

Journal *of* Proceedings

of the

House of Delegates

of

Maryland

2011 Regular Session

Volume II

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Annapolis, Maryland
Thursday, February 17, 2011

The House met at 10:05 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Michael A. McDermott of Wicomico and Worcester counties.

QUORUM CALL

The presiding officer announced a quorum call, showing 132 Members present.

(See Roll Call No. 56)

The Journal of February 16, 2011 was read and approved.

EXCUSES:

Del. Burns – funeral

Del. Carr – personal – family emergency

Del. Minnick – doctor’s appointment

Del. Nathan–Pulliam – business conference

INTRODUCTION OF BILLS

House Bill 1183 – Delegates Stukes, Haynes, and Mitchell

AN ACT concerning

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

FOR the purpose of authorizing the creation of a State Debt in the amount of \$300,000, the proceeds to be used as a grant to the Board of Directors of Community Initiatives, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1184 – Delegates Zucker, Gaines, Clagett, Guzzone, Haynes, Jones, Proctor, and Washington

AN ACT concerning

Department of Transportation – Employee Grievance Procedures – Streamlined Process

FOR the purpose of altering a certain provision of law concerning regulations adopted by the Secretary of Transportation governing grievance procedures for employees under the Department of Transportation; authorizing an aggrieved employee to appeal certain decisions to the Office of Administrative Hearings or to a certain other party; repealing certain provisions regarding the administration of certain disciplinary appeals by the Secretary of Budget and Management; repealing provisions that entitled certain employees in the Department to certain appeal procedures available to certain other State employees; requiring the Secretary of Transportation to establish certain appeal procedures for disciplinary action through regulations and policy; and generally relating to regulations concerning disciplinary action appeals for personnel in the Department of Transportation.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 2–103.4(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 2–103.4(d)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1185 – Delegates Glenn, Anderson, Conaway, Mitchell, B. Robinson, and Vallario

AN ACT concerning

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

FOR the purpose of reducing the period of time that certain individuals at least a certain age who hold a learner’s instructional permit are required to wait before taking certain examinations for a provisional driver’s license; establishing that

certain driving practice requirements and a requirement to complete a certain driver skills log book before taking certain examinations for a provisional driver's license do not apply to an individual at least a certain age; authorizing individuals at least a certain age to complete certain driver education requirements through a certain Internet program; requiring the Motor Vehicle Administration to adopt regulations establishing curriculum, equipment, and standards for a certain Internet driver education program; and generally relating to driver education requirements for obtaining a provisional driver's license.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–105(d), 16–111(b), and 16–505
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1186 – Delegate Howard

AN ACT concerning

Transportation – State Highway Administration – Sale or Lease of Highway Naming Rights

FOR the purpose of authorizing the State Highway Administration to sell or lease to a private entity the naming rights for a State highway or any part of a State highway; requiring a contract for the sale or lease of naming rights to a State highway to be for at least a certain period; providing that a sale or lease of naming rights to a State highway may not be construed to require that any highway sign or mailing address be altered; authorizing a private entity that purchases or leases the naming rights to a State highway to erect certain outdoor signs along the highway; requiring a private entity that erects outdoor signs along a State highway to pay all costs associated with the signs; requiring outdoor signs erected by a private entity along a State highway to comply with certain requirements; requiring that proceeds from the sale or lease of naming rights to a State highway be credited to the Transportation Trust Fund; defining certain terms; and generally relating to the sale or lease of naming rights to State highways.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 8–604
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY adding to

Article – Transportation
Section 8–604.1
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1187 – Delegates Mitchell, Haynes, and Stukes

AN ACT concerning

Creation of a State Debt – Baltimore City – Dr. Bob’s Place – A Hospice for Children

FOR the purpose of authorizing the creation of a State Debt not to exceed \$350,000, the proceeds to be used as a grant to the Board of Trustees of Joseph Richey House, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1188 – Delegates James and Hubbard

AN ACT concerning

Maryland Communities for a Lifetime Act

FOR the purpose of establishing the Maryland Communities for a Lifetime Program within the Department of Aging; altering the membership of the Interagency Committee on Aging Services; providing for the term of a representative of a Community for a Lifetime on the Interagency Committee; prohibiting the reappointment of a representative of a Community for a Lifetime for more than a certain number of terms; requiring the Interagency Committee to plan for assisting Communities for a Lifetime annually; altering the composition of local interagency committees; requiring the Secretary of Aging to determine the amount of a grant for a proposed or existing senior activities center capital improvement after considering whether a Community for a Lifetime is affected by the project; requiring the Senior Citizen Activities Center Operating Fund to be used to benefit Communities for a Lifetime in a certain manner; requiring the Secretary of Aging, with the advice of the Innovations in Aging Services Advisory Council, to include provisions for funding grants sought by

Communities for a Lifetime within an Innovations in Aging Services Program plan in a certain manner; altering the membership of the Innovations in Aging Services Advisory Council; establishing the purpose of this Act; requiring the Department of Aging, in consultation with area agencies on aging and the Interagency Committee on Aging Services, to establish, oversee, and coordinate the Maryland Communities for a Lifetime Program; requiring the Department of Aging to establish a certification process for Communities for a Lifetime; requiring the Department of Aging to consider certain criteria in its certification process for Communities for a Lifetime; requiring a Community for a Lifetime to report to the Department of Aging on certain progress and plans by a certain date each year; requiring a Community for a Lifetime to be considered a priority funding area; defining a certain term; and generally relating to establishing a Maryland Communities for a Lifetime Program.

BY repealing and reenacting, with amendments,

Article – Human Services

Section 10–101, 10–302, 10–306, 10–504, 10–514, 10–603, and 10–604

Annotated Code of Maryland

(2007 Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

Article – Human Services

Section 10–301, 10–501, 10–502, and 10–602

Annotated Code of Maryland

(2007 Volume and 2010 Supplement)

BY adding to

Article – Human Services

Section 10–801 through 10–804 to be under the new subtitle “Subtitle 8.
Maryland Communities for a Lifetime Program”

Annotated Code of Maryland

(2007 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 5–7B–02

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1189 – Delegates Washington, McIntosh, and Anderson

AN ACT concerning

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

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

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

House Bill 1190 – Delegates Jones, Anderson, Barkley, Braveboy, Burns, Carter, Cullison, Dumais, Frush, Gaines, Griffith, Gutierrez, Guzzone, Haynes, Healey, Hubbard, James, Kaiser, A. Kelly, K. Kelly, Kramer, Lafferty, Lee, Mizeur, Nathan–Pulliam, Pena–Melnyk, Proctor, B. Robinson, Rosenberg, Rudolph, Stukes, Tarrant, Valderrama, Waldstreicher, Washington, and Wilson

AN ACT concerning

Child in Need of Supervision Pilot Program – Expansion

FOR the purpose of expanding the Child in Need of Supervision Pilot Program by requiring the Secretary of Juvenile Services to include Cecil County, Montgomery County, and Prince George’s County in the Pilot Program; requiring the Governor to include a certain general fund appropriation in the budget bills for certain fiscal years to be provided as grants to Cecil County, Montgomery County, and Prince George’s County to implement the expansion of the Pilot Program; altering a certain definition; providing for a delayed effective date for certain provisions of this Act; and generally relating to the Child in Need of Supervision Pilot Program.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–10.1
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 1191 – Delegates McIntosh, Anderson, and Washington

AN ACT concerning

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

FOR the purpose of authorizing the creation of a State Debt not to exceed \$350,000, the proceeds to be used as a grant to the Board of Directors of the Junior League of Baltimore, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1192 – Delegates Frank and Morhaim

AN ACT concerning

Health Care Malpractice – Expression of Regret or Apology – Inadmissibility

FOR the purpose of altering a certain evidentiary rule concerning an expression of regret or apology in certain civil actions and proceedings against health care providers; making a stylistic change; providing for the application of this Act; and generally relating to the admissibility of an expression of regret or apology in certain health care malpractice proceedings or actions.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 10–920
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 1193 – Chair, Health and Government Operations Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

Volunteer Company Assistance Fund – Reporting Requirements – Military Department

FOR the purpose of altering a certain definition to require the Military Department, instead of the Department of Budget and Management, to receive and review certain information from the Maryland State Firemen’s Association and provide

a certain annual report to certain committees of the General Assembly; and generally relating to the certain reports on the Volunteer Company Assistance Fund.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 8–201
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 8–206
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

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

House Bill 1194 – Delegates Haynes, Mitchell, and Stukes

AN ACT concerning

Creation of a State Debt – Baltimore City – Mount Vernon Place Conservancy, Inc.

FOR the purpose of authorizing the creation of a State Debt not to exceed \$500,000, the proceeds to be used as a grant to the Board of Directors of Mount Vernon Place Conservancy, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1195 – Delegates Haynes, Mitchell, and Stukes

AN ACT concerning

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

FOR the purpose of authorizing the creation of a State Debt not to exceed \$200,000, the proceeds to be used as a grant to the Board of Directors of A Step Forward, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee

provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1196 – Chair, Ways and Means Committee (By Request – Departmental – Planning)

AN ACT concerning

Sustainable Communities Tax Credit Program

FOR the purpose of altering the application of certain provisions relating to calculation of the amount of the Sustainable Communities tax credit that may be claimed under certain circumstances; authorizing the allocation of the tax credit in a certain manner; altering a certain fee; authorizing the use of a certain reserve fund for certain purposes under certain circumstances; requiring the Director of the Maryland Historical Trust to reserve a certain amount in a certain reserve fund to be used for a certain purpose; requiring additional reporting; providing for the application of this Act; and generally relating to the Sustainable Communities Tax Credit Program.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 5A–303(a)(6) and (18)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 5A–303(b)(6), (c)(1), (d), and (h)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – State Finance and Procurement
Section 5A–303(c)(5)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1197 – Frederick County Delegation

AN ACT concerning

**Frederick County – Vehicle Laws – Overtaking and Passing School Vehicles –
School Bus Monitoring Cameras**

FOR the purpose of authorizing the Frederick County Board of Education, in consultation with a certain local law enforcement agency, to place school bus monitoring cameras on county school buses for the purpose of recording a motor vehicle committing a violation relating to overtaking and passing school vehicles; requiring a school bus operator to give a recording of the violation to a certain local law enforcement agency; requiring a recording made by a school bus monitoring camera to include certain images and information; providing that the driver of a motor vehicle recorded committing a certain violation is subject to a certain civil penalty; providing that a civil penalty under this Act may not exceed a certain amount; requiring the District Court to prescribe a certain uniform citation form and civil penalty; requiring a certain local law enforcement agency to mail a certain citation to the owner of a certain motor vehicle within a certain period of time; providing for the contents of a certain citation; authorizing a local law enforcement agency to mail a warning instead of a citation; authorizing a person receiving a certain citation to pay the civil penalty or elect to stand trial; providing that a certain certificate is admissible as evidence in a proceeding concerning a certain violation; providing that a certain adjudication of liability is based on a preponderance of evidence; establishing certain defenses, and requirements for proving the defenses, for a certain violation recorded by a school bus monitoring camera; requiring the District Court to provide certain evidence to a local law enforcement agency under certain circumstances; authorizing a local law enforcement agency to mail a certain notice within a certain time period after receiving certain evidence; authorizing the Motor Vehicle Administration to refuse to register or reregister a motor vehicle or to suspend the registration of a motor vehicle under certain circumstances; establishing that a violation for which a civil penalty may be imposed under this Act is a moving violation for certain purposes, may be treated as a parking violation for certain purposes, and may be considered for certain insurance purposes; requiring the Chief Judge of the District Court, in consultation with certain local law enforcement agencies, to adopt certain procedures; providing that a proceeding for a certain violation recorded by a school bus monitoring camera is under the exclusive original jurisdiction of the District Court; providing that a recorded image of a motor vehicle produced by a school bus monitoring camera is admissible in a certain proceeding under certain circumstances; defining certain terms; and generally relating to the use in Frederick County of school bus monitoring cameras to enforce offenses relating to overtaking and passing school vehicles.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–401(13) and 10–311
Annotated Code of Maryland

(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 21–706

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

BY adding to

Article – Transportation

Section 21–706.2

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1198 – Delegate Branch

AN ACT concerning

Baltimore City – East Baltimore Community Recreation and Learning Center Loan of 2001 and Maryland Consolidated Capital Bond Loan of 2005 – East Baltimore Community Recreation and Learning Center

FOR the purpose of amending the East Baltimore Community Recreation and Learning Center Loan of 2001 and the Maryland Consolidated Capital Bond Loan of 2005 to change the purpose of a certain grant; and generally relating to amending prior authorizations of debt for the East Baltimore Community Recreation and Learning Center.

BY repealing and reenacting, with amendments,

Chapter 715 of the Acts of the General Assembly of 2001, as amended by

Chapter 94 of the Acts of the General Assembly of 2002 and Chapter 707 of the Acts of the General Assembly of 2009

Section 1

BY repealing and reenacting, with amendments,

Chapter 445 of the Acts of the General Assembly of 2005

Section 1(3) Item ZA01(O)

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

House Bill 1199 – Delegates Niemann, Ivey, and Summers

AN ACT concerning

Creation of a State Debt – Prince George’s County – Civic Center Design Drawings

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

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

House Bill 1200 – Delegates Niemann, Ivey, and Summers

AN ACT concerning

Creation of a State Debt – Prince George’s County – Battle of Bladensburg Visitor Center and Monument

FOR the purpose of authorizing the creation of a State Debt not to exceed \$500,000, the proceeds to be used as a grant to the Board of Directors of Anacostia Trails Heritage Area, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1201 – Delegate Costa

AN ACT concerning

Broadband Service Providers – Universal Access – Time Requirements

FOR the purpose of requiring certain broadband service providers that provide broadband service in a county to make the service available in all areas of the county by a certain date; requiring certain broadband service providers to make broadband service available in all areas of a political subdivision of the State by a certain date if the service is available to more than a certain percentage of addresses in the political subdivision on a certain date; authorizing the Attorney General to adopt regulations to carry out this Act; authorizing the Attorney General to initiate a civil action against a broadband service provider that

violates this Act or regulations adopted under this Act to recover a penalty not to exceed a certain amount; defining certain terms; and generally relating to broadband service providers and the deployment of broadband service.

BY adding to

Article – Business Regulation

Section 19–701 through 19–704 to be under the new subtitle “Subtitle 7.
Broadband Service Providers”

Annotated Code of Maryland

(2010 Replacement Volume and 2010 Supplement)

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

House Bill 1202 – Delegates Malone and DeBoy

AN ACT concerning

Alcoholic Beverages – Brewery License – Samples and Sales

FOR the purpose of altering the number of beer samples that a holder of a brewery license may provide to a person of legal drinking age who participates in a tour, promotional event, or other organized activity at the licensed premises; altering the limit on certain purchases of beer per person; establishing a certain limitation on selling beer under certain circumstances; altering the sample size that a holder may provide at a promotional event; altering the limit on the number of special brewery promotional event permits that a holder may be issued in a calendar year; and generally relating to brewery licenses.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 2–206

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

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

House Bill 1203 – Delegate Malone

AN ACT concerning

Motor Vehicle Air Bags – Consumer Protection and Reporting Requirements

FOR the purpose of prohibiting a person from installing or reinstalling in a motor vehicle any object in lieu of an air bag; prohibiting a person from selling or offering for sale any device with the intent that the device will replace an air

bag in a motor vehicle under certain circumstances; prohibiting a person from selling or offering for sale any device that gives a false impression that a viable air bag is installed in a motor vehicle; prohibiting a person from intentionally misrepresenting the presence of an air bag in a motor vehicle; requiring a person who installs a replacement air bag in a motor vehicle to maintain certain records for a certain period of time; requiring certain records to be made available for inspection at a certain time at the request of a certain law enforcement officer; requiring certain information to be provided on the request of certain vehicle owners or their insurers; requiring a person who installs a replacement air bag in a motor vehicle to submit a certain affidavit to a certain person; prohibiting a person from selling or trading a motor vehicle if the person has actual knowledge that the air bag in the motor vehicle is inoperable unless the person gives a certain notice; requiring certain motor vehicle accident reports and certain motor vehicle accident report forms to include certain information; providing that a violation of certain provisions of this Act is an unfair or deceptive trade practice under the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions; providing a certain penalty; defining certain terms; and generally relating to motor vehicle air bags and consumer protection and reporting requirements.

BY adding to

Article – Commercial Law

Section 14–3901 through 14–3906 to be under the new subtitle “Subtitle 39. Air Bag Safety Act”

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY adding to

Article – Public Safety

Section 3–508

Annotated Code of Maryland

(2003 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 20–113

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1204 – Delegate Cane

AN ACT concerning

Dorchester County – Electric Transmission Privilege Tax

FOR the purpose of authorizing the County Council of Dorchester County to impose a tax on the privilege of engaging in the transmission of electricity in the county using certain long distance, extra-high voltage electric transmission lines; providing that the tax is the product of multiplying the miles of certain electric transmission lines and a certain base rate and the voltage carrying capacity of certain electric transmission lines; authorizing the county council, by ordinance, to set the base rate; providing that the base rate may not exceed a certain amount; providing for the use of the net proceeds of the tax; defining certain terms; and generally relating to a tax on the privilege of engaging in the transmission of electricity in Dorchester County.

BY adding to

Article 24 – Political Subdivisions – Miscellaneous Provisions

Section 9–1601 through 9–1604 to be under the new subtitle “Subtitle 16.
Dorchester County – Electric Transmission Privilege Tax”

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

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

House Bill 1205 – Delegate Conaway

AN ACT concerning

Vehicle Laws – Red Light and Speed Monitoring Systems – Law Enforcement Vehicles

FOR the purpose of providing that certain images of a law enforcement vehicle recorded by a traffic control signal monitoring system, a speed monitoring system, or a work zone speed control system may not be the basis for a civil penalty or the issuance of a citation under certain provisions of law; and generally relating to traffic control signal monitoring systems, speed monitoring systems, and work zone speed control systems.

BY repealing and reenacting, without amendments,

Article – Transportation

Section 21–202.1(a)(4) and (5), 21–809(a)(4) and (5), and 21–810(a)(4) and (7)

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 21–202.1(d), 21–809(c), and 21–810(c)

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1206 – Delegate Wilson

AN ACT concerning

Commercial Law – Sales of Unpackaged Cigarettes – Prohibitions and Penalties

FOR the purpose of prohibiting certain persons from purchasing, selling, reselling, distributing, dispensing, or giving away to any person in this State certain unpackaged cigarettes; prohibiting a person from making available for use by another person a tobacco product rolling machine to produce an unpackaged cigarette; providing that a person who possesses, sells, or attempts to sell certain cigarettes is in violation of a certain provision of law; establishing certain penalties for a violation of certain provisions of this Act; defining certain terms; and generally relating to the regulation of unpackaged cigarettes.

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 11–5A–01 and 11–5A–02 to be under the amended subtitle “Subtitle 5A. Sales of Unpackaged Cigarettes”

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

Article – Commercial Law

Section 11–5A–03

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

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

House Bill 1207 – Delegate Wilson

AN ACT concerning

Crimes – Prohibition on Sale of Drug Paraphernalia to a Minor – Local Law

FOR the purpose of authorizing the governing body of a county or a municipal corporation to adopt a local law that prohibits a person from selling drug paraphernalia to a minor; authorizing a county or a municipal corporation to impose certain criminal or civil penalties; providing that a local law adopted by a county or municipal corporation may authorize the revocation or nonrenewal

of a license or permit issued to a business found to be in violation of the local law; defining a certain term; and generally relating to a local law prohibiting the sale of drug paraphernalia to a minor.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 5–101(a) and (o)
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

BY adding to
Article – Criminal Law
Section 5–619.1
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

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

House Bill 1208 – Delegate Wilson

AN ACT concerning

Higher Education – Exemption from Tuition for Foster Care Recipients – Eligibility Age

FOR the purpose of altering the age before which foster care recipients must be enrolled at public institutions of higher education to be exempt from paying certain tuition; altering the age before which foster care recipients must be enrolled as candidates for certain degrees to not be required to pay the difference between the amount of certain scholarships or grants and the amount of certain tuition; and generally relating to the age of foster care recipients to be eligible for exemptions from paying tuition.

BY repealing and reenacting, with amendments,
Article – Education
Section 15–106.1
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1209 – Delegate Wilson

AN ACT concerning

**Video Lottery Terminal Applicants and Licensees – Minority Business
Participation – Modifications and Sunset Extension**

FOR the purpose of adding maintenance and ongoing service delivery to the requirements that certain applicants or licensees for video lottery operations must meet regarding minority business participation under certain circumstances; extending a certain termination date for certain provisions of law relating to minority participation in video lottery facility operations; providing a termination date for certain monitoring, reporting, and other duties of the State Lottery Commission and the Governor's Office of Minority Affairs; and generally relating to minority business participation requirements and video lottery operation licenses.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–10
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1210 – Delegate Donoghue

EMERGENCY BILL

AN ACT concerning

**Maryland Medical Assistance Program – Provider–Based Outpatient
Oncology Centers – Reimbursement**

FOR the purpose of requiring the Maryland Medical Assistance Program to reimburse provider–based outpatient oncology centers for certain services at a certain reimbursement rate; requiring the Department of Health and Mental Hygiene to adopt certain regulations; prohibiting the Department from making payments for certain invoices that are received after a certain date; defining a certain term; making this Act an emergency measure; and generally relating to reimbursement rates for services provided by provider–based outpatient oncology centers to Maryland Medical Assistance Program recipients.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–105
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1211 – Delegates F. Turner and Serafini

AN ACT concerning

Employees' Pension System and Teachers' Pension System – Benefits – Eligible Rollover Distributions

FOR the purpose of providing that certain members of the Employees' Pension System or the Teachers' Pension System may terminate their membership in the Employees' Pension System or the Teachers' Pension System and elect to receive certain eligible rollover distributions to be paid to certain eligible retirement plans; providing for the calculation of the amount of a member's eligible rollover distribution; providing that certain elections made by certain members of the Employees' Pension System or the Teachers' Pension System are one-time irrevocable elections; and generally relating to members of the Employees' Pension System or the Teachers' Pension System electing to receive eligible rollover distributions.

BY repealing and reenacting, with amendments,
 Article – State Personnel and Pensions
 Section 23–401
 Annotated Code of Maryland
 (2009 Replacement Volume and 2010 Supplement)

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

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 145 – Chair, Budget and Taxation Committee (By Request – Departmental – Comptroller)

AN ACT concerning

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

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

under certain circumstances; and generally relating to liability for the payment of motor fuel taxes.

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

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 157 – Senators Colburn and Pipkin

AN ACT concerning

Eastern Shore Code Home Rule Counties – Development Excise Tax for School Construction – Applicability

FOR the purpose of clarifying that the development excise tax that a code home rule county on the Eastern Shore is authorized to impose applies to ~~new~~ residential units including apartments and condominiums; providing that the development excise tax is imposed on a multifamily residential project when the building permit is issued for the residential units; defining a certain term; and generally relating to the authority of code home rule counties to impose a development excise tax.

BY repealing and reenacting, with amendments,
Article 25B – Home Rule for Code Counties
Section 13F
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

LETTERS OF REASSIGNMENT

MEMORANDUM

To: Hon. Dereck E. Davis, Chairman, ECM
From: Michael E. Busch, Speaker
Re: Reassignment of Bill(s)

In accordance with Rule 33, you are hereby requested to return to the Office of the Chief Clerk, the following legislation for reassignment as indicated below:

Bill No. _____ Reassignment
HB 598 ECM and APP

Read and ordered journalized.

MEMORANDUM

To: Hon. Peter A. Hammen, Chairman, HGO
From: Michael E. Busch, Speaker
Re: Reassignment of Bill(s)

In accordance with Rule 33, you are hereby requested to return to the Office of the Chief Clerk, the following legislation for reassignment as indicated below:

Bill No. _____ Reassignment
HB 807 ECM

Read and ordered journalized.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 57)

ADJOURNMENT

At 10:25 A.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Friday, February 18, 2011.

Annapolis, Maryland
Friday, February 18, 2011

The House met at 11:06 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 132 Members present.

(See Roll Call No. 58)

The Journal of February 17, 2011 was read and approved.

EXCUSES:

Del. Burns – funeral
Del. Harrison – illness
Del. Hixson – personal
Del. Krebs – business
Del. Malone – funeral
Del. Myers – personal
Del. Nathan–Pulliam – business conference
Del. F. Turner – personal – out of state

INTRODUCTION OF BILLS

House Bill 1212 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County Metropolitan Commission

FOR the purpose of repealing a certain requirement that a new position with the St. Mary's County Metropolitan Commission be subject to prior approval of the County Commissioners of St. Mary's County; authorizing the Commission to appoint, discharge at pleasure, and fix the compensation of a General Counsel; prohibiting the Director from serving concurrently as the Director and as General Counsel to the Commission; requiring the Commission to adopt or approve, with the prior approval of the County Commissioners certain plans and a certain capital budget; requiring the County Commissioners to amend annually the St. Mary's County water and sewer plan by incorporating into it a

certain capital improvement plan of the Commission; and generally relating to the St. Mary's County Metropolitan Commission.

BY repealing and reenacting, with amendments,
The Public Local Laws of St. Mary's County
Section 113-1C
Article 19 – Public Local Laws of Maryland
(2007 Edition and June 2010 Supplement, as amended)

BY adding to
The Public Local Laws of St. Mary's County
Section 113-30
Article 19 – Public Local Laws of Maryland
(2007 Edition and June 2010 Supplement, as amended)

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

House Bill 1213 – Delegate Howard

AN ACT concerning

Alcoholic Beverages – Tax Rates

FOR the purpose of altering State tax rates for alcoholic beverages sold in Maryland; and generally relating to the alcoholic beverage tax.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 5-105
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 1214 – Delegates Schuh and Love

AN ACT concerning

Maryland Income Tax Refund – Anne Arundel County – Warrants

FOR the purpose of authorizing certain warrant officials to certify to the Comptroller the existence of an outstanding warrant; requiring the Comptroller to withhold the Maryland income tax refund of an individual with an outstanding warrant under certain circumstances; providing that certain provisions of law apply only to residents of Anne Arundel County or individuals with warrants from Anne

Arundel County; requiring a certain certification to contain certain information; requiring the Comptroller, under certain circumstances, to withhold an individual's income tax refund and notify the individual of a certain certification; providing that the Comptroller may not pay a Maryland income tax refund until the warrant official notifies the Comptroller that the warrant is no longer outstanding; defining certain terms; providing for the termination of this Act; and generally relating to withholding income tax refunds for outstanding warrants.

BY adding to

Article – Tax – General

Section 13–935 through 13–938 to be under the new part “Part VII. Income Tax Refund Withholding – Warrants”

Annotated Code of Maryland

(2010 Replacement Volume)

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

House Bill 1215 – Delegates Schuh, Barnes, Beidle, Costa, Dwyer, Frush, Kipke, McConkey, McMillan, Pena–Melnyk, Sophocleus, and Vitale

AN ACT concerning

Environment – Exemption from Noise Restrictions – Marinas and Boatyards

FOR the purpose of adding an exemption to the list of exemptions from the authority of the Department of the Environment to adopt certain noise restrictions for the noise from equipment used to store and maintain certain vessels during certain times at a marina or boatyard; and generally relating to the authority of the Department of the Environment to restrict noise.

BY repealing and reenacting, without amendments,

Article – Environment

Section 3–401(a)

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 3–401(d)

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

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

House Bill 1216 – Allegany County Delegation

AN ACT concerning

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

FOR the purpose of authorizing the creation of a State Debt not to exceed \$125,000, the proceeds to be used as a grant to the Mayor and City Council of Cumberland for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1217 – Delegates Proctor and Vallario

AN ACT concerning

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

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

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

House Bill 1218 – Frederick County Delegation

AN ACT concerning

Frederick County – Beer, Wine and Liquor Tasting License

FOR the purpose of creating in Frederick County a beer, wine and liquor tasting license; specifying to whom the licenses may be issued; setting maximum limits on the amounts of certain individual servings; specifying that the license may be issued for tasting or sampling purposes only; providing for a license fee; and generally relating to alcoholic beverages licenses in Frederick County.

BY renumbering

Article 2B – Alcoholic Beverages
Section 8–406.1 and 8–406.2, respectively
to be Section 8–406.2 and 8–406.3, respectively
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to

Article 2B – Alcoholic Beverages
Section 8–406.1
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

House Bill 1219 – Delegate Ross

AN ACT concerning

Real Property – Tax Increment Financing – Effect on State Aid

FOR the purpose of providing that a certain portion of the assessable base of real property located in certain designated development districts may not be treated as taxable real property for purposes of calculating the payment of certain State aid to local jurisdictions; providing for the application of this Act; and generally relating to the treatment of the assessable base of certain real property located in certain designated development districts for purposes of certain State aid to local jurisdictions.

BY repealing and reenacting, without amendments,

Article – Economic Development
Section 12–201(p)
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY adding to

Article – Economic Development
Section 12–211.1
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

The Charter of Baltimore City
Article II – General Powers
Section (62)(b)(16)
(2007 Replacement Volume, as amended)

BY adding to

The Charter of Baltimore City
Article II – General Powers
Section (62)(k)
(2007 Replacement Volume, as amended)

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

House Bill 1220 – Delegate Busch

AN ACT concerning

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

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

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

House Bill 1221 – Delegates Cardin, Morhaim, Olszewski, and Stein

AN ACT concerning

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

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2010 to alter the purpose of a grant to the Stevenson University; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2010.

BY repealing and reenacting, with amendments,
Chapter 483 of the Acts of the General Assembly of 2010
Section 1(3) Item ZA00(K)

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

House Bill 1222 – Delegate Malone

AN ACT concerning

Vehicle Laws – Dealers – Licensing and Temporary Registration Plates

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

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

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

House Bill 1223 – Delegate Malone

EMERGENCY BILL

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety Task Force – Reconstitution

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

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

House Bill 1224 – Delegates Conway, McDermott, and Otto

AN ACT concerning

Natural Resources – Forest Conservation Act – Alterations to Exceptions

FOR the purpose of increasing the threshold area of forest cut, cleared, or graded above which certain activities no longer qualify as exceptions to the provisions of the Forest Conservation Act; applying a certain exception to the provisions of the Forest Conservation Act to certain activities required for constructing a dwelling intended for the use of a grandchild of the owner; and generally relating to exceptions to the requirements of the Forest Conservation Act.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–1602(b)(7) and (9)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

House Bill 1225 – Delegates Gilchrist, Bobo, Frush, Holmes, Hucker, Lafferty, A. Miller, Morhaim, Niemann, S. Robinson, Stein, Waldstreicher, and Weir

AN ACT concerning

Natural Resources – Commercial Fishing Violations – Enhanced Penalties

FOR the purpose of establishing certain enhanced penalties for a person who commits a certain separate commercial fisheries violation while the person's commercial fishing license or authorization is suspended or revoked or who engages in commercial fishing activities without an appropriate license or authorization; requiring that certain fines imposed under this Act be paid into the Fisheries Research and Development Fund; clarifying certain commercial fishing violations; and generally relating to enhanced penalties for certain commercial fishing violations.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–708 and 4–1202
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4–1201(a) and (b)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article – Natural Resources

Section 4–1201(h)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

House Bill 1226 – Delegate Weir

AN ACT concerning

Real Property – Right to Redemption of Leased Premises – Forms of Payment

FOR the purpose of altering the forms of payment that a tenant or a mobile home park resident may use to tender payment in order to exercise the tenant’s or resident’s right to redemption of leased premises under certain circumstances; and generally relating to the right to redemption of leased premises.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8–401(e)(1) and 8A–1701(e)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
The Public Local Laws of Baltimore City
Section 9–5(b)(1)
Article 4 – Public Local Laws of Maryland
(1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

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

House Bill 1227 – The Speaker (By Request – Administration) and Delegates Olszewski and Ross

AN ACT concerning

Economic Development Opportunities Program Account – Wind Turbine Manufacturing Facility

FOR the purpose of altering the definition of “extraordinary economic development opportunity” for purposes of the Economic Development Opportunities Program Account to include attraction of a new wind turbine manufacturing facility to the State, or the expansion, to include wind turbine manufacturing, of an existing private sector enterprise, that meets certain requirements; providing that certain State incentives may not exceed a certain amount; defining certain

terms; and generally relating to eligible expenditures under the Economic Development Opportunities Program Account.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 7–314(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 7–314(b) through (d)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1228 – The Speaker (By Request – Administration)

AN ACT concerning

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

FOR the purpose of specifying that, for certain weeks of unemployment, a State “on” indicator exists for extended unemployment benefits under certain circumstances; specifying that a State “off” indicator exists for certain extended unemployment benefits under certain circumstances; prohibiting certain extended unemployment benefits from being payable for any week of unemployment beginning before a certain date; specifying the total amount of certain extended unemployment benefits that are payable to an eligible individual; authorizing the Secretary of Labor, Licensing, and Regulation, if authorized by federal law, to suspend the payment of certain extended unemployment benefits under certain circumstances; requiring that certain federal unemployment law provisions and definitions apply to certain provisions of State law under certain circumstances; requiring the Secretary to notify the Department of Legislative Services when the condition for the termination of this Act is met; providing for the application of this Act; providing for the termination of this Act; and generally relating to unemployment insurance benefits.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–1103 and 8–1105
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY adding to

Article – Labor and Employment
Section 8–1109 and 8–1110
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1229 – The Speaker (By Request – Administration)

AN ACT concerning

Prescription Drug Monitoring Program

FOR the purpose of establishing the Prescription Drug Monitoring Program in the Department of Health and Mental Hygiene; establishing the mission of the Program; requiring the Program to carry out its mission by monitoring the prescribing and dispensing of certain substances by certain prescribers and dispensers; establishing the powers and duties of the Department and the Secretary of Health and Mental Hygiene under the Program; requiring dispensers to submit electronically certain information to the Program except in certain circumstances; establishing the Advisory Board on Prescription Drug Monitoring to assist in the design, implementation, and evaluation of the Program; establishing the membership, chair, terms of members, staff support, reimbursement, and responsibilities of the Board; requiring the Secretary by regulation to establish training protocols and guidelines to assist in the interpretation and evaluation of prescription monitoring data; providing that prescription monitoring data are confidential and privileged and not subject to certain means of legal compulsion except under certain circumstances; requiring the Program to disclose prescription monitoring data to certain agencies and persons under certain circumstances; authorizing the Program to disclose prescription monitoring data for certain purposes under certain circumstances; authorizing the Office of the Attorney General to seek certain relief to maintain the confidentiality of prescription monitoring data; authorizing the Program to provide prescription monitoring data to another state's prescription drug monitoring program under certain circumstances; authorizing the Program to request, receive, and use prescription monitoring data from another state's prescription drug monitoring program; authorizing the Program to enter into certain agreements with other states' prescription drug monitoring programs; establishing immunity from liability for certain agencies and persons relating to the operation and use of the Program; establishing penalties and disciplinary action for violations of the requirements of the Program; providing for the termination of certain provisions of this Act and certain regulations, subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act; requiring a certain evaluation of the Program to be made on or

before a certain date; defining certain terms; and generally relating to the establishment and operation of the Prescription Drug Monitoring Program.

BY renumbering

Article – State Government

Section 8–403(b)(54) through (68), respectively
to be Section 8–403(b)(55) through (69), respectively
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to

Article – Health – General

Section 21–2A–01 through 21–2A–09 to be under the new subtitle “Subtitle 2A.
Prescription Drug Monitoring Program”
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to

Article – State Government

Section 8–403(b)(54)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1230 – Delegates Kramer, Arora, and Cullison

AN ACT concerning

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

FOR the purpose of authorizing the creation of a State Debt not to exceed \$48,000, the proceeds to be used as a grant to the Board of Trustees of the Orthodox Congregation of Silver Spring, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; prohibiting the use of the loan proceeds or matching fund for sectarian religious purposes; establishing a deadline for the encumbrance or expenditure of the loan

proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1231 – Delegate Ready

AN ACT concerning

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

FOR the purpose of establishing an exception for certain members of the United States armed forces and reserve components to the requirement that certain persons obtain a certificate of competency in firearms and hunter safety before obtaining a hunting license; making certain technical corrections; making certain stylistic changes; and generally relating to exceptions to the requirement to obtain a certificate of competency in firearms and hunter safety before obtaining a hunting license.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–301.1(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 51 – Senators Brochin and Stone

AN ACT concerning

Criminal Procedure – Criminal Injuries Compensation Board – Claimant Confidentiality and Eligibility

FOR the purpose of prohibiting the disclosure of the identity or contact information of a certain victim or claimant by the Criminal Injuries Compensation Board; prohibiting a person who has been convicted of certain offenses within a certain time period from receiving a certain award from the Board; and generally relating to the Criminal Injuries Compensation Board.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–806 and 11–808(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Senate Bill 56 – Chair, Finance Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Health Insurance – Evaluation of Quality of Care and Performance of Health Benefit Plans

FOR the purpose of altering certain requirements for and purposes of a certain system that the Maryland Health Care Commission is required to establish and implement; requiring the system to comparatively evaluate the quality of care and performance of certain categories of health benefit plans; establishing that a purpose of the system is to assist certain health insurance carriers to improve care; requiring the system to solicit performance information from enrollees of certain health benefit plans; altering the entities the recommendations of which the Commission must consider before implementing the system; altering the contents of a certain annual evaluation summary; defining certain terms; making certain conforming changes; and generally relating to evaluations of quality of care and performance of health benefit plans.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–132 and 19–134(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Senate Bill 67 – Senators Edwards and Mathias

AN ACT concerning

Maryland Strategic Energy Investment Fund – Small Rural Electric Cooperative – Prohibition

FOR the purpose of ~~prohibiting funds in a certain account in~~ providing that a certain provision of law relating to the use of certain proceeds received by the Maryland

~~Strategic Energy Investment Fund from being used to offset electricity rates of and credited to a certain account does not apply to residential customers of a small rural electric cooperative; requiring, as approved by the Public Service Commission, certain small rural electric cooperatives to distribute certain moneys held in a certain account as of a certain date to certain organizations;~~ and generally relating to the Maryland Strategic Energy Investment Fund and small rural electric cooperatives.

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–20B–05(a) and (b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–20B–05(g)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – State Government
Section 9–20B–05(g–2)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Senate Bill 92 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring the Board to submit a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to the State Board of Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors.

BY repealing and reenacting, with amendments,
Article – Business Regulation

Section 9A-602
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

BY repealing and reenacting, with amendments,
Article – State Government
Section 8-403(b)(28)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

**Senate Bill 104 – Senators King, Benson, DeGrange, Ferguson, Forehand,
Kasemeyer, Madaleno, Montgomery, Peters, Pinsky, Rosapepe, Stone,
and Young**

AN ACT concerning

**Judith P. Hoyer Early Child Care and Education Enhancement Program –
Annual Report**

FOR the purpose of requiring the State Department of Education to include in a certain annual report certain information relating to the Judith P. Hoyer Early Child Care and Education Enhancement Program and the participating agencies and programs; and generally relating to reporting requirements of the State Department of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 5-217
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

**Senate Bill 144 – Chair, Finance Committee (By Request – Departmental –
Health and Mental Hygiene)**

AN ACT concerning

Mental Hygiene Administration Facilities – Repeal of Provisions that Relate to Closed Facilities

FOR the purpose of repealing certain provisions of law that relate to certain Mental Hygiene Administration facilities that have been closed; making stylistic changes; and generally relating to Mental Hygiene Administration facilities that have been closed.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–406(a) and (c), 10–406.1, and 10–411
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 10–406(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

**Senate Bill 146 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Agriculture)**

AN ACT concerning

State Board of Veterinary Medical Examiners – Licensing

FOR the purpose of authorizing the State Board of Veterinary Medical Examiners to require an applicant for a license to practice veterinary medicine, a veterinarian, or a veterinary practitioner to submit to a mental or physical examination under certain circumstances; providing that an applicant, a veterinarian, or a veterinary practitioner has consented to submit to an examination if directed by the Board; providing that an applicant, a veterinarian, or a veterinary practitioner waives any claim of privilege regarding a report of an exam under this Act; providing that the report or testimony of an examining physician or other person is confidential, except under certain circumstances; providing that the failure to submit to an examination under this Act is prima facie evidence of the inability to practice veterinary medicine, subject to certain findings by the Board; requiring the Board to pay the reasonable cost of any examination made under this Act; clarifying that the Board's authority to refuse, suspend, or revoke an application or license applies to veterinary practitioners; repealing and replacing obsolete terminology; clarifying that the Board may refuse, suspend, or revoke a license if an individual is determined to be professionally incompetent; defining a

certain term; and generally relating to the authority of the State Board of Veterinary Medical Examiners.

