of regulations and after receiving certain comment; providing for the effective dates of this Act; and generally relating to health insurance regulation and the Maryland Health Benefit Exchange.

BY renumbering
Article – Insurance
Section 31–110
to be Section 31–118
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–101.1
Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–1204, 15–1205, 15–1303, 31–101, 31–102(d), 31–106(c) and (g), 31–108, 31–109, and 31–111
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article – Insurance
Section 15–1204.1, 31–109 through 31–114, 31–116, and 31–117
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 257 – Senator Colburn

SECOND PRINTING

AN ACT concerning

Education – Talbot County – Participation in High School Athletic Programs

FOR the purpose of allowing certain students to participate in certain interscholastic athletic activities of other schools in Talbot County under certain circumstances; requiring a student to transfer to a certain school under certain circumstances; providing that a student's participation in a certain interscholastic athletic activity at other schools may ~~require the schools'~~ change ~~of~~ certain classifications; ~~requiring a certain school to change a certain classification under certain circumstances;~~ requiring certain parents or guardians of certain students to provide transportation under certain circumstances to other schools in Talbot County at the expense of the parents or guardians; prohibiting the Talbot County Board of Education from being required to pay for or provide certain transportation for certain students; and generally relating to participation in high school athletic programs.

BY adding to
Article – Education
Section 4–127
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 261 – Senators Glassman, Jacobs, and Jennings

AN ACT concerning

Northeast Maryland Higher Education Advisory Board

FOR the purpose of establishing the Northeast Maryland Higher Education Advisory Board; providing for the composition, appointment, and terms of the Board members; providing for a chair of the Board and the establishment of certain committees; prohibiting Board members from receiving certain compensation but entitling Board members to reimbursement for certain expenses; providing for the powers and duties of the Board; authorizing the Board to apply, accept, and expend certain gifts, appropriations, or grants; authorizing the Board to adopt a corporate seal; requiring the Board to keep certain records and be subject to certain audits; requiring the Advisory Board to the Higher Education and Conference Center at HEAT to take a certain action on or before a certain date; declaring the intent of the General Assembly; defining certain terms; and generally relating to the establishment of the Northeast Maryland Higher Education Advisory Board.

BY adding to
Article – Education
Section 24–901 through 24–904 to be under the new subtitle "Subtitle 9. Northeast Maryland Higher Education Advisory Board"
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Senate Bill 264 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Raffles

FOR the purpose of repealing in Frederick County a certain limitation on the number of certain raffles that may be held on a single day; authorizing the Board of County Commissioners of Frederick County to determine the number of permits to conduct a raffle that certain organizations in Frederick County may receive in a calendar year; and generally relating to raffles in Frederick County.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 13–1304(a) and (b)
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–1304(f)(2)
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

BY adding to
Article – Criminal Law
Section 13–1304(f)(4)
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 272 – Senators Peters~~, Astle, Kittleman~~, ~~and Klausmeier~~ Pugh, Young, Astle, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, and Muse

AN ACT concerning

Labor and Employment – Workplace Fraud Act – Revisions

FOR the purpose of ~~repealing a certain presumption that certain work performed by an individual creates an employer–employee relationship except under certain circumstances; defining the term "independent contractor" as used in the Workplace Fraud Act; making conforming changes;~~ establishing an exception for an employer that produces certain documents for inspection to the presumption that an employer–employee relationship exists for purposes of the Workplace Fraud Act; authorizing an employer to comply with a certain requirement to provide records by producing copies of the records; altering the number of days within which an employer is required to produce certain records; requiring the Commissioner to take certain action regarding an alleged violation of the Workplace Fraud Act within a certain time after the Commissioner receives certain records from an employer; providing that an employer is entitled to a certain hearing within a certain number of days after the hearing is requested unless the right is waived; altering a certain provision of law regarding the issuance of citations by the Commissioner for violations of the Workplace Fraud Act; and generally relating to the Workplace Fraud Act.

~~BY renumbering~~
~~Article – Labor and Employment~~
~~Section 3–901(e) through (h), respectively~~
~~to be Section 3–901(f) through (i), respectively~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2011 Supplement)~~

~~BY adding to~~

~~Article – Labor and Employment~~
~~Section 3–901(c)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2011 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section ~~3–903 and 3–904~~ 3–903, 3–905(d) and (e), 3–906, and 3–913
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – Labor and Employment
Section 3–903.1
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 3–905(c)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Senate Bill 273 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Administrative and Operational Expenses – Certifications and Notifications

FOR the purpose of altering the timing of a certain reimbursement to certain accumulation funds for certain administrative and operational expenses of the Board of Trustees for the State Retirement and Pension System and the State Retirement Agency; requiring that certain reimbursements to certain accumulation funds be done in a certain manner; requiring the Board of Trustees to offset certain reimbursements in a certain manner; requiring the Board of Trustees ~~for the State Retirement and Pension System~~ to send certain certifications and notifications of the amounts payable by local employers for administrative and operational expenses of the Board of Trustees and the State Retirement Agency on or before ~~certain dates~~ a certain date; and generally relating to certain certifications and notifications of the amounts payable by local employers for administrative and operational expenses of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–303(d) and 21–316
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 294 – Senators Miller, Young, Astle, Benson, Brinkley, Colburn, DeGrange, Dyson, Edwards, Garagiola, Getty, Glassman, Jacobs, Jennings, Kasemeyer, King, Klausmeier, Manno, Mathias, McFadden, Middleton, Montgomery, Peters, Pinsky, Pipkin, Reilly, Robey, Shank, ~~and Stone~~ Stone, Forehand, Jones–Rodwell, Kittleman, and Simonaire

AN ACT concerning

Family Farm Preservation Act of 2012

FOR the purpose of altering the determination of the Maryland estate tax under certain circumstances to exclude from the value of the gross estate the value of certain agricultural property; limiting the Maryland estate tax imposed on certain agricultural property above a certain amount; defining certain terms; providing for the recapture of certain Maryland estate tax under certain circumstances; requiring the Comptroller to adopt certain regulations; providing for the application of this Act; and generally relating to the Maryland estate tax.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 7–309
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 296 – Senators Manno, Miller, Astle, Benson, Brinkley, Colburn, Conway, Currie, DeGrange, Edwards, Forehand, Garagiola, Glassman, Jacobs, Jones–Rodwell, Kasemeyer, King, Klausmeier, Mathias, McFadden, Peters, Pipkin, Pugh, Ramirez, Reilly, Robey, Stone, and Young

AN ACT concerning

Income Tax Credit – Security ~~Clearance Expenses~~ Clearances – Employer Costs

FOR the purpose of allowing an individual or a corporation to claim a credit against the State income tax for certain costs incurred to obtain federal security

clearances and to construct or renovate certain sensitive compartmented information facilities; ~~requiring the Department of Business and Economic Development to provide an application process for the credit at least a certain number of times each fiscal year; providing for the total amount of credit certificates that may be issued during a certain application period; providing for the distribution of credit certificates~~ providing for applications to the Department of Business and Economic Development for approval of the credit and certification by the Department to taxpayers of approved credit amounts; limiting the total amount of credits that the Department may approve for any calendar year to a certain amount; requiring the Department to approve a prorated credit for each applicant if the total amount applied for exceeds the maximum that may be approved; requiring certain individuals or certain corporations to file amended tax returns in a certain manner to claim a certain tax credit; ~~providing for the carryforward of the credit; providing that the total amount of credits that may be claimed may not exceed the amount of certificates issued to the individual or corporation; requiring the Department to notify the Comptroller of the maximum amount of each credit certificate; requiring the Comptroller to transfer the amount stated in the credit certificate from a certain Reserve Fund to the General Fund; establishing the Security Clearance Income Tax Credit Reserve Fund as a special, nonlapsing fund; requiring the Secretary of Business and Economic Development to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring the Governor to make certain appropriations in certain fiscal years;~~ requiring the Department, in consultation with the Comptroller, to adopt certain regulations; requiring the Department to report to the Governor and the General Assembly on or before a certain date each year; defining certain terms; providing for the application of this Act; and generally relating to a credit against the State income tax for certain costs ~~incurred to obtain~~ related to federal security clearances.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–204(a) and 10–305(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Tax – General
Section 10–204(j) and 10–731
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–305(d)

Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 318 – 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; 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 2011 Supplement)

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

Senate Bill 343 – Senators Pugh, Benson, Conway, Forehand, Gladden, Jones–Rodwell, Kelley, King, McFadden, Montgomery, Muse, Peters, Ramirez, Raskin, and Rosapepe

AN ACT concerning

State Government – Brokerage and Investment Management Services – Use of Minority Business Enterprises – Application

FOR the purpose of making certain additional State units that are responsible for the management of certain funds subject to the requirements under current law that are already applicable to certain units concerning the use of certain minority business enterprise brokerage and investment services firms; specifying that a certain annual report that must be submitted to the Governor and the General Assembly by all of the units that are subject to the minority business enterprise brokerage and investment services firm requirements

include diversity information concerning brokerage and investment management services firms in all allocated asset classes; and generally relating to the use of minority business enterprise brokerage and investment management services firms for certain purposes by certain State units.

BY repealing and reenacting, without amendments,
Article 95 – Treasurer
Section 22G(a), (b), (h), and (j)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 14–102
Annotated Code of Maryland
(2008 Volume and 2011 Supplement)

BY adding to
Article – Economic Development
Section 14–103
Annotated Code of Maryland
(2008 Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 14–103
Annotated Code of Maryland
(2008 Volume and 2011 Supplement)

BY adding to
Article – Education
Section 11–1001 and the new subtitle "Subtitle ~~11.~~ 10. Use of Minority Business Enterprises for Brokerage and Investment Management Services"
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – Housing and Community Development
Section 4–501.1
Annotated Code of Maryland
(2006 Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 20–303
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 10–122
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–222
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

~~BY adding~~
~~Article – State Finance and Procurement~~
~~Section 14–306~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2011 Supplement)~~

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–116
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 35–302
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 397 – Senator Forehand

AN ACT concerning

Estates and Trusts – Allowance for Funeral Expenses

FOR the purpose of defining the term "funeral expenses" for purposes of a certain allowance for payment from a decedent's estate; altering the amount for funeral expenses that a court may allow for a small estate; making stylistic changes; providing for the application of this Act; and generally relating to an allowance for funeral expenses.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts
Section 8–106
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

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

Senate Bill 415 – Senators Montgomery, Benson, Colburn, Forehand, Garagiola, Madaleno, Manno, McFadden, Peters, Pugh, Ramirez, Raskin, ~~and Robey~~ Robey, and Stone

AN ACT concerning

Handling Human Remains with Dignity Act of 2012

FOR the purpose of requiring a funeral establishment or crematory, on taking custody of the body of a decedent in accordance with all authorizations required by law, to maintain the body in a certain manner; requiring a funeral establishment or crematory to maintain the body of a decedent with refrigeration and at a certain temperature under certain circumstances; requiring a funeral establishment or a crematory to notify the State Board of Morticians and Funeral Directors or the Office of Cemetery Oversight and a certain other person if the funeral establishment or crematory cannot comply with certain provisions of this Act; specifying that a certain notice must be given within a certain time period and include certain information; prohibiting the body of a decedent from being embalmed or artificially preserved except under certain circumstances; requiring a funeral establishment or crematory to store the body of a decedent at a specified location; prohibiting a funeral establishment, crematory, or transportation service from transporting or storing the body of a decedent together with certain other remains; prohibiting the body of a decedent, while in the custody of a funeral establishment or crematory, from being transported to a certain facility except under certain circumstances; authorizing the ~~Board~~ State Board of Morticians and Funeral Directors and the Office of Cemetery Oversight to take certain disciplinary action against a licensee or permit holder who fails to comply with certain provisions of this Act; and generally relating to the transportation and storage of bodies of decedents.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 5–101(a) and (g)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 5–310(a)(11) and (12)
Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Business Regulation
Section 5–310(a)(13)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Health – General
Section 5–513
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 7–101(a) and (d)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 7–316(a)(30) and (31)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Health Occupations
Section 7–316(a)(32)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 447 – Senator Colburn

AN ACT concerning

Dorchester County – Restriction on Sunday Gaming – Repeal

FOR the purpose of repealing a restriction that limits a certain gaming licensee in Dorchester County from holding a gaming event or carnival on a Sunday; and generally relating to Sunday charitable gaming in Dorchester County.

BY repealing and reenacting, without amendments,
Article – Criminal Law

Section 13–1202 and 13–1203(a)
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–1204
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 455 – Senators Middleton, Frosh, Garagiola, Jones–Rodwell, Klausmeier, and Pugh

AN ACT concerning

State Personnel – Special Appointments – Status

FOR the purpose of repealing certain provisions of law that designate certain positions and employees as special appointments in the State Personnel Management System; authorizing the Chief Executive Officer of the Maryland Correctional Enterprises to hire certain individuals consistent with certain policies and procedures as of a certain date; establishing that certain special appointment positions in the Maryland Correctional Enterprises are managerial, supervisory, and confidential positions; repealing a provision of law that certain employees in the Maryland Correctional Enterprises may be in the skilled service category of the State Personnel Management System; providing that ~~assistant~~ certain attorneys ~~general~~ and certain positions that provide direct support to the Attorney General and certain positions are special appointments in the State Personnel Management System; providing that certain at–will positions that are encumbered on a certain date shall remain at–will positions until the positions are vacant; providing that the Attorney General retains certain authority for certain positions as of a certain date; and generally relating to State personnel and special appointments.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 3–506
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 6–105(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 463 – Chair, Anne Arundel County Senators

AN ACT concerning

Local Government Self–Insurance Funds – Exclusion from Investment Guidelines

FOR the purpose of altering the definition of "public funds", as it relates to certain local government investment guidelines, to exclude certain funds held by certain local governments for self–insurance purposes; and generally relating to public funds subject to local government investment guidelines.

BY repealing and reenacting, without amendments,
Article 95 – Treasurer
Section 22F(a)(1) and (6)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article 95 – Treasurer
Section 22F(a)(7)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Senate Bill 465 – Senators Frosh, Benson, Conway, Forehand, King, Madaleno, Manno, Montgomery, Pinsky, Raskin, Rosapepe, Stone, and Young

AN ACT concerning

Natural Resources – Shark or Elasmobranch Fins – ~~Prohibition~~ Restriction on Possession or Distribution

FOR the purpose of prohibiting a person from possessing, selling, offering for sale, trading, or distributing a shark or other elasmobranch fin; exempting a certain person from the prohibition against possessing a shark fin under certain circumstances; authorizing a certain person to use a ray or skate as bait under certain circumstances; ~~establishing certain civil penalties for violations of this Act;~~ requiring the Department of Natural Resources to adopt regulations to implement this Act; defining a certain term; and generally relating to a ~~prohibition against~~ restriction on the possession or distribution of a shark or other elasmobranch fin.

BY adding to
Article – Natural Resources
Section 4–747
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

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

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

AN ACT concerning

State Retirement and Pension System – Contribution Rates and Reinvestment of Savings – Technical Clarifications

FOR the purpose of clarifying how certain contribution rates for the employees' and teachers' retirement and pension systems are calculated to reflect legislative changes that result in a change to normal cost or accrued liabilities; repealing a certain requirement that the Board of Trustees for the State Retirement and Pension System certify a calculation of the difference between certain contributions, resulting from certain legislative changes; altering the method for determining a certain amount of reinvested savings required to be included in the annual budget bill; altering certain definitions; defining certain terms; and generally relating to technical clarifications in connection with the determination of certain pension contribution rates and certain requirements to reinvest savings into the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–304(a), (e), and (f) and 21–308(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 531 – Senator Middleton

AN ACT concerning

Property and Casualty Insurance – Underwriting Period – Discovery of Material Risk Factor

FOR the purpose of requiring an insurer that discovers a certain material risk factor during a certain underwriting period to recalculate the premium for a policy or binder of personal insurance, commercial property insurance, or commercial

liability insurance under certain circumstances; requiring the insurer to provide certain written notice to the insured on a certain form if the insurer recalculates the premium for the policy or binder based on the discovery of a certain material risk factor; requiring an insurer, at the time of a certain application or when a certain policy or binder is issued, to provide a certain written notice of its ability to recalculate a certain premium during a certain period; providing that certain provisions of law requiring insurers to send certain notice of a premium increase for a policy of private passenger motor vehicle liability insurance do not apply to an increase in premium made by an insurer during the underwriting period under certain circumstances; defining a certain term; making stylistic changes; providing for the application of this Act; providing for a delayed effective date; and generally relating to the recalculation of the premium for a policy or binder of property and casualty insurance during the underwriting period.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 12–106 and 27–614(b)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 27–614(a) and (c)(1) and (2)
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 540 – ~~Senator Astle~~ Senators Astle, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, and Pugh

AN ACT concerning

Maryland Health Care Commission – Preauthorization of ~~Medical Services and Pharmaceuticals – Standards~~ Health Care Services – Benchmarks

FOR the purpose of requiring the Maryland Health Care Commission to ~~adopt regulations to establish standards for the preauthorization of medical services and pharmaceuticals by certain payors, pharmacy benefits managers, and providers; requiring certain standards to include a certain exemption process; providing that certain standards may include certain penalties~~ work with payors and providers to attain benchmarks for standardizing and automating the process required by payors for preauthorizing health care services; requiring the benchmarks to include, on or before certain dates, establishment or utilization of certain features; providing that the benchmarks do not apply to certain preauthorizations; requiring the Commission to establish by regulation

a process through which a payor or provider may be waived from attaining the benchmarks for certain extenuating circumstances; requiring the Commission, on or before a certain date, to reconvene a certain workgroup for a certain purpose; requiring payors to report to the Commission on or before certain dates on their attainment and plans for attainment of certain benchmarks; requiring the Commission, on or before certain dates, to report to the Governor and to certain committees of the General Assembly on the progress in attaining the benchmarks and, taking into account the recommendations of the workgroup, any adjustment needed to certain benchmark dates; authorizing the Commission to adopt certain regulations; defining certain terms; and generally relating to the Maryland Health Care Commission and ~~certain preauthorization standards~~ benchmarks for preauthorization of health care services.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–101
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Health – General
Section 19–108.2
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 542 – Senator Jones–Rodwell

AN ACT concerning

Local Government Investment Pool – Authorized Participants

FOR the purpose of ~~renaming the Local Government Investment Pool to be the Investment Pool;~~ expanding the list of participants that may place certain funds in the Local Government Investment Pool to include certain units of State government or certain entities created by the State in addition to certain local governmental entities; making stylistic changes; defining certain terms; and generally relating to ~~investment pools~~ the Local Government Investment Pool.

BY repealing and reenacting, with amendments,
Article 95 – Treasurer
Section 22G
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Senate Bill 558 – Senator Forehand

AN ACT concerning

Crimes – Solicitation – Statute of Limitations

FOR the purpose of providing that the statute of limitations for the crime of solicitation is the statute of limitations for the prosecution of the substantive crime that is the subject of the solicitation; and generally relating to the statute of limitations for the crime of solicitation.

BY adding to
Article – Courts and Judicial Proceedings
Section 5–106(bb)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

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

Senate Bill 567 – Senators King, Colburn, Currie, Garagiola, Glassman, Jennings, Manno, McFadden, and Robey

AN ACT concerning

~~Telecommunications~~ Communications Taxes – Reform Commission ~~and Moratorium~~

FOR the purpose of establishing the ~~Telecommunications~~ Communications Tax Reform Commission; providing for the composition, chair, and staffing of the Commission; prohibiting a member of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to assess the feasibility and fiscal implications of a competitively neutral ~~telecommunications~~ communications tax and fee system that eliminates the disparate treatment of similar ~~telecommunications~~ communications service providers; requiring the Commission to examine certain taxes and fees in conducting its assessment; requiring the Comptroller and the State Department of Assessments and Taxation to collect data from the State, local governments, and ~~telecommunications~~ communications service providers concerning revenue collected from current ~~telecommunications~~ communications taxes and fees; requiring that the data collected be provided to the Commission by a certain date; prohibiting certain data collected from ~~telecommunications~~ communications service providers from being publicly disclosed unless it is aggregated in a certain manner; requiring a State or local government agency or a ~~telecommunications~~ communications service provider to cooperate reasonably with data collection efforts under this Act; authorizing the Comptroller or the

State Department of Assessments and Taxation to subpoena a State or local government agency or a ~~telecommunications~~ communications service provider that fails to cooperate reasonably with data collection under this Act; authorizing a petition to a circuit court to compel compliance with a subpoena; requiring the Commission to report its findings and recommendations to the Governor and the General Assembly on or before ~~a~~ certain ~~date~~ dates; ~~prohibiting the State or a county government from imposing a tax or fee on a telecommunications service that is not in effect on a certain date during a certain period; prohibiting the State or a county government from increasing a tax or fee on a telecommunications service above the amount in effect on a certain date during a certain period; defining a certain term;~~ providing for the termination of this Act; and generally relating to the ~~Telecommunications~~ Communications Tax Reform Commission.

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 570 – Senators King, Brinkley, Colburn, Currie, Garagiola, Jones–Rodwell, Madaleno, Manno, McFadden, Peters, Pugh, and Young

AN ACT concerning

Income Tax Credit – Qualified Research and Development Expenses ~~– Small Business Refund~~

FOR the purpose of ~~defining "small business" as it relates to a certain refund in connection with a certain credit against the State income tax for certain research and development expenses incurred by an individual or corporation;~~ altering the total amount of research and development credits that the Department of Business and Economic Development may approve in a calendar year; ~~providing that certain unused credits by a small business may be claimed as a refund;~~ providing for the application of this Act; and generally relating to certain credits against the State income tax based on certain expenses paid or incurred for certain research and development conducted in the State.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–721
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 580 – Senators Peters, Conway, Currie, Ferguson, Garagiola, King, Manno, McFadden, Muse, Pugh, Ramirez, Raskin, ~~and Robey~~ Robey, Kasemeyer, Brinkley, Colburn, DeGrange, Edwards, Jones–Rodwell, and Madaleno

AN ACT concerning

Income Tax – Subtraction Modification – Mortgage Forgiveness Debt Relief

FOR the purpose of allowing a subtraction modification under the Maryland income tax for income from the discharge of certain indebtedness related to certain costs incurred with respect to a principal residence; providing that the amount of the subtraction may not exceed a certain amount for certain taxpayers; providing for an addition modification if a property is sold or exchanged under certain circumstances; providing for the application and termination of this Act; and generally relating to an income tax subtraction modification for income from the discharge of certain indebtedness.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–205(a) and ~~10–208(a)~~ 10–207(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Tax – General
Section 10–205(k) and ~~10–208(r)~~ 10–207(y)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 591 – Senator Stone

AN ACT concerning

Real Property – Manufactured Homes – ~~Conversion~~ Affixation to and Severance from Real Property

FOR the purpose of providing for the ~~conversion~~ affixation of a manufactured home to real property under certain circumstances; requiring a certain affidavit of ~~conversion~~ affixation to contain or be accompanied by certain information, documentation, and statements; requiring an affidavit of ~~conversion~~ affixation to be recorded under certain circumstances; providing that an affidavit of affixation is not necessary to convey or encumber a manufactured home; providing that the property tax status of a manufactured home shall be governed by certain provisions of law; providing that a manufactured home shall be converted to real property under certain circumstances; providing that ~~a recorded affidavit of conversion has no legal effect under certain circumstances~~ the recordation of an affidavit of affixation does not represent a sale or transfer of real property for certain purposes; requiring the owner of certain property to send a certified copy of an affidavit of affixation and any

attachments to the Motor Vehicle Administration at a certain time; requiring the Administration to record the affidavit and attachments in its records; requiring the Administration to make certain records available to certain individuals; requiring the owner of a manufactured home that is ~~or will~~ to be severed from real property to file an affidavit of severance under certain circumstances; requiring an affidavit of severance to contain certain information and statements; requiring an affidavit of severance to be recorded under certain circumstances; requiring the Administration to accept a certain copy of a certain affidavit of severance for filing and issue a certain certificate of title in a certain manner; requiring a custodian to disclose personal information in the public records of the Administration to certain individuals; requiring the Administration to develop a certain model affidavit; providing for the application of certain provisions of this Act; defining certain terms; and generally relating to manufactured homes and the ~~conversion~~ affixation to and severance from real property.

