

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 49

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Courts -”; in line 3, strike “altering” and substitute “repealing”; in line 4, strike “court”; strike beginning with “limiting” in line 4 down through “court;” in line 9; in line 10, strike “the payment of” and substitute “repealing certain”; in the same line, strike the second “to” and substitute “for certain”; and in the same line, strike “court” and substitute “certain proceedings”.

AMENDMENT NO. 2

On page 1, after line 10, insert:

“BY repealing and reenacting, with amendments,

Article - Agriculture

Section 4-222(e)

Annotated Code of Maryland

(1999 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - Business Occupations and Professions

Section 16-209(a)(2)(iv) and 17-209(a)(2)(iv)

Annotated Code of Maryland

(2004 Replacement Volume and 2004 Supplement)”.

AMENDMENT NO. 3

On page 1, in line 13, strike “9-202” and substitute “3-220”; and after line 15, insert:

“BY repealing

Article - Courts and Judicial Proceedings

(Over)

Section 9-202
Annotated Code of Maryland
(2002 Replacement Volume and 2004 Supplement)

BY repealing

Article - Criminal Procedure
Section 1-204
Annotated Code of Maryland
(2001 Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - Estates and Trusts
Section 2-104
Annotated Code of Maryland
(2001 Replacement Volume and 2004 Supplement)

BY repealing

Article - Labor and Employment
Section 9-311(d)
Annotated Code of Maryland
(1999 Replacement Volume and 2004 Supplement)

BY repealing

Article - Public Utility Companies
Section 3-110(d)
Annotated Code of Maryland
(1998 Volume and 2004 Supplement)".

AMENDMENT NO. 4

On page 1, after line 17, insert:

"Article - Agriculture

4-222.

(e) [Any witness summoned before the Secretary shall be paid the same fees and mileage that is paid any witness in State court.] Any [witness whose deposition is taken, and the] person

taking [it,] A DEPOSITION IN ACCORDANCE WITH THIS SUBTITLE shall be entitled to the same fees paid for similar services in State courts.

Article - Business Occupations and Professions

16-209.

(a) (2) In connection with any action to enforce the provisions of this title, the Commission may:

(iv) take depositions[,] in the same manner [and with the same fees and compensation for mileage] as provided in civil cases in the State.

17-209.

(a) (2) In connection with any disciplinary action under Subtitle 3 of this title or any investigation or proceeding brought for an alleged violation of this title, the Commission, a hearing board, the executive director of the Commission, or the assistant director of the Commission may:

(iv) take depositions[,] in the same manner [and with the same fees and compensation for mileage] as provided in civil cases in the State.”.

AMENDMENT NO. 5

On page 1, after line 18, insert:

“3-220.

(a) [Fees for attendance as a witness are the same as for a witness in the circuit courts of the State.

(b)] The arbitrators may, and on application of a party shall, order that part or all of the proceedings be transcribed.

(B) The record made from the transcript shall be available to either side for purpose of

(Over)

appeal or otherwise.”.

AMENDMENT NO. 6

On pages 1 through 3, strike in their entirety the lines beginning with line 19 on page 1 through line 8 on page 3, inclusive, and substitute:

“Article - Criminal Procedure

[1-204.

A witness attending court has the right to compensation as provided in § 9-202 of the Courts Article.]

Article - Estates and Trusts

2-104.

[(a)] The Maryland Rules for the summoning of a witness, and for depositions and discovery, apply to all actions.

[(b)] A witness attending the court is entitled to the same compensation as a witness attending the circuit court in the same county.]

Article - Labor and Employment

9-311.

[(d)] (1) Except as provided in paragraph (2) of this subsection, a witness who is subpoenaed to appear and appears before the Commission, a special examiner, or an inspector is entitled to the same fees and mileage reimbursement provided for a witness by law in a civil case in the county where the witness testifies.

(2) A witness subpoenaed at the request of a party is not entitled to fees or mileage reimbursement from the State Treasury, unless the Commission certifies that the testimony

was material to the matter investigated.

(3) The fees and mileage reimbursement paid under this subsection shall be audited and paid by the State in the same way as other expenses approved by a member and the Secretary of the Commission.]

Article - Public Utility Companies

3-110.

[(d) In the same manner as other expenses, the Commission shall pay the same witness fees that are allowed by a court of general jurisdiction in the county where the hearing is held.]”.