BY adding to

Article – Agriculture
Section 2–301(b–1) and 2–307.1
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

Article – Agriculture
Section 2–301(h) and (i)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Agriculture
Section 2–310
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

Senate Bill 179 – The President (By Request – Administration) and Senators Klausmeier, Astle, Garagiola, and Rosapepe

AN ACT concerning

Electric Companies – ~~Demand-Response~~ Pilot Program for Charging Electric Vehicles

FOR the purpose of requiring the Public Service Commission to establish by a certain date a ~~demand-response~~ pilot program for charging electric vehicles; authorizing an electric company to request to participate in the pilot program; requiring the pilot program to include certain incentives for certain purposes; requiring a certain report to the Governor and the General Assembly by a certain date; and generally relating to a ~~demand-response~~ pilot program for charging electric vehicles.

BY adding to

Article – Public Utilities
Section 7–211(m)
Annotated Code of Maryland
(2010 Replacement Volume)

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

Senate Bill 202 – Senators Middleton, Kasemeyer, Astle, Currie, Ferguson, King, Madaleno, Manno, Mathias, McFadden, Montgomery, Pugh, Raskin, ~~and Zirk~~ Zirkin, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, and Muse

AN ACT concerning

Community Services Reimbursement Rate Commission – Termination Date – Extension

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

BY repealing and reenacting, with amendments,

Chapter 593 of the Acts of the General Assembly of 1996, as amended by Chapter 566 of the Acts of the General Assembly of 1999, Chapter 370 of the Acts of the General Assembly of 2002, Chapter 401 of the Acts of the General Assembly of 2005, and Chapters 572 and 573 of the Acts of the General Assembly of 2008

Section 3

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

LETTERS OF REASSIGNMENT

MEMORANDUM

To: Hon. Peter A. Hammen, Chairman, HGO

From: Michael E. Busch, Speaker

Re: Reassignment of Bill(s)

In accordance with Rule 33, you are hereby requested to return to the Office of the Chief Clerk, the following legislation for reassignment as indicated below:

<u>Bill No.</u>	<u>Reassignment</u>
HB 762	ECM

Read and ordered journalized.

MEMORANDUM

To: Hon. Dereck E. Davis, Chairman, ECM

From: Michael E. Busch, Speaker

Re: Reassignment of Bill(s)

In accordance with Rule 33, you are hereby requested to return to the Office of the Chief Clerk, the following legislation for reassignment as indicated below:

<u>Bill No.</u>	<u>Reassignment</u>
HB 924	ECM and HGO

Read and ordered journalized.

QUORUM CALL

The presiding officer announced a quorum call, showing 131 Members present.

(See Roll Call No. 59)

ADJOURNMENT

At 11:24 A.M. on motion of Delegate Barve the House adjourned until 8:00 P.M. on Monday, February 21, 2011.

Annapolis, Maryland
Monday, February 21, 2011

The House met at 8:02 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Marvin E. Holmes, Jr. of Prince George's County.

QUORUM CALL

The presiding officer announced a quorum call, showing 129 Members present.

(See Roll Call No. 70)

The Journal of February 18, 2011 was read and approved.

EXCUSES:

Del. Beidle – illness
Del. Harrison – medical
Del. Hubbard – illness

INTRODUCTION OF BILLS

House Bill 1232 – Delegate Donoghue

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2009 – Washington County –
Doleman Black Heritage Museum**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2009 to extend the deadline for the Board of Directors of the Doleman Black Heritage Museum, Inc. to present evidence that a matching fund will be provided; requiring that the Board of Public Works expend or encumber the proceeds of the loan by June 1, 2013; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2009.

BY repealing and reenacting, with amendments,
Chapter 485 of the Acts of the General Assembly of 2009
Section 1(3) Item ZA03(BP)

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

House Bill 1233 – Delegate Frick

AN ACT concerning

Income Tax – Withholding Statements – Electronic Submission

FOR the purpose of altering the number of statements that certain payors of amounts subject to income tax withholding must be required to submit for purposes of a requirement that certain statements be submitted electronically; repealing an obsolete provision; and generally relating to a requirement to submit certain statements in a certain manner.

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 10–911

Annotated Code of Maryland

(2010 Replacement Volume)

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

House Bill 1234 – Delegates Arora, Barkley, Carr, Cullison, Gilchrist, Ivey, Kaiser, A. Kelly, Lee, Luedtke, A. Miller, Reznik, S. Robinson, and Zucker

AN ACT concerning

Task Force on the Selective Moving of Overhead Utility Lines Underground

FOR the purpose of establishing a Task Force on the Selective Moving of Overhead Utility Lines Underground; providing for the composition, chair, staff, and duties of the Task Force; specifying that a member of the Task Force may not receive compensation, but may receive certain reimbursement; requiring the Task Force, on or before certain dates, to submit certain preliminary and final reports to the Governor and the General Assembly; providing for the termination of this Act; and generally relating to the Task Force on the Selective Moving of Overhead Utility Lines Underground.

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

House Bill 1235 – Delegates Aumann and Bates

AN ACT concerning

**State and Local Government – Disposition or Demolition of Surplus Real
Property – Asbestos Remediation**

FOR the purpose of requiring the State or a local government to remove and destroy asbestos or asbestos-containing material in a certain area of a building on certain surplus real property before the sale, transfer, or demolition of the building on the property; requiring that the asbestos abatement be conducted in a certain manner; defining certain terms; authorizing the Governor to waive certain requirements under certain circumstances; and generally relating to the disposition or demolition of surplus real property and asbestos remediation.

BY adding to

Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 1-112
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement
Section 5-310(a) and (b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to

Article – State Finance and Procurement
Section 5-310.1
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

**House Bill 1236 – Delegates Gutierrez, Valderrama, Carr, Carter, Cullison,
Hucker, and A. Kelly**

AN ACT concerning

Law Enforcement Officers – Racial Profiling – Prohibited

FOR the purpose of prohibiting a law enforcement officer from engaging in racial profiling; establishing certain penalties for a certain violation of this Act; requiring each law enforcement agency to establish certain administrative complaint procedures; requiring the Division of Consumer Protection of the Office of the Attorney General to establish certain procedures; authorizing the Division to institute a certain proceeding under certain circumstances; authorizing a person who has sustained damages resulting from a violation of

this Act to bring a certain action for damages; defining certain terms; and generally relating to prohibiting racial profiling by law enforcement officers.

BY adding to

Article – Public Safety

Section 3–508

Annotated Code of Maryland

(2003 Volume and 2010 Supplement)

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

House Bill 1237 – Delegates McDermott and Conway

AN ACT concerning

Worcester County – Department of Liquor Control – Purchases from Wholesalers

FOR the purpose of abolishing the Liquor Control Board for Worcester County and replacing it with the Worcester County Department of Liquor Control; specifying that the Department is a department of the county government under the general supervision of the chief administrative officer; specifying that the Department has certain powers; requiring the Board of County Commissioners to appoint the director of the Department; authorizing the director of the Department, subject to the approval of the Board of County Commissioners, to purchase or otherwise acquire certain alcoholic beverages and certain other property; specifying a certain maximum amount that a licensee may be charged by the Department for certain alcoholic beverages; authorizing an alcoholic beverages licensee in the county, beginning on a certain date, to elect to purchase wine or liquor from a licensed wholesaler in addition to or instead of from the Department; requiring a licensee to provide written notice within a certain time to the Department; providing for an annual fee; requiring that the notice contain certain information; requiring that the Department issue a licensee a letter of confirmation; requiring that a licensee display the letter conspicuously on the licensed premises; providing that the title to certain property, including appropriations, credits, assets, liabilities, contracts, and obligations of the Liquor Control Board, is continued as the title to property of the Department; providing for employees of the Liquor Control Board who accept employment with the Department; providing that a person granted certain authorization by the Liquor Control Board is considered by the Department to maintain that authorization; providing for the correction of certain cross-references under certain circumstances; defining certain terms; and generally relating to the Worcester County Department of Liquor Control.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages

Section 6–201(y)(1), 6–301(y)(1), 6–401(y)(1), and 8–224(a) and (g)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 6–201(y)(7), 6–301(y)(8), 6–401(y)(2)(vi), 8–224(g)(3), 8–603(d),
15–201(a), (b)(1), and (j), 15–202, and 15–205(l)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY repealing

Article 2B – Alcoholic Beverages

Section 8–224(g)(4) and 15–201(d)(5), (e)(2)(iv), (h)(7), (i)(2), and (l)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 15–201(c)(5) and 15–204(e)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

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

House Bill 1238 – Delegates Smigiel, Eckardt, Glass, Haddaway–Riccio, Hershey, Jacobs, McDermott, and Otto

AN ACT concerning

Department of Natural Resources – Tracking Device on Vessel – Prohibition Without Court Order

FOR the purpose of prohibiting the Secretary of Natural Resources or a Natural Resources police officer from placing or installing a tracking device on a vessel without first obtaining a certain court order; authorizing the Secretary or a Natural Resources police officer to apply for a certain court order in a certain manner; requiring a court to enter a certain order under certain circumstances; authorizing extensions of a certain order under certain circumstances; requiring certain persons to furnish certain assistance to a Natural Resources police officer under certain circumstances; providing for the construction of this Act; establishing a complete defense against certain civil or criminal actions; defining a certain term; and generally relating to the placement or installation of tracking devices by Natural Resources police officers.

BY repealing and reenacting, without amendments,

Article – Natural Resources
Section 1–204
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article – Natural Resources
Section 1–204.1
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

House Bill 1239 – Delegates Gutierrez, Carr, and Waldstreicher

AN ACT concerning

Creation of a State Debt – Montgomery County – MacDonald Knolls Center

FOR the purpose of authorizing the creation of a State Debt in the amount of \$275,000, the proceeds to be used as a grant to the Board of Directors of CHI Centers, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1240 – Delegates Jacobs, Cluster, Eckardt, Frank, Haddaway–Riccio, Hershey, McDermott, Norman, Otto, Smigiel, Summers, and Weir

AN ACT concerning

Natural Resources – Right to Harvest Seafood and Engage in the Seafood Industry

FOR the purpose of expanding the application of certain provisions to authorize counties to adopt a certain ordinance, resolution, or regulation relating to the right to engage in the seafood industry and to harvest seafood in accordance with certain requirements; providing that in the event of a conflict, federal law, State law, or a certain written program guidance preempts any other action taken by a governing body under this Act; and generally relating to the

authority of the governing body of a county to authorize a person to engage in certain activities related to the seafood industry and to harvest seafood.

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 232
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

House Bill 1241 – Delegates Stein, Kach, and Morhaim

AN ACT concerning

Natural Resources – Rural Legacy Area – Prohibited Uses

FOR the purpose of prohibiting construction for a certain new shopping center, electric power station or substation, or other nonagricultural use in a Rural Legacy Area; and generally relating to Rural Legacy Areas.

BY adding to
Article – Natural Resources
Section 5–9A–10
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

House Bill 1242 – Chair, Baltimore County Delegation (By Request – Baltimore County Administration)

AN ACT concerning

Baltimore County – Miscellaneous Business Licenses – Fees

FOR the purpose of authorizing the County Executive and County Council of Baltimore County to establish certain license fees that applicants are required to pay for acting as a cigarette retailer, for selling cigarettes at retail, for keeping a billiard table for commercial use, for doing certain construction business, for keeping a garage where motor vehicles are stored for a fee, for doing the business of cleaning or laundering, for doing business as a plumber or gas fitter, for operating a restaurant, for doing business as a trader, and for operating a chain store; and generally relating to business license fees in Baltimore County.

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 16–204(b)(1), 16–302, 17–504, 17–603, 17–803, 17–1103, 17–1504,
17–1604, 17–1808(a), and 17–1809(b)

Annotated Code of Maryland

(2010 Replacement Volume and 2010 Supplement)

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

House Bill 1243 – Chair, Baltimore County Delegation (By Request – Baltimore County Administration)

AN ACT concerning

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

FOR the purpose of repealing certain alcoholic beverages license fees in Baltimore County; authorizing the Baltimore County Executive and the County Council of Baltimore County to establish alcoholic beverages license fees within Baltimore County; and generally relating to the Baltimore County Executive and the County Council of Baltimore County regulating alcoholic beverages license fees within Baltimore County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 4–201(a)(2), 5–101(a)(1), 5–201(a)(1), 5–301(a)(1), 5–401(a)(1),
6–101(a)(1), 6–201(a)(1), 6–301(a)(1), 6–401(a)(1), 6–702(b), 7–101(b)(1)(i)
and (d)(1)(i), 8–204(c), 8–204.1(c), 8–304(a), 8–404(a)(1), 8–404.1(a), (b),
and (c) and 8–802(a)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 5–101(e), 5–201(e)(1), 5–301(e), 5–401(e)(1), 6–101(e), 6–201(e)(2),
6–301(e), 6–401(e)(2), 6–702(g), 7–101(b)(4) and (d)(4)(i), 8–204(e),
8–204.1(e), 8–304(d), 8–404(a)(5), 8–404.1(d), 8–601, and 8–802(d)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 4–201(b)(8) and 18–105

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

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

House Bill 1244 – Delegates O’Donnell, Fisher, and Wood

AN ACT concerning

Patuxent River – Oysters – Use of Patent Tongs

FOR the purpose of altering a certain area in the Patuxent River in which a certain prohibition on the use of patent tongs to catch oysters applies; and generally relating to the use of patent tongs to catch oysters in the Patuxent River.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–1011(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

House Bill 1245 – Delegate Kach

AN ACT concerning

Recordation Tax and State Transfer Tax – Exemptions

FOR the purpose of exempting from recordation tax and State transfer tax certain instruments of writing transferring property from a transferor to a grandparent or stepgrandparent; and generally relating to an exemption from recordation tax and State transfer tax for certain instruments of writing transferring property from a transferor to certain relatives.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 12–108(c)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 13–207(a)(2)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

House Bill 1246 – Delegates Conway, Arora, Bobo, Braveboy, Cullison, Frush, Kramer, and Niemann

AN ACT concerning

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

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

BY renumbering

Article – Real Property

Section 11B–117

to be Section 11B–118

Annotated Code of Maryland

(2010 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Real Property

Section 11–110(d)

Annotated Code of Maryland

(2010 Replacement Volume and 2010 Supplement)

BY adding to

Article – Real Property

Section 11B–117

Annotated Code of Maryland

(2010 Replacement Volume and 2010 Supplement)

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

House Bill 1247 – Delegate Busch

AN ACT concerning

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

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

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

House Bill 1248 – Delegates Bates, B. Robinson, and Aumann

AN ACT concerning

Parole and Probation – Earned Compliance Credits

FOR the purpose of requiring the Division of Parole and Probation to record certain earned compliance credits for an individual placed on probation by the court or serving a period of parole or postrelease supervision from prison or jail and who satisfies the requirements specified in a certain case plan for the individual, has no new arrests, and makes scheduled monthly payments for restitution, fines, and fees; requiring the Division to recommend to the Maryland Parole Commission or the court that a certain supervised individual be placed in a nonactive supervision status; authorizing the Commission or the court to adjust a certain period of a supervised individual's supervision on a certain recommendation; requiring the Division to adopt certain rules and regulations; defining certain terms; 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 2010 Supplement)

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

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 143 – Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Home Inspectors – Records – Retention Requirements

FOR the purpose of requiring licensed home inspectors to retain certain records for a certain period of time under certain circumstances; requiring licensed home inspectors to make certain records available to the State Commission of Real Estate Appraisers and Home Inspectors on the request of the Commission; and generally relating to record retention by home inspectors.

BY adding to

Article – Business Occupations and Professions
Section 16–4A–05
Annotated Code of Maryland
(2010 Replacement Volume)

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

Senate Bill 147 – Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Commission of Real Estate Appraisers and Home Inspectors – Home Inspectors – Continuing Professional Competency

FOR the purpose of requiring the State Commission of Real Estate Appraisers and Home Inspectors to adopt regulations to require a demonstration of continuing professional competency of a certain number of educational hours as a condition of renewal of a license to provide home inspection services; providing for the implementation of the continuing professional competency requirement on a phased-in basis; and generally relating to the State Commission of Real Estate Appraisers and Home Inspectors.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions

Section 16–3A–07
Annotated Code of Maryland
(2010 Replacement Volume)

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

Senate Bill 454 – The President (By Request – Department of Legislative Services)

EMERGENCY BILL

AN ACT concerning

Annual Curative Bill

FOR the purpose of generally curing previous Acts of the General Assembly with possible title defects; altering the date by which Queen Anne’s County is required to file its annual financial report for the fiscal year with the Department of Legislative Services; altering the date by which St. Mary’s County is required to file its annual financial report for the fiscal year with the Department of Legislative Services; authorizing the reserve investments of an insurer to include securities lending, repurchase, reverse repurchase, and dollar roll transactions with business entities, subject to certain requirements; authorizing certain nonprofit organizations to market and sell certain commemorative hunting licenses in cooperation with the Department of Natural Resources; requiring the proceeds from sales of certain hunting licenses to be used to fund conservation law enforcement by the Natural Resources Police Force; authorizing the Department of Natural Resources to adopt regulations to carry out certain provisions relating to commemorative hunting licenses; authorizing a person in certain counties to hunt deer on private property with a crossbow on certain Sundays, subject to certain provisions; authorizing the Board of County Commissioners of Cecil County to enact an ordinance to allow collective bargaining between the Board of County Commissioners and a certain representative of certain employees in the Division of Emergency Medical Services concerning certain issues; requiring that the proceeds of the loan under Chapter 523 of the Acts of 2010 be expended not later than a certain number of years after the issuance of the bonds authorized under the Act; establishing that, except as otherwise provided, provisions of law relating to certain rights of State correctional officers supersede inconsistent provisions of certain other State and local laws; establishing that the Administrative Procedure Act governs to the extent that certain provisions of law relating to procedures for certain correctional officer hearing boards are inconsistent with the Administrative Procedure Act; providing for the effect and construction of certain provisions of this Act; making this Act an emergency measure; and generally repealing and reenacting without amendments certain Acts of the General Assembly that may be subject to possible title defects in order to validate those Acts.

- BY repealing and reenacting, without amendments,
Article 19 – Comptroller
Section 37
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)
- BY repealing and reenacting, without amendments,
Article – Insurance
Section 5–608(t)
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)
- BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 10–301.3 and 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)
- BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 12–128
Annotated Code of Maryland
(2010 Replacement Volume)
- BY repealing and reenacting, without amendments,
The Public Local Laws of Cecil County
Section 15–13
Article 8 – Public Local Laws of Maryland
(1989 Edition and November 2010 Supplement, as amended)
(As enacted by Chapter 602 of the Acts of the General Assembly of 2010)
- BY repealing and reenacting, without 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 KA05(E) and Item VE01(B)
- BY repealing and reenacting, without amendments,
Chapter 523 of the Acts of the General Assembly of 2010
Section 1(8)
- BY repealing and reenacting, without amendments,
Article – Correctional Services
Section 10–903 and 10–909
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Senate Bill 455 – The President (By Request – Department of Legislative Services)

EMERGENCY BILL

AN ACT concerning

Annual Corrective Bill

FOR the purpose of correcting certain errors and omissions in certain articles of the Annotated Code, certain local laws, and certain uncodified laws; clarifying language; correcting certain obsolete references; reorganizing certain sections of the Annotated Code; ratifying certain corrections made by the publishers of the Annotated Code; providing that this Act is not intended to affect any law other than to correct technical errors; providing for the correction of certain errors and obsolete provisions by the publishers of the Annotated Code; providing for the effect and construction of certain provisions of this Act; and making this Act an emergency measure.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 5–401(r), 6–201(r)(19)(xi)3., 6–401(r), 7–101(b)(11)(iv)1., and
13–101(b)(1)(iv) and (c)(4)(i)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 12–104(e)(5)(ii)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

(As enacted by Chapter 419 of the Acts of the General Assembly of 2010)

BY repealing and reenacting, with amendments,

Article 24 – Political Subdivisions – Miscellaneous Provisions

Section 9–1302(a)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article 28 – Maryland–National Capital Park and Planning Commission

Section 5–114.1(g)(1)(xi) and (xvii)

Annotated Code of Maryland

(2010 Replacement Volume)

- BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 11–101(f)(2), 11–402, 14–314(f)(3) and (4), and 18–3A–02(c)
Annotated Code of Maryland
(2010 Replacement Volume)
- BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 2–316.1(1)
Annotated Code of Maryland
(2002 Replacement Volume and 2010 Supplement)
- BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 11–1101(d)(1), 12–1201(g), 14–701(a), 14–1201(f), 16–207(f)(2), and
19–203(8)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)
- BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 3–603(b)(4)(ii), 4A–911(d), 9A–1007(d), 10–209(d), and 12–801(d)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)
- BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–2A–02(c)(2)(ii) and 3–8A–01(p)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)
- BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–802(a)(1)(iii), 4–203(c)(4)(i)1., and 5–401(b)(2)(ii)
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)
- BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 9–804(c)(2)(i)
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)
(As enacted by Chapter 197 of the Acts of the General Assembly of 2010)
- BY repealing and reenacting, with amendments,
Article – Criminal Procedure

Section 11–503(c)(1)(ii) and 11–701(o)(4)(i)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 3–114(d), 7–103(a)(1)(ii), 7–302(c), 7–409(f)(7)(i)4., 11–102(b)(1)(i),
11–206(a)(2), 13–511(b)(2)(x), 13–516(e)(3), and 18–705(c)(4)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 7–311(c)(4)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)
(As enacted by Chapters 237 and 238 of the Acts of the General Assembly of
2010)

BY repealing and reenacting, with amendments,
Article – Education
Section 19–102(a)(5) and (e)(2)(ii)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)
(As enacted by Chapter 246 of the Acts of the General Assembly of 1988)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 3–301(b)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–203(b)(8), 5–203.1(a)(2), 7–214, 15–1204(b)(2), and 16–101(j)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing
Article – Environment
Section 16–101(i)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY adding to
Article – Environment
Section 16–101(j)

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

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 9–103(b) and 9–105(c)
Annotated Code of Maryland
(2001 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–508.1(c) and 5–561(i)(2)(ii)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 4–301(c), 7–717(a)(2), 13–1101(z) through (ii), 13–1114(c),
15–135(e)(2)(ii), 18–338.1(h)(1), 19–120(a), (e), (g)(2)(iii) and (iv),
(h)(2)(ii)2.C. and (iii)2.A., (j)(2)(iv)1., 2.A., and 3., (k)(2)(ii)1. and (6)(v),
(viii), and (ix), (l), (n), and (o), 19–211(a)(1), 19–705.1(b), 19–706(fff)
through (jjjj), and 19–1409(b)(8)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing
Article – Health – General
Section 13–1101(y), 19–120(m), and 19–706(eee)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 18–331(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)
(As enacted by Chapter 578 of the Acts of the General Assembly of 1984)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 3–602, 4–308(f) and (h)(4)(viii), 4–315(a)(24), 8–205(a)(3),
14–504(g)(2), and 15–402(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations

Section 15–101(q)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)
(As enacted by Chapters 273 and 274 of the Acts of the General Assembly of
2010)

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 2–201
Annotated Code of Maryland
(2006 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 5–309(b)(3)(ii), 5–313(a)(2)(ii), 5–318(e)(1)(ii), and 10–902(c)(2)
Annotated Code of Maryland
(2007 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 6–107(b)(2)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–903(c)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)
(As enacted by Chapter 2 of the Acts of the General Assembly of 2010)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 1–203(b) and (f), 4–216(d)(3), and 4–217(d)(3); the subtitle designation
“Subtitle 6. Licensing, Regulation and Supervision of Fishing and
Fisheries in Nontidal Waters” to immediately precede Section 4–601; and
4–745(a)(1), (b)(4)(iii)2., (c), and (d)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4–601
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 4–614(a)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)
(As enacted by Chapter 465 of the Acts of the General Assembly of 2010)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–1815(a)(2)(i)1.
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–701(h)(2) and 27–102(d)(4)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 12–107(b)
Annotated Code of Maryland
(2010 Replacement Volume)
(As enacted by Chapter 635 of the Acts of the General Assembly of 2010)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 7–105.1(d)(2)(x)1., 8–402.2(c)(2), 8A–401(a), 8A–603, 8A–605(b),
8A–1201(b)(2)(iv), 9–103(c)(2), 9–105(a)(1)(iii) and (3),
11–109(c)(16)(iii), 14–125.1(d)(4), and 14–506(b)(3)(i)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8–5A–02(b)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)
(As enacted by Chapters 318 and 319 of the Acts of the General Assembly of
2010)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 5–7B–01(c)(1)(i), 8–117(g)(1), 10A–101(a)(3) and (5), 14–301(i)(1)(i)5.,
and 14–409(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 2–10A–03(b)(2)(i), 9–1A–26(a)(1), and 9–1406(h)(1)(iv)3.

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 21–305.5(h)(3), 21–306(d)(4)(ii) and (e)(2)(i), 21–306.1(e)(2)(i),

21–306.2(e)(2)(i), 26–303(a), 28–201, and 28–304

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 10–720(c)(3), 10–722(i)(2) and (j)(2), and 11–108

Annotated Code of Maryland

(2010 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 10–909(1)(ii)

Annotated Code of Maryland

(2010 Replacement Volume)

(As enacted by Chapter 135 of the Acts of the General Assembly of 1988)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 10–912(a)(7)(i)2., (ii)2., and (iii)2.

Annotated Code of Maryland

(2010 Replacement Volume)

(As enacted by Chapter 410 of the Acts of the General Assembly of 2004)

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 9–317(b)(2) and (3)

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 4–312(a)(1) and 4–406(a)(5)(ii)

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 13–410(f), 13–506(e)(2), 13–815(a)(3)(vii) and (e)(3), 15–101(g)(2)(i), 16–111(e)(3)(i), and 17–106(e)(4)(i); and the subtitle designation “Subtitle 3. Mobile Seafood Vendors” to immediately precede Section 24–301

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

BY repealing

Article – Transportation

Section 16–104

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 24–301(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Chapter 15 of the Acts of the General Assembly of 2010

Section 3

BY repealing and reenacting, with amendments,

The Public Local Laws of Washington County

Section 1–106.5

Article 22 – The Public Local Laws of Maryland

(2007 Edition and October 2010 Supplement, as amended)

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

WASHINGTON’S DAY ADDRESS

DELEGATE C. WILLIAM FRICK

Montgomery County

Mr. Speaker, Members of the House, Distinguished Guests:

It’s a privilege to be able to carry on the House’s longstanding tradition of honoring President’s Day. As I began organizing my thoughts for tonight, I became curious whether other state legislatures share our tradition of a President’s Day Address. So I researched our sister states, to see if Maryland is unique in this regard. As best I could determine, no other state shares our tradition of an annual address to commemorate the American presidency.

It begs the question: Why should *Maryland* venerate this holiday? Our state is unusual in that no American president has been born in Maryland or grew up here. [Pause] Perhaps I should qualify that statement. John Hanson, a member of the House of Delegates and the Continental Congress, served as the presiding officer of the Continental Congress in 1781 and 1782. But Maryland has never produced a President that served under the current Constitution.

Unlike Virginia, home to Washington, Jefferson, and eight presidents in all, or Ohio, birthplace of seven, or even California, Maryland has no formal foothold in the US presidency. How do we justify this tradition of celebration? Where do we find our own place in the history of the institution? We find it, Mr. Speaker, in this city and in this very building.

During my tenure in the legislature, I have often heard it mentioned that George Washington resigned his commission in the capital. The event is generally mentioned in passing, and amounts to little more than a curiosity. It is the Statehouse version of the clichéd observation, “George Washington slept here.” But with a little reflection, we can see that when General Washington resigned his commission, on December 23, 1783, in the Old Senate Chamber, Maryland was witness to an event more important to the Presidency than any individual president’s birth.

Now, Washington’s life is often mythologized and idealized. Even many of the most popular stories about Washington are either false or highly exaggerated. For example, a young Washington is said to have thrown a silver dollar across the Potomac – but the first silver dollar was not even minted until 1794, and Washington lived on the Rappahanock in his youth.

The reality of Washington’s life often differs from this popular mythology. Even his birth date is misunderstood. Washington was born on February 11, 1731. But when England adopted the Gregorian Calendar, the date moved up to February 22, 1732. We often romanticize Washington’s military career. But we forget that as a young impetuous officer, Washington attacked a French diplomatic expedition, an act that some credit with starting the Seven Years War across Europe. We focus on the victory at Yorktown, and overlook losses in Saratoga and Philadelphia. Perhaps his most heroic days were in the winter of 1777, when Washington’s 11,000 soldiers endured the cold, dark misery of winter in Valley Forge.

By contrast, I think we often overlook Washington’s devotion to the revolution and to Democratic ideals. Appreciate that in the 1770’s, nearly all of civilization was governed by monarchies. Some, admittedly, were enlightened and benevolent and beloved by their subjects. But most were hereditary monarchs with little regard for their subjects. Although Western society had witnessed several revolutions in the preceding centuries, they only served to replace one dynasty with another. There was certainly no guarantee that the American Revolution would turn out any differently.

Indeed, from 1775 until his resignation, Washington was a unitary figure in the Revolution. The Continental Congress, to be sure, consisted of the vanguard of revolutionary figures. But the Congress was an itinerant institution, changing in composition and in location. Prior to meeting in Annapolis, Congress had convened in New Jersey, in Nassau Hall in Princeton. The legislators struggled with attendance

problems, however, as many members preferred to serve in their state chambers, which were viewed as more prestigious. The Congress chose to relocate here to Annapolis in November 1783, with the hope that our capital's robust nightlife would attract absent Congress members and improve attendance. Suffice it to say, Congress was a highly imperfect institution, one that did not necessarily deserve such deference as Washington would afford it.

Commissioned as the first "Commander In Chief" of US forces, and exhibiting a legendary character of discipline and consistency, Washington enjoyed unique status among ordinary Americans. He possessed the kind of military and social authority that many other figures, from Oliver Cromwell to Napoleon, exploited to establish their own dictatorships.

But Washington had very different plans. Historian Ron Chernow wrote that Washington's "instincts were the antithesis of a demagogue's: he feared his own influence and agonized over exerting too much power." There were those that viewed Washington as a people's champion and *urged* him to assume unilateral authority. But Washington himself scorned such talk, and the idea became relegated to a few die hard enthusiasts. As the war headed toward its conclusion, and Washington's intention to return to Mount Vernon was reaffirmed, his legend only grew. England's King George III, his forces defeated by Washington, asked the American painter Paul West what Washington would do following his victory. West stated that Washington would return to his farm. "If he does that," the King replied, "He will be the greatest man in the world."

Washington bid farewell to his military commanders in New York on December 4, and began his final advance toward retirement. The Maryland capital was to be a last and essential stop on his literal and figurative return to civilian life. Washington was greeted by adoring throngs as he passed through cities and towns, and was celebrated with lavish parties in Philadelphia and here in Annapolis. With the eyes of the young nation upon him, Washington chose to make a public ceremony of his resignation. So it was that on December 23, 1783, shortly before noon, Washington climbed up the steps of this statehouse wearing his military uniform for the last time. The general then stood before a small contingent of members of Congress, and a crowd of Marylanders, and delivered a short and emotional speech. He concluded as follows:

"Having now finished the work assigned me, I retire from the great theater of action. And bidding an affectionate farewell to this august body under whose orders I have so long acted, I here offer my commission and take my leave of all the employments of public life."

He then drew from his coat pocket the original commission that Congress had bestowed on him. And with that, General Washington restored command to the people's representatives, an act nearly unheard of in Western history. In the words of Thomas Jefferson, "the moderation and virtue of a single character ... probably prevented this revolution from being closed, as most others have been by a subversion of that liberty it was intended to establish."

And so I conclude, Mr. Speaker, that while Maryland may not be a home to any President, it is the *spiritual* home of them all. This very building gave birth to the first

peaceful transition of power – the principle that is the touchstone of the presidency and American democracy itself. When we celebrate President’s Day, we celebrate more than Washington, more than his successors, we celebrate the notion that no man, no woman, no leader is greater than the American people and the institutions that serve to exercise their will.

Thank you. And God bless the State of Maryland and God bless the United States of America.

Delegate Barve moved the Delegates remarks be journalized.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 71)

ADJOURNMENT

At 8:33 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Tuesday, February 22, 2011.

Annapolis, Maryland
Tuesday, February 22, 2011

The House met at 10:01 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Curtis Anderson of Baltimore City.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 72)

The Journal of February 21, 2011 was read and approved.

EXCUSES:

Del. Harrison – medical

INTRODUCTION OF BILLS

House Bill 1249 – Delegates McMillan and Costa

AN ACT concerning

Public Oyster Fishery – South River – Hand Tonging

FOR the purpose of authorizing a person to take or catch oysters by hand tong only in certain waters of the South River in Anne Arundel County; excepting certain areas of the South River from the authorization; providing for the application of certain provisions of this Act; and generally relating to the public oyster fishery in the South River in Anne Arundel County.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–215(i) and 4–1011
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

House Bill 1250 – Delegate Ross

AN ACT concerning

Maryland Stadium Authority – Racetrack Feasibility Study

FOR the purpose of authorizing the Maryland Stadium Authority to prepare certain independent studies to evaluate certain sites and to develop a comprehensive financing plan for a certain project to determine the feasibility and projected fiscal impacts of the project; requiring the Authority to submit a certain report to the Governor and General Assembly on or before a certain date; defining a certain term; and generally relating to the Maryland Stadium Authority.

BY repealing and reenacting, without amendments,

Article – Economic Development
Section 10–622(a)
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY adding to

Article – Economic Development
Section 10–622(e)
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

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

House Bill 1251 – Chair, Appropriations Committee (By Request – Departmental – State Police)

AN ACT concerning

State Police Retirement System – Special Disability Retirement Allowance – Forfeiture

FOR the purpose of prohibiting certain members or former members of the State Police Retirement System who are charged with committing certain criminal offenses from applying for a certain special disability retirement allowance; requiring the Board of Trustees of the State Retirement and Pension System to temporarily suspend the application process for a certain special disability retirement allowance if the member or former member applying for the certain special disability retirement allowance has been charged with committing certain criminal offenses; requiring the Board of Trustees to terminate a certain special disability application process of certain members or former members under certain circumstances; providing that certain members or former members may apply for a certain special disability retirement allowance or resume the application process for a certain special disability retirement

allowance under certain circumstances; requiring the Secretary of State Police to report certain information to the Board of Trustees; providing that a person is convicted of a criminal offense for purposes of certain provisions of this Act under certain circumstances; defining a certain term; and generally relating to members and former members of the State Police Retirement System forfeiting certain rights to a special disability retirement allowance following the conviction of criminal offenses.

BY adding to

Article – State Personnel and Pensions
Section 29–119
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1252 – Delegate McMillan

AN ACT concerning

Natural Resources – Large–Scale Striped Bass Poaching – Penalties

FOR the purpose of establishing that a person who commits certain fishing violations with respect to striped bass, and the violation results in the unlawful capture of striped bass worth over a certain value as determined in a certain manner, is subject to imprisonment not exceeding a certain amount of time; and generally relating to penalties for large–scale striped bass poaching.

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 4–1201
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

House Bill 1253 – Chair, Environmental Matters Committee (By Request – Departmental – Community Initiative)

AN ACT concerning

Commission on African American History and Culture – Members and Duties

FOR the purpose of altering the number of members of the Commission on African American History and Culture; altering the duties of the Commission;

specifying the terms of certain members of the Commission; and generally relating to the Commission on African American History and Culture.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9.5–403 and 9.5–407
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1254 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Reduction of Lead Risk in Housing – Registration and Fees

FOR the purpose of authorizing the Department of the Environment to alter by regulation the date by which certain rental dwelling units must be registered for a certain purpose and certain fees must be paid; and generally relating to the reduction of lead risk in housing.

BY repealing and reenacting, with amendments,
Article – Environment
Section 6–812 and 6–843
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

House Bill 1255 – Delegates Anderson and Glenn

AN ACT concerning

Police and Court Records – Felony Theft – Expungement

FOR the purpose of authorizing a person convicted of the crime of felony theft of property or of services with a certain value, who completed the sentence imposed for the conviction, including probation, to petition for the expungement of certain records pertaining to the conviction that are maintained by the State or a political subdivision of the State; prohibiting the petition from being filed until after a certain period; making a conforming change; and generally relating to the expungement of police records, court records, and other records maintained by the State or a political subdivision of the State.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–105(a) and (e)(4)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY adding to
Article – Criminal Procedure
Section 10–105(e)(8)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1256 – Delegate Frush

AN ACT concerning

Vehicle Laws – Manufacturer, Distributor, or Factory Branch – Dealer Benefits and Web Sites

FOR the purpose of prohibiting a certain manufacturer, distributor, or factory branch from taking certain actions against a certain dealer because the dealer includes a certain Internet Web site address on advertising; authorizing a certain dealer to require a certain Internet Web site address to be shown on the manufacturer's, distributor's, or factory branch's Web site in a certain manner under certain circumstances; prohibiting a manufacturer, distributor, or factory branch from refusing to offer to a dealer in the State certain benefit programs except under certain circumstances; and generally relating to vehicle manufacturers, distributors, and factory branches.