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 9–102(a)(54)
Annotated Code of Maryland
(2002 Replacement Volume and 2011 Supplement)

BY adding to
Article – Real Property
Section 8B–101 through 8B–302 to be under the new title "Title 8B. Manufactured Homes"
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–616(p)(5)(xiv) and (xv)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Government
Section 10–616(p)(5)(xvi)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 13–101
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 604 – Senators Kelley, Middleton, and Pugh

AN ACT concerning

Motor Vehicle Insurance – Uninsured Motorist Coverage – Effect of Consent to Offer of Settlement

FOR the purpose of providing that written consent by an uninsured motorist insurer to acceptance of a certain settlement offer may not be construed to limit the right of the uninsured motorist insurer to raise certain issues in an action against the uninsured motorist insurer and does not constitute an admission by the uninsured motorist insurer as to any issue raised in the action; and generally relating to uninsured motorist coverage.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 19–511
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 610 – Senators Benson, Colburn, Klausmeier, and Ramirez

AN ACT concerning

Crimes – Sale of Drug Paraphernalia to a Minor – Local Law Authorizing Business License Revocation for a Second or Subsequent Violation

FOR the purpose of authorizing the governing body of a county or a municipal corporation to adopt a local law that authorizes the county or municipal corporation to revoke or not renew the business license of an establishment for the second or subsequent conviction of an employee of the establishment under certain circumstances; and generally relating to the sale of drug paraphernalia to a minor.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 5–619(d)
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

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

Senate Bill 611 – Senators Benson, Klausmeier, and Montgomery

AN ACT concerning

Health – Pregnant Women – Hepatitis B Testing

FOR the purpose of requiring an individual attending a woman for pregnancy to submit to a medical laboratory a blood sample taken from the woman at the time the individual first examines the woman and, under certain circumstances, at the time of delivery; requiring the medical laboratory that receives the blood sample to perform a certain hepatitis B ~~surface antigen~~ test; ~~providing for the application of this Act;~~ and generally relating to the testing of pregnant women for hepatitis B.

BY adding to
Article – Health – General
Section 18–310
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 616 – Senator Jennings

~~CONSTITUTIONAL AMENDMENT~~

AN ACT concerning

~~Judges – Mandatory~~ Commission to Study the Retirement of Judges

FOR the purpose of ~~proposing amendments to the Maryland Constitution altering the mandatory retirement age for judges under certain circumstances; requiring a certain certification of certain judges; making certain technical corrections; providing for the application of this Act; and submitting this amendment to the qualified voters of the State for their adoption or rejection~~ establishing the Commission to Study the Retirement of Judges; providing for the membership and staffing of the Commission; requiring the Governor to designate a chair of the Commission; establishing that the members of the Commission may not receive compensation but are entitled to a certain reimbursement; establishing the duties of the Commission; requiring the Commission to make a certain report on or before a certain date; providing for the termination of this Act; and generally relating to the Commission to Study the Retirement of Judges.

~~BY proposing an amendment to the Maryland Constitution~~
~~Article IV – Judiciary Department~~
~~Section 3, 3A, 5A(f), 18B, and 41D~~

~~BY proposing an addition to the Maryland Constitution~~
~~Article IV – Judiciary Department~~
~~Section 3B~~

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

Senate Bill 622 – Senators Shank, Edwards, and Young

AN ACT concerning

Washington County – Amusement Devices – Tip Jars

FOR the purpose of altering the definition of "amusement device" as it relates to the operation and regulation of amusement devices in Washington County to include a game activated by an object or other consideration of value; altering the definition of "gross profits" as it relates to the operation of a tip jar in Washington County to require the deduction of the cost of a gaming sticker; and generally relating to the operation and regulation of amusement devices and tip jars in Washington County.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 11–202
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–2435
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 647 – Senators Ramirez, Colburn, Forehand, Jacobs, Raskin, Shank, Stone, and Zirkin

AN ACT concerning

Domestically Related Crimes – Reporting

FOR the purpose of requiring the court, on request of the State's Attorney, to ~~determine~~ make a certain finding as to whether a crime for which a defendant is convicted or receives a probation before judgment disposition is a domestically related crime; establishing that the State has the burden of proving by a preponderance of the evidence that the crime is a domestically related crime; requiring a finding by the court that a crime is a domestically related crime to

become part of the court record for certain purposes; expanding the list of events that are required to be reported to the Criminal Justice Information System Central Repository to include a finding by a court that a defendant has been convicted of or received a probation before judgment disposition for a domestically related crime; defining a certain term; and generally relating to the reporting of domestically related crimes.

BY adding to
Article – Criminal Procedure
Section 6–233
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–215
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Family Law
Section 4–501(a) and (m)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

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

Senate Bill 652 – Senators Middleton, Young, Garagiola, Manno, Mathias, and Rosapepe

AN ACT concerning

Renewable Energy Portfolio Standard – Renewable Energy Credits – Geothermal Heating and Cooling

FOR the purpose of specifying that energy generated from a geothermal heating and cooling system is eligible for inclusion in meeting the renewable energy portfolio standard; entitling a certain person or entity to receive a renewable energy credit under certain circumstances; ~~specifying the method by which energy generation and consumption shall be measured~~ specifying the methods by which the Commission shall determine the energy savings of geothermal heating and cooling systems; requiring geothermal heating and cooling system installation to comply with certain standards; defining a certain term; altering the definition of a certain term; providing for the application of this Act; and generally relating to geothermal heating and cooling systems.

BY repealing and reenacting, without amendments,

Article – Public Utilities
Section 7–701(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Public Utilities
Section 7–701(c–1) and 7–704(h)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–701 (l)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Senate Bill 661 – Carroll County Senators

AN ACT concerning

Carroll County – Gaming

FOR the purpose of authorizing certain organizations in Carroll County to conduct a card game, card tournament, or casino night under certain circumstances; requiring an organization to obtain a permit from the Board of License Commissioners before conducting a card game, card tournament, or casino night; requiring an organization that seeks a permit to meet certain requirements; specifying that a card game, card tournament, or casino night may be managed and organized by certain organizations; requiring an individual who participates in or helps operate a card game, card tournament, or casino night to be of a certain age; specifying that a permit holder may receive a certain maximum number of permits in a calendar year; providing a certain time limit on a card game, card tournament, or casino night; specifying that a permit is not transferable; requiring that proceeds from a card game, card tournament, or casino night be used for certain purposes and may not be used for other purposes; specifying that the operation of a card game, card tournament, or casino night may not occur during a certain time; authorizing a permit holder under this Act to charge only a pre–set entrance fee; requiring participants in a card game, card tournament, or casino night to use tokens and not cash for wagering under certain circumstances; prohibiting a permit holder from exchanging tokens under certain circumstances; requiring a permit holder to submit a financial report to the Sheriff's Office under certain circumstances; authorizing the Board of County Commissioners to adopt certain regulations;

providing a certain penalty; defining certain terms; and generally relating to gaming in Carroll County.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–906
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

BY adding to
Article – Criminal Law
Section 13–906.1
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 670 – Senators Shank and Edwards

AN ACT concerning

Washington County – Tip Jars – Accountability and Oversight

FOR the purpose of authorizing the County Commissioners of Washington County to require the Washington County Volunteer Fire and Rescue Association to submit certain financial reports; authorizing the county commissioners to adopt certain regulations; authorizing the county commissioners to withhold certain funds under certain circumstances; requiring the Washington County Volunteer Fire and Rescue Association to submit its budget to the county commissioners each year ~~on or before a certain date~~; requiring the county commissioners to accept or reject the budget in a certain manner; expanding the authority of the county commissioners to establish certain procedures; prohibiting certain funds from being used for certain fire and rescue services; and generally relating to the use of certain tip jar gaming proceeds in Washington County.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–2435
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 672 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Investment Division – Salary Setting

FOR the purpose of authorizing the Board of Trustees of the State Retirement and Pension System to determine the qualifications, appointment, and compensation for certain employees in the Investment Division of the State Retirement Agency; specifying the positions to which the authority applies; prohibiting the Board of Trustees from setting the salary of an employee above a certain amount; prohibiting the Board of Trustees from granting bonuses under certain authority; prohibiting the Board of Trustees from increasing the salary of certain employees by more than a certain amount in a fiscal year; requiring the State Retirement Agency to submit a certain report concerning salaries of certain professional staff in the Investment Division and certain professional staff who terminated employment in the Investment Division during a certain fiscal year; ~~providing for the termination of this Act;~~ and generally relating to the State Retirement Agency.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–122(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 680 – Chair, Finance Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

State Personnel Management System – Criminal History Records Check

FOR the purpose of authorizing certain appointing authorities in the State Personnel Management System to request from the Criminal Justice Information System Central Repository State and national criminal history records checks for certain prospective and current employees; establishing certain procedures to apply for a criminal history records check; requiring the Central Repository to forward criminal history record information to the current or prospective employee under certain circumstances; providing that certain information is confidential and may be used only for certain purposes; authorizing a person who is the subject of a criminal history records check under this Act to contest certain information in the record; authorizing the Secretary of Budget and Management to adopt certain regulations, guidelines, and policies to implement this Act; defining a certain term; and generally relating to State and national criminal history records checks for certain prospective and current employees in the State Personnel Management System.

BY adding to
Article – State Personnel and Pensions
Section 7–103
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 708 – Senator Montgomery

AN ACT concerning

County Boards of Education – Green Product Cleaning Supplies – Written Policies

FOR the purpose of requiring a county board of education, on or before a certain date, to adopt certain written policies relating to the procurement of green product cleaning supplies subject to certain exceptions; requiring certain county boards, on or before a certain date, to provide certain notice to the State Department of Education under certain circumstances; and generally relating to the establishment of written policies relating to the procurement of green product cleaning supplies by county boards of education.

BY repealing and reenacting, with amendments,
Article – Education
Section 5–112
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 725 – Senator Kelley

AN ACT concerning

Residential Condominiums – Governing Documents – Claims Provisions

FOR the purpose of making unenforceable a provision of a declaration, bylaw, contract for sale of a unit, or other instrument made by a developer in accordance with certain provisions of law that purports to shorten the statute of limitations applicable to certain claims, purports to waive the application of a certain rule or other accrual date applicable to certain claims, operates to prevent a unit owner or the council of unit owners from asserting a certain claim in a certain manner within the applicable statute of limitations, or requires a unit owner or the council of unit owners to assert a certain claim within a certain period of time under certain circumstances; making unenforceable a provision of a declaration, bylaw, contract for sale of a unit, or other instrument made by a

developer in accordance with certain provisions of law that requires a certain vote of unit owners as a precondition to the institution or maintenance of certain proceedings unless the council of unit owners adopts the provision under certain circumstances; providing for the applicability of this Act; and generally relating to claims provisions in the governing documents of a residential condominium.

BY adding to
Article – Real Property
Section 11–134.1
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Senate Bill 726 – Senator Muse

AN ACT concerning

Consumer Protection – Maryland Consumer Protection Act – Scope ~~and Penalties~~

FOR the purpose of altering the definition of "consumer" under the Maryland Consumer Protection Act to include a nonprofit organization that ~~contracts to rent or lease a thing or good of value that will provide consumer~~ purchases, rents, or leases goods or ~~consumer~~ services for the benefit of the members of the nonprofit organization; establishing that an unfair or deceptive trade practice includes an act or omission relating to ~~a certain contract with~~ the purchase, rental, or lease by a nonprofit organization of certain goods or services; ~~altering certain criminal penalties for a violation of the Maryland Consumer Protection Act;~~ making this Act subject to a certain contingency; requiring the Division of Consumer Protection of the Office of the Attorney General to give a certain notice to the Department of Legislative Services under certain circumstances; providing that this Act shall be null and void and of no force and effect under certain circumstances; and generally relating to the scope of the Maryland Consumer Protection Act ~~and penalties for violations of that Act~~.

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 13–101(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–101(c)~~,~~ and 13–301(14)(xxviii) and (15)~~, and 13–411~~
Annotated Code of Maryland

(2005 Replacement Volume and 2011 Supplement)

BY adding to
Article – Commercial Law
Section 13–301(16)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

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

Senate Bill 744 – Senators Madaleno, Colburn, Conway, Currie, Forehand, Glassman, Jones–Rodwell, King, Klausmeier, Manno, McFadden, Montgomery, Muse, Peters, Pugh, Ramirez, Raskin, Rosapepe, ~~and Stone~~ Stone, Astle, Kittleman, Kelley, and Middleton

AN ACT concerning

Health Insurance – Habilitative Services – Required Coverage ~~and~~, Workgroup, and Technical Advisory Group

FOR the purpose of ~~altering the age under which certain insurers, nonprofit health service plans, and health maintenance organizations must provide coverage of habilitative services;~~ specifying the format in which certain insurers, nonprofit health service plans, and health maintenance organizations must provide a certain notice about the coverage ~~must be provided~~ of habilitative services; requiring that certain determinations made by certain insurers, nonprofit health service plans, and health maintenance organizations be made in accordance with certain regulations beginning on a certain date; requiring the Department of Health and Mental Hygiene, in consultation with the Maryland Insurance Commissioner, to establish a technical advisory group on the medically necessary and appropriate use of habilitative services to treat autism and autism spectrum disorders; establishing the composition of the technical advisory group; requiring the technical advisory group to develop certain recommendations and obtain certain input; requiring the Commissioner, on or before a certain date, to adopt certain regulations based on the recommendations of the technical advisory group; requiring the ~~Maryland Insurance~~ Commissioner to establish a workgroup on access to habilitative services benefits; specifying the composition of the workgroup; requiring the workgroup to make certain determinations; requiring the Commissioner to ~~report~~ submit certain reports on the findings and recommendations of the workgroup, on or before ~~a certain date~~ certain dates, to certain legislative committees; altering a certain definition; providing for the construction of this Act; and generally relating to health insurance coverage of habilitative services.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–835

Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 755 – Senators Young, Brinkley, Madaleno, Pinsky, Raskin, and Rosapepe

AN ACT concerning

Consuming Wine Not Bought on Premises – Restaurants, Clubs, and Hotels

FOR the purpose of allowing an individual in a certain restaurant, club, or hotel for which a certain alcoholic beverages license is issued the privilege of consuming wine not purchased from or provided by the license holder; requiring, for an individual to exercise the privilege, that the wine be consumed under certain circumstances; requiring a local licensing board to issue a certain permit at no cost to certain license holders; authorizing a license holder to determine and charge an individual a fee for the privilege; applying the sales tax to the fee; requiring, with a certain exception, the license holder to dispose of wine after the meal is finished; allowing an individual to remove from the licensed premises a bottle, the contents of which are only partially consumed, if the license holder or an employee of the license holder inserts a cork in or places a cap on the bottle; specifying that a certain bottle of wine is an "open container" for a certain purpose; prohibiting a license holder from allowing a certain individual from consuming certain wine; and generally relating to the consumption of wine.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 12–107(b)(2)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article 2B – Alcoholic Beverages
Section 12–107(b)(10)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11–101(m)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Senate Bill 779 – ~~Senator Pugh~~ Senators Pugh, Currie, Jones–Rodwell, and McFadden

AN ACT concerning

State Retirement and Pension System – Study of Asset Management

FOR the purpose of requiring the Governor's Office of Minority Affairs to conduct a study of the Maryland State Retirement and Pension System and all funds managed by the Board of Trustees for the State Retirement and Pension System to determine the capacity to select minority fund managers across all asset classes and to determine methods that best assure the recruitment and selection of minority companies for fund–to–fund management or direct management by the Investment Division of the State Retirement Agency; requiring the Governor's Office of Minority Affairs to submit a report of its findings and recommendations by a certain date; providing for the termination of this Act; and generally relating to the management of the assets of the State Retirement and Pension System.

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 21–116(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 783 – Senators Pugh, Manno, Montgomery, Peters, Pinsky, Ramirez, Rosapepe, and Young

AN ACT concerning

State Personnel – Collective Bargaining – Applicability

FOR the purpose of providing certain collective bargaining rights to certain State employees; specifying the responsibilities of the State Labor Relations Board in administering and enforcing certain provisions of law relating to the collective bargaining rights of certain State employees; requiring the State Labor Relations Board at the request of a certain exclusive representative to ~~create~~ determine certain bargaining units for certain State employees, accrete certain State employees into certain bargaining units, and hold a self–determination election for certain accreted employees; and generally relating to the collective bargaining rights of State employees.

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions
Section 3–101(b), 3–102, and 3–205
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 787 – Senator Forehand

AN ACT concerning

Estates and Trusts – Maryland Uniform Principal and Income Act – Certain Payments to and from Trusts

FOR the purpose of establishing certain requirements concerning allocation of principal and income for a distribution to a marital trust from an individual retirement account, qualified retirement plan account, or certain similar account or plan, or annuity; requiring a trustee of a marital trust to perform certain duties on request of a surviving spouse under certain circumstances; requiring a marital trust to increase receipts payable to a beneficiary under certain circumstances; requiring payment of income tax on receipts from a certain business entity to be charged in a certain manner; altering a certain definition; defining a certain term; providing for the application of certain provisions of this Act; and generally relating to the Maryland Uniform Principal and Income Act and certain payments to and from certain trusts.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 15–516 and 15–527
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

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

Senate Bill 792 – Senators Garagiola, Glassman, Kelley, King, Kittleman, Klausmeier, Madaleno, Manno, Mathias, Muse, Pugh, Raskin, Robey, ~~and Young~~ Young, Middleton, and Astle

AN ACT concerning

~~State Procurement – Banking Services Preference~~ Linked Deposit Program for Small Businesses – Lend Local Act of 2012

FOR the purpose of ~~requiring the State Treasurer, when deciding whether to designate or make an agreement with a financial institution to provide certain banking services to the State or an agency of the State, to consider whether the financial institution is operating in the State with certain total assets and~~

~~commits to make loans to small businesses in the State in an aggregate amount of at least a certain percentage of certain incremental funds; and generally relating to the procurement of banking services by the State~~ establishing a Linked Deposit Program for Small Businesses in the Department of Housing and Community Development for a certain purpose; specifying that certain loans qualify under the Program; requiring the Department of Housing and Community Development to confirm with the Department of General Services that certain loans are made to certain businesses; requiring the Department of Housing and Community Development to establish certain procedures for a certain notification; requiring the Department of Housing and Community Development to receive loan applications from small businesses and forward loan applications to lenders; requiring the Department of Housing and Community Development to require small businesses to notify the Department of Housing and Community Development concerning final loan disposition; requiring the Department of Housing and Community Development to report annually to the Governor, the Treasurer, and the General Assembly on the overall performance of the Program; authorizing the Treasurer to establish the Program for investment of deposits in certain financial institutions; authorizing the Treasurer to make certain interest bearing deposits; authorizing the Treasurer to accept a rate that is a certain percent below current market rates or a certain index; authorizing the Treasurer to use up to a certain amount to make certain interest bearing deposits; requiring the Treasurer to reduce a certain loan amount on a certain notification; prohibiting a certain small business from being considered unqualified for certain purposes under certain circumstances; providing that a certain loan is not a debt of the State or a pledge of the credit of the State; providing that the Treasurer and the State are not liable to certain financial institutions for certain payments of a loan assisted by a linked deposit; authorizing the Treasurer and the Department of Housing and Community Development to adopt certain regulations; requiring the Treasurer to meet with representatives from the Maryland banking industry and certain related stakeholders for certain purposes; requiring the Treasurer to report to the General Assembly on or before a certain date; and generally relating to the establishment of a Linked Deposit Program for Small Businesses.

~~BY repealing and reenacting, without amendments,~~
~~Article – State Finance and Procurement~~
~~Section 6–201(a), (b), (c), and (f)~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2011 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – State Finance and Procurement~~
~~Section 6–203~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2011 Supplement)~~

BY adding to
Article – State Finance and Procurement
Section 6–212
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 802 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Budgetary Processes

FOR the purpose of renaming certain balances in the general fund of Frederick County; requiring that if a certain committed general fund balance is appropriated and expended by the County Commissioners of Frederick County, the County Commissioners shall replenish the committed general fund balance by the end of a certain fiscal year; and generally relating to the budgetary processes of Frederick County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Frederick County
Section 2–7–1, 2–7–4(a), and 2–7–11
Article 11 – Public Local Laws of Maryland
(2004 Edition and July 2011 Supplement, as amended)

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

Senate Bill 807 – Senators Madaleno, Brinkley, Colburn, Currie, Glassman, Jones–Rodwell, Manno, Montgomery, Peters, Ramirez, ~~and Raskin~~ Raskin, and McFadden

AN ACT concerning

Income Tax – Subtraction Modification – Land Acquisition for ~~Transportation–Related Projects~~ Department of Transportation

FOR the purpose of allowing a subtraction modification under the Maryland income tax for a payment by the ~~State Highway Administration~~ Maryland Department of Transportation for the acquisition of a portion of an individual's property ~~for use in certain transportation projects~~; providing for the application of this Act; and generally relating to an income tax subtraction modification for certain payments by the ~~State Highway Administration~~ Maryland Department of Transportation.