BY adding to
Article – Transportation
Section 15–207(k) and (l)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1257 – Delegates Minnick, Aumann, Boteler, Bromwell, Cane, Clagett, DeBoy, Frank, Hershey, Hogan, Jacobs, Kach, McDermott, Olszewski, Schulz, Smigiel, Stein, and Weir

AN ACT concerning

Income Tax – Subtraction Modification – Military Compensation Outside the United States

FOR the purpose of altering the calculation of a subtraction modification under the Maryland income tax for certain military compensation paid under certain circumstances; providing for the application of this Act; and generally relating to taxation of certain military compensation.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–207(a)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–207(p)
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 1258 – Delegates Stukes, Anderson, Branch, Glenn, Gutierrez, Haynes, Oaks, B. Robinson, Rosenberg, and Tarrant

AN ACT concerning

Baltimore City – Age for Compulsory Public School Attendance – Exemption

FOR the purpose of altering, in Baltimore City, the age at which certain children are required to attend a public school regularly during the entire school year, subject to certain exceptions; requiring certain parents or guardians of certain children to provide written consent before the children may withdraw from public school attendance; requiring certain school officials to provide a certain notification under certain circumstances; requiring certain persons with legal custody or care and control of certain children to see that the children attend school, receive instruction, or have written consent to withdraw from public school attendance; providing for certain penalties for certain persons; and generally relating to the age for compulsory public school attendance in Baltimore City.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–301(a)(1)
Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

BY adding to

Article – Education

Section 7–301.1

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1259 – Delegate Frush

AN ACT concerning

Chesapeake and Atlantic Coastal Bays Critical Area – Junk or Scrap Storage or Yards – Regulations

FOR the purpose of requiring regulations adopted by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays to prohibit, subject to a certain exception, the placement in the critical area of newly establish junk or scrap storage or yards; and generally relating to the regulation of junk or scrap storage or yards in the Chesapeake and Atlantic Coastal Bays Critical Area.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 8–1806(b)

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

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

House Bill 1260 – Delegates Morhaim, Cardin, and Stein

AN ACT concerning

Creation of a State Debt – Baltimore County – Jewish Community Services Addition

FOR the purpose of authorizing the creation of a State Debt not to exceed \$250,000, the proceeds to be used as a grant to the Board of Directors of the Associated Jewish Charities of Baltimore, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; prohibiting the use of the loan proceeds or matching fund for sectarian religious purposes; establishing a deadline for the encumbrance or expenditure of the loan

proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1261 – Delegate McConkey

AN ACT concerning

Public Health – Food Product Labeling – Genetically Engineered Ingredients

FOR the purpose of prohibiting a food product that contains or consists of ingredients of which more than a certain percentage are genetically engineered ingredients from being sold in the State under certain circumstances; requiring the labeling for a certain food product to include a certain statement; authorizing the Secretary of Health and Mental Hygiene, in addition to certain other penalties, to seize or condemn any food product that is sold in violation of this Act; defining a certain term; and generally relating to the labeling of food products containing genetically engineered ingredients.

BY adding to

Article – Health – General

Section 21–330.1

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1262 – Delegate Glenn

AN ACT concerning

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

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

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

House Bill 1263 – Delegate Glenn

AN ACT concerning

Elections – Early Voting Centers – Establishment

FOR the purpose of altering the number of early voting centers that are required to be established in a county with more than a certain number of registered voters; and generally relating to the establishment of early voting centers.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 10–301.1
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 1264 – Delegate Glenn

AN ACT concerning

Crimes – Elder Abuse or Neglect – Increased Penalties and Restrictions on Pretrial Release (The John H. Taylor Act)

FOR the purpose of altering the penalties for the crime of causing abuse or neglect of a vulnerable adult in the first or second degree; prohibiting a District Court commissioner from authorizing the pretrial release of a defendant charged with causing abuse or neglect of a vulnerable adult in the first or second degree; providing that a judge may authorize the pretrial release of the defendant on certain conditions; requiring the judge to order the continued detention of the defendant if neither suitable bail nor other conditions will reasonably ensure that the defendant will not flee or pose a danger to a certain person or the community before the trial; and generally relating to elder abuse or neglect and increased penalties and restrictions on pretrial release.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 3–604(b) and 3–605(b)
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law
Section 3–604(c) and 3–605(c)
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

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

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

House Bill 1265 – Chair, Baltimore County Delegation (By Request – Baltimore County Administration)

AN ACT concerning

Vehicle Laws – Parking Violations – Administrative Enforcement by Baltimore County

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

providing that a certain provision of law relating to actions a person receiving a citation may take does not apply to citations issued in accordance with an ordinance adopted under this Act; prohibiting the Administration from registering or transferring the registration of a vehicle under certain circumstances; authorizing the Administration to suspend the registration of a vehicle under certain circumstances; establishing that certain provisions relating to the disposition and records of traffic citations do not affect or modify certain procedures established under an ordinance adopted in accordance with this Act; providing that certain provisions relating to violations of license restrictions or rules or regulations adopted under the Maryland Vehicle Law do not apply to an ordinance adopted in accordance with this Act; providing for the application of an ordinance adopted under this Act; and generally relating to the enforcement of parking violations in Baltimore County.

BY adding to

Article – Courts and Judicial Proceedings

Section 4–402(g); and 12–801 to be under the new subtitle “Subtitle 8. Review of Decisions of Local Adjudicatory Board”

Annotated Code of Maryland

(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 21–1003, 25–102(a)(1), and 26–301(b)

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 26–301(d), 26–303, 26–305(a) and (b), 26–407(a), and 27–102

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

BY adding to

Article – Transportation

Section 26–301.1

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

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

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 148 – Senator Currie

EMERGENCY BILL

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2010 – Prince George’s County
– Largo High School PTSA Track Renovation**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2010 to reduce the amount of a matching fund a certain grantee must provide; changing the name of a certain grantee to the Prince George’s County Board of Education; extending the deadline for a certain grantee to present evidence that a matching fund will be provided; making this Act an emergency measure; and requiring that the Board of Public Works expend or encumber the proceeds of the loan by June 1, ~~2013~~ 2012.

BY repealing and reenacting, with amendments,
Chapter 483 of the Acts of the General Assembly of 2010
Section 1(3) Item ZA02(BH)

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

Senate Bill 149 – Senator Currie

EMERGENCY BILL

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2010 – Prince George’s County
– Forestville Military Academy Track**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2010 to reduce the amount of a matching fund a certain grantee must provide; changing the name of a certain grantee to the Prince George’s County Board of Education; extending the deadline for a certain grantee to present evidence that a matching fund will be provided; making this Act an emergency measure; and requiring that the Board of Public Works expend or encumber the proceeds of the loan by June 1, ~~2013~~ 2012.

BY repealing and reenacting, with amendments,
Chapter 483 of the Acts of the General Assembly of 2010
Section 1(3) Item ZA02(BE)

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

THE COMMITTEE ON APPROPRIATIONS REPORT #1

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

House Bill 34 – Delegates Malone and Aumann

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 176 – Delegate Eckardt

AN ACT concerning

State Retirement and Pension System – Reemployment of Retirees – Exemptions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 249 – Delegate Proctor

AN ACT concerning

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

HB0249/264166/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 249

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “– Repeal of Sunset Provision”; in line 4, after the first “of” insert “providing that certain retiree organizations may make a certain number of requests during a certain period of time to the Board of Trustees of the State Retirement and Pension System for certain retiree information that is necessary for certain direct mailings by the retiree organizations;”; in line 6, after “System;” insert “defining a certain term; providing for the effective date of this Act;”; and in line 8, strike “without” and substitute “with”; in line 10, strike “and 21–504(c)”.

AMENDMENT NO. 2

On page 1, strike beginning with “the” in line 20 down through “Association” in line 21 and substitute “AN ORGANIZATION IN WHICH STATE RETIREES PARTICIPATE AND THAT HAS AS ONE OF ITS PRIMARY PURPOSES, REPRESENTING OR PROVIDING SERVICES TO STATE RETIREES.”

(B) THIS SECTION APPLIES TO ANY RETIREE ORGANIZATION THAT HAS THE LEGAL AUTHORITY TO PROVIDE SERVICES TO RETIREES OF THE SEVERAL SYSTEMS.;

and in line 22, strike “(b)” and substitute “(C)”.

On page 2, in lines 14, 18, 27, and 29, strike “(c)”, “(d)”, “(e)”, and “(f)”, respectively, and substitute, “(D)”, “(E)”, “(F)”, and “(G)”, respectively.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 34 on page 2 through line 6 on page 3, inclusive.

AMENDMENT NO. 4

On page 3, in line 13, strike “June 1, 2011” and substitute “July 1, 2012”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 280 – Carroll County Delegation

AN ACT concerning

Carroll County – Public Facilities Bonds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

State Retirement and Pension System – Administration – Simplification

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

State Retirement and Pension System – Military Service Credit – Eligibility

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #1

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

House Bill 53 – Delegate Hubbard

AN ACT concerning

Environment – Commercial Dishwashing Detergent – Prohibition

HB0053/990710/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 53

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Commercial Dishwashing Detergent – Prohibition” and substitute “Phosphorus – Commercial Dishwashing Detergent”; in line 4, after “for” insert “use or”; and in line 17, strike “provided in subsection (b) of” and substitute “OTHERWISE PROVIDED IN”.

AMENDMENT NO. 2

On page 2, in line 9, after “(c)” insert “(1)”; in lines 9 and 11, in each instance, strike the brackets; in line 9, strike “**OCTOBER 1, 2012**”; in line 11, strike “**COMMERCIAL**”; and after line 12, insert:

“(2) AFTER JULY 1, 2013, A PERSON MAY NOT USE, SELL, MANUFACTURE, OR DISTRIBUTE FOR USE OR SALE WITHIN THE STATE ANY DETERGENT FOR USE IN A COMMERCIAL DISHWASHING MACHINE THAT CONTAINS MORE THAN 0.5 PERCENT PHOSPHORUS BY WEIGHT.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 57 – Delegates Costa and Vitale

AN ACT concerning

Environment – Bay Restoration Fund – Authorized Uses

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

AN ACT concerning

Vehicle Equipment – Public Transit Vehicles – Flashing Lights

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 117 – Delegate Beitzel

AN ACT concerning

Real Property – Interference With Property Markers – Penalty Increase

HB0117/670412/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 117

(First Reading File Bill)

In line 2, strike “Interference With” and substitute “Obliterating, Damaging, or Removing”; in line 3, strike “altering” and substitute “increasing”; in the same line, after “for” insert “willfully”; and in line 7, strike “interfering with” and substitute “obliterating, damaging, or removing”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #1

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

House Bill 49 – Delegates Haddaway–Ricchio and Eckardt

AN ACT concerning

Juvenile Law – Truancy Reduction Pilot Program – Talbot County

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Vehicle Laws – Races and Speed Contests – Enforcement and Penalties

HB0105/952510/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 105
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “participates” and substitute “drives a vehicle”; in the same line, after “contest” insert “that results in serious bodily injury to another person”; in line 5, strike “participating” and substitute “driving a vehicle”; in line 6, after “contest” insert “that results in serious bodily injury to another person”; and in the same line, strike “participating” and substitute “driving a vehicle”.

AMENDMENT NO. 2

On page 3, in line 12, strike “**§ 21-1116 OF THIS ARTICLE**” and substitute “**§ 21-1116(A) OF THIS ARTICLE THAT RESULTS IN SERIOUS BODILY INJURY TO ANOTHER PERSON**”.

AMENDMENT NO. 3

On page 3, in line 22, strike “**§ 21-1116**” and substitute “**§ 21-1116(A)**”; strike beginning with “IS” in line 23 down through “VIOLATION” in line 26 and substitute “**THAT**”; and in line 27, strike the comma and substitute “**IS SUBJECT TO**”.

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

AN ACT concerning

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

HB0133/242815/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 133

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “police and court”; in the same line, strike “certain”; and in line 6, after “juvenile” insert “court”.

AMENDMENT NO. 2

On page 3, in line 32, strike “or”; and in line 33, after “Attorney” insert “, OR THE MARYLAND DIVISION OF PRETRIAL DETENTION AND SERVICES”.

On page 5, strike in their entirety lines 11 through 19, inclusive; in lines 20, 25, and 29, in each instance, strike the brackets; and in lines 20, 25, and 29, strike “(G)”, “(H)”, and “(I)”, 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 Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

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

AN ACT concerning

Wiretapping and Electronic Surveillance – Investigation of Human Trafficking

HB0345/682913/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 345

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “by” insert “, and a judge may grant an order authorizing;”; and in line 10, after “10–402(c)(2)” insert “and 10–406(a)”.

AMENDMENT NO. 2

On page 3, after line 10, insert:

“10–406.

(a) The Attorney General, State Prosecutor, or any State’s Attorney may apply to a judge of competent jurisdiction, and the judge, in accordance with the provisions of § 10–408 of this subtitle, may grant an order authorizing the interception of wire, oral, or electronic communications by investigative or law enforcement officers when the interception may provide or has provided evidence of the commission of:

- (1) Murder;
- (2) Kidnapping;
- (3) Rape;
- (4) A sexual offense in the first or second degree;
- (5) Child abuse in the first or second degree;
- (6) Child pornography under § 11–207, § 11–208, or § 11–208.1 of the Criminal Law Article;
- (7) Gambling;
- (8) Robbery under § 3–402 or § 3–403 of the Criminal Law Article;
- (9) A felony under Title 6, Subtitle 1 of the Criminal Law Article;
- (10) Bribery;
- (11) Extortion;

(12) Dealing in a controlled dangerous substance, including a violation of § 5–617 or § 5–619 of the Criminal Law Article;

(13) A fraudulent insurance act, as defined in Title 27, Subtitle 4 of the Insurance Article;

(14) An offense relating to destructive devices under § 4–503 of the Criminal Law Article;

(15) A HUMAN TRAFFICKING OFFENSE UNDER § 11–303 OF THE CRIMINAL LAW ARTICLE;

[(15)] (16) Sexual solicitation of a minor under § 3–324 of the Criminal Law Article;

[(16)] (17) An offense relating to obstructing justice under § 9–302, § 9–303, or § 9–305 of the Criminal Law Article;

[(17)] (18) Sexual abuse of a minor under § 3–602 of the Criminal Law Article; or

[(18)] (19) A conspiracy or solicitation to commit an offense listed in items (1) through [(17)] (18) of this subsection.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #1

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

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

AN ACT concerning

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

HB0257/415168/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 257
(First Reading File Bill)

On page 3, in line 20, strike “October” and substitute “June”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0257/265869/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 257
(First Reading File Bill)

On page 1, in the sponsor line, strike “and Wood” and substitute “Wood, and Bohanan”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 73)

ADJOURNMENT

At 10:23 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Wednesday, February 23, 2011.

Annapolis, Maryland
Wednesday, February 23, 2011

The House met at 10:06 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Eric M. Bromwell of Baltimore County.

QUORUM CALL

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

(See Roll Call No. 74)

The Journal of February 22, 2011 was read and approved.

EXCUSES:

Del. Beidle – mother-in-law’s death

Del. V. Turner – illness

Del. Vitale – late – stuck in traffic

INTRODUCTION OF BILLS

House Bill 1266 – Delegate Kipke

AN ACT concerning

Environment – Construction on Piers – Exception for Solar Panels

FOR the purpose of authorizing the Board of Public Works to issue a certain license for the construction of a solar panel on a pier located on State wetlands under certain circumstances; exempting a certain project from a certain prohibition on the issuance of a wetlands permit relating to construction on a pier located on State or private wetlands within the Chesapeake Bay Critical Area; authorizing the Secretary of the Environment to issue a certain permit for the construction of a solar panel on a pier located on private wetlands under certain circumstances; authorizing a local jurisdiction to issue a building permit for the construction of a solar panel on a pier located on State or private lands within the Critical Area under certain circumstances; and generally relating to the construction of nonwater dependent structures on piers.

BY repealing and reenacting, with amendments,
Article – Environment

Section 16–104
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–1808.4
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

House Bill 1267 – Delegates DeBoy, Conway, Jones, and Malone

AN ACT concerning

Creation of a State Debt – Maryland Food Bank

FOR the purpose of authorizing the creation of a State Debt not to exceed \$500,000, the proceeds to be used as a grant to the Board of Directors of the Maryland Food Bank, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1268 – Delegates Bromwell, Rudolph, and Elliott

AN ACT concerning

Prescription Drugs – Dispensing Permits

FOR the purpose of authorizing certain individuals who are licensed to practice certain health occupations in the State to dispense prescription drugs to patients under certain circumstances; requiring certain applicants to comply with certain standards; establishing certain standards for the operation of certain offices; establishing certain requirements to apply for a dispensing permit; requiring the State Board of Pharmacy to issue a dispensing permit under certain circumstances; authorizing a permit holder to dispense prescription drugs under certain circumstances; providing for the expiration and renewal of certain permits; authorizing certain inspections under certain circumstances; authorizing certain individuals to dispense starter dosages of prescription drugs under certain circumstances; prohibiting certain individuals

from having a certain financial interest; authorizing the Board to deny a permit to an applicant, reprimand a permit holder, place a permit holder on probation, or suspend or revoke a permit; establishing certain hearing and appeal procedures for permit holders; defining certain terms; and generally relating to the authority of licensed dentists, physicians, and podiatrists to dispense prescription drugs.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 12–315 and 12–316

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

BY adding to

Article – Health Occupations

Section 12–6D–01 through 12–6D–12 to be under the new subtitle “Subtitle 6D.

Dispensing Permits”

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1269 – Delegates Walker and Olszewski

AN ACT concerning

Election Law – Voting by Registered Offenders at Polling Places – Prohibition

FOR the purpose of prohibiting certain registered offenders from voting at certain polling places on election day or at certain early voting centers; authorizing certain registered offenders who are prohibited from voting at certain polling places or early voting centers to vote at certain early voting centers or by absentee ballot; requiring the supervising authority of certain registered offenders to give written notice and explain the requirements of this Act when a registrant registers; repealing a provision of law authorizing certain registered offenders to enter school property for the purpose of voting on election day; requiring the supervising authority of certain registered offenders to give written notice of the requirements of this Act to each offender who is registered on the date this Act takes effect; providing that the State Board of Elections and local boards of elections are not required to take any action to implement or administer this Act; and generally relating to prohibiting certain registered offenders from voting at certain polling places and early voting centers.

BY adding to

Article – Election Law

Section 10–103
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–704(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–708(a) and 11–722
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1270 – Delegate Jones

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

FOR the purpose of amending certain prior Acts of the General Assembly that authorized the creation of State Debt through the issuance, sale, and delivery of general obligation bonds, the proceeds of which were designated for funding certain capital projects; extending the deadline by which certain loan proceeds must be expended or encumbered by the Board of Public Works; extending the deadline by which certain grantees must present evidence to the Board of Public Works that certain matching funds will be provided; altering and expanding the authorized uses of certain grants; altering the purpose of certain grants; altering the grantees under certain projects; altering the location of certain facilities for which grants are to be received; altering the requirement that certain grantees provide a certain matching fund; altering the matching fund requirements of certain grants; and generally relating to amending prior authorizations of State Debt by the General Assembly to fund certain capital projects.

BY repealing and reenacting, with amendments,
Chapter 680 of the Acts of the General Assembly of 2001, as amended by
Chapter 32 of the Acts of the General Assembly of 2003, Chapter 30 of
the Acts of the General Assembly of 2004, Chapter 219 of the Acts of the
General Assembly of 2008, and Chapter 707 of the Acts of the General
Assembly of 2009
Section 1

- BY repealing and reenacting, with amendments,
Chapter 715 of the Acts of the General Assembly of 2001, as amended by
Chapter 94 of the Acts of the General Assembly of 2002 and Chapter 707
of the Acts of the General Assembly of 2009
Section 1
- BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003
Section 12(3) Item (AQ)
- BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003, as amended by
Chapter 432 of the Acts of the General Assembly of 2004
Section 13(3)(i) Item (A) and (AZ)
- BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005
Section 1(3) Item ZA01(O)
- BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006
Section 1(3) Item ZA00(T)
- BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006, as amended by Chapter
219 of the Acts of the General Assembly of 2008
Section 1(3) Item ZA01(AD) and Item ZA02(AD)
- BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007
Section 1(3) Item ZA00(P)
- BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007, as amended by
Chapter 707 of the Acts of the General Assembly of 2009
Section 1(3) Item ZA01(AM) and Item ZA02(AW) and (AX)
- BY repealing and reenacting, with amendments,
Chapter 485 of the Acts of the General Assembly of 2009
Section 1(3) Item ZA02(G), (I), (K), (Z), (AG), and (AN) and Item ZA03(F), (H),
(U), (AK), (AO), (AZ), (BG), (BJ), and (BP)
- BY repealing and reenacting, with amendments,
Chapter 485 of the Acts of the General Assembly of 2009, as amended by
Chapter 372 of the Acts of the General Assembly of 2010
Section 1(3) Item ZA02(M)

BY repealing and reenacting, with amendments,
Chapter 483 of the Acts of the General Assembly of 2010
Section 1(3) Item ZA00(K), Item ZA02(U), (AY), (BK), (BP), and (BX), and Item
ZA03(I), (X), and (BO)

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

House Bill 1271 – Delegates Barnes, Frush, and Pena–Melnyk

AN ACT concerning

Creation of a State Debt – Prince George’s County – Parkland Acquisition

FOR the purpose of authorizing the creation of a State Debt not to exceed \$350,000, the proceeds to be used as a grant to the Mayor and City Council of the City of Laurel for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

THE COMMITTEE ON ECONOMIC MATTERS REPORT #1

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

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

AN ACT concerning

State Board of Architects – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

State Board for Professional Engineers – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 102 – Delegates Stifler and Conaway

AN ACT concerning

Financial Institutions – Mortgage Loan Originators – Prohibited Acts

HB0102/423194/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 102

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “residential” and substitute “certain”; in the same line, after “loan” insert “or loan application”; in line 7, strike “a property” and substitute “residential real estate”; in line 8, strike “property” and substitute “residential real estate”; and in line 9, after “practices” insert “in connection with a certain mortgage loan or loan application”.

AMENDMENT NO. 2

On page 2, in line 7, after “NOT” insert “, IN CONNECTION WITH A MORTGAGE LOAN OR LOAN APPLICATION”; in line 12, strike “, IN CONNECTION WITH A RESIDENTIAL MORTGAGE LOAN”; in line 14, strike “A PROPERTY” and substitute “RESIDENTIAL REAL ESTATE”; and in lines 16 and 22, in each instance, strike “PROPERTY” and substitute “RESIDENTIAL REAL ESTATE”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate McDonough moved to make the Bill a Special Order for February 24, 2011.

The motion was adopted.

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

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

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 358 – Chair, Economic Matters Committee

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS
REPORT #1**

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

House Bill 36 – Delegate Kach

AN ACT concerning

State Board of Podiatric Medical Examiners – Unannounced Inspections

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 48 – Delegates Morhaim, Kipke, Pena–Melnyk, and Tarrant

AN ACT concerning

State Government – Open Meetings Act – Notice and Complaints

Favorable report not adopted.

Delegate McConkey moved to make the Bill and Report a Special Order for February 24, 2011.

The motion was adopted.

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

House Bill 58 – Delegate Costa

AN ACT concerning

Community Services Reimbursement Rate Commission – Termination Date – Extension

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

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

HB0064/636586/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 64

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “Board;” insert “altering the membership of the Board;”; and in line 15, after “Section” insert “9–202 and”.

AMENDMENT NO. 2

On page 2, after line 3, insert:

“9–202.

(a) (1) The Board consists of [13] 14 members.

(2) Of the [13] 14 Board members:

(i) Six members shall be licensed nursing home administrators who are practicing actively and have at least 5 years experience as licensed nursing home administrators, one of whom has experience with the Eden Alternative Green House or a similar program, if practicable;

(ii) Two shall be individuals who are not nursing home administrators but who are engaged actively in professions that are concerned with the care of chronically ill, infirm, or aged individuals;

(iii) One shall be a physician or a nurse practitioner who specializes in geriatrics;

(iv) One shall be a geriatric social worker; [and]

(v) ONE SHALL BE THE STATE LONG-TERM CARE OMBUDSMAN DESIGNATED UNDER § 10-903 OF THE HUMAN SERVICES ARTICLE; AND

[(v)] (VI) Two shall be consumer members.

(3) Not more than [two] THREE members may be officials or full-time employees of this State or of any of its political subdivisions.

(4) A representative of the Office of Health Care Quality shall serve as an ex officio member.

(b) (1) The Governor shall appoint the consumer members with the advice of the Secretary and the advice and consent of the Senate.

(2) (i) Except for the consumer members AND THE STATE LONG-TERM CARE OMBUDSMAN, the Governor shall appoint each Board member, with the advice of the Secretary.

(ii) The Secretary shall make each recommendation after consulting with the associations and societies appropriate to the disciplines and professions representative of the vacancy to be filled.

(c) Each Board member shall:

(1) Be a United States citizen or have declared an intent to become a United States citizen; and

(2) Have resided in this State for at least 1 year before appointment to the Board.

(d) (1) Each consumer member of the Board:

(i) Shall be a member of the general public;

(ii) May not be or ever have been a nursing home administrator or in training to become a nursing home administrator;

(iii) May not have a household member who is a nursing home administrator or in training to become a nursing home administrator;

(iv) May not participate or ever have participated in a commercial or professional field related to the practice of a nursing home administrator;

(v) May not have a household member who participates in a commercial or professional field related to the practice of a nursing home administrator; and

(vi) May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board.

(2) One consumer member shall have presently or have had a family member living in a nursing home.

(e) While a member of the Board, a consumer member may not have a substantial financial interest in a person regulated by the Board.

(f) Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

(g) (1) **THIS SUBSECTION DOES NOT APPLY TO THE STATE LONG-TERM CARE OMBUDSMAN.**

(2) The term of a member is 4 years.

[(2)] (3) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 1981.

[(3)] (4) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

[(4)] (5) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

[(5)] (6) A member may not serve more than 2 consecutive full terms.

[(6)] (7) To the extent practicable, the Governor shall fill any vacancy on the Board within 60 days of the date of the vacancy.

(h) (1) The Governor may remove a member for incompetence, misconduct, incapacity, or neglect of duty.

(2) Upon the recommendation of the Secretary, the Governor may remove a member whom the Secretary finds to have been absent from 2 successive Board meetings without adequate reason.”;

strike beginning with “a” in line 27 down through “(3)” in line 29; and in lines 31 and 32, strike “(4)” and “(5)”, respectively, and substitute “(3)” and “(4)”, respectively.

On page 3, in lines 1 and 5, strike “(6)” and “(7)”, respectively, and substitute “(5)” and “(6)”, 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 65 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

Electrology Practice Committee – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

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

HB0066/726885/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 66

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “date;” insert “requiring the Board to submit a report to certain committees of the General Assembly on or before a certain date;”.

AMENDMENT NO. 2

On page 2, after line 17, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2015, The State Board of Podiatric Medical Examiners shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, regarding the status of the Board and the regulation of podiatry in the State. The report shall include information for the years fiscal 2011 through fiscal 2015, inclusive, that addresses:

- (1) the number of podiatrists licensed by the Board;
- (2) whether the Board has implemented any new requirements for the licensure, certification, or registration of individuals who practice or assist in the practice of podiatry, and the number of individuals licensed, certified, or registered as a result of any new requirements implemented by the Board;
- (3) the number of complaints received by the Board for individuals who practice or assist in the practice of podiatry and the resolution of the complaints;
- (4) a summary of any major legislative or regulatory changes impacting podiatry, including changes to fees charged by the Board; and
- (5) an update on the Board’s finances including the revenue and expenditures for each fiscal year.”;

and in line 18, 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 75 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 89 – Delegate Kipke

AN ACT concerning

Mental Hygiene – Admission Provisions – Definition of “Psychologist”

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

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

HB0217/766088/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 217

(First Reading File Bill)

On page 2, in line 15, strike “HEARING AT” and substitute “A HEARING BEFORE”; in line 25, strike “DAYS OF” and substitute “CALENDAR DAYS AFTER”; after line 25, insert:

“(3) A HEARING REQUESTED BY AN INDIVIDUAL UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONVENED AT THE PUBLIC FACILITY WITHIN 30 CALENDAR DAYS AFTER THE INDIVIDUAL RECEIVED NOTICE OF THE TRANSFER.”;

and in line 27, strike “(C)” and substitute “(C)(1)”.

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 226 – Delegates Cullison, Hammen, and Pendergrass

AN ACT concerning

**Insurance – Qualified State Long-Term Care Insurance Partnership Program
– Reporting**

HB0226/606182/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 226

(First Reading File Bill)

On page 1, in line 2, strike “Insurance –”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE TO THE SENATE

February 23, 2011

By the Majority Leader:

Ladies and Gentlemen of the Senate:

We propose with your concurrence a joint session of the General Assembly at 11:00 a.m. on February, 24, 2011 for the election and qualifying of the Treasurer of the State of Maryland by joint ballot in accordance with Article 6 Section 1 and 5 of the Constitution.

We have appointed Delegates Tarrant and Gilchrist to escort your Honorable Body to the House Chamber for this Joint Session.

We further propose a joint committee of four, two on the part of the House and two on the part of the Senate to escort the Treasurer–Elect. We have appointed on the part of the House, Delegates Glenn and Lee.

We propose a Joint Committee of four, two on the part of the House and two on the part of the Senate to escort the Lieutenant Governor to the House Chamber. We have appointed on the part of the House, Delegates Vaughn and Frank.

We further propose the appointment of a Joint Committee of four, two on the part of the House and two on the part of the Senate to escort the Governor to the House Chamber. We have appointed Delegates Eckardt and Donoghue.

By Order, Mary Monahan, Chief Clerk

Read and adopted.

MESSAGE FROM THE SENATE

February 23, 2011

BY THE MAJORITY LEADER:

LADIES AND GENTLEMEN OF THE HOUSE OF DELEGATES:

We have received your message proposing a joint session of the General Assembly in the House Chamber at 11:00 a.m. on Thursday, February 24, 2011, for the purpose of the election and qualifying of the Treasurer of the State of Maryland, by joint ballot in accordance with Article 6, Sections 1 and 5, of the Constitution.

We respectfully concur in your message and have appointed on behalf of the Senate, Senators Stone and Pipkin as members of the joint committee to escort the Treasurer–Elect.

We have also appointed as members of the joint committee, Senators Pugh and Colburn to escort the Lt. Governor to the House Chamber.

We have further appointed Senators Garagiola and Jacobs as members of the joint committee to escort the Governor to the Chamber of the House of Delegates.

By Order,
William B.C. Addison, Jr.
Secretary

Read and ordered journalized.

SPEAKER'S SOCIETY PRESENTATIONS**Speaker's Medallion Award**

Awarded to: Ronald R. Peterson and Dr. Edward D. Miller

Casper R. Taylor, Jr. Founder's Award

Awarded to: Delegate Rudolph C. Cane

QUORUM CALL

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

(See Roll Call No. 75)

ADJOURNMENT

At 10:50 A.M. on motion of Delegate Barve the House adjourned until 10:30 A.M. on Thursday, February 24, 2011.

Annapolis, Maryland
Thursday, February 24, 2011

The House met at 10:34 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 133 Members present.

(See Roll Call No. 76)

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

EXCUSES:

Del. Beidle – mother-in-law's death

Del. Proctor – business – court case

INTRODUCTION OF BILLS

House Bill 1272 – Delegates Alston, Braveboy, Cane, Cullison, Dumais, Frush, Gaines, Glenn, Griffith, Guzzone, Holmes, Huckler, Ivey, Kaiser, Lee, McIntosh, A. Miller, Nathan-Pulliam, Pena-Melnyk, Proctor, S. Robinson, Ross, Smigiel, Summers, Valderrama, Valentino-Smith, and Washington

AN ACT concerning

Family Law – Child Support – Age of Majority – Postsecondary Education

FOR the purpose of altering certain provisions of law defining the age of majority to provide that a person who has attained the age of 18 years and who is enrolled in an institution of postsecondary education has a right to support and maintenance until the first of certain events occurs; defining a certain term; establishing that this Act shall be considered a material change in circumstances for purposes of modifying a child support order issued before the effective date of this Act; and generally relating to child support.

BY repealing and reenacting, with amendments,
Article 1 – Rules of Interpretation
Section 24

Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

House Bill 1273 – Delegate Davis

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2009 – Prince George’s County
– District Heights Field Renovation**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2009 to extend the deadline for the Mayor and City Commissioners of the City of District Heights to present evidence that a matching fund will be provided; requiring that the Board of Public Works expend or encumber the proceeds of the loan by June 1, 2013; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2009.

BY repealing and reenacting, with amendments,
Chapter 485 of the Acts of the General Assembly of 2009
Section 1(3) Item ZA02(AN) and Item ZA03(AZ)

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

House Bill 1274 – Charles County Delegation

AN ACT concerning

**Charles County – Alcoholic Beverages – Class B–Stadium (Baseball Stadium)
On–Sale Beer, Wine and Liquor License**

FOR the purpose of altering a Class B–Stadium (baseball stadium) beer and light wine license in Charles County to be a Class B–Stadium (baseball stadium) on–sale beer, wine and liquor license; authorizing the Charles County Board of License Commissioners to adopt certain regulations; and generally relating to the issuance of a Class B–Stadium (baseball stadium) on–sale beer, wine and liquor license in Charles County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(j)(6)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

House Bill 1275 – Howard County Delegation

AN ACT concerning

Howard County – Casino Events – Authorized

Ho. Co. 4–11

FOR the purpose of authorizing certain organizations to hold certain casino events in Howard County at certain intervals of time; requiring an organization to obtain a permit from the county Department of Inspections, Licenses, and Permits before operating a casino event; requiring the Howard County Executive to forward a recommendation to the Howard County Council concerning the fee to be charged for a permit; requiring the County Council to adopt by resolution the amount of the permit fee; specifying the types of organizations eligible to conduct a casino event; requiring a permit holder for a casino event to ensure that certain standards are met; prohibiting a permit holder from offering cumulative money prizes in excess of a certain amount; specifying certain prohibited acts and reporting requirements for a permit holder for a casino event; requiring the Howard County Department of Inspections, Licenses, and Permits to adopt certain regulations governing casino events; altering in Howard County the application of certain general provisions of law governing gaming in the State; establishing certain exceptions to prohibitions against conducting a casino event or operating or awarding prizes using certain gaming devices; and generally relating to casino events in Howard County.

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 13–1601, 13–1603, and 13–1604

Annotated Code of Maryland

(2002 Volume and 2010 Supplement)

BY adding to

Article – Criminal Law

Section 13–1602.1

Annotated Code of Maryland

(2002 Volume and 2010 Supplement)

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

House Bill 1276 – Delegates Vallario, Alston, Anderson, Arora, Barnes, Carter, Clippinger, Cluster, Conaway, Dumais, Dwyer, Hough, Howard, Ivey, K. Kelly, Lee, McComas, McDermott, Mitchell, Niemann, Oaks, Parrott,

**Rosenberg, Simmons, Smigiel, Summers, Valderrama, Valentino-Smith,
Vaughn, Waldstreicher, and Wilson**

AN ACT concerning

Vehicle Laws – Expansion of Ignition Interlock System Program

FOR the purpose of expanding participation in the Ignition Interlock System Program by authorizing certain individuals who have committed a certain alcohol-related administrative offense to be participants under certain circumstances; requiring the Motor Vehicle Administration to establish the Program in accordance with certain statutory provisions; requiring rather than authorizing the Administration to establish a certain protocol; expanding participation in the Program by requiring certain individuals to participate in the Program for certain periods of time and successfully complete the Program as a condition of modification of a license suspension or revocation and issuance of a restrictive license; requiring the Administration to impose a certain license restriction for certain periods of time under certain circumstances; requiring the Administration to suspend for certain periods of time or revoke the licenses of certain individuals who refuse to participate in or fail to successfully complete the Program; requiring the Administration to establish a certain fee; requiring individuals in the Program to be monitored by the Administration and to pay a certain fee under certain circumstances; requiring certain service providers to demonstrate a certain ability under certain circumstances; providing that certain Program participation under this Act shall be concurrent with Program participation under any other provision of the Maryland Vehicle Law; establishing that certain information provided to the Administration is sufficient for the Administration to exercise its authority to allow a participant in the Program to operate a motor vehicle owned or provided by the person's employer in the course of employment without an ignition interlock system under certain circumstances; clarifying language; defining certain terms; and generally relating to the Ignition Interlock System Program.

BY renumbering

Article – Transportation
Section 16–205.1(o)
to be Section 16–205.1(q)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation
Section 16–113(b)(1) and (4), 16–205(f)(1), 16–404(c)(3), 21–902(a)(1) and (2) and
(b)(1), and 27–107(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing

Article – Transportation
Section 16–205.1(n)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to

Article – Transportation
Section 16–205.1(n), (o), and (p)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation
Section 16–404(c)(2), 16–404.1, and 27–107(g)(2)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1277 – Delegates Smigiel and McDermott

AN ACT concerning

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

FOR the purpose of stating that the policy of this State is to encourage the use of certain special needs trusts or supplemental needs trusts by individuals with disabilities of all ages for certain reasons; requiring certain State agencies to adopt regulations that are not more restrictive than existing federal law, regulations, or policies with regard to the treatment of special needs trusts or supplemental needs trusts; requiring the regulations to allow certain funding and use of special needs trusts; establishing that a certain determination of the Internal Revenue Service or the Maryland Department of Assessments and Taxation regarding the nonprofit status of organizations that operate a pooled asset special needs trust is sufficient to satisfy a certain requirement of federal law; prohibiting State agencies from imposing additional requirements on organizations that operate a pooled asset special needs trust for a certain purpose; defining certain terms; and generally relating to special needs and supplemental needs trusts.

BY adding to

Article – Estates and Trusts
Section 14–114
Annotated Code of Maryland

(2001 Replacement Volume and 2010 Supplement)

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

House Bill 1278 – Delegates Huckler, Arora, Carr, Cullison, Gilchrist, Gutierrez, Kaiser, A. Kelly, Kramer, Luedtke, Reznik, S. Robinson, V. Turner, and Zucker

AN ACT concerning

Electric Companies – Rates – Decoupling Revenue and Sales

FOR the purpose of prohibiting the Public Service Commission from authorizing an electric company to calculate the rate charged by the electric company using a certain formula unless the formula makes a certain provision; providing for the application of a certain provision of this Act; requiring the Commission to take certain actions if an electric company, on or after a certain date, calculated the rate charged using a certain formula; limiting a certain refund or charge off available to a business with more than one account with an electric company to certain accounts; defining a certain term; and generally relating to the rate charged by an electric company.

BY adding to

Article – Public Utilities
Section 4–307
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 1279 – Delegates Carter, Alston, Anderson, and Rosenberg

AN ACT concerning

Criminal Procedure – Retention of Right to Expungement – Charges Not Resulting in Conviction

FOR the purpose of establishing that whether a person is entitled to expungement of one charge arising from an incident, transaction, or set of facts does not affect the person's right to expungement of another charge or conviction arising from the same incident, transaction, or set of facts; making certain conforming changes; making a certain technical correction; and generally relating to the expungement of criminal charges.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure
Section 10–107
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1280 – Delegates Impallaria, McComas, Norman, and Stifler

AN ACT concerning

**Task Force to Review Property Tax Assessment Procedures and the
Assessment Appeals Process**

FOR the purpose of establishing a Task Force to Review Property Tax Assessment Procedures and the Assessment Appeals Process; establishing the composition of the Task Force; requiring the Governor to designate the chair of the Task Force; providing for the staffing for the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing a member of the Task Force to receive certain reimbursements; requiring the Task Force to conduct certain studies and make certain evaluations and recommendations; requiring that the Task Force issue a report by a certain date; providing for the termination of this Act; and generally relating to the Task Force to Review Property Tax Assessment Procedures and the Assessment Appeals Process.

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

SPECIAL ORDERS

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

House Bill 48 – Delegates Morhaim, Kipke, Pena–Melnyk, and Tarrant

AN ACT concerning

State Government – Open Meetings Act – Notice and Complaints

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 102 – Delegates Stifler and Conaway

AN ACT concerning

Financial Institutions – Mortgage Loan Originators – Prohibited Acts

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

Delegate McDonough moved to make the Bill a Special Order for February 25, 2011.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 77)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #1

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

AN ACT concerning

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 78)

The Bill was then sent to the Senate.

House Bill 176 – Delegate Eckardt

AN ACT concerning

**State Retirement and Pension System – Reemployment of Retirees –
Exemptions**

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

Affirmative – 137 Negative – 0 (See Roll Call No. 79)

The Bill was then sent to the Senate.

House Bill 249 – Delegate Proctor

AN ACT concerning

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

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

Affirmative – 136 Negative – 0 (See Roll Call No. 80)

The Bill was then sent to the Senate.

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

AN ACT concerning

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

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

Affirmative – 135 Negative – 0 (See Roll Call No. 81)

The Bill was then sent to the Senate.

House Bill 280 – Carroll County Delegation

AN ACT concerning

Carroll County – Public Facilities Bonds

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

Affirmative – 134 Negative – 1 (See Roll Call No. 82)

The Bill was then sent to the Senate.

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

AN ACT concerning

State Retirement and Pension System – Administration – Simplification

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

Affirmative – 138 Negative – 0 (See Roll Call No. 83)

The Bill was then sent to the Senate.

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

AN ACT concerning

State Retirement and Pension System – Military Service Credit – Eligibility

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

Affirmative – 136 Negative – 0 (See Roll Call No. 84)

The Bill was then sent to the Senate.

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

AN ACT concerning

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

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

Affirmative – 136 Negative – 0 (See Roll Call No. 85)

The Bill was then sent to the Senate.

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

AN ACT concerning

**Wiretapping and Electronic Surveillance – Investigation of Human
Trafficking**

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

Affirmative – 138 Negative – 0 (See Roll Call No. 86)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #2

House Bill 34 – Delegates Malone and Aumann

AN ACT concerning

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

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

Affirmative – 125 Negative – 13 (See Roll Call No. 87)

The Bill was then sent to the Senate.

House Bill 49 – Delegates Haddaway–Ricchio and Eckardt

AN ACT concerning

Juvenile Law – Truancy Reduction Pilot Program – Talbot County

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

Affirmative – 136 Negative – 0 (See Roll Call No. 88)

The Bill was then sent to the Senate.

House Bill 53 – Delegate Hubbard

AN ACT concerning

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

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

Affirmative – 133 Negative – 5 (See Roll Call No. 89)

The Bill was then sent to the Senate.

House Bill 57 – Delegates Costa and Vitale

AN ACT concerning

Environment – Bay Restoration Fund – Authorized Uses

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

Affirmative – 138 Negative – 0 (See Roll Call No. 90)

The Bill was then sent to the Senate.

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

AN ACT concerning

Vehicle Laws – Races and Speed Contests – Enforcement and Penalties

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

Affirmative – 136 Negative – 2 (See Roll Call No. 91)

The Bill was then sent to the Senate.

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

AN ACT concerning

Vehicle Equipment – Public Transit Vehicles – Flashing Lights

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

Affirmative – 136 Negative – 0 (See Roll Call No. 92)

The Bill was then sent to the Senate.

House Bill 117 – Delegate Beitzel

AN ACT concerning

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 93)

The Bill was then sent to the Senate.

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

AN ACT concerning

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 94)

The Bill was then sent to the Senate.

AMENDMENTS TO HOUSE RULES

HR0018/103723/2

BY: Majority Leader

AMENDMENT TO HOUSE RULE 18

ORDERED by the House of Delegates, that House Rule 18(a)(9), as adopted by the House for the 2011 Session be, and it is hereby, repealed and readopted, with amendments, to read as follows:

“18.

(a) The following standing committees shall be established and the members thereof appointed by the Speaker at the beginning of each session of the General Assembly:

(9) Rules and Executive Nominations[, sixteen]; AND”

Read and adopted.

HR0116/513722/1

BY: Majority Leader

AMENDMENT TO HOUSE RULES

ORDERED by the House of Delegates, that the Rules of the House of Delegates, as adopted by the House for the 2011 Session be amended to read as follows:

“116.

A MOTION, ORDER, OR RESOLUTION TO REPEAL, TO AMEND, OR TO ADD A NEW RULE TO THESE RULES:

(A) MAY NOT BE CONSIDERED OR ACTED UPON UNLESS IT HAS BEEN SUBMITTED IN WRITING TO THE HOUSE, TOGETHER WITH THE WRITTEN TEXT OF ANY PROPOSAL, AT LEAST ONE DAY PRIOR THERETO; AND

(B) IN ORDER TO BE ADOPTED, REQUIRES THE AFFIRMATIVE VOTE OF AT LEAST TWO–THIRDS OF THE MEMBERS ELECTED TO THE HOUSE.”.

Read and adopted.

JOINT SESSION

Delegates Tarrant and Gilchrist escorted the Senate into the House Chamber.

President Miller called for the Senate roll.

QUORUM CALL

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

(See Senate Roll Call No. 208–A)

Speaker Busch called for the House roll.

QUORUM CALL

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

(See Roll Call No. 95)

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

SELECTION OF STATE TREASURER

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

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

(See Exhibit G of Appendix II)

Read and ordered journalized.

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

VOTE FOR ONLY ONE APPLICANT

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

A total of 185 ballots were distributed.

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

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

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

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

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

Note: After adjournment from the Joint Session the Chief Clerk's Office of the House of Delegates completed the opening and tallying of the remaining ballots.

The Results were as follows:

Candidates

William H. Campbell – 31

Nancy K. Kopp – 127

Write-In Candidates

Gary Dell Abate – 1

Jeremy Baker – 1

Larry Barnes – 2

James Brochin – 1

Chuck Brown – 11

Jon S. Cardin – 1

D. Davis – 1

Vicki Gruber – 5

Martin G. Madden – 1

Alex Mooney – 1

Joe Vallario – 2

FINAL TALLY 185

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

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

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

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

Speaker Busch administered the oath of office, as required by Article I, Section 9 of the Maryland Constitution, to the Treasurer–Elect.

President Miller administered the fidelity oath, as required by Section 5–101.1 of the Maryland Code – State Government, to the Treasurer–Elect.

Treasurer Kopp addressed the General Assembly.

Senator McFadden moved the Senate be adjourned.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 96)

ADJOURNMENT

At 11:57 A.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Friday, February 25, 2011.

Annapolis, Maryland
Friday, February 25, 2011

The House met at 11:06 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate John P. Donoghue of Washington County.

QUORUM CALL

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

(See Roll Call No. 97)

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

EXCUSES:

Del. Beidle – mother-in-law’s death
Del. Feldman – doctor’s appointment
Del. Jameson – funeral
Del. A. Kelly – family emergency
Del. K. Kelly – illness
Del. Lee – funeral
Del. V. Turner – illness

INTRODUCTION OF BILLS

House Bill 1281 – Delegates Stukes, Haynes, and Mitchell

AN ACT concerning

Arts and Entertainment Districts – Artistic Work – Design

FOR the purpose of altering the definition of “artistic work” for the purpose of designating an arts and entertainment district to include original and creative work that falls into the category of original design; and generally relating to the definition of artistic work.

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 4-701(b)(2)(ix)
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

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

House Bill 1282 – Delegates Glenn, K. Kelly, Kramer, McConkey, Myers, Norman, and Parrott

AN ACT concerning

Transportation – Vehicle Parking Facilities – Motorcycle Parking

FOR the purpose of requiring vehicle parking facilities that are owned, leased, or operated by the State or a political subdivision of the State or that receive funding from the State or a political subdivision of the State to allow motorcycles to park in the facilities; defining certain terms; and generally relating to the parking of motorcycles in vehicle parking facilities.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 4–101(j)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

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

House Bill 1283 – Delegate Glenn

EMERGENCY BILL

AN ACT concerning

Public School Buildings – Carbon Monoxide Detection and Warning Equipment

FOR the purpose of requiring the construction or remodeling of certain public school buildings to conform to a certain standard for the installation of carbon monoxide detection and warning equipment for commercial structures; making certain stylistic changes; making this Act an emergency measure; and generally relating to requiring the installation of carbon monoxide detection and warning equipment in public school buildings.

BY repealing and reenacting, with amendments,
Article – Education
Section 4–117
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1284 – Cecil County Delegation

AN ACT concerning

Cecil County – Deer Hunting on Private Property – Sundays

FOR the purpose of authorizing a person in Cecil County to hunt for deer on private property on certain Sundays during certain months under certain conditions; and generally relating to deer hunting in Cecil County.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

House Bill 1285 – Chair, Health and Government Operations Committee (By Request – Departmental – Aging)

AN ACT concerning

Maryland Department of Aging – Continuing Care in a Retirement Community

FOR the purpose of altering the requirements for certain continuing care retirement community renewal applications; altering the information required to be contained in a certain disclosure statement; altering the required membership of the governing body of certain continuing care providers; requiring that a certain member of a certain governing body be subject to a certain ratification; requiring certain continuing care providers to make available certain documents to certain persons; altering the requirements for a certain grievance procedure; altering when transfers of assets by continuing care providers are subject to approval by the Department of Aging; altering the circumstances under which certain continuing care providers may remove certain assets or

records; prohibiting certain continuing care providers from becoming part of an obligated group unless the provider obtains the consent of the Department in a certain manner; prohibiting certain continuing care providers from consenting to certain changes to an obligated group unless the provider obtains the consent of the Department in a certain manner; prohibiting certain continuing care providers from directly or indirectly assuming, guaranteeing, or being liable for an obligation of a new continuing care community unless certain conditions are met; requiring certain continuing care providers that are part of a certain obligated group to submit certain information to the Department; specifying certain requirements for certain obligated groups; authorizing the Department to waive certain requirements under certain circumstances; providing that certain provisions of this Act do not apply to certain transactions; authorizing the Department to obtain the financial statements of certain affiliates of a continuing care provider under certain circumstances; requiring continuing care providers to provide certain individuals certain copies of certain financial statements; altering the requirements for certain continuing care agreements; authorizing the Department to examine continuing care agreements being offered to prospective subscribers, for good cause; defining certain terms; making stylistic changes; and generally relating to continuing care agreements.

BY repealing and reenacting, with amendments,

Article – Human Services

Section 10–401, 10–413 10–425, 10–427, 10–428, 10–436, 10–440, 10–444,
10–445, and 10–447

Annotated Code of Maryland

(2007 Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

Article – Human Services

Section 10–426 and 10–429

Annotated Code of Maryland

(2007 Volume and 2010 Supplement)

BY adding to

Article – Human Services

Section 10–440.1 and 10–442

Annotated Code of Maryland

(2007 Volume and 2010 Supplement)

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

House Bill 1286 – Chair, Health and Government Operations Committee (By Request – Departmental – Aging)

AN ACT concerning

**Maryland Department of Aging – Continuing Care in a Retirement
Community**

FOR the purpose of increasing the required operating reserves for certain continuing care providers after a certain date; clarifying that certain continuing care providers shall calculate certain operating reserves in a certain manner; clarifying the differences between certain disclosure statements; altering the information required to be contained in a certain disclosure statement; establishing the use and the timing of the delivery of a standard assisted living disclosure statement by certain providers; requiring certain continuing care providers to make available certain documents to certain persons; altering the requirements for a certain grievance procedure; requiring a certain disclaimer for certain marketing materials; clarifying when a proposed transfer of a facility ownership or ownership control of a person that owns or controls a certain facility is subject to approval by the Department of Aging; altering the requirements for certain continuing care agreements; authorizing the Department to deny approval of a continuing care agreement that contravenes certain laws; establishing that certain separate assisted living and comprehensive care agreements are subject to the review by the Department; establishing that certain separate assisted living and comprehensive care agreements are not subject to the review of the Department; altering the continuing care disclosure statement requirements regarding assisted living agreements; requiring that the Department of Health and Mental Hygiene adopt, in consultation with the Department of Aging, a standard version of a certain disclosure statement; defining certain terms; making stylistic changes; and generally relating to continuing care agreements.

BY repealing and reenacting, with amendments,

Article – Human Services

Section 10–401, 10–420, 10–423, 10–424, 10–425, 10–427, 10–428, 10–432,
10–436, 10–444, 10–445, and 10–447

Annotated Code of Maryland

(2007 Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

Article – Human Services

Section 10–419, 10–421, 10–422, 10–426, and 10–429

Annotated Code of Maryland

(2007 Volume and 2010 Supplement)

BY adding to

Article – Human Services

Section 10–425.1, 10–430, and 10–443

Annotated Code of Maryland

(2007 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General
Section 19–1806 and 19–1808
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1287 – Delegates Walker, V. Turner, and Valderrama

AN ACT concerning

**Creation of a State Debt – Prince George’s County – My Sister’s Keeper
Group Homes**

FOR the purpose of authorizing the creation of a State Debt not to exceed \$150,000, the proceeds to be used as a grant to the Carolina Missionary Baptist Church for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; prohibiting the use of the loan proceeds or matching fund for sectarian religious purposes; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1288 – Delegate Malone

AN ACT concerning

Vehicle Laws – Distracted Driving – Prohibition

FOR the purpose of prohibiting a person from driving a motor vehicle in an inattentive manner resulting in the unsafe operation of the motor vehicle when the inattention is caused by the driver engaging in a certain preoccupying activity; providing that a violation of this Act is not a moving violation for the purpose of assessing certain points; authorizing a police officer to enforce this Act only as a secondary offense; defining a certain term; and generally relating to distracted driving.

BY adding to

Article – Transportation
Section 21–901.3
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 27–101(a) and (b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1289 – Delegate Serafini

AN ACT concerning

**State Retirement and Pension System – State Employees and Teachers –
Benefits**

FOR the purpose of establishing a State Employees' and Teachers' Integrated Pension System and a State Employees' and Teachers' Integrated Pension System Savings Plan for certain members of the Employees' Pension System or the Teachers' Pension System; providing for the member contribution rate and benefits for certain members subject to the State Employees' and Teachers' Integrated Pension System; altering the formula used to calculate the normal service retirement allowances of certain members of the Employees' Pension System or the Teachers' Pension System as of a certain date; providing that certain benefits accrued are not subject to the early retirement reduction; providing that a certain allowance received by certain members of the Employees' Pension System or the Teachers' Pension System is not subject to certain cost-of-living adjustments; requiring the Board of Trustees of the State Retirement and Pension System to administer the State Employees' and Teachers' Integrated Pension System Savings Plan; requiring participation in the State Employees' and Teachers' Integrated Pension System Savings Plan as a condition of employment for certain individuals; providing the vesting requirements for participating employees in the State Employees' and Teachers' Integrated Pension System Savings Plan; providing for the amount of employee contributions that certain participating employees may contribute to the State Employees' and Teachers' Integrated Pension System Savings Plan; providing for the method of distribution for certain benefits payable under the State Employees' and Teachers' Integrated Pension System Savings Plan; requiring the State to make certain employer contributions to the State Employees' and Teachers' Integrated Pension System Savings Plan in a certain manner; authorizing certain participating employees of the State Employees' and Teachers' Integrated Pension System Savings Plan to borrow certain funds in a certain manner and subject to certain repayment provisions; defining certain terms; and generally relating to altering the retirement contributions and benefits of certain State employees and teachers who are members of the Employees' Pension System or the Teachers' Pension System.

BY adding to

Article – State Personnel and Pensions

Section 20–101(nn–1); 23–225 and 23–226 to be under the new part “Part IV. State Employees’ and Teachers’ Integrated Pension System”; and 41–101 through 41–209 to be under the new title “Title 41. State Employees’ and Teachers’ Integrated Pension System Savings Plan”

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 23–212, 23–401, 23–402, and 29–425

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1290 – Delegate Serafini

AN ACT concerning

State Employees’ and Teachers’ Retirement Savings Plan

FOR the purpose of establishing a State Employees’ and Teachers’ Retirement Savings Plan; requiring that certain members of the Employees’ Pension System or the Teachers’ Pension System become members of the Plan on a certain date; requiring that certain individuals who are employed by certain participating employers on or after a certain date become members of the Plan; prohibiting certain elections to participate in the optional retirement program; requiring the Board of Trustees of the Maryland Teachers and State Employees Supplemental Retirement Plans to administer the Plan; requiring the Board to provide participating employees in the Plan with certain investment options; requiring participation in the Plan as a condition of employment for certain individuals; providing the vesting requirements for participating employees in the Plan; providing that certain participating employees of the Plan may make certain elections with regard to certain employee contributions; providing for the minimum employee contribution rate for participating employees in the Plan; providing that a certain employee contribution rate shall increase by a certain amount over a certain period of time; authorizing participating employees of the Plan to freeze certain employee contribution rate increases and resume the increases in a certain manner; requiring that employee contributions to the Plan be made in a certain manner; providing for the method of distribution for certain benefits payable under the Plan; requiring the State to make certain employer contributions to the Plan in a certain manner; requiring certain local employers to pay a certain amount of certain employer contributions for certain participating employees in the Plan beginning on a

certain date; providing that certain participating employees in the Plan receive a certain benefit from the Employees' Pension System or the Teachers' Pension System; authorizing certain participating employees of the Plan to borrow certain funds in a certain manner and subject to certain repayment provisions; defining certain terms; and generally relating to the establishment of a State Employees' and Teachers' Retirement Savings Plan for State employees and teachers.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 23–203, 23–204(c), 23–208, and 30–302
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 41–101 through 41–210 to be under the new title “Title 41. State
Employees' and Teachers' Retirement Savings Plan”
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1291 – Delegates McIntosh, Barkley, Bobo, and Cane

AN ACT concerning

Sales and Use Tax – Exemption – Energy for Homeowners Association

FOR the purpose of exempting from the sales and use tax sales of certain energy to a homeowners association for use in property owned by the homeowners association; and generally relating to the sales and use taxation of certain sales of energy.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11–207(a)
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 1292 – Delegate Costa

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Licenses and Fees

FOR the purpose of altering certain alcoholic beverages license fees in Anne Arundel County; establishing a Class WT wine tasting (on-premises) license in Anne Arundel County; establishing a certain administrative fee; specifying the scope of a certain administrative fee; requiring the Anne Arundel County Board of License Commissioners to determine the fee for a certain license; altering a certain exception relating to a certain prohibition against the playing of live music by holders of alcoholic beverage licenses or club licenses; establishing a special entertainment license in Anne Arundel County; authorizing the Board of License Commissioners to issue a special outdoor entertainment license to a holder of a special entertainment license; altering a certain provision of law relating to the reimbursement for certain expenses incurred by members of the Board of License Commissioners; altering a certain definition; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; making stylistic changes; and generally relating to the issuance of alcoholic beverage licenses in Anne Arundel County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 5–101(a)(1), 5–201(a)(1), 5–202(b)(1), 5–301(a)(1), 5–401(a)(1), 6–101(a)(1), 6–201(a)(1), 6–301(a)(1) and (c)(5)(i), (6)(i), and (7)(i), 7–101(b)(1)(i), 8–202(e)(1), (h)(1), and (i)(1), and 8–202.1(c)(1)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 5–101(c)(1), 5–201(c)(2), 5–202(d), 5–301(c), 5–401(c)(1), 6–101(c), 6–201(c), 6–301(c)(2), (5)(ii), (6)(ii), and (7)(ii), 6–401(c), 7–101(b)(2) and (d)(2), 8–202(d)(5), (e)(3), (h)(4)(i), and (i)(4)(i), 8–202.1(f), 8–302(a), 8–402(c), (f), and (g), 10–104(c)(1), 10–502(a), 12–202(a), and 15–109(c)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 8–402(f) and 10–502(e)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 8–402(c)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

(As enacted by Chapter 444 of the Acts of the General Assembly of 2010)

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

House Bill 1293 – Delegates A. Miller, Dumais, and Feldman

AN ACT concerning

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

FOR the purpose of authorizing the creation of a State Debt not to exceed \$100,000, the proceeds to be used as a grant to the Maryland–National Capital Park and Planning Commission for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

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

AN ACT concerning

~~Religious Freedom and~~ Civil Marriage Protection Act

FOR the purpose of altering a provision of law establishing that only certain marriages are valid in this State; making stylistic and conforming changes in certain provisions of law prohibiting marriages within certain degrees of relationship; prohibiting certain officials from being required to solemnize a marriage in violation of a certain constitutional right; prohibiting certain religious entities from being required to provide services, accommodations, advantages, facilities, goods, or privileges to an individual under certain circumstances; prohibiting certain fraternal benefit societies from being required to admit an individual as a member or provide insurance benefits to an individual under certain circumstances; providing that ~~a certain refusal~~ certain refusals may not create a civil claim or cause of action or constitute the basis for

the withholding of governmental benefits or services from certain entities; providing for the construction of ~~a certain provision~~ of this Act; and generally relating to valid marriages.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 2–201 and 2–202
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

SPECIAL ORDERS

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

House Bill 102 – Delegates Stifler and Conaway

AN ACT concerning

Financial Institutions – Mortgage Loan Originators – Prohibited Acts

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 133 Members present.

(See Roll Call No. 98)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #3

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

AN ACT concerning

State Board of Architects – Sunset Extension and Program Evaluation

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

Affirmative – 133 Negative – 0 (See Roll Call No. 99)

The Bill was then sent to the Senate.

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

AN ACT concerning

State Board for Professional Engineers – Sunset Extension and Program Evaluation

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

Affirmative – 133 Negative – 0 (See Roll Call No. 100)

The Bill was then sent to the Senate.

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

AN ACT concerning

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

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

Affirmative – 133 Negative – 0 (See Roll Call No. 101)

The Bill was then sent to the Senate.

House Bill 358 – Chair, Economic Matters Committee

AN ACT concerning

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

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

Affirmative – 133 Negative – 0 (See Roll Call No. 102)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #4

House Bill 36 – Delegate Kach

AN ACT concerning

State Board of Podiatric Medical Examiners – Unannounced Inspections

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

Affirmative – 133 Negative – 0 (See Roll Call No. 103)

The Bill was then sent to the Senate.

House Bill 58 – Delegate Costa

AN ACT concerning

Community Services Reimbursement Rate Commission – Termination Date – Extension

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

Affirmative – 133 Negative – 0 (See Roll Call No. 104)

The Bill was then sent to the Senate.

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

AN ACT concerning

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

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

Affirmative – 133 Negative – 0 (See Roll Call No. 105)

The Bill was then sent to the Senate.

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

AN ACT concerning

Electrology Practice Committee – Sunset Extension and Program Evaluation

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

Affirmative – 133 Negative – 0 (See Roll Call No. 106)

The Bill was then sent to the Senate.

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

AN ACT concerning

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

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

Affirmative – 132 Negative – 0 (See Roll Call No. 107)

The Bill was then sent to the Senate.

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

AN ACT concerning

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

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

Affirmative – 133 Negative – 0 (See Roll Call No. 108)

The Bill was then sent to the Senate.

House Bill 89 – Delegate Kipke

AN ACT concerning

Mental Hygiene – Admission Provisions – Definition of “Psychologist”

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

Affirmative – 133 Negative – 0 (See Roll Call No. 109)

The Bill was then sent to the Senate.

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

AN ACT concerning

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

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

Affirmative – 133 Negative – 0 (See Roll Call No. 110)

The Bill was then sent to the Senate.

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

AN ACT concerning

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

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

Affirmative – 133 Negative – 0 (See Roll Call No. 111)

The Bill was then sent to the Senate.

House Bill 226 – Delegates Cullison, Hammen, and Pendergrass

AN ACT concerning

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

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

Affirmative – 132 Negative – 0 (See Roll Call No. 112)

The Bill was then sent to the Senate.

INTRODUCTION OF BILLS**House Bill 1294 – The Minority Leader**

AN ACT concerning

Deficit Reduction Financing Act of 2011

FOR the purpose of repealing the Maryland Stem Cell Research Fund, the Stem Cell Research Commission, and certain provisions of law providing for State-funded stem cell research; altering or repealing certain grant programs; repealing certain laws authorizing and relating to senatorial and delegate scholarships; repealing a certain graduate and professional scholarship program; repealing certain laws requiring certain contractors and subcontractors to pay certain employees certain minimum wage rates under certain State procurement contracts; requiring certain counties to reimburse the State for certain costs of providing parole release hearings for certain inmates, as determined by the Maryland Parole Commission; prohibiting the use of State funds for certain purposes; requiring certain enrollment calculations used for education aid to be based on the average daily attendance in certain school years; altering for a certain fiscal year and repealing certain provisions authorizing certain stipends and bonuses paid by the State for certain teachers and other school-based employees; altering the calculation of certain State aid to community colleges; altering the calculation of certain State funding for Baltimore City Community College; altering the calculation of certain State aid provided to certain nonpublic institutions of higher education; prohibiting the Director of the Maryland Historical Trust after a certain fiscal year from issuing initial tax credits for a certain tax credit for certain rehabilitations; altering a termination provision for a certain tax credit authorized for certain costs of certain rehabilitations; providing that certain administrative and operational expenses of the Board of Trustees of the State Retirement and Pension System and the State Retirement Agency shall be paid by certain employers in a certain manner and may not be transferred from certain funds; requiring the Board of Trustees to determine and certify to the State and certain employers certain amounts payable; requiring the Governor to include a certain amount certified by the Board of Trustees in the annual budget bill; providing for the manner of payment of certain administrative and operational expenses of the Board of Trustees by certain employers; requiring the Comptroller to exercise the right of setoff against any money due or becoming due to certain employers under certain circumstances; altering the distribution for a certain fiscal year of certain revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars; altering the distribution of certain motor fuel tax revenue; altering the distribution of certain sales and use tax revenues from short-term rental vehicles; altering certain requirements for the percentage of operating costs that must be recovered from certain revenues for certain public transit services; altering the share of the operating deficits of a certain regional

transit system that the State is required to fund by certain annual grants from the Department of Transportation; altering the distribution of certain sales and use tax revenue; altering the distribution of certain highway user revenues for a certain fiscal year; stating the intent of the General Assembly regarding constraining spending in the State budget by implementation of certain actions; making the provisions of this Act severable; and generally relating to the financing of State government.

BY repealing

Article – Economic Development

Section 10–429 through 10–442 and the part “Part III. Stem Cell Research”

Annotated Code of Maryland

(2008 Volume and 2010 Supplement)

BY repealing

Article – Education

Section 5–202(e) and (f); 6–112; 18–401 through 18–408 and the subtitle “Subtitle 4. Senatorial Scholarships”; 18–501 through 18–507 and the subtitle “Subtitle 5. Delegate Scholarships”; and 18–2601 and the subtitle “Subtitle 26. Maryland Graduate and Professional Scholarship Program”

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

BY repealing

Article – State Finance and Procurement

Section 18–101 through 18–109 and the title “Title 18. Living Wage”

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

BY adding to

Article – Correctional Services

Section 7–209

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

BY adding to

Article – Economic Development

Section 10–640(g) and 10–643(g)

Annotated Code of Maryland

(2008 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 4–122(b)(2), 5–202(a), 5–205(c), 6–306, 14–405(b)(2), 16–305(c)(1), 16–512(a), and 17–104(a)

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

BY repealing

Article – State Finance and Procurement
Section 5A–303(d)(3)(iv) and (v)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement
Section 5A–303(d)(3)(vi) and (i)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions
Section 21–302(b) and 21–303(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to

Article – State Personnel and Pensions
Section 21–316
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General
Section 2–202(b), 2–1104, 2–1302.1, and 2–1302.2
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Transportation
Section 7–208(b) and 10–205(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1295 – Delegates Hixson, McIntosh, and Frick

AN ACT concerning

Property Tax – Charter Counties – Limits

FOR the purpose of authorizing the county council of certain charter counties to set a property tax rate or collect certain property tax revenues under certain conditions, notwithstanding any provision of a county charter that places certain limits on that county's property tax rate or revenues; providing for the application of this Act; and generally relating to county property tax rates and revenues.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 6–202
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

House Bill 1296 – Delegate Rosenberg

AN ACT concerning

District Court – Electronic Transmission of Eviction–Related Documents

FOR the purpose of requiring the Chief Judge of the District Court to cause the District Court to transmit an electronic copy of a judgment for possession entered or warrant of restitution issued when entered or issued by the District Court to the Sheriff's Office of the county in which the property is located; and generally relating to the District Court.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 1–605(a) and (b)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 1–605(d)(11) and (12)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 1–605(d)(13)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 1297 – Chair, Ways and Means Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Education – Children with Disabilities – Regional Institutes for Children and Adolescents

FOR the purpose of requiring certain services provided by the State at regional institutes for children and adolescents to be funded in accordance with certain provisions of law; requiring the State Department of Education to include regional institutes for children and adolescents as part of a certain rate setting and payment process; making certain stylistic changes; and generally relating to children with disabilities at regional institutes for children and adolescents.

BY repealing and reenacting, with amendments,
Article – Education
Section 8–415(d)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–406
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Resolution

APPOINTMENTS

February 25, 2011

RESOLVED, THAT THE SPEAKER MAKES THE FOLLOWING COMMITTEE APPOINTMENTS:

HOUSE COMMITTEE ON RULES & EXECUTIVE NOMINATIONS

Hon. Hattie N. Harrison, Chairman
Hon. Rudolph C. Cane, Vice–Chairman

Hon. Elizabeth Bobo
Hon. Talmadge Branch
Hon. Norman H. Conway
Hon. Dereck E. Davis
Hon. Kathleen M. Dumais
Hon. Brian J. Feldman
Hon. Jeannie Haddaway-Riccio
Hon. Peter A. Hammen
Hon. Sheila E. Hixson
Hon. Carolyn J. B. Howard
Hon. Adrienne A. Jones
Hon. Wade Kach
Hon. James E. Malone, Jr.
Hon. Maggie McIntosh
Hon. LeRoy E. Myers, Jr.
Hon. Anthony J. O'Donnell
Hon. Shane E. Pendergrass
Hon. James E. Proctor, Jr.
Hon. Samuel I. Rosenberg
Hon. David D. Rudolph
Hon. Nancy R. Stocksdale
Hon. Joseph F. Vallario, Jr.

BY ORDER, MARY MONAHAN, CHIEF CLERK

Read and adopted.

QUORUM CALL

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

(See Roll Call No. 113)

ADJOURNMENT

At 11:31 A.M. on motion of Delegate Barve the House adjourned until 8:00 P.M. on Monday, February 28, 2011.

Annapolis, Maryland
Monday, February 28, 2011

The House met at 8:04 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate James E. Malone, Jr. of Baltimore and Howard counties.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 114)

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

EXCUSES:

Del. Harrison – medical

Del. James – personal

Del. A. Kelly – family emergency

Del. McDonough – personal

INTRODUCTION OF BILLS

House Bill 1298 – Delegate Harrison

AN ACT concerning

**Creation of a State Debt – Baltimore City – Mary Harvin Transformation
Center**

FOR the purpose of authorizing the creation of a State Debt not to exceed \$1,000,000, the proceeds to be used as a grant to the Board of Directors of the Mary Harvin Transformation Center Development Corporation, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1299 – Delegate Harrison

AN ACT concerning

Creation of a State Debt – Baltimore City – St. Francis Xavier Head Start

FOR the purpose of authorizing the creation of a State Debt not to exceed \$250,000, the proceeds to be used as a grant to the Board of Directors of St. Francis Xavier Head Start, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; prohibiting the use of the loan proceeds or matching fund for sectarian religious purposes; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1300 – Delegates Hucker, Alston, Anderson, Arora, Carter, Conaway, Dumais, K. Kelly, Love, Luedtke, Oaks, Ross, Vaughn, and Walker

AN ACT concerning

Probation – Probation Work Readiness Pilot Program

FOR the purpose of establishing the Probation Work Readiness Pilot Program; limiting the application of this Act to certain counties; specifying the purpose of and requirements for the Program; requiring the Department of Public Safety and Correctional Services, in consultation with the Chief Judge of the Court of Appeals and the circuit administrative judges of certain judicial circuits, to develop certain regulations; authorizing a court to order a defendant to participate in the Program as a condition of probation; providing that the violation of a court order to participate in the Program is grounds for violation of probation; requiring the Chief Judge of the Court of Appeals, the circuit administrative judges of certain judicial circuits, and the Department to submit a certain report on the Program; making the Program subject to the availability of certain funds; providing that the abrogation of this Act does not terminate the obligation of a defendant to comply with an order entered by a court under this Act on or before a certain date; providing for the termination of this Act; and generally relating to the Probation Work Readiness Pilot Program.

BY adding to

Article – Courts and Judicial Proceedings

Section 3–1801 through 3–1803 to be under the new subtitle “Subtitle 18. Probation Work Readiness Pilot Program”

Annotated Code of Maryland

(2006 Replacement Volume and 2010 Supplement)

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

House Bill 1301 – Delegates Stukes, Haynes, and Mitchell

AN ACT concerning

Creation of a State Debt – Baltimore City – Academy of Success Community Empowerment Center

FOR the purpose of authorizing the creation of a State Debt not to exceed \$400,000, the proceeds to be used as a grant to the Board of Directors of the Academy of Success, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1302 – Delegates Walker and Valderrama

AN ACT concerning

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

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

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

House Bill 1303 – Delegate Hucker

AN ACT concerning

Occupational Safety – Manholes and Confined Spaces – Training in First Aid and Cardiopulmonary Resuscitation

FOR the purpose of requiring an employer who has an employee working in a certain confined space to have another employee in the immediate vicinity of the confined space to provide emergency help; prohibiting an employer from allowing or causing an employee to work in a manhole or a certain confined space unless each employee working in and in the immediate vicinity of the manhole or confined space is trained to administer basic first aid and cardiopulmonary resuscitation; requiring an employer to provide in-person training in basic first aid and cardiopulmonary resuscitation during a certain time to an employee who works in or in the immediate vicinity of a manhole or a certain confined space; making conforming changes; defining a certain term; and generally relating to occupational safety.

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 5–602(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 5–603
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1304 – Delegates Hucker, Bobo, Impallaria, W. Miller, Murphy, Myers, and Rudolph

AN ACT concerning

National Human Trafficking Resource Center Hotline Information – Sign Posting Requirements

FOR the purpose of requiring the owner of a privately owned bus station or truck stop located in the State to post in restrooms in a certain manner a certain sign that provides National Human Trafficking Resource Center Hotline information; subjecting an owner of a bus station or truck stop that violates the sign posting requirement to a certain civil penalty; specifying that, for each restroom in which the owner fails to post a sign in accordance with this Act, the owner is subject to a separate civil penalty; requiring the State Highway Administration to post in a certain manner a certain sign that provides National Human Trafficking Resource Center Hotline information in the restrooms at rest areas within the right-of-way of any interstate or State highway; and generally

relating to sign posting requirements for National Human Trafficking Resource Center Hotline information.

BY adding to

Article – Business Regulation
Section 19–103
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY adding to

Article – Transportation
Section 8–655
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1305 – Delegate Myers

AN ACT concerning

Safe Schools – Reportable Offenses

FOR the purpose of adding a certain offense for which a student is arrested to a list of offenses that are required to be reported to certain school officials under certain circumstances; and generally relating to the reporting of offenses for which a student is arrested to school officials.

BY repealing and reenacting, with amendments,

Article – Education
Section 7–303
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1306 – Delegates V. Turner, Valderrama, and Walker

AN ACT concerning

Creation of a State Debt – Prince George’s County – Crossland High School

FOR the purpose of authorizing the creation of a State Debt not to exceed \$30,000, the proceeds to be used as a grant to the Prince George’s County Board of Education for certain development or improvement purposes; providing for disbursement

of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1307 – Delegate Morhaim

AN ACT concerning

Public Employees’ and Retirees’ Benefit Sustainability Commission – Advance Directives

FOR the purpose of requiring the Public Employees’ and Retirees’ Benefit Sustainability Commission to study and make recommendations relating to the completion of advance directives used to plan for future health care decisions by retirees of the State Retirement and Pension System; requiring the Commission to submit certain reports to a certain commission, certain committees, and the Office of the Attorney General on or before a certain date; and generally relating to a study by the Public Employees’ and Retirees’ Benefit Sustainability Commission on the completion of advance directives used to plan for future health care decisions by retirees of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Chapter 484 of the Acts of the General Assembly of 2010
Section 46(g) and (h)

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

House Bill 1308 – Delegates Gilchrist, Frick, Ivey, Kaiser, A. Miller, Ross, and Stukes

AN ACT concerning

Tax Incentives and Benefits – Credits and Subtraction Modifications

FOR the purpose of repealing certain credits allowed against certain State taxes; altering certain tax benefits provided under law by allowing income tax subtraction modifications in certain amounts under certain circumstances for purposes of determining Maryland taxable income instead of allowing credits against income tax liability; repealing certain obsolete provisions; providing for the application of this Act; and generally relating to tax incentives and benefits under Maryland tax law.

BY repealing

Article – Education
Section 21–309
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing

Article – Insurance
Section 6–105 and 6–114 through 6–120
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY repealing

Article – Tax – General
Section 8–214 through 8–218, 8–220, 8–221, 8–406(b), 8–411 through 8–413,
8–415, 10–205(b), (i), and (j), 10–306(e) and (f), 10–704.1, 10–704.7,
10–704.9, 10–713, and 10–719
Annotated Code of Maryland
(2010 Replacement Volume)

BY renumbering

Article – Tax – General
Section 10–205(c) through (h), 10–702, 10–704.4, 10–704.6, 10–704.8,
10–704.10, 10–707, 10–710, 10–711, 10–714, 10–715, 10–717, 10–718,
10–720 through 10–724, 10–726, and 10–727, respectively
to be Section 10–205(b) through (g), 10–226, 10–229, 10–230, 10–231, 10–232,
10–233, 10–234, 10–235, 10–236, 10–237, 10–238, 10–239, 10–240
through 10–244, 10–245, and 10–246, respectively
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Economic Development
Section 5–707(a)(2) and (b)(3); 6–301(b) and (c)(1), 6–302, 6–303(b) and (c),
6–304 through 6–309 to be under the amended subtitle “Subtitle 3. Job
Creation Tax Benefits”; and 6–401(b), (e), (f), and (h), 6–402 through
6–404, and 6–407 to be under the amended subtitle “Subtitle 4. One
Maryland Economic Development Tax Benefits”
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY repealing

Article – Economic Development
Section 6–405 and 6–406
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 21–501(b)(5) and (c) through (e)

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 2–901(b) and (c) to be under the amended subtitle “Subtitle 9. Tax Benefits for Employer–Provided Commuter Benefits”

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

BY repealing

Article – Environment

Section 2–901(d)

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Housing and Community Development

Section 6–401(c), 6–404, and 6–405(c)(2) and (3) and (d)

Annotated Code of Maryland

(2006 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 11–702(c) and (f)(3)(ii), 11–704, and 11–705(b)

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

BY adding to

Article – Tax – General

Section 10–208(a–1), 10–227, 10–228, and 10–308(a–1)

Annotated Code of Maryland

(2010 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 10–218(b), 10–306(b), 10–809, and 10–812

Annotated Code of Maryland

(2010 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 10–226(a)(4)(ii) and (7)(ii) and (b) through (e), 10–229 through 10–239, 10–240(b), (c), and (e), 10–241(b), (f), and (h), 10–242(a)(7) and (b)

through (k), 10–243, 10–244, 10–245(b), (f), and (g), and 10–246 to be under the new part “Part V. Additional Adjustments to Determine Maryland Adjusted Gross Income”

Annotated Code of Maryland
(2010 Replacement Volume)
(As enacted by Section 4 of this Act)

BY repealing

Article – Tax – General
Section 10–226(f) and (g), 10–240(d), 10–241(c) through (e) and (g), and
10–245(c) through (e)
Annotated Code of Maryland
(2010 Replacement Volume)
(As enacted by Section 4 of this Act)

BY repealing and reenacting, with amendments,

Article – Tax – Property
Section 9–230(a)(3), (b)(2), (c)(3), (d)(5), and (i) through (n)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing

Article – Tax – Property
Section 9–230(e) through (h)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 72 – Senator Benson

AN ACT concerning

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

FOR the purpose of altering the time period within which an applicant for a surviving spouse license issued by the State Board of Morticians and Funeral Directors must submit certain verification of a certain death and a certain application; requiring the Board to administer a certain examination at least a certain number of times; altering the number of times a certain individual may fail a

~~certain examination before a certain license becomes null and void; altering the time period within which an applicant for a surviving spouse license must take a certain examination;~~ and generally relating to surviving spouse licenses issued by the State Board of Morticians and Funeral Directors.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 7–308
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Senate Bill 98 – Senator McFadden

AN ACT concerning

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

FOR the purpose of repealing the requirement that the Chief Executive Officer and the Baltimore City Board of School Commissioners of the Baltimore City Public School System issue a certain annual report; repealing certain review, comment, and consideration requirements related to certain annual reports; and generally relating to the annual report requirements of the Chief Executive Officer and the Baltimore City Board of School Commissioners.