BY repealing and reenacting, without amendments,

Article – Tax – General
Section 10–207(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Tax – General
Section 10–207(y)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 814 – Senator Astle

AN ACT concerning

Public Safety – Elevators – ~~Board Membership, Accessibility Lifts, and Lift Mechanics~~ Accessibility Lift Mechanic License

FOR the purpose of ~~altering the membership of the Elevator Safety Review Board to add a member representing the elevator interior renovation industry and a member representing the accessibility lift industry;~~ authorizing the Elevator Safety Review Board to establish certain fees for the application, issuance, and renewal of licenses issued to certain accessibility lift mechanics; requiring the Board to adopt certain regulations to certify a licensed accessibility lift mechanic as an accessibility lift mechanic specialist; establishing that certain persons are not required to obtain certain licenses to conduct certain activities; authorizing an accessibility lift mechanic to provide the services of an accessibility lift mechanic specialist until the Board adopts certain regulations; requiring a person to be licensed by the Board as ~~a~~ an accessibility lift mechanic before providing certain services; establishing requirements for an applicant for ~~a~~ an accessibility lift mechanic license; authorizing a licensed accessibility lift mechanic to provide certain services; authorizing the Board to issue a certain conditional license for a certain period under certain circumstances; providing for a delayed effective date; defining certain terms; making conforming changes; and generally relating to accessibility lift mechanics.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–801, ~~12–820(a),~~ 12–824, and 12–826(e)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article – Public Safety
Section ~~12–826(e)~~ 12–826(e) and (g), 12–827(d), and 12–832(e)

Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 852 – Senators King, Brinkley, Colburn, DeGrange, Glassman, Jacobs, and Klausmeier

AN ACT concerning

Sales and Use Tax – Alcoholic Beverages – Calculation of Tax

FOR the purpose of ~~altering the definition of "taxable price" under the sales and use tax to include a mandatory gratuity charge or service charge in the nature of a tip for serving certain items to a group containing at least a certain number of individuals;~~ altering the sales and use tax rate for a mandatory gratuity charge or service charge in the nature of a tip under certain circumstances; modifying the calculation of the sales and use tax rate applicable to charges for labor, materials, or property used in connection with the sale of an alcoholic beverage; and generally relating to the sales and use tax and alcoholic beverages.

~~BY repealing and reenacting, without amendments,~~
~~Article – Tax – General~~
~~Section 11–101(l)(1)~~
~~Annotated Code of Maryland~~
~~(2010 Replacement Volume and 2011 Supplement)~~

BY adding to
Article – Tax – General
Section ~~11–101(l)(5) and~~ 11–104(h)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11–104(g)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 861 – Senator Klausmeier

AN ACT concerning

Portable Electronics Insurance

FOR the purpose of repealing a certain limitation on the authority of a vendor of portable electronics insurance to sell coverage under a policy of portable electronics insurance; altering the circumstances under which a vendor that collects premiums for portable electronics insurance need not keep the premiums in a segregated account; providing an exception under certain circumstances to a certain requirement to itemize premiums and charges and requiring a vendor to provide certain notice to a customer relating to those circumstances; ~~authorizing an employee or authorized representative of a vendor to receive certain compensation under certain circumstances;~~ altering certain information that must be submitted to the Maryland Insurance Commissioner in an application for a limited lines license to sell portable electronics insurance; requiring an applicant to provide certain information about certain individuals under certain circumstances; requiring a certain supervising entity to maintain a certain registry; requiring the registry to be open for inspection and examination after a certain period of time under certain circumstances; clarifying that, if a customer cancels coverage, any unearned premiums will be refunded to the person paying the premium; providing for a certain supplemental education program under certain circumstances; ~~authorizing the Commissioner to impose a certain penalty under certain circumstances;~~ altering the methods by which certain required notice may be sent to covered customers and vendors under certain circumstances; defining certain terms; altering a certain definition; providing for the application of this Act; and generally relating to portable electronics insurance.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 10–130 and 10–707
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 10–701, 10–703 through ~~10–707~~ 10–706, and 19–903
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 868 – Senator Conway

AN ACT concerning

Residential Child and Youth Care Practitioners – Certification – Modifications

FOR the purpose of requiring the State Board for Certification of Residential Child Care Program Professionals, in consultation with the Children's Cabinet, to

establish a tiered certification structure for residential child and youth care practitioners; requiring the Board to establish training requirements for the residential child and youth care practitioners certified by the Board; requiring, instead of authorizing, the Board to set reasonable fees for certain services; authorizing the Board to waive ~~certain~~ the fees under certain circumstances; prohibiting the Board from requiring fees for the examination of qualified certified residential child and youth care practitioner applicants; establishing certain exceptions to the requirement that residential child and youth care practitioners be certified on or before a certain date; requiring, with certain exceptions, an applicant for a certificate as a residential child and youth care practitioner to have successfully completed a certain training program; requiring the Board to establish requirements and procedures for waiving the training program requirement for applicants with certain degrees under certain circumstances; requiring the Board to waive certain requirements for applicants who apply for certification on or before a certain date and present to the Board evidence of certain experience; requiring the Board to adopt regulations for approved training programs for residential child and youth care practitioners; requiring the regulations to include certain items; requiring the Board to post a list of approved training programs on its Web site; altering and repealing certain provisions of law relating to the age and training of direct care staff of residential child care programs that conflict with certain statutory requirements and requirements of this Act relating to residential child and youth care practitioners; providing for a delayed effective date for certain provisions of this Act; and generally relating to the certification of residential child and youth care practitioners by the State Board for Certification of Residential Child Care Program Professionals.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 20–101(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 20–205, 20–206, 20–301(b), and 20–302.1
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Health Occupations
Section 20–302.2
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Section 8–704(10) and 8–1002
Annotated Code of Maryland
(2007 Volume and 2011 Supplement)

BY repealing
Article – Human Services
Section 8–1003
Annotated Code of Maryland
(2007 Volume and 2011 Supplement)

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

Senate Bill 880 – Senator Jones–Rodwell

AN ACT concerning

State Retirement and Pension System – Transfer of Members Between Systems

FOR the purpose of providing that if an individual who was a member of one of the several systems in the State Retirement and Pension System on a certain date becomes a member of another one of the several systems on or after a certain date, the individual shall be considered to be a new member of the subsequent system as of a certain date, ~~but is subject to certain requirements that were in place for the subsequent system on a certain date;~~ and is subject to the same requirements to which an individual who was a member of the subsequent system on a certain date and remains a member on a certain date is subject; providing for the application of this Act; and generally relating to the transfer of members between the State retirement and pension systems on or after a certain date.

BY adding to
Article – State Personnel and Pensions
Section 23–215.2, 24–208, 25–207, and 26–207
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 885 – Senator Peters

AN ACT concerning

~~Correctional Services~~ Parole and Probation – Employee Caseloads – Disciplinary Actions

FOR the purpose of requiring the Division of Parole and Probation to ~~establish~~ consider a certain ~~standard~~ caseload for parole and probation employees~~;~~ ~~requiring the caseload standard to be considered during~~ when considering employee disciplinary actions; and generally relating to the performance of Division of Parole and Probation employees.

BY repealing and reenacting, ~~with~~ without amendments,
Article – Correctional Services
Section 6–104
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – Correctional Services
Section 6–117
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Senate Bill 889 – Senator Stone

AN ACT concerning

Criminal Law – Misdemeanor Possession of Child Pornography – Statute of Limitations

FOR the purpose of altering the period of time within which a prosecution for misdemeanor possession of child pornography must be instituted after the offense was committed; and generally relating to the statute of limitations for misdemeanor possession of child pornography.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 5–106(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 5–106(bb)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 11–208

Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

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

Senate Bill 895 – Senator Conway

AN ACT concerning

Maryland State Board of Morticians and Funeral Directors – Permits and Registration Required to Remove and Transport Human Remains

FOR the purpose of requiring a mortuary transport service to hold a permit issued by the Maryland State Board of Morticians and Funeral Directors before removing or transporting human remains in this State; ~~authorizing the Board to restrict the operations of certain permit holders;~~ establishing certain application requirements for obtaining a permit; requiring a mortuary transport service to meet certain standards to qualify for a permit; requiring permit holders to use vehicles that have passed an inspection by certain inspectors; requiring certain permit holders to employ only certain registered transporters for certain purposes; establishing the term and procedures for the renewal of a permit; requiring that certain signs and advertisements display the name that appears on a permit; requiring that individuals employed by certain permit holders be registered with the Board before removing and transporting human remains; establishing certain requirements for obtaining registration; requiring the Board to register an individual who meets certain standards; requiring that registered transporters treat certain decedents with certain dignity and display a certain permit; authorizing the Board to deny a permit or registration to an applicant, reprimand a permit holder or registered transporter, or suspend or revoke a permit or registration under certain circumstances; providing for certain criminal and civil penalties; requiring the Board to adopt certain regulations; defining certain terms; and generally relating to the Maryland State Board of Morticians and Funeral Directors and requiring permits and registration for removing and transporting human remains.

BY renumbering
Article – Health Occupations
Section 7–601 and 7–602, respectively, and the subtitle "Subtitle 6. Short Title; Termination of Title"
to be Section 7–701 and 7–702, respectively, and the subtitle "Subtitle 7. Short Title; Termination of Title"
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 7–101(a), (d), (k), (l), and (p)

Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Health Occupations
Section 7–601 through ~~7–606~~ 7–607 to be under the new subtitle "Subtitle 6. Mortuary Transport Services"
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 920 – Senators Raskin, Ferguson, Getty, McFadden, Miller, Ramirez, Robey, ~~and Simonaire~~ Simonaire, and Kittleman

AN ACT concerning

Ethics Online Disclosure Act of 2012

FOR the purpose of requiring that certain ethics statements and reports be made available to the general public on the Internet; requiring that certain ethics statements and reports be submitted in an electronic format; altering certain procedures relating to the availability of ethics statements and reports; altering provisions relating to the review of certain ethics statements by the Joint Committee on Legislative Ethics; requiring the State Ethics Commission to adopt certain regulations; repealing a requirement that the Court of Appeals or its designee transmit copies of certain statements to the State Ethics Commission; providing that ~~counties, municipal corporations,~~ municipal corporations and boards of education are not required to post financial disclosure information on the Internet or to require that financial disclosure statements be filed electronically; requiring the governing body of a county, including Baltimore City, to post information from financial disclosure statements on the Internet and require certain local officials to file certain statements electronically; providing for the delayed implementation of certain provisions of this Act; and generally relating to the revision of the Maryland Public Ethics Law.

BY repealing and reenacting, with amendments,
Article – State Government
Section 15–512, 15–513(c), 15–602, 15–606, 15–805, and 15–813
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 15–513(b)

Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Government
Section 15–513(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing
Article – State Government
Section 15–610(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 921 – Senator Conway

AN ACT concerning

State Board of Nursing – Sunset Extension and Revisions

FOR the purpose of continuing the State Board of Nursing in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; requiring the Board to submit a certain annual report to the General Assembly; specifying the data that must be included in a certain annual report; altering a certain requirement related to the application for a license to practice registered nursing or licensed practical nursing; altering a certain requirement related to the application for certification as a certified nursing assistant; altering the membership of a certain advisory committee; requiring a certain advisory committee to meet at least once during a certain time period; requiring the ~~Board to contract with an independent entity~~ Department of Budget and Management to perform a certain personnel study to be completed on or before a certain date and to submit a certain study to certain committees of the General Assembly on or before a certain date; requiring the Board to report to certain committees of the General Assembly on the implementation and use of certain sanctioning guidelines on or before a certain date; requiring the Board to report to certain committees of the General Assembly on the implementation of certain recommendations; requiring the report to include certain information and a certain plan; making a stylistic change; and generally relating to the State Board of Nursing.

BY repealing and reenacting, with amendments,

Article – Health Occupations
Section 8–205(a)(8), 8–304, 8–6A–05(c)(2), 8–6A–13, and 8–802
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(40)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 941 – Senators Klausmeier, Benson, Colburn, Forehand, Garagiola, Montgomery, ~~and Stone~~ Stone, Middleton, Astle, Glassman, Kelley, Kittleman, Mathias, Muse, and Pugh

AN ACT concerning

Fiduciary Institutions – Protection of Elder Adults from Financial Abuse – Reporting Requirements

FOR the purpose of requiring certain fiduciary institutions to report suspected financial abuse of an elder adult under certain circumstances; requiring the report to be made to certain individuals and entities, at certain times, and by certain means; providing that a fiduciary institution is not required to investigate certain allegations by an elder adult or make an abuse report if the same matter already has been reported; providing that an abuse report is confidential and that the information contained in the report may be disclosed only under certain circumstances; providing that certain provisions of this Act may not be construed to allow the disclosure of certain reports or records or prohibit the disclosure of certain reports or records under certain circumstances; providing that certain provisions of this Act do not prohibit or limit the disclosure of certain financial records; requiring a fiduciary institution to establish and implement a certain training program for employees; prohibiting a fiduciary institution or an officer, employee, agent, or director of a fiduciary institution from declining to provide certain information in connection with an investigation of suspected financial abuse; establishing certain civil penalties for violations of certain provisions of this Act; providing that the penalties may be recovered only in a certain civil action brought against a fiduciary institution

and shall be paid by the fiduciary institution; defining certain terms; altering a certain definition; making certain stylistic and conforming changes; and generally relating to fiduciary institutions and requirements for reporting suspected financial abuse of elder adults.

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 1–101(a) and (g) and 1–301(a) and (b)
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 1–305 and 1–306
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

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

Senate Bill 967 – Senator Conway

AN ACT concerning

Maryland Higher Education Commission – Student Transfer Advisory Committee

FOR the purpose of establishing a Student Transfer Advisory Committee; providing for the composition, officers, and staffing of the Committee; prohibiting a member of the Committee from receiving compensation, but entitling a member to reimbursement for certain expenses; providing for the duties of the Committee; requiring the Committee to meet at least a certain number of times per year; requiring the Committee to submit a certain report on its findings and recommendations on or before certain dates; providing for the termination of the Committee; and generally relating to the Student Transfer Advisory Committee.

BY adding to
Article – Education
Section 11–106.1
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Senate Bill 969 – Senator Conway

AN ACT concerning

State Board of Professional Counselors and Therapists – Licensure of Clinical Professional Art Therapists

FOR the purpose of altering the membership of the State Board of Professional Counselors and Therapists ~~to include two members who are licensed as clinical professional art therapists~~; requiring certain individuals to be licensed by the Board as clinical professional art therapists before performing certain work in the State; establishing certain education and experience requirements to qualify for a license to practice clinical professional art therapy; requiring the Board to waive certain requirements under certain circumstances; providing that a license authorizes certain individuals to practice clinical professional art therapy while a license is effective; authorizing the Board to adopt certain regulations allowing certain individuals to practice as licensed graduate professional art therapists under certain supervision; establishing certain requirements to qualify for a license to practice as a licensed graduate professional art therapist; authorizing certain individuals to practice graduate professional art therapy under certain supervision for a certain period of time; prohibiting a licensee from surrendering a license under certain circumstances; authorizing the Board to deny a license to an applicant, reprimand a licensee, place a licensee on probation, or suspend or revoke a license under certain circumstances; authorizing the State or the Board to maintain a certain action to enjoin certain unauthorized practice or certain conduct; providing that certain action is in addition to and not instead of certain prosecution; authorizing certain committees or certain associations to be a counselor or therapist rehabilitation committee; providing that a counselor and therapist rehabilitation committee evaluates and provides assistance to certain professional art therapists under certain circumstances; prohibiting certain individuals from engaging in certain actions or making certain representations in the State or using certain titles unless licensed by the Board; providing for the appointment of ~~certain members~~ a certain member of the Board; ~~requiring certain vacancies on the Board to remain unfilled in accordance with provisions of this Act~~ ~~altering the membership of the Board;~~ and generally relating to the establishment of a license for clinical professional art therapy and the State Board of Professional Counselors and Therapists.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 17–101, 17–202, 17–301, 17–308, 17–309, 17–508, 17–509, 17–513, 17–515, 17–601, and 17–602
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 17–103 and 17–201
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Health Occupations
Section 17–304.1, 17–304.2, and 17–307.1
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 976 – Senators Middleton, Astle, Brinkley, Colburn, Dyson, Edwards, Garagiola, Getty, Glassman, Jennings, Klausmeier, Manno, Mathias, Miller, Pipkin, ~~and Zirkin~~ Zirkin, Kasemeyer, Currie, DeGrange, Jones–Rodwell, King, Madaleno, McFadden, and Peters

AN ACT concerning

Income Tax – Subtraction Modification – Enhanced Agricultural Management Equipment

FOR the purpose of providing certain subtraction modifications under the Maryland individual and corporate income tax for certain expenses incurred to buy and install certain agricultural equipment under certain circumstances; consolidating certain provisions of law that provide certain Maryland income tax subtraction modifications for certain expenses incurred to buy and install certain agricultural equipment under certain circumstances; providing for the application of this Act; and generally relating to certain Maryland income tax subtraction modifications for certain expenses incurred to buy and install certain agricultural equipment under certain circumstances.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–208(d) and 10–308(b)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing
Article – Tax – General
Section 10–208(m)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 1018 – Senator Kasemeyer

AN ACT concerning

Alcoholic Beverages – Rectifiers – Tours, Samples, and Sales

FOR the purpose of expanding the privileges of a rectifying license so that the holder of the license may conduct guided tours of the licensed premises~~,~~ and serve not more than a certain number of samples of products manufactured at the licensed premises~~, sell certain foods and beverages, sell products manufactured on the licensed premises for consumption off the licensed premises, and sell related merchandise~~ prohibiting a license holder or entity in which a license holder has a pecuniary interest from acting as a caterer of food; specifying the times when certain activities may be conducted; providing that a Class 2 manufacturer's (rectifying) license allows the holder to operate a certain number of days a week, with a certain exception; requiring a license holder to file with the Comptroller a notice of a promotional event at least a certain time before the event is held; prohibiting a license holder from selling or allowing to be consumed at the licensed premises certain products, with a certain exception; providing that this Act does not limit the application of certain laws and regulations; making certain technical corrections; and generally relating to rectifying licenses.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–203
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 1024 – Senator Astle

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Multiple Licenses

FOR the purpose of increasing to a certain amount the total number of additional Class H alcoholic beverages licenses that the Anne Arundel County Board of License Commissioners may issue to certain Class B or Class H alcoholic beverages license holders; and generally relating to alcoholic beverages licenses in Anne Arundel County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–102(h–1)
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 1040 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Middletown Wine Festival License

FOR the purpose of creating in Frederick County a Middletown Wine Festival License; authorizing the Frederick County Board of License Commissioners to issue the license to a holder of certain licenses; specifying that the license entitles the holder to display and sell at retail wine for consumption on or off the premises on the days and for the hours designated for the Middletown Wine Festival; ~~requiring that the Board shall ensure that the primary focus of the Middletown Wine Festival is the promotion of wine produced in Frederick County; requiring a license holder to display and sell wine that is distributed in the State;~~ providing for a license fee; specifying that this Act does not prohibit a license holder from holding another license of a different class or nature; authorizing the Burgess and Commissioners of Middletown to hold not more than a certain number of Middletown Wine Festivals annually; requiring the Burgess and Commissioners to choose certain festival locations; authorizing the Burgess and Commissioners to adopt certain regulations; making certain technical corrections; and generally relating to alcoholic beverages in Frederick County.

BY renumbering
Article 2B – Alcoholic Beverages
Section 8–308.2
to be Section 8–308.3
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 8–211(a)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–211(d–1)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–308.2
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 1044 – Senators Colburn and Mathias

AN ACT concerning

Wicomico County – Alcoholic Beverages – Class D Licenses – Follow–Up Records Checks

FOR the purpose of clarifying that there is a Class D beer, wine and liquor tavern license in Wicomico County; establishing a Class D beer, wine and liquor entertainment and amusement license in the County; providing for an annual fee and days of sale for the entertainment and amusement license; specifying that the entertainment and amusement license authorizes consumption on the premises only; specifying certain requirements that the premises that is the subject of an entertainment and amusement license application must meet; providing that the entertainment and amusement license holder must purchase certain alcoholic beverages from a county dispensary and may not be charged more than a certain price; prohibiting certain individuals under certain ages from entering or remaining on the licensed premises under certain circumstances; authorizing the Board to adopt certain regulations; requiring the Criminal Justice Information System Central Repository (CJIS) to provide the Board with a revised printed criminal record statement of a license applicant or license holder if information is reported to CJIS after the initial criminal history records check is completed; requiring CJIS to stop providing the Board with revised printed statements under certain circumstances; defining a certain term; making certain technical and stylistic changes; clarifying language; and generally relating to alcoholic beverages in Wicomico County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–401(a)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–401(x) and 10–103(b)(13)(vii)
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 1066 – ~~Senator Kasemeyer~~ Senators Kasemeyer, Brinkley, Colburn, Currie, DeGrange, Edwards, Jones–Rodwell, King, Madaleno, Manno, McFadden, and Peters

AN ACT concerning

Income Tax – Film Production Credit – Extension and Increase

FOR the purpose of extending certain termination provisions for a certain income tax credit allowed for certain entities that carry out certain film production activities in the State; altering the amount of certain tax credit certificates that the Secretary of Business and Economic Development may issue for certain fiscal years; and generally relating to income tax credits for certain film production activities.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–730
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Chapter 516 of the Acts of the General Assembly of 2011
Section 2

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 1073 – Senator Middleton

AN ACT concerning

Electricity – Certificate of Public Convenience and Necessity – Overhead Transmission Lines

FOR the purpose of authorizing the Public Service Commission to waive the requirement for an electric company to obtain a certificate of public convenience and necessity under certain circumstances for good cause; requiring the Commission to waive the requirement to obtain a certificate of public convenience and necessity for construction related to an existing overhead transmission line designed to carry a certain amount of voltage under certain circumstances; authorizing an electric company to undertake construction necessary to avoid an imminent safety hazard or reliability risk under certain circumstances; requiring an electric company to file a certain report with the Commission within a certain period of time under certain circumstances; and generally relating to certificates of public convenience and necessity for overhead electric transmission lines.

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 7–207(a)

Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–207(b)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Senate Bill 1075 – Senator Mathias

AN ACT concerning

Worcester County – Alcoholic Beverages – Beer and Wine Festivals

FOR the purpose of authorizing the Worcester County Board of License Commissioners to issue not more than a certain number of licenses each year for displaying and selling beer and wine at beer and wine festivals in the county; altering a certain definition; and generally relating to beer and wine festivals in Worcester County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–314
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 1077 – Senator Middleton

AN ACT concerning

Mortality and Quality Review Committee – Reporting Requirements – Sunset Extension

FOR the purpose of extending the termination date of certain provisions of law requiring the Mortality and Quality Review Committee to make certain reports, recommendations, and findings regarding incidents of injury and requiring the Office of Health Care Quality to provide certain data to the Committee; and generally relating to the Mortality and Quality Review Committee and reportable incidents of injury.

BY repealing and reenacting, with amendments,

Chapter 268 of the Acts of the General Assembly of 2006, as amended by Chapter 49 of the Acts of the General Assembly of 2009
Section 3

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

Senate Bill 1093 – Senator Dyson

AN ACT concerning

Calvert County – County Commissioners – Pensions

FOR the purpose of requiring that certain individuals who have served on the Calvert County Board of County Commissioners for only a certain number of terms during certain dates receive a certain pension; requiring that the pension be paid in certain periodic installments; and generally relating to pensions for certain individuals who have served on the Calvert County Board of County Commissioners.