BY repealing
Article – Education
Section 4–313
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

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

AN ACT concerning

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

FOR the purpose of requiring that the Honor and Remember flag be flown on the State House grounds on certain days each year; altering the days on which the

POW/MIA flag is to be flown on State House grounds; requiring the State House Trust to determine the site on the State House grounds where the Honor and Remember flag will be flown; defining a certain term; and generally relating to the display of the Honor and Remember and POW/MIA flags on the State House grounds.

BY repealing and reenacting, with amendments,
Article – State Government
Section 13–205
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

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

AN ACT concerning

Natural Resources – Oyster Poaching – Hearing

FOR the purpose of providing that a certain person who receives a citation for a certain offense related to unlawfully taking oysters may have a certain license revoked under certain circumstances; establishing certain grounds for the revocation of a certain license; requiring the Department of Natural Resources to hold a certain hearing under certain circumstances in accordance with the Administrative Procedure Act; requiring the Department to revoke a person's license to catch oysters under certain circumstances; authorizing certain aggrieved persons to obtain judicial review of a certain decision; prohibiting a certain person from engaging or working in a certain fishery under certain circumstances; and generally relating to unlawfully taking oysters and license revocation.

BY adding to
Article – Natural Resources
Section 4–1210
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

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

AN ACT concerning

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

FOR the purpose of increasing the number of regular members and eliminating substitute members on the Charles County Board of Elections and the Frederick County Board of Elections; requiring the members of the ~~board~~ boards to be of certain political parties; requiring that a vacancy on the ~~board~~ boards be filled in a certain manner; making a conforming change; making a stylistic change; providing for the effective date of this Act; and generally relating to the Charles County Board of Elections and the Frederick County Board of Elections.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 2–201(a) and (b) and 2–204(a)(9) and (11)
Annotated Code of Maryland
(2010 Replacement Volume)
(As enacted by Chapter 344 of the Acts of the General Assembly of 2010)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–201(l) and 2–204(b)(2)(ii)
Annotated Code of Maryland
(2010 Replacement Volume)
(As enacted by Chapter 344 of the Acts of the General Assembly of 2010)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 170 – Senator McFadden

AN ACT concerning

Baltimore City – Education – Construction Bond Authority

FOR the purpose of altering the maximum aggregate principal amount of school construction bonds that the Baltimore City Board of School Commissioners may issue; altering the maximum maturity date of bonds; and generally relating to the issuance of bonds for school construction in Baltimore City.

BY repealing and reenacting, with amendments,
Article – Education
Section 4–306.2(b) and (g)(2)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 4–306.2(a) and (c) through (e)

Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

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

AN ACT concerning

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

FOR the purpose of ~~creating an~~ authorizing the Department of Natural Resources to issue an annual exemption from the requirement to obtain a recreational fishing license under certain circumstances ~~for a person who serves in the armed forces and has a service-connected disability~~ to a governmental entity or nonprofit organization to take individuals serving or who have served in the armed forces with physical or mental disabilities fishing in certain waters; providing that the exemption applies to certain individuals attending to a certain disabled individual; requiring an application for the exemption to be submitted to the Department on a certain form; requiring a certain governmental entity or nonprofit organization to submit a certain report containing certain information within a certain time frame; clarifying that the exemption applies to certain fishing activities; and generally relating to exemptions from the requirement to obtain a recreational fishing license.

~~BY adding to~~

~~Article – Natural Resources
Section 4-217.1
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)~~

~~BY repealing and reenacting, without amendments,~~

~~Article – Natural Resources
Section 4-604(b) and 4-614(a)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – Natural Resources
Section 4-604(e), 4-614(a)(2), and 4-745(a)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4–217

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

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

Senate Bill 192 – Harford County Senators

AN ACT concerning

Harford County – Board of Elections – Membership

FOR the purpose of altering the number of regular members of the Harford County Board of Elections; requiring the members of the local board to be of certain political parties; requiring a vacancy on the local board to be filled in a certain manner; providing for the effective date of this Act; and generally relating to the membership of the Harford County Board of Elections.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 2–201

Annotated Code of Maryland

(2010 Replacement Volume)

(As enacted by Chapter 344 of the Acts of the General Assembly of 2010)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 207 – Calvert County Senators

AN ACT concerning

Calvert County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Calvert County, from time to time, to borrow not more than ~~\$20,855,000~~ \$12,325,000 to finance the construction, improvement, or development of certain public facilities in Calvert County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for

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

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

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

AN ACT concerning

Real Estate Settlements – Paying or Receiving Consideration – Penalties

FOR the purpose of providing that a certain person who violates a provision of law that prohibits paying or receiving consideration in connection with real estate settlements may be subject to certain disciplinary action; authorizing certain licensing authorities to take certain disciplinary ~~action~~ actions against ~~a~~ certain ~~licensee~~ licensees; repealing a certain definition; making a clarifying change; and generally relating to paying or receiving consideration in connection with real estate settlements.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 14–127
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 16–701(a)(1)(xii) and (xiii), 16–701.1(a)(7) and (8), and 17–322(b)(34)
and (35)
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article – Business Occupations and Professions
Section 16–701(a)(1)(xiv), 16–701.1(a)(9), and 17–322(b)(36)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 11–517(a)(4) and (5) and 11–615(a)(4) and (5)

Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY adding to

Article – Financial Institutions
Section 11–517(a)(6) and 11–615(a)(6)
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance
Section 10–126(a)(22) and (23) and (b)(1)
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY adding to

Article – Insurance
Section 10–126(a)(24)
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

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

Senate Bill 221 – Senator Conway

EMERGENCY BILL

AN ACT concerning

Environment – Decabrominated Diphenyl Ether – Trace Amounts

FOR the purpose of exempting certain aircraft from the application of a prohibition on the manufacture, lease, sale, or distribution for sale or lease of certain products that contain decabrominated diphenyl ether; altering certain prohibitions on the manufacturing, leasing, selling, or distributing of certain products that contain decabrominated diphenyl ether; making this Act an emergency measure; and generally relating to the use of decabrominated diphenyl ether.

BY repealing and reenacting, without amendments,

Article – Environment
Section 6–1201(a) and (b)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment
Section 6–1202.1

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

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

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

AN ACT concerning

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

FOR the purpose of altering a certain definition to exclude the sale of certain raw agricultural products at a public festival or event from regulation as a food service facility; prohibiting a local jurisdiction from requiring a license for the sale of raw agricultural products at a public festival or event; authorizing a producer mobile farmer’s market licensee to sell certain products at a public festival or event; authorizing a seasonal farmer’s market producer sampling licensee to prepare and offer samples of a farm product at a public festival or event; requiring a seasonal farmer’s market producer sampling license to be valid at any public festival or event in the county issuing the license; defining a certain term; and generally relating to the sale of agricultural products by farmers.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 21–301(a), 21–304(a)(1), 21–305(c), and 21–308(a) and (c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Health – General
Section 21–301(i–1)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21–301(h), 21–304(d), 21–309.1, and 21–309.2
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Senate Bill 255 – Senator Middleton

AN ACT concerning

Life Insurance – Definition and Permitted Riders and Provisions

FOR the purpose of expanding the definition of “life insurance” to include certain benefits; authorizing a policy of life insurance to include a certain rider or supplemental policy provision; requiring the Maryland Insurance Administration to conduct a certain analysis and make a certain determination; requiring the Administration to report on certain findings to certain committees of the General Assembly on or before a certain date; and generally relating to life insurance.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 1–101(x)

Annotated Code of Maryland

(2003 Replacement Volume and 2010 Supplement)

BY adding to

Article – Insurance

Section 16–218

Annotated Code of Maryland

(2006 Replacement Volume and 2010 Supplement)

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

Senate Bill 256 – Senators Middleton and Kelley

AN ACT concerning

Business Regulation – Definition of Home Builder

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

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 4.5–101(g)

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

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

Senate Bill 271 – Senator Edwards

AN ACT concerning

Public Utilities – Net Energy Metering – Hydroelectric

FOR the purpose of including in the definition of eligible customer–generators that are eligible for net energy metering a customer that uses a certain type of hydroelectric generating facility; defining a certain term; and generally relating to net energy metering.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–306(a)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 7–306(b)
Annotated Code of Maryland
(2010 Replacement Volume)

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

Senate Bill 272 – Senator Edwards

AN ACT concerning

Garrett County – Tax Sales – Auctioneer’s Fees

FOR the purpose of altering the auctioneer’s fees allowed as an expense and a lien on property to be sold at certain tax sales in Garrett County; making a certain technical correction; and generally relating to tax sales in Garrett County.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 14–813(e) and (f)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 279 – Senator Colburn

AN ACT concerning

Dorchester County – Tax Sales – Advertisement and Auctioneer Fees

FOR the purpose of altering the number of times a certain notice is required to be published in Dorchester County in connection with certain tax sales of property; altering the auctioneer’s fee in Dorchester County allowed as an expense relating to certain tax sales of property; and generally relating to certain tax sales of property in Dorchester County.

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 14–813(a)(1) and (e)(1)(iv)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 14–813(a)(2) and (e)(2)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

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

AN ACT concerning

**State Board of Veterinary Medical Examiners – Registered Veterinary
Technician**

FOR the purpose of altering the definition of the term “practice of veterinary medicine” to exclude certain procedures performed by a certain veterinary technician under certain circumstances; and generally relating to the regulation of the practice of veterinary medicine.

BY repealing and reenacting, without amendments,
Article – Agriculture
Section 2–301(f)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing

Article – Agriculture
Section 2–301(g)(10)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY adding to
Article – Agriculture
Section 2–301(g)(10)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

Senate Bill 373 – Senators Kasemeyer and DeGrange

EMERGENCY BILL

AN ACT concerning

Video Lottery Operation Licensees – Noninterference

FOR the purpose of prohibiting a video lottery operation licensee from directly or indirectly interfering with, hindering, obstructing, impeding, or taking any action to delay the implementation or establishment of a video lottery facility by any other video lottery operation licensee or applicant; requiring the State Lottery Commission to adopt regulations to carry out the provisions of this Act; requiring that the regulations adopted by the State Lottery Commission include certain provisions; making this Act an emergency measure; and generally relating to video lottery facilities and video lottery operation licenses.

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–1A–24(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – State Government
Section 9–1A–24(g)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

CONSENT CALENDAR #1

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 1141 – Delegate James

AN ACT concerning

Juvenile Court – Truancy Court – Petition

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 Environmental Matters:

House Bill 1142 – Delegates Murphy and Rudolph

AN ACT concerning

Natural Resources – Atlantic Menhaden – Restrictions on Products from Reduction

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1144 – Delegate Costa

AN ACT concerning

Pharmacy Benefits Managers – Specialty Drugs

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1145 – Chair, Health and Government Operations Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

**Public Safety – 9–1–1 Emergency Telephone Systems – Prepaid Service –
Collection of Surcharge**

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

**House Bill 1146 – Chair, Health and Government Operations Committee (By
Request – Departmental – Budget and Management)**

AN ACT concerning

**Electronic Health Records – Definition of State-Regulated Payor – State
Employee and Retiree Health and Welfare Benefits Program**

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

**House Bill 1147 – Chair, Health and Government Operations Committee (By
Request – Departmental – Public Safety and Correctional Services)**

AN ACT concerning

**Correctional Services – Maryland Correctional Enterprises Goods and
Services – Sales to State Employees**

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means and the Committee on Economic Matters:

**House Bill 1148 – Delegates Griffith, Hixson, Howard, James, Summers,
Vaughn, and Walker**

AN ACT concerning

Income Tax – Film Production Activity Credit

The Bill was re-referred to the Committee on Ways and Means and the Committee on
Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1149 – Delegate Costa

AN ACT concerning

Pharmacies – Delivery of Controlled Dangerous Substances

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1150 – Delegates Hubbard, Costa, Cullison, Kach, Lee, Pena-Melnyk, Reznik, and Tarrant

AN ACT concerning

Mental Hygiene Administration – Facilities – Trauma-Informed Care

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1151 – Delegate Feldman

AN ACT concerning

Corporations – Limited Liability Companies – Election to Be a Benefit Corporation

The Bill was re-referred to the Committee on Economic Matters.

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 1152 – Delegate Cane

AN ACT concerning

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

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1153 – Delegate Barve

AN ACT concerning

Maryland Revised Uniform Anatomical Gift Act

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1154 – Delegate Gilchrist

AN ACT concerning

Natural Resources – Striped Bass and Crabs – Revocation

The Bill was re-referred to the Committee on Environmental Matters.

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 1155 – Delegate Smigiel

AN ACT concerning

Pension Reform Act of 2011

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 1156 – Delegates Rudolph and James

AN ACT concerning

Northeastern Maryland Higher Education and Applied Technology Center

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 Economic Matters:

House Bill 1157 – Delegates Rudolph and Conway

AN ACT concerning

Homeowner’s Insurance – Cancellation or Nonrenewal – Water Proximity and Storms

The Bill was re-referred to the Committee on Economic Matters.

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 1158 – Delegates Rudolph and James

AN ACT concerning

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

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 Economic Matters:

House Bill 1159 – Delegates Rudolph and Conway

AN ACT concerning

Homeowner’s Insurance – Plan of Material Reduction – Limitations

The Bill was re-referred to the Committee on Economic Matters.

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 1160 – Delegates Holmes, Hubbard, and Valentino-Smith

AN ACT concerning

Creation of a State Debt – Prince George’s County – New Horizons Disability Job Training and Recycling Center

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 Ways and Means:

House Bill 1161 – Delegate McConkey

AN ACT concerning

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

The Bill was re-referred to the Committee on Ways and Means.

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 1162 – Delegates Dumais, Barkley, Feldman, A. Miller, Reznik, and
S. Robinson**

AN ACT concerning

Creation of a State Debt – Montgomery County – Discovery Sports Center

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1163 – Delegate Love

AN ACT concerning

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

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1164 – Delegates Haddaway–Ricchio and Eckardt

AN ACT concerning

Bay Restoration Fund – Talbot County Demonstration Projects

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1166 – Delegates Conway, Cane, and Otto

AN ACT concerning

Motor Vehicle Registration – Exception for Golf Carts – City of Crisfield

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1167 – Delegates Conway, Cane, McDermott, and Rudolph

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – Motor Scooters – Definition

The Bill was re-referred to the Committee on Environmental Matters.

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 1168 – Delegate Eckardt

AN ACT concerning

**Employees' Retirement and Pension Systems – Reemployment of Retirees –
Health Care Practitioners**

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 Judiciary:

House Bill 1169 – Delegates Conway, Cane, and Otto

AN ACT concerning

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

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 1170 – Delegate Serafini

AN ACT concerning

State Retirement and Health Benefits Reporting Transparency Act

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 Economic Matters:

House Bill 1171 – Delegate Davis

AN ACT concerning

Electric Companies – Electrical Service Restoration Plan

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1172 – Delegate Conaway

AN ACT concerning

Vehicle Laws – Red Light and Speed Monitoring Systems – Emergency Vehicles

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1173 – Delegate Conaway

AN ACT concerning

Motor Vehicles – Seatbelts – Exception for Law Enforcement Officers

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1175 – Delegates Barkley and Davis

AN ACT concerning

Alcoholic Beverages – Direct Wine Shipment

The Bill was re-referred to the Committee on Economic Matters.

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 1176 – Delegate Fisher

AN ACT concerning

Study of the Privatization of the Intercounty Connector or Segments of the Intercounty Connector

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1177 – Delegate Stein

AN ACT concerning

Residential Property – Foreclosure Process – Commencement

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1178 – Delegates Tarrant, Kach, Bromwell, Krebs, Murphy, Reznik, and Walker

AN ACT concerning

**Health Insurance – Public Health Plans – Education and Disclosure
Requirements**

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1179 – Delegates Gaines, Healey, and Ross

AN ACT concerning

Creation of a State Debt – Prince George’s County – Greenbelt Arts Center

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1180 – Delegate Barkley

AN ACT concerning

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

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1181 – Delegate Braveboy

AN ACT concerning

Real Estate Appraisal Management Companies – Registration and Regulation

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1182 – Delegate Pendergrass

AN ACT concerning

Certificates of Need – Percutaneous Coronary Intervention Services

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1183 – Delegates Stukes, Haynes, and Mitchell

AN ACT concerning

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

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 1184 – Delegates Zucker, Gaines, Clagett, Guzzone, Haynes, Jones,
Proctor, and Washington**

AN ACT concerning

**Department of Transportation – Employee Grievance Procedures –
Streamlined Process**

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 Environmental Matters:

**House Bill 1185 – Delegates Glenn, Anderson, Conaway, Mitchell,
B. Robinson, and Vallario**

AN ACT concerning

**Vehicle Laws – Provisional Driver’s Licenses – Driver Education
Requirements**

The Bill was re-referred to the Committee on Environmental Matters.

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 1186 – Delegate Howard

AN ACT concerning

Transportation – State Highway Administration – Sale or Lease of Highway Naming Rights

The Bill was re-referred to the Committee on Ways and Means.

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 1187 – Delegates Mitchell, Haynes, and Stukes

AN ACT concerning

Creation of a State Debt – Baltimore City – Dr. Bob’s Place – A Hospice for Children

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1188 – Delegates James and Hubbard

AN ACT concerning

Maryland Communities for a Lifetime Act

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1189 – Delegates Washington, McIntosh, and Anderson

AN ACT concerning

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

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 Judiciary:

House Bill 1190 – Delegates Jones, Anderson, Barkley, Braveboy, Burns, Carter, Cullison, Dumais, Frush, Gaines, Griffith, Gutierrez, Guzzone, Haynes, Healey, Hubbard, James, Kaiser, A. Kelly, K. Kelly, Kramer, Lafferty, Lee, Mizeur, Nathan–Pulliam, Pena–Melnyk, Proctor, B. Robinson, Rosenberg, Rudolph, Stukes, Tarrant, Valderrama, Waldstreicher, Washington, and Wilson

AN ACT concerning

Child in Need of Supervision Pilot Program – Expansion

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 1191 – Delegates McIntosh, Anderson, and Washington

AN ACT concerning

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

The Bill was re–referred to the Committee on Appropriations.

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 1192 – Delegates Frank and Morhaim

AN ACT concerning

Health Care Malpractice – Expression of Regret or Apology – Inadmissibility

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 Health and Government Operations:

House Bill 1193 – Chair, Health and Government Operations Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

Volunteer Company Assistance Fund – Reporting Requirements – Military Department

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1194 – Delegates Haynes, Mitchell, and Stukes

AN ACT concerning

Creation of a State Debt – Baltimore City – Mount Vernon Place Conservancy, Inc.

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 1195 – Delegates Haynes, Mitchell, and Stukes

AN ACT concerning

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

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 Ways and Means:

House Bill 1196 – Chair, Ways and Means Committee (By Request – Departmental – Planning)

AN ACT concerning

Sustainable Communities Tax Credit Program

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1197 – Frederick County Delegation

AN ACT concerning

**Frederick County – Vehicle Laws – Overtaking and Passing School Vehicles –
School Bus Monitoring Cameras**

The Bill was re-referred to the Committee on Environmental Matters.

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 1198 – Delegate Branch

AN ACT concerning

**Baltimore City – East Baltimore Community Recreation and Learning Center
Loan of 2001 and Maryland Consolidated Capital Bond Loan of 2005 – East
Baltimore Community Recreation and Learning Center**

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 1199 – Delegates Niemann, Ivey, and Summers

AN ACT concerning

**Creation of a State Debt – Prince George’s County – Civic Center Design
Drawings**

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 1200 – Delegates Niemann, Ivey, and Summers

AN ACT concerning

**Creation of a State Debt – Prince George’s County – Battle of Bladensburg
Visitor Center and Monument**

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 Economic Matters:

House Bill 1201 – Delegate Costa

AN ACT concerning

Broadband Service Providers – Universal Access – Time Requirements

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1202 – Delegates Malone and DeBoy

AN ACT concerning

Alcoholic Beverages – Brewery License – Samples and Sales

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1203 – Delegate Malone

AN ACT concerning

Motor Vehicle Air Bags – Consumer Protection and Reporting Requirements

The Bill was re-referred to the Committee on Environmental Matters.

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 and the Committee on Economic Matters:

House Bill 1204 – Delegate Cane

AN ACT concerning

Dorchester County – Electric Transmission Privilege Tax

The Bill was re-referred to the Committee on Ways and Means and the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1205 – Delegate Conaway

AN ACT concerning

Vehicle Laws – Red Light and Speed Monitoring Systems – Law Enforcement Vehicles

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1206 – Delegate Wilson

AN ACT concerning

Commercial Law – Sales of Unpackaged Cigarettes – Prohibitions and Penalties

The Bill was re-referred to the Committee on Economic Matters.

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 1207 – Delegate Wilson

AN ACT concerning

Crimes – Prohibition on Sale of Drug Paraphernalia to a Minor – Local Law

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 1208 – Delegate Wilson

AN ACT concerning

Higher Education – Exemption from Tuition for Foster Care Recipients – Eligibility Age

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 Ways and Means:

House Bill 1209 – Delegate Wilson

AN ACT concerning

Video Lottery Terminal Applicants and Licensees – Minority Business Participation – Modifications and Sunset Extension

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1210 – Delegate Donoghue**EMERGENCY BILL**

AN ACT concerning

Maryland Medical Assistance Program – Provider-Based Outpatient Oncology Centers – Reimbursement

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1211 – Delegates F. Turner and Serafini

AN ACT concerning

Employees' Pension System and Teachers' Pension System – Benefits – Eligible Rollover Distributions

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 Environmental Matters:

House Bill 1212 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County Metropolitan Commission

The Bill was re-referred to the Committee on Environmental Matters.

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 1213 – Delegate Howard

AN ACT concerning

Alcoholic Beverages – Tax Rates

The Bill was re-referred to the Committee on Ways and Means.

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 1214 – Delegates Schuh and Love

AN ACT concerning

Maryland Income Tax Refund – Anne Arundel County – Warrants

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1215 – Delegates Schuh, Barnes, Beidle, Costa, Dwyer, Frush, Kipke, McConkey, McMillan, Pena-Melnyk, Sophocleus, and Vitale

AN ACT concerning

Environment – Exemption from Noise Restrictions – Marinas and Boatyards

The Bill was re-referred to the Committee on Environmental Matters.

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 1216 – Allegany County Delegation

AN ACT concerning

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

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 1217 – Delegates Proctor and Vallario

AN ACT concerning

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

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1218 – Frederick County Delegation

AN ACT concerning

Frederick County – Beer, Wine and Liquor Tasting License

The Bill was re-referred to the Committee on Economic Matters.

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 1219 – Delegate Ross

AN ACT concerning

Real Property – Tax Increment Financing – Effect on State Aid

The Bill was re-referred to the Committee on Ways and Means.

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 1220 – Delegate Busch

AN ACT concerning

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

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 1221 – Delegates Cardin, Morhaim, Olszewski, and Stein

AN ACT concerning

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

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1222 – Delegate Malone

AN ACT concerning

Vehicle Laws – Dealers – Licensing and Temporary Registration Plates

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1223 – Delegate Malone**EMERGENCY BILL**

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety Task Force – Reconstitution

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1224 – Delegates Conway, McDermott, and Otto

AN ACT concerning

Natural Resources – Forest Conservation Act – Alterations to Exceptions

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1225 – Delegates Gilchrist, Bobo, Frush, Holmes, Hucker, Lafferty, A. Miller, Morhaim, Niemann, S. Robinson, Stein, Waldstreicher, and Weir

AN ACT concerning

Natural Resources – Commercial Fishing Violations – Enhanced Penalties

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1226 – Delegate Weir

AN ACT concerning

Real Property – Right to Redemption of Leased Premises – Forms of Payment

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1227 – The Speaker (By Request – Administration) and Delegates Olszewski and Ross

AN ACT concerning

Economic Development Opportunities Program Account – Wind Turbine Manufacturing Facility

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1228 – The Speaker (By Request – Administration)

AN ACT concerning

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

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1229 – The Speaker (By Request – Administration)

AN ACT concerning

Prescription Drug Monitoring Program

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1230 – Delegates Kramer, Arora, and Cullison

AN ACT concerning

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

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1231 – Delegate Ready

AN ACT concerning

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

The Bill was re-referred to the Committee on Environmental Matters.

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 1232 – Delegate Donoghue

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2009 – Washington County –
Doleman Black Heritage Museum**

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 Economic Matters:

House Bill 1237 – Delegates McDermott and Conway

AN ACT concerning

**Worcester County – Department of Liquor Control – Purchases from
Wholesalers**

The Bill was re-referred to the Committee on Economic Matters.

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 1239 – Delegates Gutierrez, Carr, and Waldstreicher

AN ACT concerning

Creation of a State Debt – Montgomery County – MacDonald Knolls Center

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 Economic Matters:

**House Bill 1243 – Chair, Baltimore County Delegation (By Request –
Baltimore County Administration)**

AN ACT concerning

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

The Bill was re-referred to the Committee on Economic Matters.

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 1247 – Delegate Busch

AN ACT concerning

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

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 1251 – Chair, Appropriations Committee (By Request – Departmental – State Police)

AN ACT concerning

State Police Retirement System – Special Disability Retirement Allowance – Forfeiture

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 Environmental Matters:

House Bill 1253 – Chair, Environmental Matters Committee (By Request – Departmental – Community Initiative)

AN ACT concerning

Commission on African American History and Culture – Members and Duties

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1254 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Reduction of Lead Risk in Housing – Registration and Fees

The Bill was re-referred to the Committee on Environmental Matters.

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 1260 – Delegates Morhaim, Cardin, and Stein

AN ACT concerning

**Creation of a State Debt – Baltimore County – Jewish Community Services
Addition**

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 1262 – Delegate Glenn

AN ACT concerning

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

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 1267 – Delegates DeBoy, Conway, Jones, and Malone

AN ACT concerning

Creation of a State Debt – Maryland Food Bank

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 1271 – Delegates Barnes, Frush, and Pena-Melnyk

AN ACT concerning

Creation of a State Debt – Prince George’s County – Parkland Acquisition

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 1273 – Delegate Davis

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2009 – Prince George’s County
– District Heights Field Renovation**

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 Economic Matters:

House Bill 1274 – Charles County Delegation

AN ACT concerning

**Charles County – Alcoholic Beverages – Class B–Stadium (Baseball Stadium)
On–Sale Beer, Wine and Liquor License**

The Bill was re-referred to the Committee on Economic Matters.

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 1276 – Delegates Vallario, Alston, Anderson, Arora, Barnes, Carter,
Clippinger, Cluster, Conaway, Dumais, Dwyer, Hough, Howard, Ivey,
K. Kelly, Lee, McComas, McDermott, Mitchell, Niemann, Oaks, Parrott,
Rosenberg, Simmons, Smigiel, Summers, Valderrama, Valentino–Smith,
Vaughn, Waldstreicher, and Wilson**

AN ACT concerning

Vehicle Laws – Expansion of Ignition Interlock System Program

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 1294 – The Minority Leader

AN ACT concerning

Deficit Reduction Financing Act of 2011

The Bill was re-referred to the Committee on Appropriations.

QUORUM CALL

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

(See Roll Call No. 115)

ADJOURNMENT

At 8:25 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Tuesday, March 1, 2011.

Annapolis, Maryland
Tuesday, March 1, 2011

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

Prayer by Delegate Susan K. McComas of Harford County.

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 116)

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

EXCUSES:

Del. James – personal – daughter’s illness

INTRODUCTION OF BILLS

House Bill 1309 – Delegates Holmes, Anderson, Braveboy, Davis, Guzzone, Niemann, Ross, Stein, V. Turner, Vaughn, Walker, Washington, and Wilson

AN ACT concerning

Real Estate Appraisers – Valuation Appraisals – Requirements

FOR the purpose of requiring a licensed or certified real estate appraiser, in a residential real estate valuation appraisal, to use certain standards required for a traditional valuation appraisal when using a nontraditional appraisal method; requiring a licensed or certified real estate appraiser to use a certain method only in a certain arms-length real estate transaction; requiring a licensed or certified real estate appraiser to consider certain other factors when a transaction involves duress or unusual circumstances such as a foreclosure sale or a short sale; describing certain factors a licensed or certified real estate appraiser must consider concerning a property’s status, the physical condition of the property, and the circumstances of the motivation of the seller in a foreclosure or short sale; prohibiting a licensed or certified real estate appraiser from changing an appraisal for certain reasons; prohibiting any person from asking a licensed or certified real estate appraiser to change an appraisal for certain reasons; establishing that a certain change in an appraisal is considered

unprofessional conduct; defining certain terms; providing for the scope of this Act; and generally relating to valuation appraisals of residential real property by real estate appraisers.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 16–101(a) and (b)
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article – Business Occupations and Professions
Section 16–403
Annotated Code of Maryland
(2010 Replacement Volume)

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

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 225 – Senators Dyson and Middleton

AN ACT concerning

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

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

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

Read the first time and referred to the Committee on Ways and Means.

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

House Bill 24 – Delegate O’Donnell

AN ACT concerning

Agriculture – Sludge – Timing of Winter Application

HB0024/420916/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 24

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Agriculture –” insert “Sewage”; in line 4, after the second “of” insert “sewage”; in line 6, after “manure;” insert “providing for a delayed effective date;”; and in line 7, after “of” insert “sewage”.

AMENDMENT NO. 2

On page 2, in line 28, after “OF” insert “SEWAGE”; and in line 32, strike “October 1, 2011” and substitute “July 1, 2014”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Barkley moved to make the Bill a Special Order for March 2, 2011.

The motion was adopted.

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

House Bill 54 – Delegate Hubbard

EMERGENCY BILL

AN ACT concerning

Environment – Decabrominated Diphenyl Ether – Trace Amounts

HB0054/850312/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 54

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “exempting certain aircraft from the application of a prohibition on the manufacture, lease, sale, or distribution for sale or lease of certain products that contain decabrominated diphenyl ether.”.

AMENDMENT NO. 2

On page 2, in line 9, strike “or” and substitute:

“2. AN AIRCRAFT, AS DEFINED IN § 5-101 OF THE TRANSPORTATION ARTICLE; OR”;

in line 10, strike “2.” and substitute “**3.**”; and in line 11, after “vehicle” insert “**OR AIRCRAFT**”.

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 109 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Transportation – Outdoor Signs Along Federal-Aid Primary Highways – Scenic Byways

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 196 – Delegates Malone, Kach, and F. Turner

AN ACT concerning

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

HB0196/370314/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 196

(First Reading File Bill)

On page 1, in the sponsor line, strike “and F. Turner” and substitute “F. Turner, Bobo, Cane, Carr, Glenn, Holmes, Kipke, Niemann, S. Robinson, Stein, Weir, and Wilson”.

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:

House Bill 210 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Mining – Acid Mine Drainage Abatement and Treatment Fund

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 214 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

**Maryland Agricultural Land Preservation Foundation – Critical Farms Fund
and Program**

HB0214/470513/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 214

(First Reading File Bill)

On page 7, in line 6, after “ASSEMBLY” insert “, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE,”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 273 – Delegates Gilchrist, McIntosh, Barkley, Beidle, Cane, Carr, Cullison, Frush, Healey, Holmes, Ivey, Kach, Lafferty, Lee, A. Miller, Norman, S. Robinson, Stein, and Weir

AN ACT concerning

Natural Resources – Oyster Poaching – Hearing

HB0273/560218/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 273

(First Reading File Bill)

On page 1, in the sponsor line, strike “and Weir” and substitute “Weir, Bobo, Glenn, and Wilson”.

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:

House Bill 292 – Delegates Minnick, Olszewski, and Weir

AN ACT concerning

Hart–Miller–Pleasure Island Citizens Oversight Committee – Duties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 293 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Weights and Measures – Registration 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 301 – Delegates Frush and Beitzel

AN ACT concerning

Natural Resources – Suspension of Hunting Licenses and Privileges

Delegate Holmes moved to make the Bill and Report a Special Order for March 2, 2011.

The motion was adopted.

Delegate McIntosh, Chair, for the Committee on Environmental Matters recommended the following Bill be re-referred to the Committee on Judiciary:

House Bill 698 – Delegate Weir

AN ACT concerning

**Motor Vehicle Administration – Acceptable Source Documents – Valid
Military Identification Card**

The Bill was re-referred to the Committee on Judiciary.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #3

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

House Bill 99 – Delegate Braveboy

AN ACT concerning

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

HB0099/990717/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 99

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “providing” in line 4 down through the first “of” in line 7 and substitute “authorizing a lot owner who believes that the board of directors or other governing body of a homeowners association has failed to comply with the election procedures provisions of the governing documents of the homeowners association to submit the dispute to”; in line 8, after “General” insert “if the provisions concern certain elements of the election procedures”; in line 10, strike “with” and substitute “without”; and after line 14, insert:

“BY adding to

Article – Real Property

Section 11B–115.1

Annotated Code of Maryland

(2010 Replacement Volume and 2010 Supplement)”.

AMENDMENT NO. 2

On page 1, in lines 19 and 20, in each instance, strike the bracket; in line 19, strike “A”; and in line 20, strike “IS”.

On pages 1 and 2, strike beginning with the second comma in line 22 on page 1 down through “ASSOCIATION” in line 3 on page 2.

On page 2, after line 5, insert:

“11B-115.1.

A LOT OWNER WHO BELIEVES THAT THE BOARD OF DIRECTORS OR OTHER GOVERNING BODY OF A HOMEOWNERS ASSOCIATION HAS FAILED TO COMPLY WITH THE ELECTION PROCEDURES PROVISIONS OF THE GOVERNING DOCUMENTS OF THE HOMEOWNERS ASSOCIATION MAY SUBMIT THE DISPUTE TO THE DIVISION OF CONSUMER PROTECTION OF THE OFFICE OF THE ATTORNEY GENERAL IF THE PROVISIONS CONCERN:

(1) NOTICE ABOUT THE DATE, TIME, AND PLACE FOR THE ELECTION OF THE BOARD OF DIRECTORS OR OTHER GOVERNING BODY;

(2) THE MANNER IN WHICH A CALL IS MADE FOR NOMINATIONS FOR THE BOARD OF DIRECTORS OR OTHER GOVERNING BODY;

(3) THE FORMAT OF THE ELECTION BALLOT;

(4) THE FORMAT, PROVISION, AND USE OF PROXIES DURING THE ELECTION PROCESS; OR

(5) THE MANNER IN WHICH A QUORUM IS DETERMINED FOR ELECTION PURPOSES.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 237 – Delegate Anderson (By Request – Baltimore City Administration) and Delegate Rosenberg

AN ACT concerning

Baltimore City – Zoning Requirements – Administrative Adjustments

HB0237/340017/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 237
(First Reading File Bill)

On page 1, in line 3, strike “clarifying” and substitute “expanding”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 267 – Delegate Anderson (By Request – Baltimore City Administration) and Delegates Glenn, McIntosh, Mitchell, Oaks, B. Robinson, Rosenberg, Tarrant, and Washington

AN ACT concerning

Public Ethics Laws – Baltimore City – Health Department, Police Department, and Civilian Review Board

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 366 – Delegate Niemann

AN ACT concerning

Real Property – Residential Property Foreclosure Procedures – Notice of Intent to Foreclose

HB0366/810315/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 366
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Notice” insert “Accuracy of”; strike beginning with “notice” in line 4 down through “perjury” in line 6, inclusive, and substitute “affidavit regarding the accuracy of the contents of a certain intent to foreclose be included in an order to docket or a complaint to foreclose on a mortgage or deed of trust on residential property; providing for the application of this Act”; in line 10, strike “7–105.1(c)” and substitute “7–105.1(d)(1)”.

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 17 on page 1 through line 17 on page 3, inclusive, and substitute:

“(d) An order to docket or a complaint to foreclose a mortgage or deed of trust on residential property shall:

(1) Include:

(i) If applicable, the license number of:

1. The mortgage originator; and

2. The mortgage lender; and

(ii) An affidavit stating:

1. The date on which the default occurred and the nature of the default; and

2. If applicable, that [a]:

A. A notice of intent to foreclose was sent to the mortgagor or grantor in accordance with subsection (c) of this section and the date on which the notice was sent; and

B. AT THE TIME THE NOTICE OF INTENT TO FORECLOSE WAS SENT, THE CONTENTS OF THE NOTICE OF INTENT TO FORECLOSE WERE ACCURATE; AND”.

AMENDMENT NO. 3

On page 3, after line 17, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any order to docket or complaint to foreclose on residential property filed before July 1, 2011.”;

and in line 18, strike “2.” and substitute “3.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 367 – Delegates Niemann, Holmes, and Gilchrist

AN ACT concerning

Real Property – Maryland Contract Lien Act – Foreclosures

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 379 – Delegate Niemann

AN ACT concerning

Real Property – Deposits on New Homes – Escrow Accounts

HB0379/300910/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 379

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Niemann” and substitute “Delegates Niemann, Healey, Glenn, Gilchrist, and Wilson”; in line 9, after the semicolon insert “providing that a banking institution or national banking association at which a certain escrow account is maintained is not responsible for a withdrawal from the escrow account under certain circumstances;”; and in line 13, strike “the trust” and substitute “a certain trust obligation; defining certain terms”.

AMENDMENT NO. 2

On page 2, in line 27, after “SECTION” insert “THAT CONSISTS OF SUMS RECEIVED TO FINANCE THE CONSTRUCTION OF A RESIDENTIAL UNIT”; and strike beginning with the comma in line 27 down through the comma in line 28.

AMENDMENT NO. 3

On page 2, after line 29, insert:

“(C) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “BANKING INSTITUTION” HAS THE MEANING STATED IN § 1-101 OF THE FINANCIAL INSTITUTIONS ARTICLE.

(III) “NATIONAL BANKING ASSOCIATION” HAS THE MEANING STATED IN § 1-101 OF THE FINANCIAL INSTITUTIONS ARTICLE.

(2) A BANKING INSTITUTION OR NATIONAL BANKING ASSOCIATION AT WHICH AN ESCROW ACCOUNT ESTABLISHED UNDER SUBSECTION (A)(1) OF THIS SECTION IS MAINTAINED IS NOT RESPONSIBLE FOR

A WITHDRAWAL FROM THE ESCROW ACCOUNT MADE BY THE VENDOR OR BUILDER.”.

AMENDMENT NO. 4

On page 3, in line 3, after “TRUST” insert “OBLIGATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION”.

AMENDMENT NO. 5

On page 3, in line 14, strike “October” and substitute “July”.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 412 – Delegate Niemann

AN ACT concerning

Real Property – Residential Property Foreclosure Procedures – Lost Note Affidavit

HB0412/870216/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 412

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “information;” insert “providing for the application of this Act;”.

AMENDMENT NO. 2

On page 5, strike beginning with “LISTS” in line 3 down through “OWNERSHIP” in line 4 and substitute “IDENTIFIES THE SECURED PARTY AND THE BASIS FOR THE SECURED PARTY’S RIGHT TO ENFORCE THE DEBT INSTRUMENT”.

AMENDMENT NO. 3

On page 5, after line 8, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any order to docket or complaint to foreclose on residential property filed before July 1, 2011.”;

and in line 9, strike “2.” and substitute “3.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #2

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

House Bill 136 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Family Law – Temporary Protective Orders – Electronic Notification of Service

HB0136/362716/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 136

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Temporary”; in the same line, strike “Electronic”; in line 6, after “Services;” insert “extending the termination date of certain provisions of law that provide for notice of the service on a respondent of certain protective orders;”; in line 7, strike “electronic”; in the same line, strike “temporary”; and after line 17, insert:

“BY repealing and reenacting, with amendments,
Chapter 711 of the Acts of the General Assembly of 2009
Section 2”.

AMENDMENT NO. 2

On page 2, after line 10, insert:

“Chapter 711 of the Acts of 2009

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2010, contingent on the receipt by the Governor’s Office of Crime Control and Prevention of federal funds under the American Recovery and Reinvestment Act of 2009 to fund implementation of the notification requirements under this Act and if federal funds are not received for this purpose by January 1, 2010, this Act shall be null and void without the necessity of further action by the General Assembly. It shall remain effective for a period of [2] 4 years and, at the end of December 31, [2011] 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 178 – Delegates Alston, Anderson, Arora, Barnes, Braveboy, Carter, Conaway, Dumais, Griffith, Holmes, K. Kelly, Lee, McDermott, Mitchell, Oaks, Pena–Melnik, Ross, Simmons, Smigiel, Stukes, Valderrama, Valentino–Smith, Vallario, Waldstreicher, and Walker

AN ACT concerning

Criminal Procedure – Right of Appeal from Final Judgments – Conditional Guilty Plea

HB0178/852419/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 178
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “Rules;” insert “defining a certain term;”.

AMENDMENT NO. 2

On page 1, in line 17, after “(e)” insert:

“(1) IN THIS SUBSECTION, “CONDITIONAL PLEA OF GUILTY” MEANS A GUILTY PLEA WITH WHICH THE DEFENDANT PRESERVES IN WRITING ANY PRETRIAL ISSUES THAT THE DEFENDANT INTENDS TO APPEAL.”;

in the same line, strike “(1)” and substitute “(2)”; and in the same line, strike “(2)” and substitute “(3)”.

On page 2, in line 1, 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 Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 302 – Delegates Anderson, Glenn, Ivey, and Oaks

AN ACT concerning

Inmates – Life Imprisonment – Parole Approval

HB0302/582712/2

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 302
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “repealing” in line 3 down through “approval;” in line 4 and substitute “requiring certain parole decisions to be transmitted to the Governor under certain circumstances; authorizing the Governor to disapprove certain parole decisions in a certain manner; providing that if the Governor does not disapprove a certain parole decision in a certain manner within a certain time period, the decision becomes effective;”.

AMENDMENT NO. 2

On page 2, in lines 1, 2, 20, and 21, in each instance, strike the bracket; in line 1, strike “An” and substitute “SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, AN”; after line 2, insert:

“(4) (I) IF THE BOARD OF REVIEW DECIDES TO GRANT PAROLE TO AN ELIGIBLE PERSON SENTENCED TO LIFE IMPRISONMENT WHO HAS SERVED 25 YEARS WITHOUT APPLICATION OF DIMINUTION OF CONFINEMENT CREDITS, AND THE SECRETARY APPROVES THE DECISION, THE DECISION SHALL BE TRANSMITTED TO THE GOVERNOR.

(II) THE GOVERNOR MAY DISAPPROVE THE DECISION BY WRITTEN TRANSMITTAL TO THE BOARD OF REVIEW.

(III) IF THE GOVERNOR DOES NOT DISAPPROVE THE DECISION WITHIN 90 DAYS AFTER RECEIPT, THE DECISION BECOMES EFFECTIVE.”;

in line 20, strike “If” and substitute “SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, IF”; after line 21, insert:

“(5) (I) IF THE COMMISSION DECIDES TO GRANT PAROLE TO AN INMATE SENTENCED TO LIFE IMPRISONMENT WHO HAS SERVED 25 YEARS WITHOUT APPLICATION OF DIMINUTION OF CONFINEMENT CREDITS, THE DECISION SHALL BE TRANSMITTED TO THE GOVERNOR.

(II) THE GOVERNOR MAY DISAPPROVE THE DECISION BY WRITTEN TRANSMITTAL TO THE COMMISSION.

(III) IF THE GOVERNOR DOES NOT DISAPPROVE THE DECISION WITHIN 90 DAYS AFTER RECEIPT, THE DECISION BECOMES EFFECTIVE.

SECTION 2. AND BE IT FURTHER ENACTED, That, if the Governor does not, within 90 days after the effective date of this Act, by written transmittal to the Patuxent Institution Board of Review or the Maryland Parole Commission, as appropriate, disapprove parole for an individual sentenced to life imprisonment who has served 25 years without application of diminution of confinement credits and whose parole decision is pending gubernatorial approval as of the effective date of this Act, the parole decision becomes effective.”;

and in line 22, strike “2.” and substitute “3.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate O’Donnell moved to make the Bill a Special Order for March 3, 2011.

The motion was adopted.

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

House Bill 349 – Delegate Simmons

AN ACT concerning

**Peace Orders and Protective Orders – Shielding of Records – Orders Issued
Against Respondent**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 351 – Delegates Carter, Anderson, and Vallario

AN ACT concerning

Orphans’ Court – Minors – Guardianship of Person

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 626 – Delegates Clippinger, Vallario, Alston, Anderson, Arora, Cluster, Dwyer, Hough, McComas, McDermott, Mitchell, Niemann, Olszewski, Parrott, Sophocleus, Summers, Valderrama, and Wilson

AN ACT concerning

**Criminal Procedure – Petition for Writ of Actual Innocence – Circuit Court
Jurisdiction**

HB0626/502615/1

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 626
(First Reading File Bill)

On page 1, in line 11, strike “and (c)”.

On page 2, strike in their entirety lines 5 through 9, inclusive.

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 799 – Delegates Carter, Conaway, McComas, Simmons, and
Washington**

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #2

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

House Bill 79 – Delegate Walker

AN ACT concerning

Task Force to Study the Creation of a Maryland Center for School Safety

HB0079/325564/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 79

(First Reading File Bill)

On page 2, in line 1, strike “four public school teachers” and substitute “five public school educators”; in line 2, strike “one of whom represents the Maryland State Teachers Association,” and substitute “three recommended by the Maryland State Education Association, one recommended by the American Federation of Teachers, AFL–CIO, and one”; in line 7, strike “and”; and in line 8, after “(9)” insert “the Secretary of the Maryland Department of Disabilities, or the Secretary’s designee; and

(10)”.

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 101 – Delegates Rosenberg, Barve, Cardin, Ivey, Myers, Ross, and Summers

AN ACT concerning

Election Law – Petitions and Ballot Issues – Prohibited Actions

HB0101/455365/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 101

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “and Ballot Issues”; in line 3, after “from” insert “willfully and knowingly”; in the same line, after “obtaining” insert “or attempting to obtain”; in line 4, after “from” insert “willfully and knowingly”; strike beginning with “prohibiting” in line 5 down through “penalties;” in line 8; in line 9, strike “and ballot issues”; and strike in their entirety lines 15 through 19, inclusive.

AMENDMENT NO. 2

Strike in their entirety the lines beginning with line 22 on page 2 through line 6 on page 3, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate McDonough moved to make the Bill a Special Order for March 2, 2011.

The motion was adopted.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

House Bill 186 – Delegates Branch, Barve, and Proctor

AN ACT concerning

Education – Public School Holidays – American Indian Heritage Day

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 117)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #5

House Bill 48 – Delegates Morhaim, Kipke, Pena–Melnyk, and Tarrant

AN ACT concerning

State Government – Open Meetings Act – Notice and Complaints

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

Affirmative – 136 Negative – 4 (See Roll Call No. 118)

The Bill was then sent to the Senate.

House Bill 102 – Delegates Stifler and Conaway

AN ACT concerning

Financial Institutions – Mortgage Loan Originators – Prohibited Acts

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

Affirmative – 139 Negative – 1 (See Roll Call No. 119)

The Bill was then sent to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 120)

ADJOURNMENT

At 11:02 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Wednesday, March 2, 2011.

Annapolis, Maryland
Wednesday, March 2, 2011

The House met at 10:09 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Luke H. Clippinger of Baltimore City.

QUORUM CALL

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

(See Roll Call No. 121)

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

INTRODUCTION OF BILLS

House Bill 1310 – Delegate Conway

AN ACT concerning

Tax Supported Debt – Energy Performance Contracts

FOR the purpose of providing that tax supported debt does not include certain capital leases used to finance energy performance contracts; excluding certain capital leases from the requirement that the Treasurer capitalize certain capital lease payments; restating the authority of the Treasurer to finance certain energy performance contracts as capital leases; requiring that certain capital lease payments or certain contractor payments may not exceed certain energy savings; and generally relating to capital leases used to finance energy performance contracts.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 8–104, 8–405, and 12–301
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1311 – Delegates Jameson, Barkley, Kramer, Love, W. Miller, Schulz, and Vaughn

AN ACT concerning

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

FOR the purpose of establishing that, subject to a certain provision of law, a conviction for driving while impaired by alcohol is included among the standards reasonably related to an insurer's economic and business purposes that may be applied by the insurer for purposes of canceling or refusing to underwrite or renew a particular insurance risk or class of risk in the case of private passenger motor vehicle insurance; and generally relating to standards for the cancellation or refusal of motor vehicle insurance and the offense of driving while impaired by alcohol.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 27–501(a)(2)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 27–501(l)(1)(vi)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–902
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1312 – Delegate Griffith

AN ACT concerning

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

FOR the purpose of requiring that certain members or former members of the State Retirement and Pension System complete and submit a certain application

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

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 29–302 and 29–303
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1313 – Delegate Myers

AN ACT concerning

Alcoholic Beverages – Class A Licensees – Closing Hours

FOR the purpose of altering the closing hours for certain Class A alcoholic beverages licensees in the State that offer alcoholic beverages for sale for consumption off the premises; and generally relating to the sale of alcoholic beverages in the State.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–301(a), 11–302(a), 11–303(a)(1) and (2)(iv) and (vii), 11–403(a)(8)(i) and (b)(2)(vi)1, 11–502(a), 11–508(a)(1), 11–509(a), 11–510(b)(1), (10), and (13), 11–511(d)(2)(ii), (3)(ii), and (4)(ii), 11–512(b)(1), 11–515(c), 11–516(d)(1), 11–519, 11–520, 11–522, and 11–524(c)(1) and (5)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 11–510(a), 11–511(a) and (d)(2)(i), (3)(i), and (4)(i), 11–512(a), 11–515(a), and 11–516(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

House Bill 1314 – Delegate Myers

AN ACT concerning

Public Service Commission – Public Service Company – Definition

FOR the purpose of clarifying that certain utility services provided by a campground to campers incident to the campground’s primary business of operating and maintaining the campground are not included in the definition of a “public service company” under a certain provision of law; and generally relating to the definition of a public service company.

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 1–101(a)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 1–101(x)
Annotated Code of Maryland
(2010 Replacement Volume)

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

THE COMMITTEE ON ECONOMIC MATTERS REPORT #2

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

House Bill 108 – Delegate Feldman

AN ACT concerning

**Business Regulation – State Amusement Ride Safety Advisory Board –
Membership**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 275 – Allegany County Delegation

AN ACT concerning

Public Utilities – Net Energy Metering – Hydroelectric

HB0275/323993/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 275

(First Reading File Bill)

On page 2, in line 2, after “THAT” insert “:

(I)”;

in line 3, after “A” insert “POTABLE”; and in the same line, after “SYSTEM” insert “;

(II) IS OWNED OR OPERATED BY A MUNICIPAL CORPORATION OR PUBLIC WATER AUTHORITY; AND

(III) IS DESIGNED TO PRODUCE LESS ENERGY THAN IS CONSUMED TO OPERATE THE WATER SUPPLY SYSTEM”.

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 295 – Delegate Feldman

AN ACT concerning

Corporations – Maryland General Corporation Law – Miscellaneous Provisions

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 298 – Delegates Pena–Melnyk and Braveboy

AN ACT concerning

Labor and Employment – Wage Payment and Collection – Void Agreements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 328 – Delegate Feldman

AN ACT concerning

Accountants – Regulation – Preparation of a Compilation of Financial Statements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 361 – Chair, Economic Matters Committee

AN ACT concerning

State Board of Master Electricians – Sunset Extension and Revision

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 624 – Delegates Rosenberg, Carter, Oaks, and Vaughn

AN ACT concerning

Baltimore City – Used Car Dealers – Sunday Operations

HB0624/113091/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 624
(First Reading File Bill)

On page 2, in line 27, strike “October” and substitute “June”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 900 – Carroll County Delegation

AN ACT concerning

Carroll County – Fortune Telling Ban – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS
REPORT #2**

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

House Bill 12 – Delegate Beitzel

AN ACT concerning

Procurement – Employee Uniforms and Equipment – Place of Manufacture

HB0012/886183/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 12
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Beitzel” and substitute “Delegates Beitzel, Hammen, Pendergrass, Bromwell, Costa, Cullison, Donoghue, Elliott, Frank, Kach, Kipke, Krebs, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Ready, Reznik, and Tarrant”.

AMENDMENT NO. 2

On page 2, in line 14, after “SUBSECTION” insert “THAT IS MANUFACTURED OUTSIDE OF THE UNITED STATES”.

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 82 – Delegates Morhaim and Kipke

AN ACT concerning

**Health Care Decisions Act – “Medical Orders for Life–Sustaining Treatment”
Form**

HB0082/976681/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 82
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “develop” insert “and periodically revise”; strike beginning with “and” in line 14 down through “providers” in line 15; in line 15, strike “use” and substitute “accept and update or complete”; in line 16, after “form” insert “for certain patients during the admission process or, under certain circumstances, during an inpatient hospital stay”; in line 17, after “providers” insert “, when updating”.

or completing a “Medical Orders for Life–Sustaining Treatment” form.”; in lines 18 and 20, in each instance, strike “the completion of a” and substitute “updating or completing the”; in line 21, after “form;” insert “requiring, under certain circumstances, that certain health care facilities offer any physician or nurse practitioner selected by the patient the opportunity to participate in updating or completing a “Medical Orders for Life–Sustaining Treatment” form; requiring, under certain circumstances, that certain health care facilities provide certain information to certain individuals;”; and in lines 28 and 29, strike “under certain circumstances” and substitute “within a certain time period”.

On page 2, in line 3, strike “form and” and substitute “form.”; in line 4, after “instructions” insert “, and training materials”; in line 5, strike the second “and” and substitute a comma; in the same line, after “instructions” insert “, and training materials”; in lines 12 and 13, strike “certain health care facilities” and substitute “nursing homes and assisted living programs”; in line 14, after “for” insert “certain”; in line 21, strike “5–602(f)(4)” and substitute “5–602(f)(3) and (4)”; and in line 38, strike “(4)” and substitute “(3) If the care of a declarant is transferred from one health care provider to another, the transferring health care provider may prepare an “Instructions on Current Life–Sustaining Treatment Options” form in accordance with § 5–608.1 of this subtitle.

(4)”.

AMENDMENT NO. 2

On page 6, in line 30, strike “MAY”.

On page 7, in line 27, after “(I)” insert “1.”; strike beginning with “COMPLETE” in line 27 down through “ACCEPT” in line 28 and substitute “ACCEPT”; and in line 30, after “FACILITY;” insert “AND”.

On page 8, in line 1, strike “(II)” and substitute “2.”; in line 2, strike the second “AND” and substitute “OR”; after line 2, insert:

“(II) COMPLETE A “MEDICAL ORDERS FOR LIFE–SUSTAINING TREATMENT” FORM:

1. FOR A HEALTH CARE FACILITY THAT IS NOT A HOSPITAL, DURING THE ADMISSION PROCESS FOR EACH PATIENT BEING ADMITTED TO THE HEALTH CARE FACILITY; OR

2. FOR A HOSPITAL, DURING AN INPATIENT HOSPITAL STAY FOR PATIENTS WHO ARE BEING DISCHARGED TO ANOTHER HEALTH CARE FACILITY.”;

strike in their entirety lines 3 through 5, inclusive; in line 6, strike “A” and substitute “WHEN A HEALTH CARE FACILITY UPDATES OR COMPLETES A “MEDICAL ORDERS FOR LIFE-SUSTAINING TREATMENT” FORM UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE”; in the same line, strike “NOTE” and substitute “:

(I) OFFER THE PATIENT, HEALTH CARE AGENT, OR SURROGATE DECISION MAKER THE OPPORTUNITY TO PARTICIPATE IN UPDATING OR COMPLETING THE FORM; AND

(II) NOTE”;

and strike beginning with “THE” in line 8 down through “FORM” in line 9 and substitute “UPDATING OR COMPLETING THE FORM, INDICATING THE DATE AND WITH WHOM THE FORM WAS DISCUSSED;

(III) ON REQUEST OF THE PATIENT, OFFER ANY PHYSICIAN OR NURSE PRACTITIONER SELECTED BY THE PATIENT THE OPPORTUNITY TO PARTICIPATE IN UPDATING OR COMPLETING THE FORM; AND

(IV) INFORM THE PATIENT, HEALTH CARE AGENT, OR SURROGATE DECISION MAKER THAT THE FORM WILL BECOME A PART OF THE PATIENT’S MEDICAL RECORD AND CAN BE ACCESSED THROUGH THE PROCEDURES USED TO ACCESS A MEDICAL RECORD”.

AMENDMENT NO. 3

On page 9, strike beginning with “IF” in line 6 down through “HOME” in line 7 and substitute “WITHIN 48 HOURS OF COMPLETION OF THE FORM OR SOONER IF THE PATIENT IS TRANSFERRED OR DISCHARGED”; in line 25, strike “BECOMES

VOID” and substitute “IS REVISED OR REVOKED”; in line 30, after “FORM” insert “, INCLUDING INSTRUCTIONS ON HOW THE FORM IS REVISED OR REVOKED,”; in line 31, after “FORM” insert a comma; in the same line, strike the second “AND”; and in the same line, after “INSTRUCTIONS” insert “, AND TRAINING MATERIALS”.

AMENDMENT NO. 4

On page 12, in line 1, strike “February” and substitute “April”; strike beginning with “health” in line 2 down through “Act,” in line 3 and substitute “nursing home or assisted living program”; in line 6, strike “health care facility” and substitute “nursing home or assisted living program”; and in line 7, after “2011” insert “, and who is a patient of the nursing home or assisted living program on April 1, 2012”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 183 – Delegates Nathan–Pulliam, Pena–Melnyk, and V. Turner

AN ACT concerning

State Board of Nursing – Electrologists – Examination and License Term

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 215 – Chair, Health and Government Operations Committee (By Request – Departmental – Maryland Institute for Emergency Medical Services Systems)

AN ACT concerning

State Emergency Medical Services Board – Emergency Medical Services Providers

HB0215/746981/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 215

(First Reading File Bill)

On page 6, strike beginning with “LAW” in line 12 down through “BOARD;” in line 14 and substitute “COURSE:”

A. IN FIRST AID AND CPR/AED APPROVED BY THE AMERICAN RED CROSS, THE NATIONAL SAFETY COUNCIL, OR ANOTHER NATIONALLY RECOGNIZED PROGRAM;

B. THAT MEETS THE REQUIREMENTS OF THE NATIONAL EMERGENCY MEDICAL SERVICES EDUCATION STANDARDS AND INSTRUCTIONAL GUIDELINES FOR EMERGENCY MEDICAL RESPONDERS PUBLISHED BY THE U.S. DEPARTMENT OF TRANSPORTATION; OR

C. APPROVED FOR LAW ENFORCEMENT OFFICERS BY THE EMS BOARD;”.

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 265 – Delegates B. Robinson, Conaway, Dwyer, Glenn, Oaks, Ross, Stukes, Tarrant, V. Turner, and Washington

AN ACT concerning

Developmental Disabilities Administration – Inspections of Licensees

HB0265/176589/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 265
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Licensees” insert “– Performance Evaluation of Surveyors”; strike beginning with “ensure” in line 4 down through “to” in line 6; in line 7, after “periodically” insert “, for a certain purpose,”; and in the same line, strike “certain surveyors for a certain purpose” and substitute “surveyors who carry out inspections of sites or offices operated by a licensee”.

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 1 down through “**EVALUATE**” in line 5 and substitute “EVALUATE”.

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 311 – Delegate Hubbard

AN ACT concerning

Professional Counselors and Therapists – Continuing Education – Home Study

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 332 – Delegates Wood, Conway, Bates, Beidle, Beitzel, Bohanan, Boteler, Bromwell, Burns, Cane, Clagett, Costa, DeBoy, Dwyer, Eckardt, Fisher, George, Glass, Haddaway–Ricchio, Hershey, Impallaria, James, Jameson, K. Kelly, Kipke, Love, Malone, McDermott, McMillan, Minnick, Murphy, O’Donnell, Otto, Proctor, Ready, B. Robinson, Schuh, Schulz, Smigiel, Sophocleus, Stocksdales, Stukes, Szeliga, Vallario, Vitale, Weir, and Wilson

AN ACT concerning

Charlotte Hall Veterans Home – Gifts and Grants – Authority to Accept and Spend

HB0332/796581/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 332

(First Reading File Bill)

On page 1, in the sponsor line, strike “and Wilson” and substitute “Wilson, Cullison, Donoghue, Elliott, Frank, Hammen, Hubbard, Kach, Krebs, McDonough, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, 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:

House Bill 377 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Mental Hygiene Administration Facilities – Repeal of Provisions that Relate to Closed Facilities

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 450 – Delegates Hubbard and Hammen

AN ACT concerning

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

HB0450/206185/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 450
(First Reading File Bill)

On page 4, strike beginning with “methods” in line 6 down through “from” in line 7 and substitute “barriers to safety net providers contracting with and billing”; strike beginning with the colon in line 13 down through “(ii)” in line 15; and in line 15, after “sustaining” insert “and enhancing”.

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 452 – Delegate Kipke

AN ACT concerning

Health Insurance – Coverage of Hearing Aids

HB0452/206980/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 452
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Kipke” and substitute “Delegates Kipke, Cullison, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnik, Pendergrass, and Tarrant”; and strike beginning with “altering” in line 9 down through “nondisposable” in line 10 and substitute “making certain conforming changes”.

AMENDMENT NO. 2

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

AMENDMENT NO. 3

On page 2, in lines 1, 9, 19, and 22, strike “(b)”, “(c)”, “(d)”, and “(E)”, respectively, and substitute “(A)”, “(B)”, “(C)”, and “(D)”, respectively; in line 9, after “(1)” insert “IN THIS SUBSECTION, “HEARING AID” MEANS A DEVICE THAT:

(I) IS OF A DESIGN AND CIRCUITRY TO OPTIMIZE AUDIBILITY AND LISTENING SKILLS IN THE ENVIRONMENT COMMONLY EXPERIENCED BY CHILDREN; AND

(II) IS NONDISPOSABLE.

(2)”;

in line 12, strike “(2)” and substitute “(3)”; and in line 13, strike “(1)” and substitute “(2)”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 496 – Delegates A. Kelly, Hammen, and Pendergrass

AN ACT concerning

Life Insurance – Definition

HB0496/656687/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 496

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Definition” insert “and Permitted Riders and Provisions”; in line 4, after “benefits;” insert “authorizing a policy of life insurance to include a certain rider or supplemental policy provision;”; and after line 12, insert:

“BY adding to

Article – Insurance

Section 16–218

Annotated Code of Maryland

(2006 Replacement Volume and 2010 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 16, insert:

“16–218.

A POLICY OF LIFE INSURANCE MAY INCLUDE A RIDER OR SUPPLEMENTAL POLICY PROVISION THAT OPERATES TO SAFEGUARD THE CONTRACT FROM LAPSE IN THE EVENT OF INVOLUNTARY UNEMPLOYMENT.”.

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 24 – Delegate O’Donnell

AN ACT concerning

Agriculture – Sludge – Timing of Winter Application

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

Delegate Barkley moved to make the Bill a Special Order for March 3, 2011.

The motion was adopted.

House Bill 101 – Delegates Rosenberg, Barve, Cardin, Ivey, Myers, Ross, and Summers

AN ACT concerning

Election Law – Petitions and Ballot Issues – Prohibited Actions

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

Delegate McDonough moved to make the Bill a Special Order for March 3, 2011.

The motion was adopted.

House Bill 301 – Delegates Frush and Beitzel

AN ACT concerning

Natural Resources – Suspension of Hunting Licenses and Privileges

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

Delegate Holmes moved to make the Bill and report a Special Order for March 3, 2011.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 122)

ADJOURNMENT

At 10:41 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Thursday, March 3, 2011.

Annapolis, Maryland
Thursday, March 3, 2011

The House met at 10:13 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Barbara A. Robinson of Baltimore City.

QUORUM CALL

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

(See Roll Call No. 123)

The Journal of March 2, 2011 was read and approved.

EXCUSES:

Del. Barnes – medical

Del. Carter – illness

Del. Hucker – late – business

Del. Stifler – illness

INTRODUCTION OF BILLS

House Bill 1315 – Howard County Delegation

AN ACT concerning

Howard County – Orphans’ Court Sessions

Ho. Co. 9–11

FOR the purpose of requiring the Orphans’ Court in Howard County to determine when to hold its sessions for the transaction of business.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 2–106(g)
Annotated Code of Maryland
(2001 Replacement Volume and 2010 Supplement)

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

House Bill 1316 – Delegates Waldstreicher and Simmons

AN ACT concerning

Financial Crimes – Seizure and Forfeiture of Property

FOR the purpose of establishing seizure and forfeiture procedures for property obtained through or used in connection with certain financial crimes; establishing conditions that would exclude certain property from forfeiture; establishing how certain property subject to forfeiture may be seized, with certain exceptions; establishing circumstances that must be considered when determining whether to seize certain property; establishing a certain deadline for filing a complaint seeking forfeiture; providing for the contents and distribution of a certain complaint; providing for the forfeiture of interest in certain real property; providing for a stay of forfeiture of a certain family residence under certain circumstances; establishing a certain rebuttable presumption; providing for certain posthearing orders; providing for the application of proceeds from a certain sale of forfeited property; defining certain terms; providing for the application of this Act; providing for the effective date of this Act; and generally relating to seizure and forfeiture of property used in connection with violation of the Financial Crimes law.

BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 12–101(c), (f), (g), (i), (k), and (o), 12–202, 12–203, 12–208 through 12–211, 12–301 through 12–308, 12–402, and 12–403

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

BY adding to

Article – Criminal Procedure

Section 13–501 through 13–509 to be under the new subtitle “Subtitle 5. Violations of Financial Crimes Law”

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

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

House Bill 1317 – Delegate Serafini

AN ACT concerning

State Employees and Teachers – Cash Balance Plan

FOR the purpose of establishing a cash balance plan under the State Retirement and Pension System; requiring that certain members of the Employees' Pension System or the Teachers' Pension System become members of the cash balance plan on a certain date; requiring that certain individuals who are employed by certain participating employers on or after a certain date become members of the cash balance plan; providing that certain individuals are not eligible to participate in the optional retirement program; requiring the Board of Trustees of the State Retirement and Pension System to administer the cash balance plan; requiring participation in the cash balance plan as a condition of employment for certain individuals; providing the vesting requirements for participating employees in the cash balance plan; requiring that employee contributions to the cash balance plan be a certain amount and be made in a certain manner; requiring certain participating employees of the cash balance plan to be a certain age with a certain number of years of service as an eligible employee prior to receiving certain distributions; requiring certain participating employees of the cash balance plan who elect to receive certain distributions before reaching a certain age with a certain number of years of service to wait until a certain time to receive the distribution; providing for distribution of certain benefits from the cash balance plan to a participating employee on retirement; providing that certain participating employees in the cash balance plan may make certain elections with regard to the method of distribution for certain benefits payable under the cash balance plan; requiring the State to make certain employer contributions to the cash balance plan in a certain manner; requiring certain local employers to pay a certain amount of certain employer contributions for certain participating employees in the cash balance plan; providing that certain participating employees in the cash balance plan may receive a certain benefit from the Employees' Pension System or the Teachers' Pension System; providing that certain eligible employees in the cash balance plan may elect to convert a certain accrued benefit to the cash balance plan or receive a return of certain member contributions plus regular interest; prohibiting certain eligible employees who elect to convert a certain benefit to the cash balance plan from receiving certain member contributions; defining certain terms; and generally relating to the establishment of a cash balance plan for State employees and teachers.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 23–203, 23–204(c), 23–208, and 30–302
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 41–101 through 41–209 to be under the new title “Title 41. Cash
Balance Plan”
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1318 – Delegate Serafini

AN ACT concerning

State Retirement and Pension System – Board of Trustees and Investment Committee – Membership

FOR the purpose of altering the membership of the Board of Trustees for the State Retirement and Pension System; altering the membership of the Investment Committee of the Board of Trustees; specifying the terms of the new appointed members of the Board of Trustees; and generally relating to the membership of the Board of Trustees for the State Retirement and Pension System and its Investment Committee.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–104 and 21–115
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1319 – Delegates Carr, Gutierrez, and Waldstreicher

AN ACT concerning

Creation of a State Debt – Montgomery County – Warner Manor

FOR the purpose of authorizing the creation of a State Debt not to exceed \$250,000, the proceeds to be used as a grant to the Maryland–National Capital Park and Planning Commission for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1320 – Delegate Olszewski (By Request)

AN ACT concerning

Criminal Procedure – Plea Agreement Terms and the Violence Prevention Initiative Criteria

FOR the purpose of establishing that, if a court accepts a certain plea agreement with a certain sentence for a certain defendant charged with committing a crime of violence, the defendant shall serve the sentence imposed without reduction by diminution credits, parole, or otherwise; establishing that a court or review panel may not modify a sentence imposed under a plea agreement in accordance with this Act; providing that the eligibility criteria for a certain program of collaborative supervision of high risk offenders by the Division of Parole and Probation and local law enforcement agencies be expanded to include offenders of any age; defining a certain term; and generally relating to the terms of a plea agreement and the criteria for the Violence Prevention Initiative.

BY adding to

Article – Criminal Procedure

Section 6–233

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

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

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 5 – Senators Klausmeier, Rosapepe, and Stone

AN ACT concerning

**Physicians – Medical Professional Liability Insurance Coverage –
Notification and Posting Requirements**

FOR the purpose of requiring physicians licensed to practice medicine in the State to notify certain patients in writing and on certain visits to a certain location of certain information relating to medical professional liability insurance coverage; requiring a certain notification to be provided to a patient at a certain time, signed by a patient at a certain time, and retained by a physician as part of the ~~physician's patient~~ patient's medical records; requiring certain physicians to post certain information in their place of ~~practice~~ business; requiring the Board of Physicians to devise certain language for certain notification requirements; defining a certain term; and generally relating to physicians and medical professional liability insurance.

BY adding to

Article – Health Occupations
Section 14–508
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

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

AN ACT concerning

Public Information Act – Documents Relating to Arrest Warrants

FOR the purpose of expanding access by the Department of Juvenile Services to certain court files and records relating to arrest warrants and charging documents; repealing certain redundant authority that allows access by the Department of Public Safety and Correctional Services to certain documents relating to arrest warrants and charging documents; providing that provisions of law prohibiting inspection of certain court files and records relating to arrest warrants and charging documents may not be construed to prohibit the release of information by the Department of Public Safety and Correctional Services or the Department of Juvenile Services for a certain purpose; and generally relating to access to documents relating to arrest warrants and charging documents under the Public Information Act.

BY repealing and reenacting, without amendments,

Article – Criminal Procedure
Section 10–201(f) and 10–239(h)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government
Section 10–616(q)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

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

AN ACT concerning

**Juvenile and Education Records – Disclosure Between Departments of
Education and Juvenile Services**

FOR the purpose of authorizing the State Department of Education and the Department of Juvenile Services to share certain ~~information and court~~ records with each other under certain circumstances; and generally relating to juvenile and education records.

BY repealing and reenacting, with amendments,
Article – Education
Section 22–309
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–27(b)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

Senate Bill 142 – Senators Zirkin and Raskin

AN ACT concerning

**Civil Action – Disclosure of Information – Repeal of Certification
Requirement**

FOR the purpose of repealing the requirement that a plaintiff file a certain certification with the court and serve the certification on an insurer or person that has a self-insurance plan before the insurer or person with a self-insurance plan is required to provide the plaintiff with certain information on the last known home and business addresses of the defendant; making a stylistic change; providing for the application of this Act; and generally relating to the disclosure of information in a civil action.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 6–311
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

Senate Bill 169 – Senator Ramirez

AN ACT concerning

Bankruptcy – Homestead Exemption – Debtor’s Residence

FOR the purpose of altering ~~the categories of dwelling units that qualify for the homestead~~ a certain exemption that an individual may claim in a certain bankruptcy proceeding; ~~providing~~ clarifying that the exemption ~~is limited to a certain amount of~~ for an individual debtor’s aggregate interest in owner-occupied real ~~or personal~~ property, ~~an owner-occupied~~ includes a condominium unit, or a cooperative; authorizing an individual debtor to exempt the debtor’s aggregate interest in a cooperative housing corporation that owns property that the debtor occupies as a residence; providing for the application of this Act; and generally relating to debtor exemptions in bankruptcy proceedings.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 11–504
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

Senate Bill 226 – Senator Dyson

AN ACT concerning

Bicycle and Pedestrian Advisory Committee – Meetings

FOR the purpose of altering a certain provision of law relating to the location and frequency of meetings of the Bicycle and Pedestrian Advisory Committee; and generally relating to meetings of the Bicycle and Pedestrian Advisory Committee.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 2–606
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

SPECIAL ORDERS

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

House Bill 24 – Delegate O’Donnell

AN ACT concerning

Agriculture – Sludge – Timing of Winter Application

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

FLOOR AMENDMENT

HB0024/793025/1

BY: Delegate Barkley

AMENDMENTS TO HOUSE BILL 24

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “that” in line 4 down through “manure” in line 6.

AMENDMENT NO. 2

On page 2, strike beginning with “THAT” in line 28 down through “MANURE” in line 30.

The preceding 2 amendments were read and rejected.

Read the second time and ordered prepared for Third Reading.

House Bill 101 – Delegates Rosenberg, Barve, Cardin, Ivey, Myers, Ross, and Summers

AN ACT concerning

Election Law – Petitions and Ballot Issues – Prohibited Actions

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

Delegate McDonough moved to make the Bill a Special Order for March 4, 2011.

The motion was adopted.

House Bill 301 – Delegates Frush and Beitzel

AN ACT concerning

Natural Resources – Suspension of Hunting Licenses and Privileges

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

Delegate Holmes moved to make the Bill a Special Order for March 4, 2011.

The motion was adopted.

House Bill 302 – Delegates Anderson, Glenn, Ivey, and Oaks

AN ACT concerning

Inmates – Life Imprisonment – Parole Approval

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

FLOOR AMENDMENT

HB0302/253225/1

BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 302, AS AMENDED**AMENDMENT NO. 1**

On page 1 of the House Judiciary Committee Amendments (HB0302/582712/2), in Amendment No. 1, strike beginning with “does” in line 4 down through “disapprove” in line 5 and substitute “approves”; and strike beginning with “in” in line 5 down through “effective” in line 6 and substitute “, the Governor shall indicate the approval with the Governor’s signature”.

AMENDMENT NO. 2

On page 1 of the House Judiciary Committee Amendments (HB0302/582712/2), in line 11 of Amendment No. 2, strike “**DOES NOT DISAPPROVE**” and substitute “**APPROVES**”; and strike beginning with “**WITHIN**” in line 12 down through “**EFFECTIVE**” in line 13 and substitute “**, THE GOVERNOR SHALL INDICATE THE APPROVAL WITH THE GOVERNOR’S SIGNATURE**”.

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

Affirmative – 49 Negative – 87 (See Roll Call No. 124)

FLOOR AMENDMENT

HB0302/913724/1

BY: Delegate O'Donnell

AMENDMENT TO HOUSE BILL 302, AS AMENDED

On page 1 of the House Judiciary Committee Amendments (HB0302/582712/2), in line 4 of Amendment No. 2, after “**(I)**” insert “**THIS PARAGRAPH DOES NOT APPLY TO A PERSON SENTENCED TO LIFE IMPRISONMENT AS A RESULT OF A CONVICTION FOR:**

1. A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE; OR

2. A VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE.

(II)”;

and in lines 9 and 11, strike “**(II)**” and “**(III)**”, respectively, and substitute “**(III)**” and “**(IV)**”, respectively.

On page 2 of the House Judiciary Committee Amendments, in line 3 of Amendment No. 2, after “**(I)**” insert “**THIS PARAGRAPH DOES NOT APPLY TO AN INMATE SENTENCED TO LIFE IMPRISONMENT AS A RESULT OF A CONVICTION FOR:**

1. A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE; OR

2. A VIOLATION OF TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE.

(II)”;

and in lines 7 and 9, strike “**(II)**” and “**(III)**”, respectively, and substitute “**(III)**” and “**(IV)**”, respectively.

The preceding amendment was withdrawn.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 125)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #6

House Bill 196 – Delegates Malone, Kach, ~~and F. Turner~~ **F. Turner, Bobo, Cane, Carr, Glenn, Holmes, Kipke, Niemann, S. Robinson, Stein, Weir, and Wilson**

AN ACT concerning

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

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

Affirmative – 115 Negative – 23 (See Roll Call No. 126)

The Bill was then sent to the Senate.

House Bill 237 – Delegate Anderson (By Request – Baltimore City Administration) and Delegate Rosenberg

AN ACT concerning

Baltimore City – Zoning Requirements – Administrative Adjustments

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

Affirmative – 137 Negative – 0 (See Roll Call No. 127)

The Bill was then sent to the Senate.

House Bill 267 – Delegate Anderson (By Request – Baltimore City Administration) and Delegates Glenn, McIntosh, Mitchell, Oaks, B. Robinson, Rosenberg, Tarrant, and Washington

AN ACT concerning

Public Ethics Laws – Baltimore City – Health Department, Police Department, and Civilian Review Board

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

Affirmative – 138 Negative – 0 (See Roll Call No. 128)

The Bill was then sent to the Senate.

House Bill 273 – Delegates Gilchrist, McIntosh, Barkley, Beidle, Cane, Carr, Cullison, Frush, Healey, Holmes, Ivey, Kach, Lafferty, Lee, A. Miller, Norman, S. Robinson, Stein, ~~and Weir~~ Weir, Bobo, Glenn, and Wilson

AN ACT concerning

Natural Resources – Oyster Poaching – Hearing

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

Affirmative – 126 Negative – 11 (See Roll Call No. 129)

The Bill was then sent to the Senate.

House Bill 292 – Delegates Minnick, Olszewski, and Weir

AN ACT concerning

Hart–Miller–Pleasure Island Citizens Oversight Committee – Duties

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

Affirmative – 136 Negative – 0 (See Roll Call No. 130)

The Bill was then sent to the Senate.

**House Bill 293 – Chair, Environmental Matters Committee (By Request –
Departmental – Agriculture)**

AN ACT concerning

Weights and Measures – Registration Fees

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

Affirmative – 96 Negative – 41 (See Roll Call No. 131)

The Bill was then sent to the Senate.