BY adding to
The Public Local Laws of Calvert County
Section 2–105
Article 5 – Public Local Laws of Maryland
(2002 Edition and July 2011 Supplement, as amended)

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

Senate Bill 892 – Senators Peters, Colburn, King, Madaleno, Manno, McFadden, ~~and Robey~~ Robey, ~~and Klausmeier~~ Klausmeier, and Ferguson

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Gaming – Video Lottery Terminals and Table Games

FOR the purpose of authorizing the awarding of an additional video lottery operation license and a certain number of additional video lottery terminals for a video lottery facility in a certain location in Prince George's County; requiring, after a certain date, certain video lottery terminal devices be owned or leased by certain video lottery operation licenses; ~~repealing~~ altering a certain prohibition against an individual or business entity owning an interest in more than one video lottery facility to prohibit an individual or entity from owning an interest in more than two video lottery facilities; repealing certain prohibitions against a video lottery operation licensee providing food or alcoholic beverages to

individuals at no cost; ~~altering~~ establishing the amount the Comptroller ~~pays~~ must pay to a video lottery operation licensee from the proceeds of video lottery terminals at certain locations; specifying the allocation of proceeds of video lottery terminals at a certain video lottery facility in Prince George's County; ~~creating a State Capital Account as a special, nonlapsing fund; specifying the purpose of the Account; requiring the Comptroller to account for the Account; specifying the contents of the Account; providing for the investment of money in and expenditures from the Account; requiring that investment earnings accrue to the Account; specifying that expenditures may be allocated only for certain purposes; prohibiting the Video Lottery Facility Location Commission from awarding a video lottery facility operation license for a facility in a county where a majority of the voters voting on a certain referendum voted against the referred law;~~ repealing a certain prohibition against a holder of a video lottery operation license or any other person with a certain interest in the Ocean Downs racetrack or video lottery facility from building or operating certain structures within a certain location or offer to patrons of the video lottery facility the playing of live music or certain other live entertainment under certain conditions; ~~specifying that certain video lottery operation license fees accrue to an economic development fund to be established by the governing body of Prince George's County;~~ authorizing the holder of a video lottery operation license to offer table games in the State; specifying certain distributions of proceeds of table games; prohibiting the charging of a certain license fee; specifying the types of table games that may be authorized in the State; authorizing the State Lottery Commission to determine the suitability of certain table games under certain circumstances; ~~requiring certain legislation under certain circumstances;~~ providing for the calculation of net taxable income for the calculation of certain State aid for education beginning in a certain fiscal year; providing for the calculation of a grant resulting from certain calculations; altering the uses of the Education Trust Fund; prohibiting the Video Lottery Facility Location Commission from awarding a video lottery facility operation license for a facility in a county where a majority of the voters voting on a certain referendum voted against the referred law; proposing an amendment to the Maryland Constitution to provide that, in a certain referendum on the approval of an additional form or expansion of commercial gaming in a single county or Baltimore City, the additional form or expansion of commercial gaming must receive approval by a majority of the qualified voters of the affected county or Baltimore City; submitting the amendment to the qualified voters of the State for their adoption or rejection; making a certain provision of this Act contingent on the adoption of a certain constitutional amendment; making a certain technical correction; submitting certain provisions of this Act to a referendum of the qualified voters of the State for their adoption or rejection; providing for a delayed effective date for certain provisions of this Act; and generally relating to gaming in the State.

~~BY repealing and reenacting, without amendments,~~
~~Article – State Finance and Procurement~~
~~Section 6–226(a)(2)(i)~~

~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2011 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – State Finance and Procurement~~
~~Section 6–226(a)(2)(ii)62. and 63.~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2011 Supplement)~~

~~BY adding to~~
~~Article – State Finance and Procurement~~
~~Section 6–226(a)(2)(ii)64.~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2011 Supplement)~~

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–02(c)(1), 9–1A–05(a) and (d), 9–1A–21(a), 9–1A–24, 9–1A–27, ~~and 9–1A–36(f) through (j)~~ 9–1A–30(c), and 9–1A–36(f), (g), (h), (i) and (q)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

~~BY adding to~~
~~Article – State Government~~
~~Section 9–1A–35.1~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2011 Supplement)~~

BY proposing an amendment to the Maryland Constitution
Article XIX – Video Lottery Terminals
Section 1

BY repealing and reenacting, with amendments,
Article – Education
Section 5–202(a)(9)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – Education
Section 5–202(a–1)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Ways and Means.

QUORUM CALL

The presiding officer announced a quorum call, showing 127 Members present.

(See Roll Call No. 817)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #67

House Bill 1218 – Delegate Ivey

AN ACT concerning

~~Public Charter Schools – Chartering Authorities, Application Requirements, Employees, and Facility Funding~~
Task Force to Study the Improvement of Maryland Public Charter Schools

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

Affirmative – 125 Negative – 0 (See Roll Call No. 818)

The Bill was then sent to the Senate.

House Bill 1278 – Delegate Cardin

AN ACT concerning

Transportation – Institutions of Higher Education ~~and State Employment Facilities~~ – Bicycle and Pedestrian Access

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

Affirmative – 95 Negative – 28 (See Roll Call No. 819)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #66

House Bill 512 – Delegate Beitzel

AN ACT concerning

Environment – Garrett County Sanitary District – Imposition of Late Fees

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

Affirmative – 125 Negative – 0 (See Roll Call No. 820)

The Bill was then sent to the Senate.

House Bill 1262 – Delegates Hucker, S. Robinson, and Weir

AN ACT concerning

Environment – Asbestos Worker Protection

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

Affirmative – 111 Negative – 14 (See Roll Call No. 821)

The Bill was then sent to the Senate.

House Bill 1331 – Delegates Carr, Beidle, Bobo, Cane, Frush, Hucker, Luedtke, Niemann, Reznik, S. Robinson, Stein, and Weir

AN ACT concerning

Residential Property Sales – Disclosure of Utility Consumption

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

Affirmative – 123 Negative – 0 (See Roll Call No. 822)

The Bill was then sent to the Senate.

House Bill 1333 – Delegates Frush, McIntosh, Bobo, Healey, Holmes, Hubbard, Lafferty, Murphy, Niemann, S. Robinson, and Stein

AN ACT concerning

Environment – Nitrogen Removal Technology – Payment of Cost Differential

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

Affirmative – 125 Negative – 1 (See Roll Call No. 823)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #11

Senate Bill 47 – Senator Madaleno

EMERGENCY BILL

AN ACT concerning

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

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

Affirmative – 119 Negative – 6 (See Roll Call No. 824)

The Bill was then returned to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 128 Members present.

(See Roll Call No. 825)

ADJOURNMENT

At 11:29 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 25, 2012, Calendar Day Wednesday, March 28, 2012.

Annapolis, Maryland
Legislative Day: March 25, 2012
Calendar Day: Wednesday, March 28, 2012

The House met at 10:14 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Aruna Miller of Montgomery County.

QUORUM CALL

The presiding officer announced a quorum call, showing 131 Members present.

(See Roll Call No. 830)

The Journal of March 24, 2012 was read and approved.

EXCUSES:
Del. Alston – late – personal
Del. Barnes – business
Del. Hammen – business
Del. James – illness
Del. Rosenberg – business
Del. Ross – business
Del. Sophocleus – illness
Del. V. Turner – medical

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 153 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Qualified Zone Academy Bonds

FOR the purpose of the purpose of authorizing the creation of a State Debt in the amount of $15,324,000, the proceeds to be used as grants to the Interagency Committee on School Construction and the Maryland State Department of Education for certain development or improvement purposes; providing for disbursement of the loan proceeds and the further grant of funds to eligible school systems for certain purposes, subject to a requirement that the grantees

document the provision of a required matching fund; providing that, after a certain date, any bonds authorized under this Act shall be canceled and be of no further effect; providing that the proceeds of the loan under this Act shall be expended not later than a certain number of years after the issuance of the bonds authorized under this Act; authorizing the Board of Public Works to sell certain bonds at certain sales in proportion to the documented matching fund; providing generally for the issuance and sale of bonds evidencing the loan; and generally relating to Qualified Zone Academy Bonds.

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

Senate Bill 234 – The President (By Request – Administration) and Senators Benson, Currie, Ferguson, Kelley, King, Middleton, Peters, Pugh, ~~and Rosapepe~~ Rosapepe, and Jones–Rodwell

AN ACT concerning

Maryland Health Improvement and Disparities Reduction Act of 2012

FOR the purpose of requiring the Secretary of Health and Mental Hygiene to designate certain areas as Health Enterprise Zones in a certain manner; specifying the purpose of establishing Health Enterprise Zones; ~~requiring~~ authorizing the ~~Department~~ Secretary, in consultation with the Community Health Resources Commission, to adopt certain regulations; requiring the Secretary to consult with the Office of Minority Health and Health Disparities in implementing this Act; authorizing certain nonprofit community–based organizations or local government agencies to apply to the ~~Commission~~ Secretary on behalf of certain areas for designation as Health Enterprise Zones; establishing certain procedures and requirements in connection with the application process; requiring the Commission to make certain recommendations to the Secretary; requiring the Secretary to consider certain factors when designating areas as health enterprise zones and authorizing the Secretary to direct the Commission to conduct certain outreach efforts; requiring the Commission to report to certain committees of the General Assembly on certain information after certain applications are received by the Commission; authorizing the Secretary to limit the number of areas designated as Health Enterprise Zones; requiring the Commission and Secretary to give priority to applications in a certain manner; requiring the Commission to provide funding in accordance with the designation of the Secretary of a Health Enterprise Zone; authorizing certain licensed health care providers who practice in the Health Enterprise Zones to receive certain benefits, including certain grants; authorizing certain nonprofit community–based organizations or local government agencies to receive certain grants; establishing a Health Enterprise Zone Reserve Fund; requiring the Commission and the ~~Department~~ Secretary to submit certain annual reports; allowing a credit against the State income tax for certain health care providers who practice in Health Enterprise Zones under

certain circumstances; ~~allowing certain nonprofit community-based organizations or local government agencies to assign certain tax credits~~ allowing a refundable State income tax credit in certain circumstances for certain health care providers who practice in, and hire certain health care providers to practice in, a Health Enterprise Zone; requiring the Department to certify to the Comptroller the applicability of the credit for each health care provider and the amount of each credit assigned; limiting the amount of the credits allowed for a fiscal year; requiring the Department, in consultation with the Comptroller, to adopt certain regulations; requiring a certain evaluation system to establish and incorporate a certain set of measures regarding racial and ethnic variations in quality and outcomes and include certain information on certain actions taken relating to health disparities; requiring a certain community benefit report to include certain information relating to health disparities; requiring certain institutions of higher education to make a certain annual report to the Governor and the General Assembly relating to health disparities; requiring the Health Services Cost Review Commission and the Maryland Health Care Commission to conduct a certain study, develop certain regulations, and report to the Governor and General Assembly on or before a certain date; requiring the Maryland Health Quality and Cost Council to convene a certain workgroup and issue a certain report on or before a certain date; defining certain terms; providing for the application of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to health improvement and the reduction of health disparities.

BY adding to
Article – Health – General
Section 20–904; and 20–1401 through ~~20–1406~~ 20–1407 to be under the new subtitle "Subtitle 14. Health Enterprise Zones"
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Tax – General
Section 10–731
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–134(c) and 19–303(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 431 – Senators Young ~~and Brinkley~~, Brinkley, Glassman, Kelley, Klausmeier, and Middleton

AN ACT concerning

Workers' Compensation – Emergency Responders – Revisions

FOR the purpose of altering the definition of "on duty" in the workers' compensation law to include the performance of certain duties assigned to certain individuals appointed as deputy sheriffs or members of a certain fire police unit; altering the definition of "volunteer company" to include a volunteer fire police unit; specifying that a certain yearly stipend to help offset out–of–pocket expenses that is paid to certain emergency responders may not be used when determining the average weekly wage of the members for workers' compensation purposes; specifying that certain emergency responders who receive a certain membership benefit may not be considered employees for a certain purpose based on receipt of a certain membership benefit; and generally relating to workers' compensation for emergency responders.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–234 and 9–602(g)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 9–602(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Senate Bill 529 – Senator Robey

AN ACT concerning

Motor Vehicles – Use of Text Messaging Device While Driving

FOR the purpose of establishing that a certain prohibition against an individual who is under a certain age using a wireless communication device while operating a motor vehicle does not apply to the use of a wireless communication device as a text messaging device; making certain technical corrections; altering a certain definition; and generally relating to the use of a text messaging device while driving.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1124 and 21–1124.1
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 634 – Senators Frosh, Astle, Colburn, Garagiola, Klausmeier, Manno, Mathias, Middleton, Pipkin, Pugh, and Raskin

AN ACT concerning

Food Service Facilities – Open Windows and Doors ~~– Regulations~~

FOR the purpose of ~~requiring the Department of Health and Mental Hygiene, on or before a certain date, to adopt certain regulations that allow a food service facility to operate with the outer windows or outer doors of the facility open if a certain determination is made by a certain local health department;~~ authorizing a food service facility to operate with the outer doors or outer windows of the facility open unless the local health department finds evidence of certain vermin or flying insects while the facility is operating with the outer doors or outer windows open; requiring a food service facility to take certain actions under certain circumstances; authorizing a local health department to take certain actions under certain circumstances; providing for the application of this Act; and generally relating to ~~regulations for~~ open windows and doors at food service facilities.

BY adding to
Article – Health – General
Section 21–324.1
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 767 – Senator Edwards

EMERGENCY BILL

AN ACT concerning

Garrett County – County Commissioners – Wind Energy Conversion Systems

FOR the purpose of requiring that certain wind energy conversion systems comply with certain setback requirements; authorizing certain variances under certain circumstances; requiring that before a permit is issued for certain wind energy conversion systems, the Garrett County Department of Planning and Land Development retain a certain professional engineer to prepare a certain cost estimate and require the applicant to post a certain bond; requiring that the bond be held as surety for certain purposes; requiring, on completion of the construction of certain wind energy conversion systems and on a certain periodic basis, the Department to retain a certain professional engineer for certain purposes; authorizing the Department to alter the amount of a certain bond under certain circumstances; providing for the release of a bond under certain circumstances; authorizing the Department to require a certain owner to decommission and restore a certain pad site under certain circumstances; authorizing the use of a certain bond under certain circumstances; defining certain terms; providing that a certain rule, regulation, law, or ordinance for zoning of wind energy conversion systems supersedes this Act; providing for the application of this Act; providing for the termination of this Act; making this Act an emergency measure; and generally relating to wind turbines in Garrett County.

BY adding to
Article 25 – County Commissioners
Section 236G
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 778 – Senator Pugh

AN ACT concerning

Commercial Law – Rental–Purchase Agreements ~~Best Practices Act~~ – Disclosures

FOR the purpose of ~~requiring certain annual percentage rates to be disclosed in a rental–purchase agreement; prohibiting certain items from being included in a rental–purchase agreement; altering the circumstances under which a consumer may reinstate a rental–purchase agreement; requiring a reduction in certain payments under certain circumstances;~~ requiring a certain lessor to maintain certain records for a certain period of time; ~~establishing a certain maximum price that may be charged to a consumer under certain circumstances; establishing a certain maximum total amount paid by a certain consumer over a certain period of time;~~ requiring a lessor to provide a written receipt and a written statement to a consumer under certain circumstances; requiring a certain written receipt to contain certain information; ~~requiring a~~

~~certain percentage rate to be stated on certain advertisements; authorizing certain attorney's fees and court costs for a certain violation; providing that a certain violation is an unfair or deceptive trade practice under the Maryland Consumer Protection Act; providing that a rental–purchase agreement is void under certain circumstances; providing for certain penalties if the agreement is void;~~ prohibiting a lessor from bringing a certain court action unless a certain notice is given to the consumer; ~~requiring a rental–purchase agreement to be written in a certain manner; altering a certain form used to satisfy certain disclosure requirements; requiring a bill or invoice sent to a consumer to contain certain information; authorizing the Attorney General's Office to adopt and enforce certain regulations and bring a certain civil action;~~ requiring the Attorney General's ~~Office to place certain items on its~~ Web site to include a certain sample rental–purchase agreement; ~~altering a certain short title; defining certain terms; altering certain definitions;~~ and generally relating to rental–purchase agreements ~~best practices~~.

BY repealing and reenacting, with amendments,
Article – Commercial Law
~~Section 12–1101, 12–1104 through 12–1107, and 12–1109 through 12–1112~~
Section 12–1107
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

~~BY repealing and reenacting, without amendments,~~
~~Article – Commercial Law~~
~~Section 12–1102, 12–1103, and 12–1108~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2011 Supplement)~~

BY adding to
Article – Commercial Law
Section 12–1106.1, 12–1110.1, and 12–1111.1~~, and 12–1111.2~~
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

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

Senate Bill 781 – Senators Pugh, Pipkin, Mathias, Middleton, ~~and Montgomery~~ Montgomery, Astle, Glassman, Kelley, Kittleman, and Klausmeier

AN ACT concerning

Health Insurance – Coverage for Services Delivered Through Telemedicine ~~Services~~

FOR the purpose of requiring certain insurers, nonprofit health service plans, and health maintenance organizations to provide ~~the same~~ coverage for health care services delivered ~~in person or~~ through ~~a~~ telemedicine ~~service~~ in a certain manner; prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from excluding a health care service from coverage solely because it is delivered by ~~a~~ telemedicine ~~service~~ and not in another manner; requiring certain insurers, nonprofit health service plans, and health maintenance organizations to reimburse health care providers for certain services ~~on a certain basis~~ under certain circumstances; authorizing the imposition of a deductible, copayment, coinsurance amount, or annual dollar maximum~~, or lifetime dollar maximum under certain circumstances~~ for certain services; prohibiting the imposition of a lifetime dollar maximum for certain services; authorizing certain insurers, nonprofit health service plans, and health maintenance organizations to undertake certain utilization review under certain circumstances; prohibiting a health insurance policy or contract from distinguishing between patients in rural or urban locations in providing certain coverage; providing that a certain decision constitutes a certain adverse decision under certain circumstances; ~~requiring the Maryland Medical Assistance Program to provide certain reimbursement under certain circumstances;~~ making certain provisions of this Act applicable to health maintenance organizations; ~~providing that the health benefit options that the Secretary of Budget and Management includes in the State Employee and Retiree Health and Welfare Benefits Program may not discriminate in a certain manner and shall provide certain coverage;~~ requiring the Department of Public Safety and Correctional Services to make a certain study and report to the General Assembly on or before a certain date; requiring the Department of Health and Mental Hygiene to conduct a certain review, make a certain determination, conduct a certain analysis, and report to certain committees of the General Assembly on or before a certain date concerning telemedicine and the Maryland Medical Assistance population; defining a certain term; providing for the application of this Act; and generally relating to coverage for telemedicine ~~services~~ under health insurance.

BY adding to
Article – Insurance
Section 15–139
Annotated Code of Maryland
(2011 Replacement Volume)

~~BY repealing and reenacting, with amendments,~~
~~Article – Health – General~~
~~Section 15–105.2~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2011 Supplement)~~

BY adding to
Article – Health – General

Section 19–706(llll)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

~~BY adding to~~
~~Article – State Personnel and Pensions~~
~~Section 2–518~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2011 Supplement)~~

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

Senate Bill 784 – Senators Muse, Colburn, Kittleman, and Klausmeier

AN ACT concerning

Department of Health and Mental Hygiene – Workgroup on Cancer Clusters and Environmental Causes of Cancer

FOR the purpose of requiring the Department of Health and Mental Hygiene, in consultation with the 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.

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

Senate Bill 850 – Senator King

AN ACT concerning

Health Occupations – Qualifications for Licensure – Mortuary Science, Funeral Direction, and Apprenticeship

FOR the purpose of altering the circumstances under which the State Board of Morticians and Funeral Directors is required to issue a mortician or funeral director license to certain individuals; requiring an individual who is seeking approval of an apprentice license to complete certain credits at a certain school or in a certain course that has both a certain accreditation and is approved by the Board; providing that certain provisions of this Act do not apply to certain individuals; requiring the Board to adopt certain regulations on or before a certain date; and generally relating to the requirements for licensure in

mortuary science and funeral direction and for approval of an apprentice license.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 7–303(b)(3) and 7–306(d)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 894 – Senator Jones–Rodwell

AN ACT concerning

Baltimore City – Representation of Child Support Enforcement Administration – Transfer of Employees

FOR the purpose of requiring that, if the ~~Office of the Attorney General~~ Department of Human Resources hires certain employees of the Office of the State's Attorney for Baltimore City who were providing certain services for the Child Support Enforcement Administration during a certain period, the employees shall be placed in certain positions in the State Personnel Management System and receive certain employment rights, service credit for certain purposes, certain annual or sick leave, and certain rights as a member of the Employees' Pension System of the State of Maryland and for determining eligibility for certain other benefits; providing certain exceptions for certain employees who retire or do not transfer service credit from the Employees' Retirement System of the City of Baltimore; requiring Baltimore City, under certain circumstances, to make certain payments to certain employees and to transfer certain pension contributions in a certain manner; declaring certain findings and the intent of the General Assembly; and generally relating to the transfer of certain employees from the Office of the State's Attorney for Baltimore City to the ~~Office of the Attorney General~~ Department of Human Resources.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 10–115(g)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

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

Senate Bill 899 – Senators Gladden, Kelley, Klausmeier, Raskin, and Stone

AN ACT concerning

Correctional Services – Correctional Officer – Emergency Suspension Rescinded

FOR the purpose of providing that a State correctional officer who receives an emergency suspension without pay after being ~~charge~~ charged with a felony and who is not convicted of the felony shall have the emergency suspension rescinded and any lost time, compensation, status, and benefits restored; providing that this Act does not apply to a State correctional officer under certain circumstances; and generally relating to the rights of a State correctional officer.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 10–913
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Senate Bill 903 – Senator Astle

AN ACT concerning

Health Insurance – Pharmacy Benefits Managers – Audits and Reimbursement of Pharmacies or Pharmacists

FOR the purpose of altering certain requirements a pharmacy benefits manager must comply with when conducting an audit of a pharmacy or pharmacist; prohibiting a pharmacy benefits manager from disrupting the provision of services to the customers of a pharmacy during an audit; prohibiting a pharmacy benefits manager from taking certain actions relating to an audit of a pharmacy or pharmacist, with a certain exception; prohibiting a pharmacy benefits manager from recouping by setoff certain money until certain conditions are fulfilled; providing for a certain appeal, under certain circumstances; ~~requiring~~ authorizing the Maryland Insurance Commissioner to adopt regulations ~~that standardize~~ regarding certain documentation and a certain process; prohibiting a pharmacy benefits manager from retroactively denying or modifying reimbursement to a pharmacy or a pharmacist for a certain approved claim, with certain exceptions; ~~requiring a pharmacy benefits manager to reimburse a pharmacy or pharmacist for a certain quantity of a prescription drug to meet a certain day's supply; limiting the amount of reimbursement that a pharmacy benefits manager may recoup, require to be repaid, or setoff under certain circumstances;~~ and generally relating to pharmacy benefits managers and audits and reimbursement of pharmacies and pharmacists.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–1629
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article – Insurance
Section 15–1631
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 928 – Senators Astle and Middleton

AN ACT concerning

Health Insurance – Fees for Administrative Services Provided by Insurance Producers – Authorized

FOR the purpose of authorizing an insurance producer who is licensed to sell health insurance to charge reasonable fees for ~~services related to the administration of a health benefit plan~~ an administrative service that is sold by the insurance producer to an employer ~~and covers eligible employees of the employer~~; providing that fees may not be charged by an insurance producer for certain services; requiring an insurance producer to disclose certain information on a certain form and in a certain manner before a fee for administrative services is charged; requiring the disclosure form to be signed by the insurance producer and an authorized representative of the employer and retained by the insurance producer as required by regulations adopted by the Maryland Insurance Commissioner; defining certain terms; and generally relating to fees for administrative services provided by insurance producers.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 27–216(a)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article – Insurance
Section 27–216(g)
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 938 – Senator Mathias

AN ACT concerning

Property and Casualty Insurance – Rescission of Policy or Binder – Authorized

FOR the purpose of authorizing an insurer to rescind a policy or binder of personal insurance, commercial property insurance, or commercial liability insurance if the applicant's initial premium payment is made by a check or other remittance that is ~~dishonored and returned by~~ not honored on presentation to a financial institution for a certain reason under certain circumstances; requiring that an insurer, to rescind the policy or binder, send a certain notice to ~~the applicant~~ certain persons within a certain period of time, in a certain manner, and to ~~a certain address~~ certain addresses; requiring the notice to contain certain statements; providing for the application of this Act; and generally relating to the rescission of policies and binders of property and casualty insurance.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 12–106(a) and (b)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article – Insurance
Section 12–106(j)
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 954 – Senator Middleton

AN ACT concerning

Medical Records – ~~HIPAA Consistency Act of 2012~~ Enhancement or Coordination of Patient Care

FOR the purpose of authorizing~~, subject to certain provisions of law relating to mental health services, a covered entity to disclose protected health information, as allowed under certain federal privacy laws; providing that certain provisions of~~

~~this Act only authorize disclosure of protected health information in accordance with the federal privacy laws; authorizing a medical laboratory to disclose the results of a laboratory examination under certain circumstances; establishing a certain exception to the prohibition on the disclosure of certain medical records by an insurer, an insurance service organization, a nonprofit health service plan, or a Blue Cross or Blue Shield plan; defining certain terms;~~ certain health care providers to share medical records and certain information with certain insurance carriers and accountable care organizations for the purposes of enhancing or coordinating patient care and for certain other purposes under certain circumstances and subject to certain limitations; requiring certain notices when certain information is shared between health care providers and carriers or accountable care organizations under certain circumstances; establishing certain limits on the use of certain information shared by health care providers with carriers; clarifying that medical data and claims data is medical information; and generally relating to the disclosure of protected health information ~~by a covered entity~~.