House Bill 349 – Delegate Simmons

AN ACT concerning

**Peace Orders and Protective Orders – Shielding of Records – Orders Issued
Against Respondent**

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

Affirmative – 138 Negative – 0 (See Roll Call No. 132)

The Bill was then sent to the Senate.

House Bill 351 – Delegates Carter, Anderson, and Vallario

AN ACT concerning

Orphans’ Court – Minors – Guardianship of Person

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

Affirmative – 128 Negative – 7 (See Roll Call No. 133)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #7

**House Bill 210 – Chair, Environmental Matters Committee (By Request –
Departmental – Environment)**

AN ACT concerning

Environment – Mining – Acid Mine Drainage Abatement and Treatment Fund

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

Affirmative – 138 Negative – 0 (See Roll Call No. 134)

The Bill was then sent to the Senate.

House Bill 366 – Delegate Niemann

AN ACT concerning

Real Property – Residential Property Foreclosure Procedures – Accuracy of Notice of Intent to Foreclose

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

Affirmative – 138 Negative – 0 (See Roll Call No. 135)

The Bill was then sent to the Senate.

House Bill 367 – Delegates Niemann, Holmes, and Gilchrist

AN ACT concerning

Real Property – Maryland Contract Lien Act – Foreclosures

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

Affirmative – 115 Negative – 23 (See Roll Call No. 136)

The Bill was then sent to the Senate.

House Bill 379 – ~~Delegate Niemann~~ Delegates Niemann, Healey, Glenn, Gilchrist, and Wilson

AN ACT concerning

Real Property – Deposits on New Homes – Escrow Accounts

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

Affirmative – 138 Negative – 0 (See Roll Call No. 137)

The Bill was then sent to the Senate.

House Bill 412 – Delegate Niemann

AN ACT concerning

**Real Property – Residential Property Foreclosure Procedures – Lost Note
Affidavit**

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

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

The Bill was then sent to the Senate.

**House Bill 626 – Delegates Clippinger, Vallario, Alston, Anderson, Arora,
Cluster, Dwyer, Hough, McComas, McDermott, Mitchell, Niemann,
Olszewski, Parrott, Sophocleus, Summers, Valderrama, and Wilson**

AN ACT concerning

**Criminal Procedure – Petition for Writ of Actual Innocence – Circuit Court
Jurisdiction**

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

Affirmative – 138 Negative – 0 (See Roll Call No. 139)

The Bill was then sent to the Senate.

**House Bill 799 – Delegates Carter, Conaway, McComas, Simmons, and
Washington**

AN ACT concerning

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

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

Affirmative – 134 Negative – 1 (See Roll Call No. 140)

The Bill was then sent to the Senate.

QUORUM CALL

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

(See Roll Call No. 141)

ADJOURNMENT

At 11:28 A.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Friday, March 4, 2011.

**Annapolis, Maryland
Friday, March 4, 2011**

The House met at 11:08 A.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 138 Members present.

(See Roll Call No. 142)

The Journal of March 3, 2011 was read and approved.

EXCUSES:

Del. Cane – funeral

Del. Kaiser – personal – niece’s bat mitzvah

INTRODUCTION OF BILLS

House Bill 1321 – Delegate Proctor

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2006 – Prince George’s County
– Accokeek Foundation**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2006 to expand the authorized purposes of a certain grant to the Board of Trustees of The Accokeek Foundation, Inc.; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2006.

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006
Section 1(3) Item ZA01(BP)

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

House Bill 1322 – Delegate Barkley

AN ACT concerning

**Electric Companies and Electric Cooperatives – Standard Offer Service –
Service Rights Auctions**

FOR the purpose of requiring the Public Service Commission to study and make recommendations about the advisability of conducting certain auctions related to the right of certain electric companies and electric cooperatives to provide electric service to customers using standard offer service in certain service territories and the manner in which the auctions should be conducted, including certain items; requiring the Commission to report certain recommendations by a certain date to the Senate Finance Committee and the House Economic Matters Committee; defining a certain term; and generally relating to standard offer service.

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

House Bill 1323 – Delegates Braveboy and W. Miller

AN ACT concerning

Mortgage Brokers – Finder’s Fee – Prohibition

FOR the purpose of repealing a certain provision of law that prohibits a mortgage broker from charging a finder’s fee in any transaction in which the mortgage broker or an owner, part owner, partner, director, officer, or employee of the mortgage broker is the lender; and generally relating to mortgage brokers.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 12–804
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

House Bill 1324 – Delegates Conway, Cane, Eckardt, McDermott, and Otto

AN ACT concerning

Wicomico County – Board of Education – Selection of Members – Straw Ballot

FOR the purpose of requiring that a question be placed on the ballot in Wicomico County at the November general election of 2012 to determine the sense of the voters of the County on the issue of changing the method of selecting members

of the Wicomico County Board of Education; providing for carrying out of the straw ballot; and generally relating to the holding of a straw ballot in Wicomico County.

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

House Bill 1325 – Delegates McComas, Cluster, and McDermott

AN ACT concerning

Privileged Communications – Critical Incident Stress Management and Peer Support

FOR the purpose of prohibiting a critical incident stress management team member from disclosing certain confidential information acquired from a law enforcement officer, correctional officer, or emergency responder in the course of duty; prohibiting a critical incident stress management team member from being compelled to testify in certain proceedings before a governmental unit; prohibiting an individual who participates in a critical incident stress management team intervention from disclosing certain confidential information; prohibiting an individual who participates in a critical incident stress management team intervention from being compelled to testify in certain proceedings before a governmental unit; prohibiting a peer support member from disclosing certain confidential information acquired from a law enforcement officer in the course of duty; prohibiting a peer support member from being compelled to testify in certain proceedings before a governmental unit; prohibiting an individual who is present during the provision of peer support services from disclosing certain confidential information; prohibiting an individual who is present during the provision of peer support services from being compelled to testify in certain proceedings before a governmental unit; establishing certain exceptions to certain privileges; defining certain terms; and generally relating to privileged communications acquired during the course of critical incident stress management team interventions and in the provision of peer support services.

BY adding to

Article – Courts and Judicial Proceedings

Section 9–112.1

Annotated Code of Maryland

(2006 Replacement Volume and 2010 Supplement)

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

House Bill 1326 – Delegate Serafini

AN ACT concerning

**State Retirement and Pension System – Investments – Independent
Investment Advisory Firms**

FOR the purpose of terminating the Investment Division of the State Retirement Agency and the position of the Chief Investment Officer; altering the requirements for the investment policy manual adopted by the Board of Trustees for the State Retirement and Pension System to include criteria to be used to hire independent investment advisory firms; requiring the Board of Trustees to hire certain independent investment advisory firms to invest the assets of the several systems of the State Retirement and Pension System; requiring the State Retirement Agency to submit a certain quarterly report to the Board of Trustees; altering a certain requirement relating to the management of certain real estate investments of the State Retirement and Pension System; and generally relating to the investment of assets of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–108(a)(4)(ii), 21–116(c), 21–118(d), 21–122, and 21–123(e) and (h)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing
Article – State Personnel and Pensions
Section 21–118.1
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1327 – Delegate Conaway

AN ACT concerning

**Criminal Law – Salvia Divinorum – Distribution to Individual Under 21 Years
of Age – Penalties**

FOR the purpose of altering the penalties for a conviction for the crime of distributing Salvia divinorum to a person under the age of 21 years; and generally relating to the crime of distributing Salvia divinorum to a person under the age of 21 years.

BY repealing and reenacting, with amendments,
Article – Criminal Law

Section 10–131
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

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

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 269 – Senators Kittleman ~~and Klausmeier~~, Klausmeier, Astle, Garagiola, Glassman, Kelley, Mathias, Middleton, Muse, and Pugh

AN ACT concerning

Workers' Compensation – Jurisdiction Pending Appeal – Proposed Settlement

FOR the purpose of expanding the circumstances under which the Workers' Compensation Commission retains jurisdiction pending an appeal of a Commission order to include a request for approval of a proposed settlement of all or part of a claim; and generally relating to the jurisdiction of the Commission pending an appeal of a workers' compensation order.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–742
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Senate Bill 416 – Senators Middleton, Edwards, ~~and Mathias~~ Mathias, Garagiola, Glassman, Kelley, Klausmeier, Muse, and Pugh

AN ACT concerning

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

FOR the purpose of authorizing a health officer, under certain circumstances, to enter into a contract or other written agreement to assist or participate in the delivery of health care services with a certain person; and generally relating to the powers of health officers.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 3–306
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Senate Bill 514 – Senators Middleton and Kasemeyer

AN ACT concerning

**Maryland Community Health Resources Commission – Health Care Reform –
~~Safety Net Providers~~ Implementation**

FOR the purpose of authorizing the Maryland Community Health Resources Commission to provide certain assistance to ~~safety net providers~~ community health resources in preparing to implement certain health care reform; authorizing the Commission to examine certain issues and potential challenges for ~~safety net providers~~ community health resources in preparing to implement certain health care reform; requiring the Commission to develop a certain business plan for the provision by the State of certain assistance to ~~safety net providers~~ community health resources; requiring the Commission to make certain recommendations to the Governor and certain committees of the General Assembly on or before a certain date; altering a certain definition; defining certain terms; and generally relating to the Maryland Community Health Resources Commission and the implementation of health care reform ~~by safety net providers~~.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–2101 and 19–2107(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Senate Bill 693 – Senator Middleton

AN ACT concerning

Injured Workers' Insurance Fund – Employee Compensation

FOR the purpose of providing that employees of the Injured Workers' Insurance Fund are not subject to certain laws, regulations, or executive orders governing State

employee compensation; ~~clarifying that certain employees are not in the State Personnel Management System~~; repealing a requirement that the Board for the Fund set compensation for its employees in accordance with the State pay plan; and generally relating to compensation of employees of the Injured Workers' Insurance Fund.

BY repealing and reenacting, with amendments,
 Article – Labor and Employment
 Section 10–113
 Annotated Code of Maryland
 (2008 Replacement Volume and 2010 Supplement)

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

Senate Joint Resolution 2 – Senator Edwards

A Senate Joint Resolution concerning

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

FOR the purpose of expressing certain findings of the General Assembly in connection with the ability of Garrett County residents to receive broadcasts from Baltimore and Washington, D.C. television stations; and urging the Maryland Delegation to Congress to encourage the Federal Communications Commission to amend its market determination regulations and to sponsor and support any necessary legislation in the United States Congress to ~~allow~~ provide Garrett County residents with a choice to receive television broadcasts from stations located in the Baltimore ~~and~~, Washington, D.C., or Pittsburgh ~~designated~~ television ~~broadcast~~ market areas.

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

SPECIAL ORDERS

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

House Bill 101 – Delegates Rosenberg, Barve, Cardin, Ivey, Myers, Ross, and Summers

AN ACT concerning

Election Law – Petitions and Ballot Issues – Prohibited Actions

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

FLOOR AMENDMENT

HB0101/683425/1

BY: Delegate McDonough

AMENDMENTS TO HOUSE BILL 101, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike beginning with “prohibiting” in line 3 down through “means;” in line 4.

In the Committee on Ways and Means Amendments (HB0101/455365/1), in line 2 of Amendment No. 1, strike “willfully and knowingly”; and in lines 2 and 3, strike “or attempting to obtain”.

AMENDMENT NO. 2

On page 2 of the bill, in line 10, strike the brackets; in the same line, strike “, **THREAT, MENACE, OR INTIMIDATION**”; in line 13, after “**DURESS,**” insert “**OR**”; and in the same line, strike “, **THREAT, MENACE, OR INTIMIDATION**”.

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

Affirmative – 45 Negative – 94 (See Roll Call No. 143)

FLOOR AMENDMENT

HB0101/693524/1

BY: Delegate McDonough

AMENDMENTS TO HOUSE BILL 101

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Prohibited” insert “Signatures and”; in line 3, after “of” insert “prohibiting an election authority from invalidating a petition signature under certain circumstances; specifying that an individual’s name on a petition must”

match exactly the individual’s surname of registration;”; in line 9, after the first “to” insert “signatures and”; and in line 12, after “Section” insert “6–203 and”.

AMENDMENT NO. 2

On page 1, after line 22, insert:

“6–203.

(a) To sign a petition, an individual shall:

(1) sign the individual’s name as it appears on the statewide voter registration list or the individual’s surname of registration and at least one full given name and the initials of any other names; and

(2) include the following information, printed or typed, in the spaces provided:

(i) the signer’s name as it was signed;

(ii) the signer’s address;

(iii) the date of signing; and

(iv) other information required by regulations adopted by the State Board.

(b) The signature of an individual shall be validated and counted if:

(1) the requirements of subsection (a) of this section have been satisfied;

(2) the individual is a registered voter assigned to the county specified on the signature page and, if applicable, in a particular geographic area of the county;

(3) the individual has not previously signed the same petition;

(4) the signature is attested by an affidavit appearing on the page on which the signature appears;

(5) the date accompanying the signature is not later than the date of the affidavit on the page; and

(6) if applicable, the signature was affixed within the requisite period of time, as specified by law.

(C) (1) IF THE ELECTION AUTHORITY REASONABLY CAN CONFIRM THE IDENTITY OF THE INDIVIDUAL, THE ELECTION AUTHORITY MAY NOT INVALIDATE A SIGNATURE BECAUSE THE INDIVIDUAL SIGNED THE PETITION USING A DERIVATIVE OF THE INDIVIDUAL'S GIVEN NAME.

(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, AN INDIVIDUAL'S NAME ON THE PETITION MUST MATCH EXACTLY THE INDIVIDUAL'S SURNAME OF REGISTRATION.

[(c)] (D) (1) A signature may be removed:

(i) by the signer upon written application to the election authority with which the petition will be filed if the application is received by the election authority prior to the filing of that signature; or

(ii) prior to the filing of that signature, by the circulator who attested to that signature or by the sponsor of the petition, if it is concluded that the signature does not satisfy the requirements of this title.

(2) A signature removed pursuant to paragraph (1)(ii) of this subsection may not be included in the number of signatures stated on the information page included in the petition.”.

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

Affirmative – 52 Negative – 84 (See Roll Call No. 144)

Read the second time and ordered prepared for Third Reading.

House Bill 301 – Delegates Frush and Beitzel

AN ACT concerning

Natural Resources – Suspension of Hunting Licenses and Privileges

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

Delegate Holmes moved to make the Bill a Special Order for March 8, 2011.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 145)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #8

House Bill 54 – Delegate Hubbard

EMERGENCY BILL

AN ACT concerning

Environment – Decabrominated Diphenyl Ether – Trace Amounts

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

Affirmative – 137 Negative – 0 (See Roll Call No. 146)

The Bill was then sent to the Senate.

House Bill 79 – Delegate Walker

AN ACT concerning

Task Force to Study the Creation of a Maryland Center for School Safety

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

Affirmative – 136 Negative – 3 (See Roll Call No. 147)

The Bill was then sent to the Senate.

House Bill 99 – Delegate Braveboy

AN ACT concerning

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 148)

The Bill was then sent to the Senate.

**House Bill 109 – Chair, Environmental Matters Committee (By Request –
Departmental – Transportation)**

AN ACT concerning

**Transportation – Outdoor Signs Along Federal–Aid Primary Highways –
Scenic Byways**

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

Affirmative – 119 Negative – 19 (See Roll Call No. 149)

The Bill was then sent to the Senate.

**House Bill 136 – Chair, Judiciary Committee (By Request – Departmental –
Public Safety and Correctional Services)**

AN ACT concerning

**Family Law – ~~Temporary~~ Protective Orders – ~~Electronic~~ Notification of
Service**

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

Affirmative – 138 Negative – 0 (See Roll Call No. 150)

The Bill was then sent to the Senate.

**House Bill 178 – Delegates Alston, Anderson, Arora, Barnes, Braveboy,
Carter, Conaway, Dumais, Griffith, Holmes, K. Kelly, Lee, McDermott,
Mitchell, Oaks, Pena–Melynk, Ross, Simmons, Smigiel, Stukes,
Valderrama, Valentino–Smith, Vallario, Waldstreicher, and Walker**

AN ACT concerning

Criminal Procedure – Right of Appeal from Final Judgments – Conditional Guilty Plea

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

Affirmative – 96 Negative – 43 (See Roll Call No. 151)

The Bill was then sent to the Senate.

House Bill 186 – Delegates Branch, Barve, and Proctor

AN ACT concerning

Education – Public School Holidays – American Indian Heritage Day

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

Affirmative – 138 Negative – 0 (See Roll Call No. 152)

The Bill was then sent to the Senate.

House Bill 214 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Critical Farms Fund and Program

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

Affirmative – 138 Negative – 0 (See Roll Call No. 153)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #9

House Bill 108 – Delegate Feldman

AN ACT concerning

Business Regulation – State Amusement Ride Safety Advisory Board – Membership

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

Affirmative – 123 Negative – 14 (See Roll Call No. 154)

The Bill was then sent to the Senate.

House Bill 275 – Allegany County Delegation

AN ACT concerning

Public Utilities – Net Energy Metering – Hydroelectric

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

Affirmative – 139 Negative – 0 (See Roll Call No. 155)

The Bill was then sent to the Senate.

House Bill 295 – Delegate Feldman

AN ACT concerning

Corporations – Maryland General Corporation Law – Miscellaneous Provisions

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

Affirmative – 138 Negative – 0 (See Roll Call No. 156)

The Bill was then sent to the Senate.

House Bill 298 – Delegates Pena–Melnyk and Braveboy

AN ACT concerning

Labor and Employment – Wage Payment and Collection – Void Agreements

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

Affirmative – 97 Negative – 40 (See Roll Call No. 157)

The Bill was then sent to the Senate.

House Bill 328 – Delegate Feldman

AN ACT concerning

Accountants – Regulation – Preparation of a Compilation of Financial Statements

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

Affirmative – 138 Negative – 0 (See Roll Call No. 158)

The Bill was then sent to the Senate.

House Bill 361 – Chair, Economic Matters Committee

AN ACT concerning

State Board of Master Electricians – Sunset Extension and Revision

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

Affirmative – 139 Negative – 0 (See Roll Call No. 159)

The Bill was then sent to the Senate.

House Bill 450 – Delegates Hubbard and Hammen

AN ACT concerning

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 160)

The Bill was then sent to the Senate.

House Bill 452 – ~~Delegate Kipke~~ Delegates Kipke, Cullison, McDonough, Morhaim, Murphy, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, and Tarrant

AN ACT concerning

Health Insurance – Coverage of Hearing Aids

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

Affirmative – 138 Negative – 1 (See Roll Call No. 161)

The Bill was then sent to the Senate.

House Bill 496 – Delegates A. Kelly, Hammen, and Pendergrass

AN ACT concerning

Life Insurance – Definition and Permitted Riders and Provisions

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

Affirmative – 138 Negative – 0 (See Roll Call No. 162)

The Bill was then sent to the Senate.

House Bill 624 – Delegates Rosenberg, Carter, Oaks, and Vaughn

AN ACT concerning

Baltimore City – Used Car Dealers – Sunday Operations

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

Affirmative – 138 Negative – 0 (See Roll Call No. 163)

The Bill was then sent to the Senate.

House Bill 900 – Carroll County Delegation

AN ACT concerning

Carroll County – Fortune Telling Ban – Repeal

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

Affirmative – 133 Negative – 6 (See Roll Call No. 164)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #10

House Bill 12 – ~~Delegate Beitzel~~ Delegates Beitzel, Hammen, Pendergrass, Bromwell, Costa, Cullison, Donoghue, Elliott, Frank, Kach, Kipke, Krebs, McDonough, Morhaim, Murphy, Nathan-Pulliam, Oaks, Pena-Melnyk, Ready, Reznik, and Tarrant

AN ACT concerning

Procurement – Employee Uniforms and Equipment – Place of Manufacture

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

Affirmative – 137 Negative – 1 (See Roll Call No. 165)

The Bill was then sent to the Senate.

House Bill 82 – Delegates Morhaim and Kipke

AN ACT concerning

**Health Care Decisions Act – “Medical Orders for Life–Sustaining Treatment”
Form**

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

Affirmative – 136 Negative – 0 (See Roll Call No. 166)

The Bill was then sent to the Senate.

House Bill 183 – Delegates Nathan–Pulliam, Pena–Melnyk, and V. Turner

AN ACT concerning

State Board of Nursing – Electrologists – Examination and License Term

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

Affirmative – 139 Negative – 0 (See Roll Call No. 167)

The Bill was then sent to the Senate.

**House Bill 215 – Chair, Health and Government Operations Committee (By
Request – Departmental – Maryland Institute for Emergency Medical
Services Systems)**

AN ACT concerning

**State Emergency Medical Services Board – Emergency Medical Services
Providers**

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

Affirmative – 139 Negative – 0 (See Roll Call No. 168)

The Bill was then sent to the Senate.

House Bill 265 – Delegates B. Robinson, Conaway, Dwyer, Glenn, Oaks, Ross, Stukes, Tarrant, V. Turner, and Washington

AN ACT concerning

**Developmental Disabilities Administration – Inspections of Licensees –
Performance Evaluation of Surveyors**

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

Affirmative – 139 Negative – 0 (See Roll Call No. 169)

The Bill was then sent to the Senate.

House Bill 311 – Delegate Hubbard

AN ACT concerning

**Professional Counselors and Therapists – Continuing Education – Home
Study**

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

Affirmative – 139 Negative – 0 (See Roll Call No. 170)

The Bill was then sent to the Senate.

House Bill 332 – Delegates Wood, Conway, Bates, Beidle, Beitzel, Bohanan, Boteler, Bromwell, Burns, Cane, Clagett, Costa, DeBoy, Dwyer, Eckardt, Fisher, George, Glass, Haddaway–Riccio, Hershey, Impallaria, James, Jameson, K. Kelly, Kipke, Love, Malone, McDermott, McMillan, Minnick, Murphy, O’Donnell, Otto, Proctor, Ready, B. Robinson, Schuh, Schulz, Smigiel, Sophocleus, Stocksdale, Stukes, Szeliga, Vallario, Vitale, Weir, ~~and Wilson~~ Wilson, Cullison, Donoghue, Elliott, Frank, Hammen, Hubbard, Kach, Krebs, McDonough, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnik, Pendergrass, Reznik, and Tarrant

AN ACT concerning

**Charlotte Hall Veterans Home – Gifts and Grants – Authority to Accept and
Spend**

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

Affirmative – 139 Negative – 0 (See Roll Call No. 171)

The Bill was then sent to the Senate.

House Bill 377 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Mental Hygiene Administration Facilities – Repeal of Provisions that Relate to Closed Facilities

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

Affirmative – 139 Negative – 0 (See Roll Call No. 172)

The Bill was then sent to the Senate.

INTRODUCTION OF BILLS

House Bill 1328 – Delegates McHale, Clippinger, Hammen, Haynes, Mitchell, and Stukes

AN ACT concerning

Legislative Community Initiatives Loan of 2004 – Baltimore City – Carroll Mansion Museum

FOR the purpose of amending the Legislative Community Initiatives Loan of 2004 to require that a certain grant be encumbered or expended by a certain date; and generally relating to amending the Legislative Community Initiatives Loan of 2004.

BY repealing and reenacting, with amendments,

Chapter 204 of the Acts of the General Assembly of 2003, as amended by Chapter 432 of the Acts of the General Assembly of 2004
Section 13(3)(i) Item (H)

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

House Bill 1329 – Delegate Norman

AN ACT concerning

Motor Vehicles – Renewal of Drivers’ Licenses – Contractors for the Armed Forces of the United States

FOR the purpose of requiring the Motor Vehicle Administration to renew the driver’s license of an individual who has a Maryland residence address but resides outside the United States if the individual provides certain documentation indicating that the individual resides outside the United States, is, or is the spouse or dependent of, a contractor who performs work for the armed forces of the United States, and meets certain other requirements; and generally relating to the renewal of drivers’ licenses.

BY adding to

Article – Transportation

Section 16–115(j)

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

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

QUORUM CALL

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

(See Roll Call No. 173)

ADJOURNMENT

At 12:16 P.M. on motion of Delegate Barve the House adjourned until 8:00 P.M. on Monday, March 7, 2011.

Annapolis, Maryland
Monday, March 7, 2011

The House met at 8:06 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Mary L. Washington of Baltimore City.

QUORUM CALL

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

(See Roll Call No. 174)

The Journal of March 4, 2011 was read and approved.

EXCUSES:

Del. Cane – brother's death

Del. Harrison – illness

Del. Hubbard – illness

INTRODUCTION OF BILLS

**House Bill 1330 – Chair, Economic Matters Committee (By Request –
Departmental – Labor, Licensing and Regulation)**

AN ACT concerning

Construction Safety and Health Training – Public Work Contracts

FOR the purpose of requiring certain individuals performing work on certain public work projects to complete certain construction safety training; requiring certain contractors, before beginning work on a public work contract, to provide a certification to a public body that certain individuals have received construction safety training; requiring the Commissioner of Labor and Industry to investigate compliance with the training requirement; requiring a public body to withhold certain liquidated damages to cover the liability of a contractor if notified by the Commissioner of Labor and Industry of a violation; providing for a hearing after completion of an investigation; providing for the imposition of liquidated damages of certain amounts for certain violations; providing for debarment of certain contractors under certain circumstances; authorizing the Commissioner to adopt certain regulations; defining certain terms; and generally relating to construction safety training.

BY adding to

Article – State Finance and Procurement

Section 17–701 through 17–708 to be under the new subtitle “Subtitle 7.
Construction Safety and Health Training”

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

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

House Bill 1331 – Delegate Waldstreicher

AN ACT concerning

Peace Orders – Surrender of Firearms

FOR the purpose of authorizing a court issuing a temporary peace order to order the respondent to surrender to law enforcement authorities and to refrain from possessing certain firearms for a certain period of time under certain circumstances; requiring a court issuing a final peace order to order the respondent to surrender to law enforcement authorities and to refrain from possessing certain firearms for a certain period of time under certain circumstances; requiring a law enforcement officer to provide certain information to a respondent when a firearm is surrendered and to transport and store the firearm in a certain manner; providing for the retaking of surrendered firearms by the respondent except under certain circumstances; authorizing a respondent to transport a firearm under certain circumstances; establishing a certain penalty for failure to surrender a firearm or possession of a firearm under certain circumstances; and generally relating to peace orders.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 3–1504(a), 3–1505, and 3–1508(a)

Annotated Code of Maryland

(2006 Replacement Volume and 2010 Supplement)

BY adding to

Article – Courts and Judicial Proceedings

Section 3–1505.1

Annotated Code of Maryland

(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

Article – Family Law

Section 4–505(a)(1) and (2)(viii), 4–506(f), 4–506.1, and 4–509(a)

Annotated Code of Maryland

(2006 Replacement Volume and 2010 Supplement)

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

House Bill 1332 – Delegate McConkey

AN ACT concerning

Anne Arundel County – Drug-Free Zones Pilot Program – Public Parks and Recreation Areas

FOR the purpose of prohibiting a person in Anne Arundel County from using or possessing with intent to use drug paraphernalia in certain public parks and recreation areas for a certain purpose; allowing a defendant in a certain prosecution involving drug paraphernalia relating to marijuana to introduce, and requiring the court to consider as a mitigating factor, certain evidence related to medical necessity; establishing certain penalties; authorizing the county to post certain signs; defining a certain term; providing for the termination of this Act; and generally relating to drug-free zones in Anne Arundel County.

BY adding to

Article – Criminal Law

Section 5–629

Annotated Code of Maryland

(2002 Volume and 2010 Supplement)

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

House Bill 1333 – Delegate Howard

AN ACT concerning

Legislative Community Initiatives Loan of 2004 – Prince George’s County – Ivy Youth and Family Center

FOR the purpose of amending the Legislative Community Initiatives Loan of 2004 to extend the date by which a certain grantee must provide proof of a certain matching fund; extending the deadline by which a certain grant must be encumbered by the Board of Public Works or expended for certain purposes; and generally relating to amending the Legislative Community Initiatives Loan of 2004.

BY repealing and reenacting, with amendments,

Chapter 204 of the Acts of the General Assembly of 2003, as amended by Chapter 432 of the Acts of the General Assembly of 2004 and Chapter 707 of the Acts of the General Assembly of 2009
Section 13(3)(i) Item (BD) and (ii) Item (Q)

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

House Bill 1334 – Delegates McDermott and Conway

AN ACT concerning

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

FOR the purpose of allowing a holder of a Class D beer license in the Town of Berlin in Worcester County to be issued a Class 7 micro–brewery license by the Comptroller under certain circumstances; specifying the hours for certain consumer sales; making a stylistic change; and generally relating to micro–breweries in Worcester County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–208
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

House Bill 1335 – Delegate Hershey

AN ACT concerning

Zoning, Construction, and Stormwater – Permits and Variances – Solar Panels

FOR the purpose of providing that, for the purposes of issuing a permit or a variance relating to zoning, construction, or stormwater for a project to install a solar panel, any calculation relating to the impervious surface of the project required by certain State or local governing authorities may include only a certain portion of the solar panel; and generally relating to the calculation of impervious surfaces for the purposes of issuing a permit or a variance relating to zoning, construction, or stormwater.

BY repealing and reenacting, with amendments,
Article 66B – Land Use
Section 1.03 and 2.13

Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article 66B – Land Use
Section 7.06
Annotated Code of Maryland
(2010 Replacement Volume)

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

House Bill 1336 – Delegate Holmes

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2009 – Prince George’s County
– South Bowie Boys and Girls Club**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2009 to change the name of a certain grantee from the Board of Directors of the South Bowie Boys and Girls Club, Inc. to the Mayor and City Council of the City of Bowie; extending the deadline for a certain grantee to present evidence that a matching fund will be provided; requiring that the Board of Public Works expend or encumber the proceeds of the loan by June 1, 2013; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2009.

BY repealing and reenacting, with amendments,
Chapter 485 of the Acts of the General Assembly of 2009
Section 1(3) Item ZA02(AP)

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

House Bill 1337 – Delegates Holmes, Braveboy, V. Turner, and Wilson

AN ACT concerning

**Real Property – Residential Property Owned by Bank or Investment
Company – Required Maintenance**

FOR the purpose of requiring a certain bank or investment company that owns certain residential property that has been foreclosed on and repossessed by the bank or investment company to secure and maintain the property according to certain standards; authorizing a county or municipal corporation to enact a local law that requires a certain bank or investment company to secure and maintain its real estate owned property located within the county or municipal corporation

boundaries, that requires the bank or investment company to register its real estate owned property with the county or municipal corporation, and that subjects the bank or investment company to a certain civil penalty for failing to register, secure, and maintain the real estate owned property; authorizing a bank or investment company to contract with a certain property preservation company to secure and maintain certain real estate owned property; establishing the liability of the bank or investment company for the failure of the property preservation company to secure and maintain certain real estate owned property; defining certain terms; and generally relating to the requirement that a bank or investment company maintain its real estate owned property.

BY repealing and reenacting, without amendments,

Article – Real Property

Section 7–105.1(a)(1) and (9)

Annotated Code of Maryland

(2010 Replacement Volume and 2010 Supplement)

BY adding to

Article – Real Property

Section 14–133

Annotated Code of Maryland

(2010 Replacement Volume and 2010 Supplement)

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

House Bill 1338 – Delegate Kipke

AN ACT concerning

Health Insurance – Pharmacy Benefits Managers – Contracts, Disclosures, and Audits

FOR the purpose of requiring each contract between a pharmacy benefits manager and a pharmacy, pharmacist, or retail pharmacy network or agent of a pharmacy, pharmacist, or retail pharmacy network to contain at a minimum certain provisions; requiring a pharmacy benefits manager to disclose certain information to certain entities at certain times; requiring a pharmacy benefits manager that, in a certain contract, calculates reimbursement for prescription drugs and other products and supplies in accordance with a certain formula to use a certain price in that calculation; requiring a pharmacy benefit manager to update certain prices at an interval not less than a certain number of business days and to make certain disclosures about certain prices and a certain methodology; prohibiting a pharmacy benefits manager that has a certain management or ownership interest from discriminating or restricting the rights of a beneficiary or offering certain copayments to a beneficiary; altering the

requirements for an audit conducted by a pharmacy benefits manager of a pharmacy or pharmacist under contract with the pharmacy benefits manager; requiring that a copy of a certain final audit report be delivered to a plan sponsor within certain periods of time under certain circumstances; requiring a certain recoupment of a certain claims payment to be based only on a certain fee and not on a certain cost; prohibiting a pharmacy benefits manager and a plan sponsor from taking certain actions on the basis of certain errors; making stylistic changes; and generally relating to pharmacy benefits managers.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–1628 and 15–1629
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

House Bill 1339 – Delegates Braveboy, Barnes, Frush, and Pena–Melnik

AN ACT concerning

Real Property – Homeowners Associations – Election of Governing Body

FOR the purpose of prohibiting, with respect to a homeowners association, a declarant and its affiliates from voting to elect the governing body of a homeowners association at the meeting to elect the governing body; and generally relating to the election of the governing body of a homeowners association.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11B–106.1(a) and (e)(3)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #2

CONSENT CALENDAR #2

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Economic Matters:

House Bill 1143 – Delegate Sophocleus

AN ACT concerning

**Business Regulation – Secondhand Precious Metal Object Dealers –
Exempted Transactions and Record Keeping Requirements**

The Bill was re-referred to the Committee on Economic Matters.

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 1174 – Delegates Mitchell, Vallario, and Conaway

AN ACT concerning

Correctional Services – Revocation of Parole – Reimposition of Sentence

The Bill was re-referred to the Committee on Ways and Means.

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 1233 – Delegate Frick

AN ACT concerning

Income Tax – Withholding Statements – Electronic Submission

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

**House Bill 1234 – Delegates Arora, Barkley, Carr, Cullison, Gilchrist, Ivey,
Kaiser, A. Kelly, Lee, Luedtke, A. Miller, Reznik, S. Robinson, and
Zucker**

AN ACT concerning

Task Force on the Selective Moving of Overhead Utility Lines Underground

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1235 – Delegates Aumann and Bates

AN ACT concerning

State and Local Government – Disposition or Demolition of Surplus Real Property – Asbestos Remediation

The Bill was re-referred to the Committee on Environmental Matters.

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 1236 – Delegates Gutierrez, Valderrama, Carr, Carter, Cullison, Hucker, and A. Kelly

AN ACT concerning

Law Enforcement Officers – Racial Profiling – Prohibited

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 Environmental Matters:

House Bill 1238 – Delegates Smigiel, Eckardt, Glass, Haddaway-Riccio, Hershey, Jacobs, McDermott, and Otto

AN ACT concerning

Department of Natural Resources – Tracking Device on Vessel – Prohibition Without Court Order

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1240 – Delegates Jacobs, Cluster, Eckardt, Frank, Haddaway-Riccio, Hershey, McDermott, Norman, Otto, Smigiel, Summers, and Weir

AN ACT concerning

Natural Resources – Right to Harvest Seafood and Engage in the Seafood Industry

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters and the Committee on Economic Matters:

House Bill 1241 – Delegates Stein, Kach, and Morhaim

AN ACT concerning

Natural Resources – Rural Legacy Area – Prohibited Uses

The Bill was re-referred to the Committee on Environmental Matters and the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1242 – Chair, Baltimore County Delegation (By Request – Baltimore County Administration)

AN ACT concerning

Baltimore County – Miscellaneous Business Licenses – Fees

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1244 – Delegates O’Donnell, Fisher, and Wood

AN ACT concerning

Patuxent River – Oysters – Use of Patent Tongs

The Bill was re-referred to the Committee on Environmental Matters.

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 1245 – Delegate Kach

AN ACT concerning

Recordation Tax and State Transfer Tax – Exemptions

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1246 – Delegates Conway, Arora, Bobo, Braveboy, Cullison, Frush, Kramer, and Niemann

AN ACT concerning

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

The Bill was re-referred to the Committee on Environmental Matters.

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 1248 – Delegates Bates, B. Robinson, and Aumann

AN ACT concerning

Parole and Probation – Earned Compliance Credits

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 Environmental Matters:

House Bill 1249 – Delegates McMillan and Costa

AN ACT concerning

Public Oyster Fishery – South River – Hand Tonging

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1252 – Delegate McMillan

AN ACT concerning

Natural Resources – Large–Scale Striped Bass Poaching – Penalties

The Bill was re–referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Environmental Matters:

House Bill 1256 – Delegate Frush

AN ACT concerning

**Vehicle Laws – Manufacturer, Distributor, or Factory Branch – Dealer
Benefits and Web Sites**

The Bill was re–referred to the Committee on Environmental Matters.

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 1257 – Delegates Minnick, Aumann, Boteler, Bromwell, Cane,
Clagett, DeBoy, Frank, Hershey, Hogan, Jacobs, Kach, McDermott,
Olszewski, Schulz, Smigiel, Stein, and Weir**

AN ACT concerning

**Income Tax – Subtraction Modification – Military Compensation Outside the
United States**

The Bill was re–referred to the Committee on Ways and Means.

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 1258 – Delegates Stukes, Anderson, Branch, Glenn, Gutierrez,
Haynes, Oaks, B. Robinson, Rosenberg, and Tarrant**

AN ACT concerning

Baltimore City – Age for Compulsory Public School Attendance – Exemption

The Bill was re–referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1259 – Delegate Frush

AN ACT concerning

**Chesapeake and Atlantic Coastal Bays Critical Area – Junk or Scrap Storage
or Yards – Regulations**

The Bill was re-referred to the Committee on Environmental Matters.

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 1263 – Delegate Glenn

AN ACT concerning

Elections – Early Voting Centers – Establishment

The Bill was re-referred to the Committee on Ways and Means.

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 1264 – Delegate Glenn

AN ACT concerning

**Crimes – Elder Abuse or Neglect – Increased Penalties and Restrictions on
Pretrial Release (The John H. Taylor Act)**

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 Environmental Matters:

**House Bill 1265 – Chair, Baltimore County Delegation (By Request –
Baltimore County Administration)**

AN ACT concerning

**Vehicle Laws – Parking Violations – Administrative Enforcement by
Baltimore County**

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1266 – Delegate Kipke

AN ACT concerning

Environment – Construction on Piers – Exception for Solar Panels

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1268 – Delegates Bromwell, Rudolph, and Elliott

AN ACT concerning

Prescription Drugs – Dispensing Permits

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

House Bill 1269 – Delegates Walker and Olszewski

AN ACT concerning

**Election Law – Voting by Registered Offenders at Polling Places –
Prohibition**

The Bill was re-referred to the Committee on Ways and Means.

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 1270 – Delegate Jones

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

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 Ways and Means:

House Bill 1275 – Howard County Delegation

AN ACT concerning

Howard County – Casino Events – Authorized

Ho. Co. 4-11

The Bill was re-referred to the Committee on Ways and Means.

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 1277 – Delegates Smigiel and McDermott

AN ACT concerning

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

The Bill was re-referred to the Committee on Judiciary.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

**House Bill 1278 – Delegates Hucker, Arora, Carr, Cullison, Gilchrist,
Gutierrez, Kaiser, A. Kelly, Kramer, Luedtke, Reznik, S. Robinson,
V. Turner, and Zucker**

AN ACT concerning

Electric Companies – Rates – Decoupling Revenue and Sales

The Bill was re-referred to the Committee on Economic Matters.