~~BY adding to~~
~~Article – Health – General~~
~~Section 4–310~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2011 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Health – General
Section ~~17–202.1~~ 4–305
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 4–403 and 14–138
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 977 – Senator Rosapepe

AN ACT concerning

Transportation – Institutions of Higher Education ~~and State Employment Facilities~~ – Bicycle and Pedestrian Access

FOR the purpose of requiring each public institution of higher education ~~and State employment facility to develop on or before a certain date a facility master plan,~~

when it revises its facility master plan, to address bicycle and pedestrian circulation on and around the institution's campus; requiring the institution ~~or employment facility~~ to include certain measures in the facility master plan; and generally relating to bicycle and pedestrian access at institutions of higher education ~~and State employment facilities~~.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1008
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 997 – Senator Garagiola

AN ACT concerning

Public Utilities – Electric Vehicle Users and Charging Stations – Exclusions

FOR the purpose of altering certain definitions of "electricity supplier" and "public service company" to exclude, for purposes of certain provisions of law, a person that owns or operates equipment used for charging electric vehicles; altering a certain definition of "retail electric customer" to include certain persons and to exclude, for purposes of certain provisions of law, a person that charges an electric vehicle at an electric vehicle charging station, with a certain exception; and generally relating to exclusions from certain provisions of law for electric vehicle users and charging stations.

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 1–101(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 1–101(j), (x), and (cc)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Senate Bill 998 – Senator Garagiola

AN ACT concerning

Motor Vehicle Administration – Plug–In Vehicles – Disclosure of Personal Information

FOR the purpose of requiring a custodian of certain records of the Motor Vehicle Administration containing personal information to disclose certain personal information related to plug–in vehicles for certain use by an electric company subject to certain restrictions; and generally relating to the disclosure of personal information related to plug–in vehicles from the records of the Motor Vehicle Administration.

BY repealing and reenacting, without amendments,
Article – State Government
Section 10–616(p)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–616(p)(5)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 1036 – Chair, Budget and Taxation Committee (By Request – Departmental – University System of Maryland)

AN ACT concerning

Academic Facilities Bonding Authority

FOR the purpose of approving certain projects for the acquisition, development, and improvement of certain academic facilities for the University System of Maryland; approving the issuance of bonds by the University System of Maryland for financing the projects; providing that certain bonds are not a debt or obligation of the State or any of its subdivisions; and generally relating to academic facilities bonding authority and projects.

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

Senate Bill 1078 – Senator Dyson

AN ACT concerning

Election Law – Absentee Ballots – Internet or Facsimile Transmission

FOR the purpose of requiring a local board of elections to send certain voters an absentee ballot by the Internet or facsimile transmission under certain circumstances; requiring the State Board of Elections to provide an online ballot marking tool for certain voters to use to vote an absentee ballot, subject to a certain condition; requiring a local board of elections to provide certain voters with a certain envelope, oath, and instructions for completing and mailing an absentee ballot; requiring the State Board of Elections to report to certain committees of the General Assembly on or before a certain date concerning the implementation of this Act; and generally relating to absentee ballots.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 1–101(q)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 9–306, 9–308, and 9–310
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Senate Joint Resolution 6 – Senators Colburn, Currie, Mathias, Middleton, ~~and Raskin~~ Raskin, Garagiola, Glassman, Kittleman, Klausmeier, Muse, and Pugh

A Senate Joint Resolution concerning

Health – Prostate Cancer Screening

FOR the purpose of requesting the Congress of the United States to seek the withdrawal of the United States Preventive Services Task Force draft recommendations against prostate–specific–antigen screening for prostate cancer for men in all age groups.

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

Senate Bill 236 – The President (By Request – Administration) and Senators Pinsky, Frosh, Madaleno, Montgomery, and Raskin

AN ACT concerning

Sustainable Growth and Agricultural Preservation Act of 2012

FOR the purpose of ~~altering~~ authorizing a local jurisdiction to adopt ~~and certify to the Department of Planning~~ certain growth tier designations; requiring a local jurisdiction under certain circumstances to alter the contents of ~~certain elements that are required in~~ a certain plan; authorizing a local jurisdiction to submit proposed tier designations to the Department of Planning before ~~certification~~ adoption for certain purposes; establishing certain mandatory and certain discretionary provisions relating to the adoption of certain tiers by certain local jurisdictions; requiring a local jurisdiction to provide documentation to the Department of Planning if the jurisdiction does not adopt a certain tier; requiring growth tiers ~~certified~~ adopted by a local jurisdiction to meet certain criteria; prohibiting the approval of a residential major subdivision if a local jurisdiction has established certain tiers unless a planning board reviews and recommends ~~the~~ approval under certain circumstances; establishing the requirements for the review of a residential major subdivision by a planning board; requiring a planning board to hold a certain hearing under certain circumstances; ~~requiring a planning board to publish a certain notice in a certain manner; requiring a planning board to provide copies of a proposed major subdivision to certain units and jurisdictions within a certain period of time~~ ~~requiring the Department of Planning to provide certain information to certain State agencies and post certain information on the Department's Web site;~~ requiring a planning board to recommend a proposed major subdivision in a certain manner; ~~requiring a planning board to send a certain resolution and certain documents to the Department of the Environment and the Department of Planning under certain circumstances~~ prohibiting ~~the Department of the Environment or the Department's designee from approving~~ a local jurisdiction from authorizing a certain residential subdivision until the local jurisdiction adopts certain growth tiers; authorizing ~~the Department or the Department's designee~~ a local jurisdiction, if a local jurisdiction has not adopted certain growth tiers, to approve a certain residential subdivision under certain circumstances~~; authorizing the Department to extend the time period for recordation of a subdivision plat in certain circumstances~~; establishing certain requirements for the approval of a residential subdivision plat by the Department ~~of the Environment,~~ or the Department's designee; authorizing a local jurisdiction to request a verification of a certain overall yield under certain circumstances; requiring the Department of Planning to verify a certain overall yield after consultation with the Maryland Sustainable Growth Commission; providing for the resolution of conflicting tier designations; ~~requiring the Department of the Environment to submit a certain subdivision plat to the Department of Planning for certain advice;~~ prohibiting the Department of the Environment from approving a major residential subdivision under certain circumstances on or before a certain date; ~~requiring a local jurisdiction to notify provide certain information to the Department of Planning under certain circumstances;~~ ~~authorizing the Department of the Environment to adopt certain~~

~~regulations to require offsets for new subdivisions~~ ~~requiring the Department of Planning to provide a certain notification to the Department of the Environment;~~ prohibiting the subdivision or resubdivision of a certain tract or parcel of land or a minor residential subdivision under certain circumstances on or after a certain date; requiring the subdivision plat of a residential minor subdivision to state certain information; authorizing the subdivision or resubdivision of a certain tract or parcel of land or a minor residential subdivision under certain circumstances on or after a certain date; authorizing the owner of certain property used for agricultural activities to install certain numbers of on–site sewage disposal systems in accordance with certain requirements; requiring certain on–site sewage disposal systems installed on certain property to be clustered together under certain circumstances; authorizing a local jurisdiction to enact a local law or ordinance for the transfer of certain rights of an owner to subdivide certain property used for agricultural activities to the owner of certain other property used for agricultural activities under certain circumstances; establishing certain requirements for the approval of a shared facility or community sewerage system; ~~requiring the Department of the Environment to establish certain requirements for a shared facility and a community sewerage system;~~ defining certain terms; ~~requiring the Department of the Environment to adopt regulations to require certain residential subdivisions to receive a permit;~~ establishing certain requirements for the verification by the Department of Planning of a certain yield for zoning; requiring a local jurisdiction to submit to the Department of Planning on or before a certain date a certain definition or description; requiring the Department of Planning to prepare a list of certain definitions and descriptions for publication on certain Web sites on or after a certain date; providing that this Act may not be construed to limit certain authority granted to the Critical Area Commission; establishing the intent of the General Assembly; providing for the application of certain provisions of this Act; providing for the construction of this Act; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to the subdivision of land and planning for growth.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–206
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY adding to
Article – Environment
Section 9–1110
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article 66B – Land Use

Section 1.00~~,~~ and 1.03~~, 1.04(b)(1)(iv), and 3.05(a)(4)(ii)~~
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

~~BY repealing and reenacting, without amendments,~~
~~Article 66B – Land Use~~
~~Section 1.04(a) and 3.05(a)(4)(i)~~
~~Annotated Code of Maryland~~
~~(2010 Replacement Volume and 2011 Supplement)~~

BY adding to
Article 66B – Land Use
Section ~~1.04(b)(5),~~ 1.05~~,~~ and ~~3.05(a)(9)~~ 1.06
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
~~Section 9–206(a)(10), (b)(2)(iv), and (d)(1)~~
Section 9–206(a)(3), (d)(1), (g)(1)(iv) and (2), and (j)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,
Article – Land Use
Section 1–401~~, 1–407, 3–103,~~ and 5–104
Annotated Code of Maryland
(As enacted by Chapter ____ (H.B. ____)(2lr0396) of the Acts of the General Assembly of 2012)

~~BY repealing and reenacting, without amendments,~~
~~Article – Land Use~~
~~Section 1–405 and 3–101(a)~~
~~Annotated Code of Maryland~~
~~(As enacted by Chapter ____ (H.B. ____)(2lr0396) of the Acts of the General Assembly of 2012)~~

BY adding to
Article – Land Use
Section 1–501 through ~~1–507~~ 1–509 to be under the new subtitle "Subtitle 5. Growth Tiers"; and 5–104
Annotated Code of Maryland
(As enacted by Chapter ____ (H.B. ____)(2lr0396) of the Acts of the General Assembly of 2012)

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

~~Article – Land Use~~
~~Section 5–104~~
~~Annotated Code of Maryland~~
~~(As enacted by Chapter ____ (H.B. ___)(2lr0396) of the Acts of the General Assembly of 2012)~~

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

Senate Bill 678 – Senator Forehand

AN ACT concerning

Criminal Procedure – Expungement of Criminal Charge Transferred to Juvenile Court

FOR the purpose of altering provisions relating to the expungement of certain criminal records by authorizing a person to file, and requiring a court to grant, a petition for expungement of a criminal charge transferred to the juvenile court under a certain provision of law; repealing a certain obsolete definition; and generally relating to the expungement of certain criminal charges transferred to the juvenile court.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 4–202 and 4–202.2
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–106
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

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 – 129 Negative – 1 (See Roll Call No. 831)

In compliance with the rules, the Bill was introduced.

Delegate O'Donnell moved to suspend Rule 32 and assign the Bill to the committee of jurisdiction.

The motion was adopted by roll call vote as follows:

Affirmative – 128 Negative – 0 (See Roll Call No. 832)

House Bill 1479 – Delegate O'Donnell

AN ACT concerning

Hunting, Fishing, and Boat Manufacturer's or Dealer's License Applications – Disclosure of Information

FOR the purpose of establishing that the Department of Natural Resources may only require an applicant, and a license applicant may only be required, to provide certain information on an application for a hunting, fishing, or boat manufacturer's or dealer's license; creating for hunting, fishing, or boat manufacturer's or dealer's license applications an exception to the requirements that a licensing authority require a license applicant to disclose the full Social Security number of the applicant and record the Social Security number on the application; altering the information that a request for information from a hunting, fishing, or boat manufacturer's or dealer's license application made by the Child Support Enforcement Administration to the Department of Natural Resources is required to contain; altering the information from a hunting, fishing, or boat manufacturer's or dealer's license application that the Department of Natural Resources is required to submit to the Child Support Enforcement Administration after receiving a request for information; making certain stylistic changes; and generally relating to information required to be disclosed to or by the Department of Natural Resources on or from a hunting, fishing, or boat manufacturer's or dealer's license application.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 10–119.3
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4–202
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–205(l), 4–604(d) and (e), and 4–704(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 8–702 and 8–710(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–710(c) and 10–301(d) and (e)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

THE COMMITTEE ON ECONOMIC MATTERS REPORT #15

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

House Bill 356 – Delegate Braveboy

AN ACT concerning

Transportation – Required Security – Rental Vehicles

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 441 – The Speaker (By Request – Administration) and Delegates Hucker, Barnes, Barve, Bobo, Cardin, Frush, Hubbard, Jones, Mizeur, Ross, Stein, and Waldstreicher

AN ACT concerning

Maryland Offshore Wind Energy Act of 2012

HB0441/313396/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 441
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after "project" insert "after the effective date of certain regulations"; and in lines 14 and 15, strike "specifying the application period and" and substitute "requiring the Commission to open a certain application period and provide certain notice under certain circumstances;"; in line 23, after "State;" insert "requiring the Commission to apply the same net cost per megawatt–hour to residential and nonresidential customers when calculating certain rate impacts; incorporating certain findings and evidence associated with a certain Minority Business Enterprise Program; requiring that approved applicants comply with the Minority Business Enterprise Program; prohibiting the Commission from approving an application until certain goals and procedures are established;"; and in line 26, after "right;" insert "requiring a qualified offshore wind project to deposit a certain amount into a certain fund at certain times;".

On page 2, in line 7, after "credits;" insert "authorizing the Commission to extend the term of an OREC pricing schedule for a certain amount of time under certain circumstances; stating that an OREC transaction that takes place during an extended OREC term is subject to certain provisions and regulations applicable to the original OREC order;"; in line 9, after "requirement;" insert "reducing a certain fee for industrial process load under certain circumstances;"; in line 15, after "prohibiting" insert "the Commission from approving an application for"; in line 21, after "costs;" insert "establishing a Maryland Offshore Wind Business Development Fund in the Department of Business and Economic Development; authorizing the Fund to provide certain financial and business development assistance to a certain business; stating the purpose and administration of the Fund; establishing the Maryland Offshore Wind Business Development Advisory Committee; requiring the Advisory Committee to make certain recommendations regarding the use of money in the Fund; requiring a certain transfer from a certain fund to the Fund; adding the Fund to the list of exceptions to the requirement that the earnings of special funds accrue to the General Fund;"; in the same line, after "terms;" insert "making stylistic changes;"; in line 22, after "severable;" insert "requiring the Commission to open a certain evidentiary proceeding to evaluate a certain application;".

On page 3, after line 1, insert:

"BY adding to
Article – Economic Development
Section 5–1401 through 5–1404 to be under the new subtitle "Subtitle 14. Maryland Offshore Wind Business Development Fund"
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)62. and 63.
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)64.
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On pages 3 and 4, strike beginning with the first comma in line 30 on page 3 through the comma in line 1 on page 4.

On page 4, in line 1, after the second "**OF**" insert "**ELECTRICITY THAT IS DERIVED FROM**"; in line 4, strike ", Inc.,"; and in line 13, after "**AREA**" insert "**THAT IS:**

(I)";

in line 16, after "**2005;**" insert "**AND**

(II) BETWEEN 10 AND 30 MILES OFF THE COAST OF THE STATE;".

On page 5, in line 22, after "**AREA**" insert "**THAT IS:**

(I)";

and in line 24, after "**ACT**" insert "**; AND**

(II) BETWEEN 10 AND 30 MILES OFF THE COAST OF THE STATE".

On page 15, in lines 27 and 29, in each instance, strike "**, INC.**".

AMENDMENT NO. 3

On page 10, in line 32, strike "**A**" and substitute "**AFTER THE EFFECTIVE DATE OF COMMISSION REGULATIONS IMPLEMENTING THIS SECTION AND § 7–704.2 OF THIS SUBTITLE, A**".

On page 11, strike in their entirety lines 1 through 9, inclusive, and substitute:

"**(2) (I) ON RECEIPT OF THE APPLICATION FOR APPROVAL OF A QUALIFIED OFFSHORE WIND PROJECT, THE COMMISSION SHALL:**

1. OPEN AN APPLICATION PERIOD DURING WHICH OTHER INTERESTED PERSONS MAY SUBMIT APPLICATIONS FOR APPROVAL OF QUALIFIED OFFSHORE WIND PROJECTS; AND

2. PROVIDE NOTICE THAT THE COMMISSION IS ACCEPTING APPLICATIONS FOR APPROVAL OF QUALIFIED OFFSHORE WIND PROJECTS.";

and in line 11, after "**PERIOD**" insert "**, WHICH MAY NOT BE LESS THAN 90 DAYS AFTER THE NOTICE PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION**".

On page 13, in line 32, strike "**$2**" and substitute "**$1.50**".

On page 14, in line 3, strike "**AVERAGE**"; in the same line, strike "**A**" and substitute "**ALL**"; in line 4, strike "**CUSTOMER**" and substitute "**CUSTOMERS CONSIDERED AS A BLENDED AVERAGE**"; in line 6, strike "**2.5% OF THE NONRESIDENTIAL CUSTOMER'S TOTAL ANNUAL ELECTRIC BILL**" and substitute "**1.5% OF NONRESIDENTIAL CUSTOMERS' TOTAL ANNUAL ELECTRIC BILLS**"; in line 9, strike "**$200**" and substitute "**$190**"; and in lines 15 and 16 strike "**PRICE SET IN THE OREC PRICING SCHEDULE**" and substitute "**OREC PRICE SCHEDULE, WHICH MAY NOT AUTHORIZE AN OREC PRICE GREATER THAN $190 PER MEGAWATT–HOUR IN 2012 DOLLARS**".

On page 16, after line 2, insert:

"**(D) (1) IF, WITHIN 2 YEARS BEFORE THE EXPIRATION OF AN OREC TERM, A QUALIFIED OFFSHORE WIND PROJECT IS ANTICIPATED TO RECEIVE PJM REVENUES GREATER THAN THE PROJECT OPERATING COSTS FOR THE 5 YEARS IMMEDIATELY FOLLOWING THE EXPIRATION OF THE TERM OF THE OREC PRICING SCHEDULE, THE COMMISSION MAY EXTEND THE TERM OF THE OREC PRICING SCHEDULE FOR AN ADDITIONAL 5 YEARS AT AN OREC PRICE THAT EQUALS 50% OF THE SUM OF:**

(I) ANTICIPATED MARKET REVENUES GENERATED BY THE PROJECT DURING THE ADDITIONAL 5–YEAR PERIOD; AND

(II) ANTICIPATED PROJECT OPERATING COSTS DURING THE ADDITIONAL 5–YEAR PERIOD.

(2) IF, WITHIN 2 YEARS BEFORE THE EXPIRATION OF AN ADDITIONAL 5–YEAR TERM EXTENDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, A QUALIFIED OFFSHORE WIND PROJECT IS ANTICIPATED TO RECEIVE PJM REVENUES GREATER THAN THE PROJECT OPERATING COSTS FOR THE 5 YEARS IMMEDIATELY FOLLOWING THE EXPIRATION OF THE ADDITIONAL 5–YEAR TERM, THE COMMISSION MAY EXTEND THE TERM OF THE OREC PRICING SCHEDULE FOR AN ADDITIONAL 5 YEARS AT AN OREC PRICE THAT EQUALS 50% OF THE SUM OF:

(I) ANTICIPATED MARKET REVENUES GENERATED BY THE PROJECT DURING THE ADDITIONAL 5–YEAR PERIOD; AND

(II) ANTICIPATED PROJECT OPERATING COSTS DURING THE ADDITIONAL 5–YEAR PERIOD.

(3) EXCEPT AS PROVIDED IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION, AN OREC TRANSACTION THAT TAKES PLACE DURING AN ADDITIONAL 5–YEAR TERM IS SUBJECT TO THE PROVISIONS AND REGULATIONS APPLICABLE TO THE ORIGINAL OREC ORDER.

(E) ON OR BEFORE JULY 1, 2013, THE COMMISSION SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION AND § 7–704.1 OF THIS SUBTITLE.".

AMENDMENT NO. 4

On page 12, in line 3, strike "**AND**"; after line 6, insert:

"**(V) AN ANALYSIS OF ANY LONG–TERM EFFECT ON ENERGY AND CAPACITY MARKETS AS A RESULT OF THE PROPOSED OFFSHORE WIND PROJECT; AND**

(VI) OTHER BENEFITS, SUCH AS INCREASED IN–STATE CONSTRUCTION, OPERATIONS, MAINTENANCE, AND EQUIPMENT PURCHASE;";

in line 25, strike "**REDUCTIONS**" and substitute "**CHANGES**"; and after line 28, insert:

"**(V) POTENTIAL LONG–TERM CHANGES IN CAPACITY PRICES WITHIN MARYLAND FROM THE OFFSHORE WIND PROJECT AS IT COMPARES TO CONVENTIONAL ENERGY SOURCES;**".

AMENDMENT NO. 5

On page 11, in line 23, after "**INCLUDE**" insert "**AT A MINIMUM**"; in line 26, after "**STATE**" insert "**WITH PARTICULAR EMPHASIS ON IN–STATE MANUFACTURING EMPLOYMENT**"; in lines 27 and 28, strike "**AN ASSESSMENT OF JOBS TO BE CREATED BY THE OFFSHORE WIND PROJECT, INCLUDING THE LOCATION,**" and substitute "**DETAILED INFORMATION CONCERNING ASSUMED EMPLOYMENT IMPACTS IN THE STATE, INCLUDING**"; in lines 28 and 29, strike "**,**

TYPE, AND" and substitute "**OF EMPLOYMENT OPPORTUNITIES,**"; and in lines 29 and 30, strike "**WITH JOB TOTALS EXPRESSED AS FULL–TIME EQUIVALENTS**" and substitute "**AND OTHER SUPPORTING EVIDENCE OF EMPLOYMENT IMPACTS**".

On page 12, in line 11, after "**PROJECT**" insert "**, INCLUDING PROVISIONS FOR DECOMMISSIONING AS REQUIRED BY THE UNITED STATES DEPARTMENT OF THE INTERIOR**"; after line 11, insert:

"**(6) A COMMITMENT TO:**

(I) ABIDE BY THE REQUIREMENTS SET FORTH IN SUBSECTION (E)(3) OF THIS SECTION; AND

(II) DEPOSIT AT LEAST $6,000,000, IN THE MANNER REQUIRED UNDER SUBSECTION (G) OF THIS SECTION, INTO THE MARYLAND OFFSHORE WIND BUSINESS DEVELOPMENT FUND ESTABLISHED UNDER § 5–1403 OF THE ECONOMIC DEVELOPMENT ARTICLE;";

in line 12, strike "**(6)**" and substitute "**(7)**"; and strike beginning with the colon in line 12 down through "**(II)**" in line 14.

AMENDMENT NO. 6

On page 11, in line 22, after "**PROJECT**" insert "**, INCLUDING DOCUMENTATION DEMONSTRATING THAT THE APPLICANT HAS APPLIED FOR ALL CURRENT ELIGIBLE STATE AND FEDERAL GRANTS, REBATES, TAX CREDITS, LOAN GUARANTEES, OR OTHER PROGRAMS AVAILABLE TO OFFSET THE COST OF THE PROJECT OR PROVIDE TAX ADVANTAGES**".

On page 12, in line 15, strike the second "**AND**"; in line 16, strike "**(7)**" and substitute "**(8) A COMMITMENT THAT THE APPLICANT WILL:**

(I) USE BEST EFFORTS TO APPLY FOR ALL ELIGIBLE STATE AND FEDERAL GRANTS, REBATES, TAX CREDITS, LOAN GUARANTEES, OR OTHER SIMILAR BENEFITS AS THOSE BENEFITS BECOME AVAILABLE; AND

(II) PASS ALONG TO RATEPAYERS, WITHOUT THE NEED FOR ANY SUBSEQUENT COMMISSION APPROVAL, 80% OF THE VALUE OF ANY STATE

OR FEDERAL GRANTS, REBATES, TAX CREDITS, LOAN GUARANTEES, OR OTHER SIMILAR BENEFITS RECEIVED BY THE PROJECT AND NOT INCLUDED IN THE APPLICATION; AND

(9)".

On page 12, strike beginning with "**LONG–TERM**" in line 21 down through "**(III)**" in line 23; in lines 25 and 27, strike "**(IV)**" and "**(V)**", respectively, and substitute "**(III)**" and "**(IV)**", respectively; and in line 28, strike "**PRICES WITHIN MARYLAND**" and substitute "**PRICING**".

On page 13, strike in their entirety lines 1 through 6, inclusive; in line 7, strike "**(IX)**" and substitute "**(VI)**"; in line 9, after "**NET**" insert "**ECONOMIC, ENVIRONMENTAL, AND HEALTH**"; strike in their entirety lines 10 through 14, inclusive; in line 15, strike "**(XI)**" and substitute "**(VII)**"; in line 17, strike the second "**AND**"; after line 17, insert:

"**(VIII) THE EXTENT TO WHICH AN APPLICANT'S PLAN PROVIDES FOR THE USE OF SKILLED LABOR, PARTICULARLY WITH REGARD TO THE CONSTRUCTION AND MANUFACTURING COMPONENTS OF THE PROJECT, THROUGH OUTREACH, HIRING, OR REFERRAL SYSTEMS THAT ARE AFFILIATED WITH REGISTERED APPRENTICESHIP PROGRAMS AS DEFINED UNDER TITLE 11, SUBTITLE 4 OF THE LABOR AND EMPLOYMENT ARTICLE;**

(IX) THE EXTENT TO WHICH AN APPLICANT'S PLAN PROVIDES FOR THE USE OF AN AGREEMENT DESIGNED TO ENSURE THE USE OF SKILLED LABOR AND TO PROMOTE THE PROMPT, EFFICIENT, AND SAFE COMPLETION OF THE PROJECT, PARTICULARLY WITH REGARD TO THE CONSTRUCTION, MANUFACTURING, AND MAINTENANCE OF THE PROJECT;

(X) THE EXTENT TO WHICH AN APPLICANT'S PLAN PROVIDES FOR COMPENSATION TO ITS EMPLOYEES AND SUBCONTRACTORS CONSISTENT WITH WAGES OUTLINED UNDER §§ 17–201 THROUGH 17–228 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

(XI) SITING AND PROJECT FEASIBILITY;

(XII) ESTIMATED ABILITY TO ASSIST IN MEETING THE STATE'S RENEWABLE ENERGY PORTFOLIO STANDARD UNDER § 7–703 OF THIS SUBTITLE; AND";

and in line 18, strike "**(XII)**" and substitute "**(XIII)**".

AMENDMENT NO. 7

On page 13, in line 27, after "**NET**" insert "**ECONOMIC, ENVIRONMENTAL, AND HEALTH**".

On page 14, in line 10, after "**(2)**" insert "**(I)**"; and after line 12, insert:

"**(II) WHEN CALCULATING THE PROJECTED NET AVERAGE RATE IMPACTS UNDER PARAGRAPH (1)(II) AND (III) OF THIS SUBSECTION, THE COMMISSION SHALL APPLY THE SAME NET OREC COST PER MEGAWATT–HOUR TO RESIDENTIAL AND NONRESIDENTIAL CUSTOMERS.**

(3) (I) THIS PARAGRAPH SHALL REMAIN IN EFFECT UNTIL JUNE 30, 2016.

(II) THE FINDINGS AND EVIDENCE RELIED ON BY THE GENERAL ASSEMBLY FOR THE CONTINUATION OF THE MINORITY BUSINESS ENTERPRISE PROGRAM UNDER TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, AS ENACTED BY CHAPTER 253 OF THE ACTS OF 2011 AND CHAPTER _____ (H.B. 1370) OF THE ACTS OF 2012, ARE INCORPORATED IN THIS PARAGRAPH.

(III) TO THE EXTENT PRACTICABLE AND PERMITTED BY THE UNITED STATES CONSTITUTION, APPROVED APPLICANTS FOR A PROPOSED OFFSHORE WIND PROJECT SHALL COMPLY WITH THE STATE'S MINORITY BUSINESS ENTERPRISE PROGRAM.

(IV) 1. THE COMMISSION MAY NOT APPROVE AN APPLICATION UNTIL THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT, IN CONSULTATION WITH THE GOVERNOR'S OFFICE OF MINORITY AFFAIRS, THE OFFICE OF THE ATTORNEY GENERAL, AND THE APPLICANT, HAS ESTABLISHED A CLEAR PLAN FOR SETTING REASONABLE AND

APPROPRIATE MINORITY BUSINESS ENTERPRISE PARTICIPATION GOALS AND PROCEDURES FOR EACH PHASE OF THE QUALIFIED OFFSHORE WIND PROJECT.

2. TO THE EXTENT PRACTICABLE, THE GOALS AND PROCEDURES SPECIFIED IN SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL BE BASED ON THE REQUIREMENTS OF TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND THE REGULATIONS IMPLEMENTING THAT SUBTITLE.".

AMENDMENT NO. 8

On page 14, after line 31, insert:

"**(G) (1) WITHIN 60 DAYS AFTER THE COMMISSION APPROVES THE APPLICATION OF A PROPOSED OFFSHORE WIND PROJECT, THE QUALIFIED OFFSHORE WIND PROJECT SHALL DEPOSIT $2,000,000 INTO THE MARYLAND OFFSHORE WIND BUSINESS DEVELOPMENT FUND ESTABLISHED UNDER § 5–1403 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

(2) WITHIN 1 YEAR AFTER THE INITIAL DEPOSIT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE QUALIFIED OFFSHORE WIND PROJECT SHALL DEPOSIT AN ADDITIONAL $2,000,000 INTO THE MARYLAND OFFSHORE WIND BUSINESS DEVELOPMENT FUND.

(3) WITHIN 2 YEARS AFTER THE INITIAL DEPOSIT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE QUALIFIED OFFSHORE WIND PROJECT SHALL DEPOSIT AN ADDITIONAL $2,000,000 INTO THE MARYLAND OFFSHORE WIND BUSINESS DEVELOPMENT FUND.".

AMENDMENT NO. 9

On page 17, in line 12, after "**F.**" insert "**EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**"; and after line 14, insert:

"**(3) FOR INDUSTRIAL PROCESS LOAD, THE COMPLIANCE FEE FOR EACH KILOWATT–HOUR OF SHORTFALL FROM REQUIRED TIER 1 RENEWABLE SOURCES IS:**

(I) 0.1 CENTS IN ANY YEAR DURING WHICH SUPPLIERS ARE REQUIRED TO PURCHASE ORECS UNDER § 7–704.2 OF THIS SUBTITLE; AND

(II) 0.0 CENTS FOR THE YEAR FOLLOWING ANY YEAR DURING WHICH, AFTER FINAL CALCULATIONS, THE NET OREC PRICE PER MEGAWATT–HOUR EXCEEDED $1.65 IN 2012 DOLLARS.".

AMENDMENT NO. 10

On page 19, after line 37, insert:

"Article – Economic Development

SUBTITLE 14. MARYLAND OFFSHORE WIND BUSINESS DEVELOPMENT FUND.

5–1401.

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

(B) "ADVISORY COMMITTEE" MEANS THE MARYLAND OFFSHORE WIND BUSINESS DEVELOPMENT ADVISORY COMMITTEE ESTABLISHED UNDER § 5–1402 OF THIS SUBTITLE.

(C) "EMERGING BUSINESS" MEANS A BUSINESS THAT IS AT LEAST 51% OWNED AND CONTROLLED BY AN INDIVIDUAL OR INDIVIDUALS WHO ARE CERTIFIED TO HAVE A PERSONAL NET WORTH, AS DEFINED IN § 14–301 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THAT DOES NOT EXCEED $6,500,000 AS ADJUSTED ANNUALLY FOR INFLATION ACCORDING TO THE CONSUMER PRICE INDEX.

(D) "FUND" MEANS THE MARYLAND OFFSHORE WIND BUSINESS DEVELOPMENT FUND ESTABLISHED UNDER § 5–1403 OF THIS SUBTITLE.

(E) "MINORITY" MEANS AN INDIVIDUAL WHO IS A MEMBER OF ANY OF THE GROUPS DEFINED IN § 14–301 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

5–1402.

(A) THERE IS A MARYLAND OFFSHORE WIND BUSINESS DEVELOPMENT ADVISORY COMMITTEE.

(B) THE ADVISORY COMMITTEE SHALL MAKE RECOMMENDATIONS TO THE DEPARTMENT ON THE MOST EFFECTIVE MANNER TO USE MONEY IN THE FUND CONSISTENT WITH THE PURPOSE OF THE FUND.

(C) THE ADVISORY COMMITTEE 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 OR THE SECRETARY'S DESIGNEE;

(4) THE SPECIAL SECRETARY OF THE GOVERNOR'S OFFICE OF MINORITY AFFAIRS OR THE SPECIAL SECRETARY'S DESIGNEE;

(5) THE DIRECTOR OF THE MARYLAND ENERGY ADMINISTRATION, OR THE DIRECTOR'S DESIGNEE; AND

(6) THE FOLLOWING 11 MEMBERS APPOINTED BY THE GOVERNOR:

(I) ONE REPRESENTATIVE OF A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE;

(II) ONE REPRESENTATIVE OF A HISTORICALLY BLACK OR AFRICAN AMERICAN UNIVERSITY IN THE STATE;

(III) ONE REPRESENTATIVE OF THE STATE'S COMMUNITY COLLEGES;

(IV) ONE REPRESENTATIVE OF THE SMALL BUSINESS DEVELOPMENT CORPORATION;

(V) ONE REPRESENTATIVE OF THE MARYLAND BUSINESS COALITION FOR OFFSHORE WIND;

(VI) ONE REPRESENTATIVE OF A BUSINESS INCUBATOR IN THE STATE WITH EXPERIENCE IN PROVIDING SERVICES TO MINORITY BUSINESS ENTERPRISES AS DEFINED BY TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, OR TO EMERGING BUSINESSES, INCLUDING EMERGING BUSINESSES OWNED BY MINORITIES;

(VII) ONE INDIVIDUAL WITH EXPERIENCE IN PROVIDING BUSINESS FINANCING TO MINORITY BUSINESS ENTERPRISES AS DEFINED BY TITLE 14, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, OR TO EMERGING BUSINESSES, INCLUDING EMERGING BUSINESSES OWNED BY MINORITIES;

(VIII) ONE REPRESENTATIVE OF AN OFFSHORE WIND DEVELOPER;

(IX) ONE REPRESENTATIVE OF AN ORIGINAL EQUIPMENT MANUFACTURER;

(X) ONE INDIVIDUAL WHO IS A MINORITY BUSINESS ADVOCATE; AND

(XI) ONE INDIVIDUAL WITH EXPERIENCE IN OFFSHORE WIND SUPPLY CHAIN ISSUES.

(D) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE ADVISORY COMMITTEE.

(E) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE ADVISORY COMMITTEE.

(F) A MEMBER OF THE ADVISORY COMMITTEE:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(G) (1) ON OR BEFORE DECEMBER 31, 2012, THE ADVISORY COMMITTEE SHALL PROVIDE WRITTEN RECOMMENDATIONS TO THE DEPARTMENT REGARDING THE MOST EFFECTIVE USE OF MONEY IN THE FUND IN ORDER TO MAXIMIZE OPPORTUNITIES FOR EMERGING BUSINESSES IN THE STATE, INCLUDING MINORITY–OWNED EMERGING BUSINESSES, TO PARTICIPATE IN THE OFFSHORE WIND INDUSTRY.

(2) IN MAKING A RECOMMENDATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ADVISORY COMMITTEE SHALL CONSIDER OPPORTUNITIES TO MAXIMIZE LEVERAGING OPPORTUNITIES, MENTORING AND PROTEGE MODELS, INNOVATION CLUSTERS, EXISTING INCUBATOR AND BUSINESS DEVELOPMENT PROGRAMS, AND THE APPROPRIATE ROLE OF PARTNERSHIPS WITH THE STATE'S UNIVERSITIES AND COMMUNITY COLLEGES.

(3) ON OR BEFORE DECEMBER 31, 2014, THE ADVISORY COMMITTEE SHALL PROVIDE UPDATED RECOMMENDATIONS TO THE DEPARTMENT.

(H) ON COMPLETION AND SUBMISSION OF THE WRITTEN RECOMMENDATIONS REQUIRED UNDER SUBSECTION (G) OF THIS SECTION, THE ADVISORY COMMITTEE SHALL TERMINATE ITS OPERATION AND CEASE TO MEET.

5–1403.

(A) THERE IS A MARYLAND OFFSHORE WIND BUSINESS DEVELOPMENT FUND IN THE DEPARTMENT.

(B) THE PURPOSES OF THE FUND ARE TO:

(1) PROVIDE FINANCIAL AND BUSINESS DEVELOPMENT ASSISTANCE TO EMERGING BUSINESSES IN THE STATE, INCLUDING MINORITY–OWNED EMERGING BUSINESSES, TO PREPARE THOSE BUSINESSES TO PARTICIPATE IN THE EMERGING OFFSHORE WIND INDUSTRY; AND

(2) ENCOURAGE EMERGING BUSINESSES IN THE STATE, INCLUDING MINORITY–OWNED BUSINESSES, TO PARTICIPATE IN THE EMERGING OFFSHORE WIND INDUSTRY.

(C) THE DEPARTMENT MAY USE THE FUND TO:

(1) PROVIDE FINANCIAL AND BUSINESS DEVELOPMENT ASSISTANCE TO EMERGING BUSINESSES IN THE STATE, INCLUDING MINORITY–OWNED EMERGING BUSINESSES;

(2) CARRY OUT THE PURPOSES OF THE FUND; AND

(3) PAY THE COSTS OF IMPLEMENTING THIS SUBTITLE.

(D) THE SECRETARY SHALL MANAGE AND SUPERVISE THE FUND.

(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO REVERSION UNDER § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(F) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY.

(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(G) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED BY THE STATE TO THE FUND;

(2) MONEY PAID TO THE FUND BY A QUALIFIED OFFSHORE WIND PROJECT UNDER § 7–704.1(G) OF THE PUBLIC UTILITIES ARTICLE;

(3) MONEY MADE AVAILABLE TO THE FUND THROUGH FEDERAL PROGRAMS OR PRIVATE CONTRIBUTIONS;

(4) REPAYMENT OF PRINCIPAL OR PAYMENT OF INTEREST ON A LOAN MADE FROM THE FUND;

(5) PROCEEDS FROM THE SALE, DISPOSITION, LEASE, OR RENTAL BY THE DEPARTMENT OF COLLATERAL RELATED TO FINANCING THAT THE DEPARTMENT PROVIDES UNDER THIS SUBTITLE;

(6) INVESTMENT EARNINGS OF THE FUND; AND

(7) ANY OTHER MONEY MADE AVAILABLE TO THE DEPARTMENT FOR THE FUND.

(H) (1) IN FISCAL YEARS 2013 AND 2014, $1,500,000 SHALL BE TRANSFERRED FROM THE STRATEGIC ENERGY INVESTMENT FUND TO THE FUND.

(2) IN FISCAL YEAR 2015, $1,000,000 SHALL BE TRANSFERRED FROM THE STRATEGIC ENERGY INVESTMENT FUND TO THE FUND.

5–1404.

(A) WHEN DETERMINING HOW MOST EFFECTIVELY TO USE THE MONEY IN THE FUND, THE DEPARTMENT SHALL CONSIDER THE RECOMMENDATION OF THE ADVISORY COMMITTEE.

(B) IN CARRYING OUT THIS SUBTITLE, AND CONSISTENT WITH THE PURPOSES OF THE FUND, THE DEPARTMENT MAY CONTRACT WITH:

(1) EXPERTS IN THE AREA OF OFFSHORE WIND ENERGY; AND

(2) ENTITIES EXPERIENCED IN ASSISTING EMERGING BUSINESSES, INCLUDING MINORITY–OWNED EMERGING BUSINESSES, IN ACCESSING MARKET OPPORTUNITIES.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE DOES NOT APPLY TO A SERVICE THAT THE DEPARTMENT OBTAINS UNDER THIS SECTION.

(2) THE DEPARTMENT IS SUBJECT TO TITLE 12, SUBTITLE 4 OF THE STATE FINANCE AND PROCUREMENT ARTICLE FOR SERVICES UNDER THIS SECTION.

Article – State Finance and Procurement

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

62. Veterans Trust Fund; **[**and**]**

63. Transportation Trust Fund**; AND**

64. MARYLAND OFFSHORE WIND BUSINESS DEVELOPMENT FUND.".

AMENDMENT NO. 11

On page 19, in line 31, strike "**A**" and substitute "**THE PUBLIC SERVICE COMMISSION MAY NOT APPROVE AN APPLICATION FOR A**"; and in line 32, strike "**MAY NOT**" and substitute "**TO**".

On page 20, in line 3, after "**(A)**" insert "**(1)**"; in line 4, strike the colon and substitute a period; and in lines 5 and 7, strike "**(1)**" and "**(2)**", respectively, and substitute "**(2)**" and "**(3)**", respectively.

On page 22, in line 26, strike "for fiscal years 2013 through 2016 only,".

On page 23, in line 7, after "Article," insert "as enacted by this Act,"; after line 21, insert:

"SECTION 6. AND BE IT FURTHER ENACTED, That on receipt of all applications submitted under § 7–704.1 of the Public Utilities Article, as enacted by this Act, the Commission shall promptly open an evidentiary proceeding to allow open and transparent evaluation of applications to the maximum extent possible consistent with applicable confidentiality laws.";

and in line 22, strike "6." and substitute "7.".

The preceding 11 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Davis 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:

House Bill 747 – Delegate Beitzel

EMERGENCY BILL

AN ACT concerning

Garrett County – County Commissioners – Wind Energy Conversion Systems

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 1047 – Howard County Delegation

AN ACT concerning

Howard County – Alcoholic Beverages – Refillable Beer Containers
Ho. Co. 10–12

HB1047/113691/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1047
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "authorizing" insert "the Board of License Commissioners for Howard County to issue a refillable container permit to a holder of a Class B special beer and wine license under certain circumstances; authorizing"; strike beginning with "in" in line 4 down through "County" in line 5; in line 7, strike "alcohol" and substitute "an alcoholic beverage"; in the same line, after "premises;" insert "requiring a refillable container to meet certain requirements; specifying the term of and hours of sale for the permit; requiring that a holder of the permit may refill only a refillable container that was branded by the permit holder;"; after line 13, insert:

"BY adding to
Article 2B – Alcoholic Beverages
Section 7–101(p–1)(11)
Annotated Code of Maryland
(2011 Replacement Volume)";

and in line 16, strike "7–101(p–1)(7)(i)" and substitute "7–101(p–1)(11)".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 3 through 7, inclusive, and substitute:

"**(11) (I) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A REFILLABLE CONTAINER PERMIT TO A HOLDER OF A B–SBW LICENSE:**

1. ON COMPLETION OF AN APPLICATION FORM THAT THE BOARD PROVIDES; AND

2. AT NO COST TO THE B–SBW LICENSE HOLDER.

(II) A REFILLABLE CONTAINER PERMIT ENTITLES THE HOLDER TO SELL DRAFT BEER FOR CONSUMPTION OFF THE LICENSED PREMISES:

1. IN A REFILLABLE CONTAINER WITH A CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT MORE THAN 128 OUNCES; AND

2. TO AN INDIVIDUAL WHO HAS PURCHASED FOOD OR AN ALCOHOLIC BEVERAGE FROM THE LICENSED PREMISES.

(III) TO BE USED AS A REFILLABLE CONTAINER UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, A CONTAINER SHALL:

1. BE SEALABLE;

2. BE BRANDED WITH AN IDENTIFYING MARK OF THE LICENSE HOLDER;

3. BEAR THE FEDERAL HEALTH WARNING STATEMENT REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R. 16.21;

4. DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER; AND

5. BEAR A LABEL STATING THAT:

A. CLEANING THE CONTAINER IS THE RESPONSIBILITY OF THE CONSUMER; AND

B. CONTENTS OF THE CONTAINER ARE PERISHABLE AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED WITHIN 48 HOURS AFTER PURCHASE.

(IV) THE TERM OF A REFILLABLE CONTAINER PERMIT ISSUED TO AN APPLICANT IS THE SAME AS THAT OF THE APPLICANT'S B–SBW LICENSE.

(V) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT ARE THE SAME AS THOSE FOR A B–SBW LICENSE.

(VI) A HOLDER OF A REFILLABLE CONTAINER PERMIT MAY REFILL ONLY A REFILLABLE CONTAINER THAT WAS BRANDED BY THE PERMIT HOLDER.

[(11)**](12)** The Board of License Commissioners may adopt regulations to carry out this subsection, including a limit on the number of licenses to be issued.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0150**
SPONSOR: The Pres (Admin)
SUBJECT: Budget Bill (Fiscal Year 2013)

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

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

Senator Kasemeyer, Chair
Senator Madaleno
Senator DeGrange
Senator Robey
Senator Colburn

In addition, the Senate has appointed in advisory capacity: Senators Jones–Rodwell and McFadden.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0150**
SPONSOR: The Pres (Admin)
SUBJECT: Budget Bill (Fiscal Year 2013)

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Kasemeyer, Chair
Senator Madaleno
Senator DeGrange
Senator Robey
Senator Colburn

In addition, the Senate has appointed in advisory capacity: Senators Jones–Rodwell and McFadden.

The House appoints:
Delegate Conway, Chair
Delegate Proctor
Delegate Bohanan
Delegate Gaines
Delegate Beitzel

In addition, the House has appointed in advisory capacity: Delegates James, Haynes and Guzzone.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0152**
SPONSOR: The Pres (Admin)
SUBJECT: Budget Reconciliation and Financing Act of 2012

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

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

Senator Kasemeyer, Chair
Senator McFadden
Senator DeGrange
Senator Madaleno
Senator Edwards

In addition, the Senate has appointed in advisory capacity: Senators Jones–Rodwell and Robey.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0152**
SPONSOR: The Pres (Admin)
SUBJECT: Budget Reconciliation and Financing Act of 2012

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Kasemeyer, Chair
Senator McFadden
Senator DeGrange
Senator Madaleno
Senator Edwards

In addition, the Senate has appointed in advisory capacity: Senators Jones–Rodwell and Robey.

The House appoints:
Delegate Conway, Chair
Delegate Hixson
Delegate Jones
Delegate Griffith
Delegate Hammen

In addition, the House has appointed in advisory capacity: Delegates Bohanan, Clagett, Gaines and Beitzel.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB 0523**
SPONSOR: Sen Manno
SUBJECT: State and Local Revenue and Financing Act of 2012

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

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

Senator Kasemeyer, Chair
Senator Robey
Senator Madaleno
Senator DeGrange
Senator Jones–Rodwell

In addition, the Senate has appointed in advisory capacity: Senators McFadden and Manno.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0523**
SPONSOR: Sen Manno
SUBJECT: State and Local Revenue and Financing Act of 2012

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Kasemeyer, Chair
Senator Robey
Senator Madaleno
Senator DeGrange
Senator Jones–Rodwell

In addition, the Senate has appointed in advisory capacity: Senators McFadden and Manno.

The House appoints:
Delegate Hixson, Chair
Delegate Frick
Delegate Barve
Delegate Rosenberg
Delegate Bohanan

In addition, the House has appointed in advisory capacity: Delegates Jones, Branch and Ross.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 833)

ADJOURNMENT

At 11:00 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 26, 2012, Calendar Day Thursday, March 29, 2012.

Annapolis, Maryland
Legislative Day: March 26, 2012
Calendar Day: Thursday, March 29, 2012

The House met at 10:11 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Carolyn J. B. Howard of Prince George's County.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 834)

The Journal of March 25, 2012 was read and approved.

EXCUSES:
Del. Cane – legislative business
Del. Carter – personal
Del. Dwyer – illness
Del. Sophocleus – illness
Del. V. Turner – medical

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 489 – Senator Astle

AN ACT concerning

Bail Bondsmen – ~~Qualifications for Licensure –~~ Acceptance of Installment Contracts

FOR the purpose of ~~establishing certain qualifications for licensure as a bail bondsman;~~ authorizing certain bail bondsmen to arrange to accept payment for the premium charged for a bail bond in installments; providing that, if a bail bondsman arranges to accept payment of a bail bond premium in installments, the installment agreement shall include certain information; requiring a bail bondsman to secure a certain affidavit of surety containing certain information under certain circumstances; requiring a bail bondsman, if arranging to accept payment of a bail bond premium in installments, to take certain actions and

keep certain records; requiring a bail bondsman to keep certain records in a certain location and to make certain records available to the Maryland Insurance Commissioner for inspection; requiring bail bondsmen to certify to the Commissioner at a certain time the accuracy and truth of certain records; providing certain penalties for certain violations of this Act; providing for the application of this Act; and generally relating to the regulation of surety bondsmen.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 5–203
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 10–302 ~~and 10–305~~
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article – Insurance
Section 10–309
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 901 – Senator Klausmeier

AN ACT concerning

Credit Regulation – Retail Installment Sales and Closed End Credit – Debt Cancellation Agreements – Definitions

FOR the purpose of altering the definition of "debt cancellation agreement", for purposes of certain provisions of law governing retail installment sales and closed end credit, to include, under certain circumstances, an agreement under which the outstanding balance of a loan is reduced by the actual cash value of a certain motor vehicle or of certain collateral at the time of loss; altering the definitions of "outstanding balance" and "remaining loan balance" to exclude any ~~other items as agreed to by the parties and stated in the debt cancellation agreement~~ deferred payments and ~~the refundable~~ a certain portion of any financed taxes and charges; and generally relating to credit regulation and debt cancellation agreements.

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 12–601(a) and 12–1001(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 12–601(h) and (p) and 12–1001(h) and (l)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

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

Senate Bill 929 – Senators Astle, Conway, Ferguson, Gladden, Klausmeier, Young, ~~and Zirkin~~ Zirkin, Mathias, Muse, and Pugh

EMERGENCY BILL

AN ACT concerning

The Deanna Camille Green Act of 2012

FOR the purpose of requiring certain electric companies to file with the Public Service Commission for approval a certain list or voltage survey plan on or before a certain date; requiring an electric company to file a certain voltage survey plan for Commission approval within a certain period of time; requiring, on a certain approval, an electric company to conduct certain surveys of certain objects and surfaces within certain contact voltage risk zones at certain times; requiring an electric company to conduct certain surveys of certain objects and surfaces that are not within a certain contact voltage risk zone at certain times; specifying how an electric company shall test street lights; requiring an electric company to file for Commission approval a certain amended voltage survey plan within a certain time period before implementing a material change to a voltage survey plan; authorizing the Commission to modify certain contact voltage survey requirements under certain circumstances; requiring that certain equipment must be certified by an independent laboratory for certain purposes; requiring an electric company to include certain certification when filing a certain voltage survey plan; requiring an electric company to confirm and document all contact voltage detected in a contact voltage survey in a certain manner; requiring an electric company to make an area safe after detecting a potential contact voltage condition until the condition can be confirmed; requiring that, when an electric company detects a certain contact voltage measurement, the electric company shall maintain certain records, perform a certain contact voltage survey, make a certain area safe, and use best efforts to make a certain permanent repair within a certain time period if the property is electric distribution plant or a

certain street light or notify a certain person associated with a property that is not owned by the electric company of the condition and the need for the owner to make a certain repair; requiring an electric company to file a certain compliance report with the Commission on or before a certain date each year; providing for the contents of the compliance report; authorizing the Commission to impose a certain civil penalty under certain circumstances; ~~requiring the Commission to adopt certain regulations;~~ authorizing the Commission under certain circumstances to waive or modify a certain provision or impose certain requirements under certain circumstances; requiring the Commission to submit a certain report on or after a certain date on the progress of the implementation of this Act and certain regulations; defining certain terms; making this Act an emergency measure; and generally relating to contact voltage plans and surveys.

BY adding to
Article – Public Utilities
Section 7–214
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Senate Bill 1006 – Senator Middleton

AN ACT concerning

Maryland Automobile Insurance Fund – Fund Producers – Commissions

FOR the purpose of altering the commission the Maryland Automobile Insurance Fund is required to pay to a fund producer of a policyholder to whom a private passenger auto insurance policy is issued by the Fund; requiring the Fund, on or before a certain date to report to certain legislative committees on certain information concerning the implementation of a certain commission payment structure; and generally relating to commissions paid to fund producers by the Maryland Automobile Insurance Fund.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 20–512
Annotated Code of Maryland
(2011 Replacement Volume)

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

THE COMMITTEE ON ECONOMIC MATTERS REPORT #16

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

House Bill 964 – Delegates Washington, Anderson, Clippinger, Frush, Love, A. Miller, B. Robinson, S. Robinson, and Smigiel

AN ACT concerning

Labor and Employment – User Name and Password Privacy Protection

HB0964/843196/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 964
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "Washington," insert "Tarrant,"; in the same line, strike "and Smigiel" and substitute "Smigiel, Barkley, Barnes, Braveboy, Hucker, Jameson, McHale, and Vaughn"; in line 2, after "Protection" insert "and Exclusions"; and in line 10, after "information;" insert "prohibiting an employee from downloading certain unauthorized information or data to certain Web sites or Web–based accounts; providing that an employer, based on the receipt of certain information regarding the use of certain Web sites or certain Web–based accounts, is not prevented from conducting certain investigations for certain purposes;".

AMENDMENT NO. 2

On page 2, after line 29, insert:

"**(D) AN EMPLOYEE MAY NOT DOWNLOAD UNAUTHORIZED EMPLOYER PROPRIETARY INFORMATION OR FINANCIAL DATA TO AN EMPLOYEE'S PERSONAL WEB SITE, AN INTERNET WEB SITE, A WEB–BASED ACCOUNT, OR A SIMILAR ACCOUNT.**

(E) THIS SECTION DOES NOT PREVENT AN EMPLOYER:

(1) BASED ON THE RECEIPT OF INFORMATION ABOUT THE USE OF A PERSONAL WEB SITE, INTERNET WEB SITE, WEB–BASED ACCOUNT, OR

SIMILAR ACCOUNT BY AN EMPLOYEE FOR BUSINESS PURPOSES, FROM CONDUCTING AN INVESTIGATION FOR THE PURPOSE OF ENSURING COMPLIANCE WITH APPLICABLE SECURITIES OR FINANCIAL LAW, OR REGULATORY REQUIREMENTS; OR

(2) BASED ON THE RECEIPT OF INFORMATION ABOUT THE UNAUTHORIZED DOWNLOADING OF AN EMPLOYER'S PROPRIETARY INFORMATION OR FINANCIAL DATA TO A PERSONAL WEB SITE, INTERNET WEB SITE, WEB–BASED ACCOUNT, OR SIMILAR ACCOUNT BY AN EMPLOYEE, FROM INVESTIGATING AN EMPLOYEE'S ACTIONS UNDER SUBSECTION (D) 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 Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1254 – Delegates Vaughn, Carr, Frick, Howard, McDonough, Minnick, Mitchell, Oaks, Reznik, Sophocleus, Stukes, Summers, and F. Turner

AN ACT concerning

Small Business Development Center Network Fund – Minimum Appropriation

HB1254/733597/1
BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1254
(First Reading File Bill)

On page 2, in line 17, strike "**$1,600,000**" and substitute "**$950,000**".

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 1296 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Alcoholic Beverages – Golf Course 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 with amendments:

House Bill 1316 – Delegates Hershey, DeBoy, and Malone

AN ACT concerning

Alcoholic Beverages – Rectifiers – Tours, Samples, and Sales

HB1316/603992/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1316
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike the comma and substitute "and"; strike beginning with the first ", sell" in line 6 down through "merchandise" in line 8 and substitute "prohibiting a license holder or entity in which a license holder has a pecuniary interest from acting as a caterer of food; specifying the times when certain activities may be conducted; providing that a Class 2 manufacturer's (rectifying) license allows the holder to operate a certain number of days a week, with a certain exception; requiring a license holder to file with the Comptroller a notice of a promotional event at least a certain time before the event is held; prohibiting a license holder from selling or allowing to be consumed at the licensed premises certain products, with a certain exception; providing that this Act does not limit the application of certain laws and regulations".

AMENDMENT NO. 2

On page 1, in line 19, before "A" insert "**(A)**".

On page 2, in line 14, after "**PREMISES;**" insert "**AND**"; and in line 19, strike the semicolon and substitute a period.

On pages 2 and 3, strike in their entirety the lines beginning with line 20 on page 2 through line 15 on page 3, inclusive.

On page 3, after line 15, insert:

"**(B) A HOLDER OF A CLASS 2 MANUFACTURER'S (RECTIFYING) LICENSE OR ENTITY IN WHICH A HOLDER HAS A PECUNIARY INTEREST MAY NOT ACT AS A CATERER OF FOOD.**

(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A LICENSE HOLDER MAY CONDUCT THE ACTIVITIES SPECIFIED IN SUBSECTION (A)(5) OF THIS SECTION:

(1) FOR CONSUMPTION OFF THE LICENSED PREMISES OF PRODUCTS MANUFACTURED AT THE LICENSED PREMISES AND FOR SAMPLING, EACH DAY FROM 10 A.M. TO 10 P.M.; AND

(2) FOR CONSUMPTION ON THE LICENSED PREMISES OF PRODUCTS MANUFACTURED AT THE LICENSED PREMISES:

(I) FROM 10 A.M. TO 6 P.M. EACH DAY; OR

(II) IF GUESTS ARE ATTENDING A PLANNED PROMOTIONAL EVENT OR OTHER ORGANIZED ACTIVITY ON THE LICENSED PREMISES, FROM 10 A.M. TO 10 P.M. EACH DAY.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A CLASS 2 MANUFACTURER'S (RECTIFYING) LICENSE ALLOWS THE HOLDER TO OPERATE 7 DAYS A WEEK.

(2) IN GARRETT COUNTY, A LICENSE HOLDER MAY OPEN ON SUNDAYS TO ENGAGE IN THE ACTIVITIES LISTED IN SUBSECTION (A)(5) OF THIS SECTION ONLY IN AN ELECTION DISTRICT WHERE THE VOTERS, IN A REFERENDUM AUTHORIZED BY LAW, HAVE APPROVED SUNDAY SALES AT A RECTIFYING FACILITY.

(E) AT LEAST 14 DAYS BEFORE HOLDING A PLANNED PROMOTIONAL EVENT AFTER 6 P.M., A LICENSE HOLDER SHALL FILE A NOTICE OF THE PROMOTIONAL EVENT WITH THE COMPTROLLER ON THE FORM THAT THE COMPTROLLER PROVIDES.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE HOLDER MAY NOT SELL OR ALLOW TO BE CONSUMED AT THE LICENSED PREMISES ANY PRODUCT OTHER THAN PRODUCTS PRODUCED BY THE LICENSE HOLDER UNDER THE AUTHORITY OF THIS SECTION.

(2) A HOLDER OF A CATERER'S LICENSE OR PRIVILEGE UNDER TITLE 6, SUBTITLE 7 OF THIS ARTICLE MAY EXERCISE THE PRIVILEGES OF THE LICENSE OR PRIVILEGE ON THE LICENSED PREMISES OF THE LICENSE HOLDER.

(G) NOTHING IN THIS SECTION LIMITS THE APPLICATION OF RELEVANT PROVISIONS OF TITLE 21 OF THE HEALTH – GENERAL ARTICLE, AND REGULATIONS ADOPTED UNDER THAT TITLE, TO A LICENSE HOLDER.".

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 1368 – Delegate Schulz

AN ACT concerning

Frederick County – Middletown Wine Festival License

HB1368/743790/1
BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1368
(First Reading File Bill)

AMENDMENT NO. 1
On page 1, strike in their entirety lines 8 through 10, inclusive.

AMENDMENT NO. 2
On page 3, strike in their entirety lines 10 through 14, inclusive; and in lines 15, 16, 19, and 25, strike "**(F)**", "**(G)**", "**(H)**", and "**(I)**", respectively, and substitute "**(E)**", "**(F)**", "**(G)**", and "**(H)**", respectively.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1383 – Delegate O'Donnell

AN ACT concerning

Property and Casualty Insurance – Underwriting Based on Geographic Area

Delegate Beidle moved to make the Bill and Report a Special Order for Friday.

The motion was adopted.

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

House Bill 1387 – Delegate Murphy

AN ACT concerning

Charles County – Winery Special Event Permits – Farmers' Markets

HB1387/753297/1
BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1387
(First Reading File Bill)

On page 1, in line 4, strike "in Charles County".

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 1432 – Delegate Barkley

AN ACT concerning

Alcoholic Beverages – Comptroller – Departments of Liquor Control and Liquor Control Boards

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 295 – Senators Astle, Klausmeier, Miller, Benson, Brinkley, Colburn, Conway, Currie, DeGrange, Edwards, Ferguson, Forehand, Frosh, Garagiola, Getty, Jacobs, Jennings, Jones–Rodwell, Kelley, King, Madaleno, Manno, Mathias, McFadden, Middleton, Montgomery, Peters, Pinsky, Pipkin, Pugh, Ramirez, Raskin, Reilly, Robey, Shank, Stone, Young, and Zirkin

AN ACT concerning

Commercial Law – Security Freezes – Minors and Protected Persons

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 449 – Senator Middleton

AN ACT concerning

Electric Service Quality and Reliability Standards – Deadlines

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 874 – Senator Ferguson

AN ACT concerning

Baltimore City – Alcoholic Beverages – Refillable Containers

SB0874/353294/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 874
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 3 and 4, in each instance, strike the first "a"; in line 3, strike "license" and substitute "licenses"; in line 4, strike "circumstance" and substitute "circumstances, notwithstanding certain provisions"; in line 10, strike "to a certain individual"; strike beginning with "prohibiting" in line 11 down through "consumption;" in line 13; in line 14, after "that" insert "certain applicants meet"; in line 15, strike "be met"; in line 20, strike "was purchased from and"; and in line 21, strike "authorizing" and substitute "requiring".

On page 2, in line 1, after "(b)," insert "9–204.1(f)(1),"; in line 6, after "6–201(d)(1)(v)" insert "and (vi), 9–204.1(f)(2),"; and in line 11, after "8–203(e)" insert "and 9–204.1(f)(8)".

AMENDMENT NO. 2

On page 3, in line 29, after "(v)" insert "**1.**"; in the same line, strike "In" and substitute "**EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, IN**"; in lines 33 and 36, strike "1." and "2.", respectively, and

substitute "**A.**" and "**B.**", respectively; in line 33, strike both brackets; and strike beginning with "**EXCEPT**" in line 33 down through "**AFTER**" in line 34.

On page 4, in lines 1, 4, and 7, strike "3.", "4.", and "**5.**", respectively, and substitute "**C.**", "**D.**", and "**2.**", respectively; in line 3, strike both brackets; in line 6, strike "**; AND**" and substitute a period; in line 7, strike "**MAY**" and substitute "**A LICENSE SPECIFIED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY**"; after line 9, insert:

"(vi) The sales prohibition in subparagraph **[**(v)4**]** **(V)1D** of this paragraph does not apply to a Class B beer, wine and liquor licensee:

1. Whose license was issued before July 1, 1991; and

2. Who prior to July 1, 1991 operated the premises and exercised the sales privileges under the license on Sundays.";

in line 20, strike "**A**" and substitute "**SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A**"; strike beginning with the colon in line 21 down through "**SUBSECTION,**" in line 22; strike beginning with "**; AND**" in line 24 down through "**PREMISES**" in line 26; and in line 28, strike "**(3)(I)**" and substitute "**(3)**".

On page 5, strike beginning with "**IN**" in line 12 down through "**(6)**" in line 15; in line 24, strike the period and substitute "**; AND**"; in line 25, strike "**THE**" and substitute "**AN APPLICANT WHO HOLDS A LICENSE WITHOUT AN OFF–SALE PRIVILEGE SHALL MEET THE**"; in line 27, strike "**SHALL BE MET**"; and in line 28, strike "**(7)**" and substitute "**(6)**".

On page 6, in lines 1, 5, 11, and 16, strike "**(8)**", "**(9)**", "**(10)**", and "**(11)**", respectively, and substitute "**(7)**", "**(8)**", "**(9)**", and "**(10)**", respectively; in line 14, strike "**WAS PURCHASED FROM AND**"; in line 16, strike "**MAY**" and substitute "**SHALL**"; strike beginning with "**, INCLUDING**" in line 17 down through "**ISSUED**" in line 18; and after line 18, insert:

"9–204.1.

(f) (1) This subsection applies only in the 46th alcoholic beverages district.

(2) Notwithstanding § 6–201(d)(1)(vii) of this article, **AND SUBJECT TO PARAGRAPH (8) OF THIS SUBSECTION,** the Board may issue a Class B beer, wine and liquor license:

(i) For a restaurant in ward 26, precinct 8, if the restaurant has a minimum capital investment of $700,000, a seating capacity exceeding 150 persons, and average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant;

(ii) For a restaurant in ward 4, precinct 1 or ward 22, precinct 1, if the restaurant has a minimum capital investment of $700,000, a seating capacity that exceeds 75 persons, average daily receipts for the sale of food that are at least 65% of the total daily receipts of the restaurant, and no sales for off–premises consumption;

(iii) For not more than three restaurants in a residential planned unit development for Silo Point as approved by the Mayor and City Council of Baltimore City in Ordinance 04–697 on June 23, 2004, if the restaurant has a minimum capital investment of $700,000, a seating capacity that exceeds 75 persons, average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant, and no sales for off–premises consumption; and

(iv) For not more than three restaurants in a business planned unit development in ward 24, precinct 5 of the 46th alcoholic beverages district, which at all times shall be coterminous with the 46th Legislative District in the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21, 2002, if each restaurant has a minimum capital investment of $700,000, a seating capacity that exceeds 75 persons but is not more than 150 persons, average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant, and no sales for off–premises consumption.

(8) NOTWITHSTANDING PARAGRAPH (2)(II) THROUGH (IV) OF THIS SUBSECTION, A LICENSE SPECIFIED UNDER THIS SUBSECTION, INCLUDING A LICENSE THAT ALLOWS NO SALES FOR OFF–PREMISES CONSUMPTION, MAY INCLUDE AN OFF–SALE PRIVILEGE FOR SALES OF REFILLABLE CONTAINERS UNDER A REFILLABLE CONTAINER LICENSE ISSUED IN ACCORDANCE WITH § 8–203(E) OF THIS ARTICLE.".

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 #16

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

House Bill 182 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County Board of Elections – Salary

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 1289 – Chair, Ways and Means Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Economic Development – Qualified Distressed Counties – One Maryland Economic Development Tax Credit

Favorable report adopted.

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

The motion was adopted.

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

Senate Bill 40 – ~~Senator Astle~~ Senators Astle and Garagiola

AN ACT concerning

Sales and Use Tax – Machinery and Equipment – Energy Star Windows and Doors

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 85 – Senators Jennings and Getty

AN ACT concerning

Election Law – Baltimore County Republican Party Central Committee – Election of Chairman

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 188 – Senators Shank, Edwards, and Young

AN ACT concerning

Washington County – Distribution of Amounts to Town of Williamsport – Payments in Lieu of Property Taxes on Electricity Generation Facilities

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 446 – Senator Colburn

AN ACT concerning

Sales and Use Tax – Sales of Dyed Diesel Fuel

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 567 – Senators King, Colburn, Currie, Garagiola, Glassman, Jennings, Manno, McFadden, and Robey

AN ACT concerning

~~Telecommunications~~ Communications Taxes – Reform Commission ~~and Moratorium~~

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 597 – Senator McFadden

AN ACT concerning

Elections – Baltimore City – Election Dates

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 663 – Carroll County Senators

AN ACT concerning

Carroll 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 763 – Senator Benson

AN ACT concerning

Election Law – Payroll Deductions and Member Contributions – Address of Contributor

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 918 – Senators Ferguson, Benson, Kittleman, and Raskin

AN ACT concerning

Election Law – Campaign Contributors – Occupation and Employer

SB0918/435363/1
BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 918
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "amount;" insert "requiring the State Board of Elections to provide certain notice to a treasurer of a campaign finance entity if a contributor makes cumulative contributions exceeding a certain amount during a certain period; requiring the State Board to require a certain standard response that a treasurer shall include in a campaign finance report if a contributor does not provide certain information to the treasurer;".

AMENDMENT NO. 2

On page 2, in line 12, after "**(3)**" insert "**(I)**"; and after line 16, insert:

"**(II) THE STATE BOARD SHALL:**

1. PROMPTLY PROVIDE NOTICE TO THE TREASURER OF A CAMPAIGN FINANCE ENTITY IF A CONTRIBUTOR INCLUDED ON A CAMPAIGN FINANCE REPORT SUBMITTED BY THE TREASURER HAS MADE CONTRIBUTIONS TO THE CAMPAIGN FINANCE ENTITY IN A CUMULATIVE AMOUNT OF $500 OR MORE DURING THE ELECTION CYCLE; AND

2. REQUIRE A STANDARD RESPONSE THAT A TREASURER SHALL INCLUDE IN THE CAMPAIGN FINANCE REPORT IF A CONTRIBUTOR DOES NOT SUPPLY THE INFORMATION REQUIRED CONCERNING THE CONTRIBUTOR'S OCCUPATION AND EMPLOYER.".

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 919 – Senators Ferguson and Kittleman

AN ACT concerning

Election Law – Campaign Finance Entities – Retention of Records

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 1033 – Senator Jennings

AN ACT concerning

Election Law – Campaign Finance – Requirements

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 441 – The Speaker (By Request – Administration) and Delegates Hucker, Barnes, Barve, Bobo, Cardin, Frush, Hubbard, Jones, Mizeur, Ross, Stein, and Waldstreicher

AN ACT concerning

Maryland Offshore Wind Energy Act of 2012

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

FLOOR AMENDMENT

HB0441/583225/2

BY: Delegate Haddaway–Riccio

AMENDMENTS TO HOUSE BILL 441
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "load" insert "and certain sales in excess of a certain amount of electricity sold to certain customers who are owners of agricultural land".

AMENDMENT NO. 2

On page 7, in line 25, after "**OF**" insert "**:**

(I)";

and in line 27, after "**YEAR**" insert "**; AND**

(II) 3,000 KILOWATT–HOURS OF ELECTRICITY IN A MONTH TO A CUSTOMER WHO IS AN OWNER OF AGRICULTURAL LAND AND FILES AN INTERNAL REVENUE SERVICE FORM 1040, SCHEDULE F".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

HB0441/753723/1
BY: Delegate George

AMENDMENTS TO HOUSE BILL 441, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike in their entirety the Economic Matters Committee Amendments (HB0441/313396/1).

AMENDMENT NO. 2

On page 1 of the bill, in line 2, strike "Maryland"; in the same line, strike "Act of 2012" and substitute "– Pilot Program".

On pages 1 and 2 of the bill, strike beginning with "altering" in line 3 of page 1 down through "lines" in line 24 of page 2 and substitute "prohibiting the Public Service Commission from approving an application for the construction of a certain offshore wind project, except under certain circumstances; requiring the Commission to enter into negotiations with a certain electricity supplier for the development of a certain pilot project for offshore wind energy to study the economics of larger scale offshore wind projects, the mechanics of constructing and issues relating to the maintenance of offshore wind projects, and the ability of offshore wind projects to withstand certain weather conditions; requiring the Commission to report to certain committees of the General Assembly on or before a certain date; defining a certain term; and generally relating to offshore wind projects".

On pages 2 and 3 of the bill, strike in their entirety the lines beginning with line 25 on page 2 through line 1 on page 3, inclusive, and substitute:

"BY adding to
Article – Public Utilities
Section 7–214
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 3

On pages 3 through 23 of the bill, strike in their entirety the lines beginning with line 5 on page 3 through line 21 on page 23, inclusive, and substitute:

"**7–214.**

(A) IN THIS SECTION, "OFFSHORE WIND PROJECT" MEANS A WIND TURBINE ELECTRICITY GENERATION FACILITY, INCLUDING THE ASSOCIATED TRANSMISSION–RELATED INTERCONNECTION FACILITIES AND EQUIPMENT THAT IS LOCATED ON THE OUTER CONTINENTAL SHELF OF THE ATLANTIC OCEAN IN AN AREA DESIGNATED FOR LEASING BY THE UNITED STATES DEPARTMENT OF THE INTERIOR AFTER COORDINATION AND CONSULTATION WITH THE STATE IN ACCORDANCE WITH § 388(A) OF THE ENERGY POLICY ACT OF 2005.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE COMMISSION MAY NOT APPROVE AN APPLICATION FOR THE CONSTRUCTION OF AN OFFSHORE WIND PROJECT.

(C) THE COMMISSION SHALL ENTER INTO NEGOTIATIONS WITH AN ELECTRICITY SUPPLIER FOR THE DEVELOPMENT OF A PILOT PROGRAM FOR OFFSHORE WIND ENERGY THAT CONSISTS OF THE CONSTRUCTION OF AN OFFSHORE WIND PROJECT CONSISTING OF A SINGLE WIND TURBINE WITH A CAPACITY NOT EXCEEDING 5 MEGAWATTS OF ELECTRICITY TO STUDY:

(1) THE ECONOMICS OF LARGER SCALE OFFSHORE WIND PROJECTS;

(2) THE MECHANICS OF CONSTRUCTING AND ISSUES RELATED TO THE MAINTENANCE OF OFFSHORE WIND PROJECTS; AND

(3) THE ABILITY OF OFFSHORE WIND PROJECTS TO WITHSTAND WEATHER CONDITIONS PRESENT ON THE OUTER CONTINENTAL SHELF OF THE ATLANTIC OCEAN OFFSHORE FROM THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2017, 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 status of the pilot program for the construction of an offshore wind project under § 7–214 of the Public Utilities Article, as enacted Section 1 of this Act.".

On page 22 of the bill, in line 22, strike "6." and substitute "3.".

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 41 Negative – 92 (See Roll Call No. 835)

FLOOR AMENDMENT

HB0441/613220/1
BY: Delegate Rudolph

AMENDMENT TO HOUSE BILL 441
(First Reading File Bill)

On page 22, in line 25, after "That" insert ":

(a) (1) On receipt of an application for approval of a qualified offshore wind project under § 7–704.1(a)(2) of the Public Utilities Article, as enacted by this Act, the sum of the lesser of $3,000,000 and the balance available in the Maryland Strategic Energy Investment Fund for development of renewable and clean energy programs under § 9–20B–05 of the State Government Article shall be transferred from the Fund to the Public Service Commission in order to contract services of independent consultants and experts necessary to carry out this Act.

(2) The sum transferred under paragraph (1) of this subsection is in addition to any amounts transferred from the Maryland Offshore Wind Business Development Fund under § 5–1403(h) of the Economic Development Article, as enacted by this Act, from money derived from the Exelon–Constellation merger approved by the Public Service Commission in Case No. 9721, Order 84698 on February 17, 2012.

(b) (1) Subject to subsection (a) of this section, and";

in line 30, after "Act." insert:

"(2)";

in the same line, after "$3,000,000" insert "less all amounts transferred to the Commission under subsection (a) of this section"; and in line 32, strike "(1)" and substitute "(i)".

On page 23, in line 1, strike "(2)" and substitute "(ii)".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0441/213827/1
BY: Delegate Krebs

AMENDMENT TO HOUSE BILL 441

(First Reading File Bill)

On page 14, in line 1, strike "**IN 2012 DOLLARS**" and substitute "**, SUBJECT TO ANNUAL UPWARD ADJUSTMENT IN ACCORDANCE WITH THE MOST RECENT CONSUMER PRICE INDEX – UNIVERSAL**".

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

Affirmative – 43 Negative – 86 (See Roll Call No. 836)

FLOOR AMENDMENT

HB0441/163929/1
BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 441
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "load;" insert "prohibiting the portion of the renewable energy portfolio standard that represents offshore wind energy from applying to electricity sales made by a certain electric cooperative;".

AMENDMENT NO. 2

On page 7, in lines 5 and 6, strike "**PARAGRAPHS (2) AND (3)**" and substitute "**PARAGRAPHS (2), (3), AND (4)**"; and after line 27, insert:

"**(4) THE PORTION OF A RENEWABLE ENERGY PORTFOLIO STANDARD THAT REPRESENTS OFFSHORE WIND ENERGY MAY NOT APPLY TO ELECTRICITY SALES MADE BY AN ELECTRIC COOPERATIVE THAT OPERATES IN ALL OR PART OF CALVERT COUNTY, CHARLES COUNTY, PRINCE GEORGE'S COUNTY, AND ST. MARY'S COUNTY.**".

The preceding 2 amendments were read only.

Delegate O'Donnell moved to make the Bill and Amendments a Special Order for Friday.

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

Affirmative – 47 Negative – 83 (See Roll Call No. 837)

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

Affirmative – 49 Negative – 83 (See Roll Call No. 838)

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 839)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #68

House Bill 356 – Delegate Braveboy

AN ACT concerning

Transportation – Required Security – Rental Vehicles

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

Affirmative – 99 Negative – 33 (See Roll Call No. 840)

The Bill was then sent to the Senate.

House Bill 747 – Delegate Beitzel

EMERGENCY BILL

AN ACT concerning

Garrett County – County Commissioners – Wind Energy Conversion Systems

Delegate Ross moved to make the Bill a Special Order for Monday.

The motion was adopted.

House Bill 1047 – Howard County Delegation

AN ACT concerning

Howard County – Alcoholic Beverages – Refillable Beer Containers
Ho. Co. 10–12

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

Affirmative – 133 Negative – 0 (See Roll Call No. 841)

The Bill was then sent to the Senate.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 151 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2012, and the Maryland Consolidated Capital Bond Loans of 2005, 2006, 2007, 2008, 2009, 2010, and 2011

FOR the purpose of authorizing the creation of a State Debt in the amount of ~~One Billion, One Hundred and Twelve Million, Eight Hundred and Eighty Thousand ($1,112,880,000),~~ One Billion, One Hundred and Nineteen Million, Four Hundred and Twenty–Four Thousand ($1,119,424,000) the proceeds to be used for certain necessary building, construction, demolition, planning, renovation, conversion, replacement, and capital equipment purchases of the State, for acquiring certain real estate in connection therewith, and for grants to certain subdivisions and other organizations for certain development and improvement purposes, subject to the requirement that certain grantees provide and expend certain matching funds by certain dates; providing generally for the issuance and sale of bonds evidencing the loan; authorizing the creation of State Debt to be issued in 2013, the proceeds to be used for certain purposes; authorizing the creation of State Debt to be known as a Maryland Consolidated Preauthorization Act, to be issued in 2014, the proceeds to be used for certain purposes; authorizing the creation of State Debt to be known as a Maryland Consolidated Preauthorization Act, to be issued in 2015, the proceeds to be used for certain purposes; prohibiting the expenditure of certain funds for certain acquisitions prior to providing certain cost benefit analyses to certain committees of the General Assembly; declaring a certain intent of the General Assembly; prohibiting the expenditure or encumbrance of certain funds until certain reports are submitted to certain committees of the General Assembly;

providing that certain funds allocated to certain eligible school construction projects in a county that are not spent for the project may be applied to another eligible project or reserved in a certain contingency fund for certain purposes; requiring that certain departments provide to certain committees of the General Assembly certain plans; requiring that certain reallocations of funds require notification to the General Assembly; authorizing commencement of certain projects prior to appropriation of all the funds necessary to complete the project; requiring certain departments to complete certain negotiations for certain land acquisitions by a certain date; providing for a restricted purpose for certain funds if certain negotiations are not completed by a certain date; prohibiting the expenditure of certain funds until certain grantees enter into certain Memoranda of Understanding; providing for a restricted purpose for certain funds if certain reports are not submitted by a certain date; altering and expanding the authorized uses of certain grants; requiring a certain department to acquire a certain site before a certain date; imposing a certain tax on all assessable property in the State; requiring that certain grantees convey certain easements under certain circumstances to the Maryland Historical Trust; providing that the proceeds of certain loans must be expended or encumbered by a certain date; requiring certain grantees to submit certain reports; authorizing certain unexpended appropriations in certain prior capital budgets and bond loans to be expended for other public projects; altering certain requirements for certain programs in certain prior capital budgets and bond loans; providing that the authorizations of State Debt in certain prior capital budgets and bond loans be reduced by certain amounts; providing for certain additional information to be detailed about each project in the capital program under certain circumstances; requiring that certain projects be constructed at certain locations; repealing certain requirements for certain appropriations; requiring the Comptroller to make certain transfers, adjustments, and reconciliations; repealing certain Maryland Consolidated Capital Bond Loan Preauthorization acts; providing for a delayed effective date for certain provisions of this Act; and generally relating to the financing of certain capital projects.

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005
Section 1(3) Item MA01(A), Item RM00(B) and (F), Item UB00(A)(1), (4), and (5), and Item ZB02(B)

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005, as amended by Chapter 46 of the Acts of the General Assembly of 2006, Chapter 488 of the Acts of the General Assembly of 2007, Chapter 485 of the Acts of the General Assembly of 2009, Chapter 483 of the Acts of the General Assembly of 2010, and Chapter 396 of the Acts of the General Assembly of 2011
Section 1(1)

BY repealing and reenacting, with amendments,

Chapter 46 of the Acts of the General Assembly of 2006
Section 1(3) Item ZA00(H)

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006, as amended by Chapter 488 of the Acts of the General Assembly of 2007 and Chapter 485 of the Acts of the General Assembly of 2009
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006, as amended by Chapter 485 of the Acts of the General Assembly of 2009
Section 1(3) Item RE01(A)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007
Section 1(3) Item DE02.01(C) and Item RB29(A)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007, as amended by Chapter 336 of the Acts of the General Assembly of 2008, Chapter 485 of the Acts of the General Assembly of 2009, Chapter 483 of the Acts of the General Assembly of 2010, and Chapter 396 of the Acts of the General Assembly 2011
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007, as amended by Chapter 336 of the Acts of the General Assembly of 2008 and Chapter 372 of the Acts of the General Assembly of 2010
Section 12(3) RB27(A)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007, as amended by Chapter 336 of the Acts of the General Assembly of 2008, Chapter 485 of the Acts of the General Assembly of 2009, and Chapter 483 of the Acts of the General Assembly of 2010
Section 12(1) and (3) Item ML10(A)

BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008
Section 1(3) ~~Item DA02.01(A),~~ Item DE02.01(E) and (H), Item QB04(A), Item RB27(D), and Item RB34(A)

BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008, as amended by Chapter 485 of the Acts of the General Assembly of 2009, Chapter 483 of

the Acts of the General Assembly of 2010, and Chapter 396 of the Acts of the General Assembly of 2011
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 485 of the Acts of the General Assembly of 2009
Section 1(3) Item QD00(A), Item RE01(C), Item UB00(A), and Item ZA00(Q)

BY repealing and reenacting, with amendments,
Chapter 485 of the Acts of the General Assembly of 2009, as amended by Chapter 483 of the Acts of the General Assembly of 2010
Section 1(3) Item QB08–02(A) and Item RE01(B)

BY repealing and reenacting, with amendments,
Chapter 485 of the Acts of the General Assembly of 2009, as amended by Chapter 483 of the Acts of the General Assembly of 2010 and Chapter 396 of the Acts of the General Assembly of 2011
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 485 of the Acts of the General Assembly of 2009, as amended by Chapter 396 of the Acts of the General Assembly of 2011
Section 1(3) Item QB08.01(A) and (B), Item ZA02(G), and Item ZA03(F)

BY repealing and reenacting, with amendments,
Chapter 483 of the Acts of the General Assembly of 2010
Section 1(3) Item KA05(C)(2), Item VE01(A) and ZA00(N), and Item ZA01(C) and 12(3) Item RB23(B)

BY repealing and reenacting, with amendments,
Chapter 483 of the Acts of the General Assembly of 2010, as amended by Chapter 396 of the Acts of the General Assembly of 2011
Section 1(1) and (3) Item QP00(A)

BY repealing and reenacting, with amendments,
Chapter 396 of the Acts of the General Assembly of 2011
Section 1(1) and (3) Item DE02.01(B), Item SA24(B), and Item ZA00(M) and (N)

BY repealing
Chapter 396 of the Acts of the General Assembly of 2011
Section 12, 13, and 14

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

Senate Bill 657 – Senator Muse

AN ACT concerning

Horse Racing – Maryland Foaled Stakes Program ~~– Termination~~ and Sires Stakes Program – Revisions

FOR the purpose of terminating the Maryland Foaled Stakes Program; specifying that certain money be allocated only to the Maryland Sire Stakes Program; specifying that the Maryland Standardbred Race Fund consists only of the Sire Stakes Program; repealing a requirement that the Maryland Racing Commission set a certain breeder's award under certain circumstances; establishing a breeder's award for certain horses under a certain program; providing for the distribution of certain breeder's awards to certain horses under certain circumstances; providing for a delayed effective date; making certain technical changes; and generally relating to horse racing in the State.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 11–404.1, 11–406, 11–615(a), 11–617(b) and (c), 11–624, ~~and 11–633~~ 11–633, and 11–634(b)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing
Article – Business Regulation
Section 11–632
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Business Regulation
Section 11–634.1
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Senate Bill 1037 – Senator DeGrange

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

FOR the purpose of amending certain prior authorizations of State Debt to alter the requirement that certain grantees provide certain matching funds; extending the deadline for certain grantees to present certain evidence that a matching fund will be presented; providing that certain grants may not terminate before

certain dates; changing the locations of certain capital projects; repealing a certain requirement that a certain grantee grant a certain easement; altering the purpose of certain grants; changing the names of certain grantees; and generally relating to amending prior authorizations of State Debt.

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005
Section 1(3) Item ZA00(C), Item ZA01(AV) and (BL), and Item ZA02(BH) and (BQ)

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005, as amended by Chapter 65 of the Acts of the General Assembly of 2007, Chapter 219 of the Acts of the General Assembly of 2008, Chapter 707 of the Acts of the General Assembly of 2009, and Chapter 372 of the Acts of the General Assembly of 2010
Section 1(3) Item ZA01(AR) and Item ZA02(AV)

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006
Section 1(3) Item ZA01(CM)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007, as amended by Chapter 219 of the Acts of the General Assembly of 2008
Section 1(3) Item ZA01(BD) and Item ZA02(BT)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007, as amended by Chapter 372 of the Acts of the General Assembly of 2010
Section 1(3) Item ZA01(BM)

BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008
Section 1(3) Item ZA01(M) and (BJ) and Item ZA02(H) and (BP)

BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008, as amended by Chapter 372 of the Acts of the General Assembly of 2010
Section 1(3) Item ZA01(AA) and Item ZA02(J) ~~and (X)~~, (X), and (BQ)

BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008, as amended by Chapter 396 of the Acts of the General Assembly of 2011
Section 1(3) Item ZA01(AT) and Item ZA02(AG)

BY repealing and reenacting, with amendments,

Chapter 483 of the Acts of the General Assembly of 2010
Section 1(3) Item ZA02(L), (N), (P), (X), (AD), (AF), (AH), (AR), (AX), (BA), ~~and (BB)~~ (BB), and (BJ) and Item ZA03(L), (P), (Q), (AD), (AH), (AI), (AM), (AS), (AZ), (BI), and (BK)

BY repealing and reenacting, with amendments,
Chapter 483 of the Acts of the General Assembly of 2010, as amended by Chapter 187 of the Acts of the General Assembly of 2011
Section 1(3) Item ZA02(BH)

BY repealing and reenacting, with amendments,
Chapter 483 of the Acts of the General Assembly of 2010, as amended by Chapter 188 of the Acts of the General Assembly of 2011
Section 1(3) Item ZA02(BE)

BY repealing and reenacting, with amendments,
Chapter 483 of the Acts of the General Assembly of 2010, as amended by Chapter 396 of the Acts of the General Assembly of 2011
Section 1(3) Item ZA02(BF) and (BK) and Item ZA03(BB–1)

BY repealing and reenacting, with amendments,
Chapter 396 of the Acts of the General Assembly of 2011
Section 1(3) Item ZA00(S), Item ZA02(H) ~~and (BH)~~, (U), (BB), and (BH), and Item ZA03(H)

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

Senate Bill 1086 – Senators Jones–Rodwell, Currie, King, Madaleno, and Manno

AN ACT concerning

Income Tax – Tax Credits – Electronic Filing Requirements

FOR the purpose of authorizing the Comptroller to require by regulation that a taxpayer claiming certain income tax credits claim certain tax credits by certain electronic means; authorizing the Comptroller to require by regulation that certain additional tax credits be claimed by certain electronic means; providing for the application of this Act; and generally relating to requiring the electronic claiming of certain tax credits by certain taxpayers.

BY adding to
Article – Tax – General
Section 10–804(j)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Senate Bill 1099 – Senator Edwards

AN ACT concerning

Allegany County – Sheriff's Office Employees – Labor Organizations

FOR the purpose of authorizing deputies of the Sheriff's Office of Allegany County to organize and bargain collectively with the Sheriff of Allegany County through a certain labor organization; authorizing the officers and civilian employees of the Sheriff's Office of Allegany County to organize and bargain collectively with the Sheriff of Allegany County through a certain labor organization; requiring the Sheriff to meet with certain labor organizations and engage in good faith negotiations to reach separate written agreements with certain labor organizations regarding certain matters; making certain conforming changes; and generally relating to the Sheriff's Office of Allegany County.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–309(b)(7)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 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 136 Members present.

(See Roll Call No. 842)

ADJOURNMENT

At 11:32 A.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Legislative Day March 27, 2012, Calendar Day Friday, March 30, 2012.