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 1280 – Delegates Impallaria, McComas, Norman, and Stifler

AN ACT concerning

Task Force to Review Property Tax Assessment Procedures and the Assessment Appeals Process

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1281 – Delegates Stukes, Haynes, and Mitchell

AN ACT concerning

Arts and Entertainment Districts – Artistic Work – Design

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1282 – Delegates Glenn, K. Kelly, Kramer, McConkey, Myers, Norman, and Parrott

AN ACT concerning

Transportation – Vehicle Parking Facilities – Motorcycle Parking

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1283 – Delegate Glenn

EMERGENCY BILL

AN ACT concerning

Public School Buildings – Carbon Monoxide Detection and Warning Equipment

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1285 – Chair, Health and Government Operations Committee (By Request – Departmental – Aging)

AN ACT concerning

Maryland Department of Aging – Continuing Care in a Retirement Community

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1286 – Chair, Health and Government Operations Committee (By Request – Departmental – Aging)

AN ACT concerning

Maryland Department of Aging – Continuing Care in a Retirement Community

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1287 – Delegates Walker, V. Turner, and Valderrama

AN ACT concerning

Creation of a State Debt – Prince George’s County – My Sister’s Keeper Group Homes

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 Environmental Matters:

House Bill 1288 – Delegate Malone

AN ACT concerning

Vehicle Laws – Distracted Driving – Prohibition

The Bill was re-referred to the Committee on Environmental Matters.

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 1289 – Delegate Serafini

AN ACT concerning

State Retirement and Pension System – State Employees and Teachers – Benefits

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 1290 – Delegate Serafini

AN ACT concerning

State Employees’ and Teachers’ Retirement Savings Plan

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 Ways and Means:

House Bill 1291 – Delegates McIntosh, Barkley, Bobo, and Cane

AN ACT concerning

Sales and Use Tax – Exemption – Energy for Homeowners Association

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1292 – Delegate Costa

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Licenses and Fees

The Bill was re-referred to the Committee on Economic Matters.

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 1293 – Delegates A. Miller, Dumais, and Feldman

AN ACT concerning

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

The Bill was re-referred to the Committee on Appropriations.

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 1295 – Delegates Hixson, McIntosh, and Frick

AN ACT concerning

Property Tax – Charter Counties – Limits

The Bill was re-referred to the Committee on Ways and Means.

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 1296 – Delegate Rosenberg

AN ACT concerning

District Court – Electronic Transmission of Eviction-Related Documents

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 Ways and Means:

**House Bill 1297 – Chair, Ways and Means Committee (By Request –
Departmental – Health and Mental Hygiene)**

AN ACT concerning

**Education – Children with Disabilities – Regional Institutes for Children and
Adolescents**

The Bill was re-referred to the Committee on Ways and Means.

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 1298 – Delegate Harrison

AN ACT concerning

Creation of a State Debt – Baltimore City – Mary Harvin Transformation Center

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 1299 – Delegate Harrison

AN ACT concerning

Creation of a State Debt – Baltimore City – St. Francis Xavier Head Start

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 Judiciary:

House Bill 1300 – Delegates Huckler, Alston, Anderson, Arora, Carter, Conaway, Dumais, K. Kelly, Love, Luedtke, Oaks, Ross, Vaughn, and Walker

AN ACT concerning

Probation – Probation Work Readiness Pilot Program

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 1301 – Delegates Stukes, Haynes, and Mitchell

AN ACT concerning

Creation of a State Debt – Baltimore City – Academy of Success Community Empowerment Center

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 1302 – Delegates Walker and Valderrama

AN ACT concerning

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

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1303 – Delegate Hucker

AN ACT concerning

Occupational Safety – Manholes and Confined Spaces – Training in First Aid and Cardiopulmonary Resuscitation

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1304 – Delegates Hucker, Bobo, Impallaria, W. Miller, Murphy, Myers, and Rudolph

AN ACT concerning

National Human Trafficking Resource Center Hotline Information – Sign Posting Requirements

The Bill was re-referred to the Committee on Economic Matters.

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 1305 – Delegate Myers

AN ACT concerning

Safe Schools – Reportable Offenses

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 1306 – Delegates V. Turner, Valderrama, and Walker

AN ACT concerning

Creation of a State Debt – Prince George’s County – Crossland High School

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 1307 – Delegate Morhaim

AN ACT concerning

**Public Employees’ and Retirees’ Benefit Sustainability Commission –
Advance Directives**

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 Ways and Means:

**House Bill 1308 – Delegates Gilchrist, Frick, Ivey, Kaiser, A. Miller, Ross, and
Stukes**

AN ACT concerning

Tax Incentives and Benefits – Credits and Subtraction Modifications

The Bill was re-referred to the Committee on Ways and Means.

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 1310 – Delegate Conway

AN ACT concerning

Tax Supported Debt – Energy Performance Contracts

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 Economic Matters:

House Bill 1313 – Delegate Myers

AN ACT concerning

Alcoholic Beverages – Class A Licensees – Closing Hours

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1314 – Delegate Myers

AN ACT concerning

Public Service Commission – Public Service Company – Definition

The Bill was re-referred to the Committee on Economic Matters.

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 1319 – Delegates Carr, Gutierrez, and Waldstreicher

AN ACT concerning

Creation of a State Debt – Montgomery County – Warner Manor

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 Ways and Means:

House Bill 1324 – Delegates Conway, Cane, Eckardt, McDermott, and Otto

AN ACT concerning

Wicomico County – Board of Education – Selection of Members – Straw Ballot

The Bill was re-referred to the Committee on Ways and Means.

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 1328 – Delegates McHale, Clippinger, Hammen, Haynes, Mitchell, and Stukes

AN ACT concerning

Legislative Community Initiatives Loan of 2004 – Baltimore City – Carroll Mansion Museum

The Bill was re-referred to the Committee on Appropriations.

INTRODUCTION OF BILLS

House Bill 1340 – Delegates Haddaway-Riccio and O'Donnell

AN ACT concerning

Natural Resources – Oysters – Sanctuaries and Poaching

FOR the purpose of prohibiting the Department of Natural Resources from designating more than a certain percent of the available oyster habitat in the waters of the State as oyster sanctuaries, except under certain circumstances; providing that a certain person who receives a citation for a certain offense related to unlawfully taking oysters may have a certain license revoked under certain circumstances; establishing certain grounds for the revocation of a certain license; requiring the Department to hold a certain hearing under certain circumstances in accordance with the Administrative Procedure Act; requiring the Department to revoke a person's license to catch oysters under certain circumstances; authorizing certain aggrieved persons to obtain judicial review of a certain decision; prohibiting a certain person from engaging or working in a certain fishery under certain circumstances; and generally relating to the management of oyster resources in the State.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4-1006.2

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY adding to

Article – Natural Resources

Section 4-1210

Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

INTRODUCTION OF BILLS

House Bill 1341 – Chair, Health and Government Operations Committee (By Request – Departmental – Emergency Management Agency, Maryland)

AN ACT concerning

State Government – Transportation – School Bus Use in Emergencies

FOR the purpose of allowing the use of school buses for transportation to move individuals during an evacuation or during a government–declared emergency; and generally relating to school bus use in evacuations and emergencies.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–420(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 13–420(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 175)

ADJOURNMENT

At 8:33 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Tuesday, March 8, 2011.

**Annapolis, Maryland
Tuesday, March 8, 2011**

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

Prayer by Delegate Dan K. Morhaim of Baltimore County.

QUORUM CALL

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

(See Roll Call No. 176)

The Journal of March 7, 2011 was read and approved.

EXCUSES:

Del. Cane – brother's death

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 330 – Senators Brinkley and Young

AN ACT concerning

Frederick County – ~~Public~~ Nonprofit School Lease – Property Tax Credit

FOR the purpose of requiring rather than authorizing Frederick County to grant, by law, a property tax credit for real property leased to ~~the Frederick County Board of County Commissioners or to the Frederick County Board of Education~~ a nonprofit school and used exclusively for ~~public school~~ primary or secondary educational purposes; and providing for the application of this Act.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section ~~9-312(d)~~ 9-312(e)

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 395 – Senators Jacobs and Glassman

AN ACT concerning

**Harford County Property Tax Credit – Homes Near a Refuse Disposal System
– Extension to Additional Properties**

FOR the purpose of extending the property tax credit in Harford County for certain residential real property in proximity to certain refuse disposal systems to certain additional residential real property; providing for the application of this Act; and generally relating to a certain authorization for Harford County to grant a property tax credit for certain residential real property in proximity to certain refuse disposal systems.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–314(a)(1)(x)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 9–314(a)(4)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 424 – Senators Brochin and Forehand

AN ACT concerning

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

FOR the purpose of prohibiting a person from using a text messaging device to read a text message while operating a motor vehicle; clarifying that a certain prohibition against a person using a text messaging device to write, send, or read a text message while operating a motor vehicle includes a prohibition against writing, sending, or reading an electronic message; repealing a certain provision of law that applies the text messaging prohibition to an operator of a motor vehicle only if the motor vehicle is in motion; and generally relating to prohibited acts with respect to the use of a text messaging device while driving.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1124.1

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

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

Senate Bill 463 – Carroll County Senators

AN ACT concerning

Carroll County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Carroll County, from time to time, to borrow not more than \$16,000,000 in order to finance the construction, improvement, or development of certain public facilities in Carroll County, including water and sewer projects, to finance loans for fire or emergency-related equipment, buildings, and other facilities of volunteer fire departments in the County, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; providing that such borrowing may be undertaken by the County in the form of installment purchase obligations executed and delivered by the County for the purpose of acquiring agricultural land and woodland preservation easements; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, County, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and relating generally to the issuance and sale of such bonds.

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

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #4

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

House Bill 27 – Delegate O'Donnell

AN ACT concerning

Ethics – Executive Branch – Lobbying by Former Officials**HB0027/690610/1**

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 27

(First Reading File Bill)

On page 2, in line 10, after “LEAVES” insert “**STATE**”; in line 11, after “**BRANCH**” insert “**WHO HAD DUTIES SUBSTANTIALLY RELATED TO STATE LEGISLATIVE MATTERS AND THE GENERAL ASSEMBLY**”; and after line 18, insert:

“(4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, FOR 1 YEAR AFTER THE OFFICIAL LEAVES STATE EMPLOYMENT, A FORMER STATE OFFICIAL OR PUBLIC OFFICIAL OF THE EXECUTIVE BRANCH WHO HAD DUTIES SUBSTANTIALLY RELATED TO THE PROCUREMENT OF GOODS AND SERVICES MAY NOT ASSIST OR REPRESENT ANOTHER PARTY FOR COMPENSATION IN A PROCUREMENT MATTER BEFORE THE OFFICIAL’S FORMER AGENCY.

“(II) THE LIMITATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY TO THE FORMER OFFICIAL’S REPRESENTATION OF ANOTHER STATE GOVERNMENTAL ENTITY.”.

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 46 – Delegate O’Donnell

AN ACT concerning

Ethics Law – Soliciting the Employment of Lobbyists**HB0046/380819/1**

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 46

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “soliciting” and substitute “initiating a solicitation for”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 12 through 19, inclusive, and substitute:

“(a) **(1)** An official or employee may not intentionally use the prestige of office or public position for that official’s or employee’s private gain or that of another.

(2) AN OFFICIAL MAY NOT DIRECTLY OR INDIRECTLY INITIATE A SOLICITATION FOR A PERSON TO RETAIN THE SERVICES OF A PARTICULAR REGULATED LOBBYIST OR LOBBYING FIRM.

(b) The performance of usual and customary constituent services, without additional compensation, is not prohibited under subsection (a) 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 McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 103 – Delegates Haddaway–Riccio, Cane, Eckardt, Hershey, Jacobs, McDermott, O’Donnell, Otto, Rudolph, and Smigiel

AN ACT concerning

Vehicle Laws – Gross Weight Limits – Farm Vehicles and Vehicles Carrying Farm Products

HB0103/780712/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 103
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Gross Weight Limits” and substitute “Exceptional Hauling Permits”; in lines 2 and 3, strike “Vehicles and Vehicles Carrying Farm”; in line 4, strike “allowing” and substitute “authorizing the State Highway Administration to issue permits for”; in lines 4 and 5, strike “that are registered as farm vehicles or that are”; strike beginning with “farm” in line 5 down through “tolerance” in line 6 and substitute “products and loads of certain maximum weights to operate in certain areas”; in line 6, strike “under” and substitute “in”; in line 6, after “circumstances” insert “and subject to certain conditions; expanding the scope of a certain permitting process for certain vehicles that carry certain forest products to include certain vehicles that carry certain farm products; repealing a certain separate permitting process for certain vehicles that carry certain milk products; altering certain fees for permits for certain vehicles that carry certain products; altering certain time periods in which certain permits for certain vehicles that carry certain products are valid; defining a certain term”; in line 7, strike “gross weight limits for farm vehicles and” and substitute “exceptional hauling permits for”; after line 8, insert:

“BY repealing and reenacting, without amendments,

Article – Agriculture

Section 10–601(c)

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)”;

in line 11, strike “24–109” and substitute “24–113.2”; and after line 13, insert:

“BY repealing

Article – Transportation

Section 24–113.3

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 15, insert:

“Article – Agriculture

10-601.

(c) “Farm product” means any agricultural, horticultural, vegetable, or fruit product of the soil, including livestock, meats, marine food products, poultry, eggs, dairy products, wool, hides, feathers, nuts, honey, and every product of farm, forest, orchard, garden or water, but does not include canned, frozen, dried, or pickled products.”.

On pages 1 through 5, strike in their entirety the lines beginning with line 17 on page 1 through line 2 on page 5, inclusive, and substitute:

“24-113.2.

(a) [An] UNLESS OTHERWISE PROVIDED BY FEDERAL LAW, AN exceptional hauling permit issued under this section is NOT valid [only in:

(1) Allegany County and Garrett County; and

(2) Dorchester County, Somerset County, Talbot County, Wicomico County, and Worcester County] ON THE INTERSTATE HIGHWAY SYSTEM, AS DEFINED IN § 8-101(J) OF THIS ARTICLE.

(b) Notwithstanding any other provision of this title, the State Highway Administration may issue an exceptional hauling permit for a combination of vehicles that:

(1) Carries [forestry products] FARM PRODUCTS AS DEFINED IN § 10-601(C) OF THE AGRICULTURE ARTICLE that:

(i) Are loaded in fields or other off-highway locations; and

(ii) Are the only load of the vehicle; and

(2) Has an axle configuration of not less than six axles and a front-to-rear centerline axle spacing of not less than 50 feet.

(c) A combination of vehicles operating under the authority of an exceptional hauling permit issued under subsection (b) of this section shall:

(1) Comply with the following weight limits:

(i) A maximum of 20,000 pounds gross weight on a single axle;

(ii) For any consecutive axle configuration of two or more axles on individual vehicles in the combination, the maximum gross weight specified in § 24–109(c) of this subtitle; and

(iii) A maximum of 87,000 pounds gross combination weight;

(2) Twice each year, submit to and pass a North American Standard Driver/Vehicle Level 1 inspection; and

(3) Be allowed a load limit tolerance of only 1,000 pounds for gross combination weight and 15% for axle weights.

(d) While operating a combination of vehicles under the authority of an exceptional hauling permit issued under subsection (b) of this section, a person may not:

(1) Violate a highway restriction issued by a competent authority;

(2) Operate the combination of vehicles on the interstate highway system, as defined in § 8–101(j) of this article;

(3) Operate the combination of vehicles if the combination of vehicles exceeds any tire weight rating or tire speed restriction adopted under § 25–111 of this article; or

(4) Fail to comply with the terms and conditions of the exceptional hauling permit.

(e) While operating a combination of vehicles under the authority of an exceptional hauling permit issued under subsection (b) of this section, a person shall have in the person's possession:

(1) The original exceptional hauling permit issued for the vehicle; and

(2) For each vehicle in the combination of vehicles, a copy of a valid North American Standard Driver/Vehicle Level 1 inspection report issued within the preceding 180 days that shows no out-of-service violations.

(f) (1) A violation of this section, regulations adopted to implement this section, or the terms and conditions of an exceptional hauling permit issued under subsection (b) of this section shall:

(i) Void the authority granted under the exceptional hauling permit;

(ii) Subject the vehicle to all weight requirements and tolerances specified in this article; and

(iii) For a violation of a weight restriction specified in this section that exceeds 5,000 pounds, subject the exceptional hauling permit to immediate confiscation by an officer or authorized civilian employee of the Department of State Police, an officer of the Maryland Transportation Authority Police, or any police officer.

(2) A person who confiscates an exceptional hauling permit under paragraph (1) of this subsection shall immediately notify the State Highway Administration.

(3) On notification of the confiscation of an exceptional hauling permit, the State Highway Administration shall review the confiscation, verify the violation of a weight restriction, and, if the State Highway Administration determines that a violation did occur, revoke the permit.

(4) An owner or operator of a combination of vehicles may appeal the revocation of an exceptional hauling permit to the State Highway Administrator or the Administrator's designee.

(g) (1) On request from the State Highway Administrator or the Administrator's designee, weight and delivery records of the holder of an exceptional hauling permit that are kept in the normal course of business shall be provided by:

(i) The holder of the exceptional hauling permit; or

(ii) A facility that receives [forestry] FARM products, AS DEFINED IN § 8–101(J) OF THE AGRICULTURE ARTICLE, delivered by a vehicle operating under the authority of an exceptional hauling permit.

(2) If the holder of an exceptional hauling permit or a facility that receives [forestry] FARM products does not comply with a request under this subsection, the State Highway Administration may:

(i) Suspend the holder’s exceptional hauling permit; or

(ii) Prohibit a vehicle from delivering [forestry] FARM products under the authority of the exceptional hauling permit to the noncompliant facility.

(h) (1) An applicant for an exceptional hauling permit shall pay to the State Highway Administration:

(i) 1. [\$500]**\$250** for the issuance of a new ANNUAL permit or the annual renewal [of a permit]; OR

2. **\$30 FOR THE ISSUANCE OF A 30 DAY PERMIT;**

(ii) \$1,000 for the reinstatement of a permit that was revoked under subsection (f)(3) of this section for a first violation; and

(iii) \$5,000 for the reinstatement of a permit that was revoked under subsection (f)(3) of this section for a second or subsequent violation within the prior 24 months.

(2) A fee paid under this subsection is nonrefundable.

(i) Except as otherwise provided in this section, an exceptional hauling permit is valid for:

(1) 1 year from the date of issuance **FOR AN ANNUAL PERMIT; OR**

(2) **30 CONSECUTIVE DAYS FOR A 30 DAY PERMIT.**

(j) In consultation with the Secretary of State Police, the State Highway Administration shall adopt regulations to implement this section.

(k) (1) An exceptional hauling permit is issued under this section at the discretion of the State Highway Administrator.

(2) The State Highway Administrator may stop issuing or renewing exceptional hauling permits under this section if the Administrator determines that the use of the permits is adversely affecting any part of the State highway system.

(3) The State Highway Administrator shall promptly report to the General Assembly, in accordance with § 2-1246 of the State Government Article, regarding any decision to stop issuing or renewing exceptional hauling permits under this section and the reason for the decision.

[24-113.3.

(a) An exceptional milk hauling permit issued under this section is valid only in Allegany County, Anne Arundel County, Baltimore County, Carroll County, Frederick County, Garrett County, Howard County, Montgomery County, Prince George's County, and Washington County.

(b) Notwithstanding any other provision of this title, the State Highway Administration may issue an exceptional milk hauling permit for a combination of vehicles that:

(1) Carries to a processing plant raw liquid milk that is the only load on the vehicle and is loaded from bulk liquid milk storage tanks at one or more farm locations; and

(2) Has an axle configuration of not less than six axles and a front-to-rear centerline axle spacing of not less than 50 feet.

(c) A combination of vehicles operating under the authority of an exceptional milk hauling permit issued under subsection (b) of this section shall:

(1) Comply with the following weight limits:

(i) A maximum of 20,000 pounds gross weight on a single axle;

(ii) For any consecutive axle configuration of two or more axles on individual vehicles in a combination, the weight specified in § 24–109(c) of this subtitle; and

(iii) A maximum of 87,000 pounds gross combination weight;

(2) Twice each year, submit to and pass a North American Standard Driver/Vehicle Level 1 inspection; and

(3) Be allowed a load limit tolerance of only 1,000 pounds for gross combination weight and 15% for axle weights.

(d) While operating a combination of vehicles under the authority of an exceptional milk hauling permit issued under subsection (b) of this section, a person may not:

(1) Violate a highway restriction issued by a competent authority;

(2) Operate the combination of vehicles on the interstate highway system, as defined in § 8–101(j) of this article;

(3) Operate the combination of vehicles if the combination of vehicles exceeds any tire weight rating or tire speed restriction adopted under § 25–111 of this article; or

(4) Fail to comply with the terms and conditions of the exceptional milk hauling permit.

(e) While operating a combination of vehicles under the authority of an exceptional milk hauling permit issued under subsection (b) of this section, a person shall have in the person's possession:

(1) The original exceptional milk hauling permit issued for the vehicle;
and

(2) For each vehicle in the combination of vehicles, a copy of a valid North American Standard Driver/Vehicle Level 1 inspection report issued within the preceding 180 days that shows no out-of-service violations.

(f) (1) A violation of this section, regulations adopted to implement this section, or the terms and conditions of an exceptional milk hauling permit issued under subsection (b) of this section shall:

(i) Void the authority granted under the exceptional milk hauling permit;

(ii) Subject the vehicle to all weight requirements and tolerances specified in this article; and

(iii) For a violation of a weight restriction specified in this section that exceeds 5,000 pounds, subject the exceptional milk hauling permit to immediate confiscation by an officer or authorized civilian employee of the Department of State Police, an officer of the Maryland Transportation Authority Police, or any police officer.

(2) A person who confiscates an exceptional milk hauling permit under paragraph (1) of this subsection shall immediately notify the State Highway Administration.

(3) On notification of the confiscation of an exceptional milk hauling permit, the State Highway Administration shall review the confiscation, verify the violation of a weight restriction, and, if the State Highway Administration determines that a violation did occur, revoke the permit.

(4) An owner or operator of a combination of vehicles may appeal the revocation of an exceptional milk hauling permit to the State Highway Administrator or the Administrator's designee.

(g) (1) On request from the State Highway Administrator or the Administrator's designee, weight and delivery records of the holder of an exceptional milk hauling permit that are kept in the normal course of business shall be provided by:

(i) The holder of the exceptional milk hauling permit;

(ii) A facility that receives raw liquid milk delivered by a vehicle operating under the authority of an exceptional milk hauling permit; or

(iii) A producer of raw liquid milk having the product transported under the authority of an exceptional milk hauling permit.

(2) If the holder of an exceptional milk hauling permit, a facility that receives raw liquid milk, or a producer of raw liquid milk does not comply with a request under this subsection, the State Highway Administration may:

(i) Suspend the holder’s exceptional milk hauling permit; or

(ii) Prohibit a vehicle from picking up from the producer or delivering to the noncompliant facility raw liquid milk under the authority of the exceptional milk hauling permit.

(h) (1) An applicant for an exceptional milk hauling permit shall pay to the State Highway Administration:

(i) \$500 for the issuance of a new permit or the annual renewal of a permit;

(ii) \$1,000 for the reinstatement of a permit that was revoked under subsection (f)(3) of this section for a first violation; and

(iii) \$5,000 for the reinstatement of a permit that was revoked under subsection (f)(3) of this section for a second or subsequent violation within the prior 24 months.

(2) A fee paid under this subsection is nonrefundable.

(i) Except as otherwise provided in this section, an exceptional milk hauling permit is valid for 1 year from the date of issuance.

(j) In consultation with the Secretary of State Police, the State Highway Administration shall adopt regulations to implement this section.】”.

AMENDMENT NO. 3

On page 5, in line 4, strike “October” and substitute “June”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 222 – Delegate Malone

AN ACT concerning

**Motor Vehicles – Use of Wireless Communication Device – Prohibited Acts
and Enforcement**

HB0222/740310/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 222

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Malone” and substitute “Delegates Malone, Clagett, Frush, Glenn, Howard, Stein, and Wilson”; in line 2, after “Acts” insert a comma; in line 3, strike “and”; in the same line, after “Enforcement” insert “, and Penalties”; in line 11, after “roadway;” insert “altering the penalty imposed for a violation of a certain prohibition on the use of a handheld telephone while operating a motor vehicle; repealing a certain provision of law prohibiting, under certain circumstances, a certain assessment of points for a first violation of a certain prohibition on the use of a handheld telephone while operating a motor vehicle;”; and after line 18, insert:

“BY repealing and reenacting, without amendments,

Article – Transportation

Section 27–101(a) and (b)

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)”.

AMENDMENT NO. 2

On page 4, strike beginning with “(1)” in line 6 down through “(F)” in line 13; in line 13, strike beginning with “a” through “(E)” and substitute “THE PENALTY FOR A VIOLATION”; and 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.”.

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 313 – Delegate Stein

AN ACT concerning

Natural Resources – Woodland Incentives Fund – Renaming

HB0313/690910/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 313

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “changes;” insert “clarifying certain provisions of law relating to the contents of and reports about the Fund;”; and in line 8, after “(b),” insert “(f).”.

AMENDMENT NO. 2

On page 2, after line 11, insert:

“(f) The Fund consists of:

(1) As provided in § 13–306 of the Tax – Property Article, up to \$200,000 annually of the proceeds of the tax imposed by § 13–302 of the Tax – Property Article that are attributable to the taxation of instruments of writing that transfer title to parcels of land that are entirely woodland;

(2) Revenues collected by the Department from the payment of charges imposed for Department assistance in implementation of an approved practice; [and]

(3) MONEY DISTRIBUTED FROM THE CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010 TRUST FUND UNDER § 8–2A–04 OF THIS ARTICLE; AND

(4) Subject to approval by the Secretary and the Board of Public Works, a portion of the revenues derived from the forestry practices on designated lands owned and managed by the Department, that are conducted in accordance with applicable State law and regulation.”;

and in line 14, after “Committee” insert “, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT 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 McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 355 – Delegates Schulz, Afzali, Aumann, Boteler, Clagett, Cluster, Frank, Hershey, Hogan, Hough, McDermott, Minnick, Myers, Ready, Serafini, Smigiel, and Weir

AN ACT concerning

Natural Resources – Hunting – Junior Deer Hunt

HB0355/290119/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 355

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “the bow” and substitute “a deer”.

AMENDMENT NO. 2

On page 2, in line 6, strike “**THE BOW**” and substitute “**A DEER**”; and in line 9, strike “**BOW**” and substitute “**DEER**”.

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 497 – Delegates Conway and Otto

AN ACT concerning

Natural Resources – Somers Cove Marina Commission – Procurement of Capital Projects

HB0497/680214/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 497

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike “of Capital Projects”; in line 7, after “circumstances;” insert “providing that certain procurements with an expected value that exceeds a certain amount are governed by certain provisions of the procurement law;”; in the same line, strike “the”; and in lines 7 and 8, strike “of capital improvement, design, and maintenance projects”.

AMENDMENT NO. 2

On page 2, in line 15, strike “more than”; in line 16, after “\$5,000” insert “TO \$200,000”.

AMENDMENT NO. 3

On page 3, in line 3, after “(6)” insert “(I)”; and after line 5, insert:

“(II) PROCUREMENT OF GOODS, SERVICES, CAPITAL IMPROVEMENT, DESIGN, AND MAINTENANCE PROJECTS WITH AN EXPECTED VALUE EXCEEDING \$200,000 IS GOVERNED BY DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE.”

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 908 – Delegate Stein

AN ACT concerning

Motor Vehicles – Leased Vehicles – Advertising Practices

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #5

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 167 – The Speaker (By Request – Administration) and Delegates Stein and Cardin

AN ACT concerning

Maryland Electric Vehicle Infrastructure Council

HB0167/180012/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 167

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after “transportation” insert “that is not operated on rails”; and in lines 18 and 20, in each instance, strike “One member” and substitute “Two members”.

AMENDMENT NO. 2

On page 2, in line 5, strike “Chairman” and substitute “Executive Director of the Technical Staff”; in line 6, strike “Chairman’s” and substitute “Executive Director’s”; in line 10, strike “Two representatives of institutions” and substitute “One representative of an institution”; in line 17, strike “Three” and substitute “Two”; in lines 18 and 19, strike “Two representatives of electric vehicle manufacturers or dealers” and substitute “One representative of an electric vehicle manufacturer”; strike beginning with “member” in line 20 down through “equipment” in line 21 and substitute “representative of a manufacturer of electric vehicle charging stations”; in line 24, strike “One representative” and substitute “Two representatives”; in line 26, strike “and”; after line 26, insert:

“(xii) One representative of the Maryland Automobile Dealers Association;

“(xiii) One representative of the Greater Washington Region Clean Cities Coalition; and”;

and in line 27, strike “(xii)” and substitute “(xiv)”.

AMENDMENT NO. 3

On page 3, in line 9, strike “rapid and seamless” and substitute “successful”; in line 14, after “a” insert “recommendation for a”; in the same line, strike “metering and”; and strike beginning with “Investigate” in line 27 down through “and” in line 28 and substitute “Recommend policies that support”.

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 209 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Agricultural Land Preservation Foundation Easements – Allowable Residential Development

HB0209/420316/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 209

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “land;” insert “clarifying that certain provisions of this Act do not exempt a landowner from complying with certain local laws or certain State or local restrictions or requirements;”.

On page 2, in line 1, after “regulations;” insert “clarifying that certain provisions of law apply to easements approved for purchase before a certain date;”; in the same line, after “that” insert “certain provisions of”; in the same line, strike “applies” and substitute “apply”; in the same line, after “purchase” insert “on or”; in line 3, strike “approved for purchase on or after a certain date”; strike in their entirety lines 4 through 8, inclusive, and substitute:

“BY renumbering

Article – Agriculture

Section 2–513(b) and (c), respectively

to be Section 2–513(c) and (d), respectively

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

BY adding to

Article – Agriculture

Section 2–513(a) and 2–513.2

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 2–513(a)

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)”;

and after line 8, insert:

“SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 2–513(b) and (c), respectively, of Article – Agriculture of the Annotated Code of Maryland be renumbered to be Section(s) 2–513(c) and (d), respectively.”.

AMENDMENT NO. 2

On page 2, in line 9, strike “1.” and substitute “2. AND”; in the same line after “IT” insert “FURTHER”; strike beginning with “BY” in line 9 down through “MARYLAND” in line 10; and after line 11, insert:

“2–513.

(A) THIS SECTION APPLIES TO AN EASEMENT THE PURCHASE OF WHICH IS APPROVED BY THE BOARD OF PUBLIC WORKS BEFORE JULY 1, 2012.

[(a)] (B) Agricultural land preservation easements may be purchased under this subtitle for any land in agricultural use which meets the minimum criteria

established under § 2-509 of this subtitle if the easement and county regulations governing the use of the land include the following provisions:

- (1) Any farm use of land is permitted.
- (2) Operation at any time of any machinery used in farm production or the primary processing of agricultural products is permitted.
- (3) All normal agricultural operations performed in accordance with good husbandry practices which do not cause bodily injury or directly endanger human health are permitted including, but not limited to, sale of farm products produced on the farm where such sales are made.”.

AMENDMENT NO. 3

On page 2, in line 13, after “(A)” insert “**(1)**”; in the same line, strike “**IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THIS**” and substitute “**THIS**”; in line 14, strike “**ONLY**”; in the same line, strike “**WHOSE**” and substitute “**THE**”; in the same line, after “**PURCHASE**” insert “**OF WHICH**”; and after line 15, insert:

“(2) THIS SECTION DOES EXEMPT A LANDOWNER FROM COMPLYING WITH:

(I) A LOCAL LAW, ORDINANCE, RESOLUTION, OR REGULATION APPLICABLE TO TENANT HOUSING;

(II) A STATE OR LOCAL LOT SIZE RESTRICTION APPLICABLE TO THE INSTALLATION OR REPLACEMENT OF AN ON-SITE SEWAGE DISPOSAL SYSTEM; OR

(III) A STATE OR LOCAL LAND CLASSIFICATION REQUIREMENT OR RESTRICTION APPLICABLE TO THE CHESAPEAKE BAY CRITICAL AREA OR ATLANTIC COASTAL BAYS CRITICAL AREA.”.

AMENDMENT NO. 4

On page 3, in line 7, after “**EXERCISED**” insert “**BY THE LANDOWNER OR BY A FUTURE LANDOWNER**”.

AMENDMENT NO. 5

On page 7, in line 2, strike “**(E)(1)**” and substitute “**(E)(2)**”; and in line 7, strike “**OR DISTRICT AGREEMENT**”.

AMENDMENT NO. 6

On page 8, in line 1, 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 reported favorably:

House Bill 228 – Delegates Haddaway–Riccio and Eckardt

AN ACT concerning

Housing Authorities – Consolidation or Merger – Talbot County and St. Michaels

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 339 – Delegates Frush, Busch, Alston, Anderson, Barkley, Barnes, Barve, Braveboy, Carr, Frick, Gaines, Gilchrist, Glenn, Griffith, Gutierrez, Hubbard, Hucker, Ivey, Kipke, Lee, Morhaim, Niemann, Pena–Melnyk, Proctor, B. Robinson, Ross, Rudolph, Summers, Tarrant, V. Turner, Valderrama, Valentino–Smith, Waldstreicher, and Zucker

AN ACT concerning

Task Force on the Establishment of a Statewide Spay/Neuter Fund

HB0339/840415/1

BY: Environmental Matters Committee

AMENDMENT NO. 1

On page 2, in line 14, strike “and”; after line 14, insert:

“(ix) one representative of the Pet Food Institute;

(x) one representative of the Pet Industry Joint Advisory Council; and”;

and in line 15, strike “(ix)” and substitute “(xi)”.

AMENDMENT NO. 2

On page 3, in line 10, strike “Health and Government Operations” and substitute “Environmental Matters”.

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 347 – Delegate Lafferty

AN ACT concerning

Environment – Nitrogen Removal Technology – Evaluation and Ranking

HB0347/210218/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 347

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “purposes;” insert “requiring the Department to make available a certain evaluation and ranking on the Department’s Web site; requiring the Department to provide a certain evaluation and ranking to a county, municipality, or resident of the State under certain circumstances;”.

AMENDMENT NO. 2

On page 2, in line 4, after “(B)” insert “(1)”; in lines 5 and 9, in each instance, after “RANK” insert “ALL BEST AVAILABLE”; after line 8, insert:

“(2) THE DEPARTMENT SHALL:

(I) MAKE AVAILABLE THE EVALUATION AND RANKING OF ALL BEST AVAILABLE NITROGEN REMOVAL TECHNOLOGIES REQUIRED UNDER THIS SECTION ON THE DEPARTMENT’S WEB SITE; AND

(II) PROVIDE THE EVALUATION AND RANKING OF ALL BEST AVAILABLE NITROGEN REMOVAL TECHNOLOGIES TO A COUNTY, MUNICIPALITY, OR RESIDENT OF THE STATE IN ANY CORRESPONDENCE RELATING TO APPROVED TECHNOLOGIES THAT QUALIFY FOR FUNDING UNDER § 9-1605.2(H)(2) OF THIS TITLE.”;

in line 14, after “MAINTENANCE” insert “, INCLUDING ELECTRICITY COSTS”; and in line 18, strike “BIANNUALLY” and substitute “EVERY 2 YEARS”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 509 – Delegate Niemann

EMERGENCY BILL

AN ACT concerning

Real Property – Mortgages – Enforcement

HB0509/760317/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 509

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “powers;” insert “authorizing the Commissioner to seek an injunction to prohibit a person who has engaged or is engaging in a violation of certain laws from engaging or continuing to engage in the violation; authorizing a court to enter certain orders or judgments; authorizing the Commissioner to recover certain cost in certain actions;”; in line 12, after “laws;” insert “clarifying that a homeowner or other person may bring an action for damages under certain laws without having to exhaust administrative remedies under certain laws and regardless of the status of an administrative action or a criminal prosecution under certain laws;”; and in line 22, strike “and 7-404” and substitute “, 7-320, 7-404, and 7-406”.

AMENDMENT NO. 2

On page 7, after line 5, insert:

“7-320.

(a) (1) In addition to any action by the Attorney General or the Commissioner authorized under this subtitle and any other action otherwise authorized by law, a homeowner may bring an action for damages incurred as the result of a practice prohibited by this subtitle.

(2) A HOMEOWNER MAY BRING AN ACTION FOR DAMAGES UNDER THIS SECTION:

(i) WITHOUT HAVING TO EXHAUST ADMINISTRATIVE REMEDIES UNDER THIS SUBTITLE; AND

(ii) REGARDLESS OF THE STATUS OF AN ADMINISTRATIVE ACTION OR A CRIMINAL PROSECUTION, IF ANY, UNDER THIS SUBTITLE.

(b) A homeowner who brings an action under this section and who is awarded damages may also seek, and the court may award, reasonable attorney’s fees.

(c) If the court finds that the defendant willfully or knowingly violated this subtitle, the court may award damages equal to three times the amount of actual damages.”.

On page 8, after line 23, insert:

“7-406.

(a) (1) In addition to any action authorized under this subtitle and any other action otherwise authorized by law, a person may bring an action for damages incurred as the result of a violation of this subtitle.

(2) A PERSON MAY BRING AN ACTION FOR DAMAGES UNDER THIS SECTION:

(i) WITHOUT HAVING TO EXHAUST ADMINISTRATIVE REMEDIES UNDER THIS SUBTITLE; AND

(ii) REGARDLESS OF THE STATUS OF AN ADMINISTRATIVE ACTION OR A CRIMINAL PROSECUTION, IF ANY, UNDER THIS SUBTITLE.

(b) A person who brings an action under this section and who is awarded damages may also seek, and the court may award, reasonable attorney’s fees.

(c) If the court finds that the defendant violated this subtitle, the court may award damages equal to three times the amount of actual damages.”.

AMENDMENT NO. 3

On page 6, in line 9, after “(B)” insert “(1)”; in line 12, strike “(C)” and substitute “(2)”; in lines 13, 15, and 18, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively; after line 19, insert:

“(3) IN ANY ACTION BROUGHT BY THE COMMISSIONER UNDER THIS SUBSECTION, THE COMMISSIONER IS ENTITLED TO RECOVER THE COSTS OF THE ACTION FOR THE USE OF THE STATE.”;

and in lines 20, 24, and 29, strike “(D)”, “(E)”, and “(F)”, respectively, and substitute “(C)”, “(D)”, and “(E)”, respectively.

On page 7, strike in their entirety lines 3 through 5, inclusive; strike beginning with the colon in line 23 down through “BY” in line 24 and substitute “BY”; and strike beginning with the semicolon in line 25 down through “VIOLATION” in line 28.

On page 8, in line 1, after “(B)” insert “(1)”; after line 3, insert:

“(2) THE COURT MAY ENTER ANY ORDER OR JUDGMENT NECESSARY TO:

(I) PREVENT THE USE BY A PERSON OF ANY PROHIBITED PRACTICE;

(II) RESTORE TO A PERSON ANY MONEY OR REAL OR PERSONAL PROPERTY ACQUIRED FROM THE PERSON BY MEANS OF ANY PROHIBITED PRACTICE; OR

(III) APPOINT A RECEIVER IN CASE OF WILLFUL VIOLATION OF THIS SUBTITLE.

(3) IN ANY ACTION BROUGHT BY THE COMMISSIONER UNDER THIS SUBSECTION, THE COMMISSIONER IS ENTITLED TO RECOVER THE COSTS OF THE ACTION FOR THE USE OF THE STATE.

(C) THE COMMISSIONER MAY ENFORCE THE PROVISIONS OF THIS SUBTITLE BY REQUIRING A VIOLATOR TO TAKE AFFIRMATIVE ACTION TO CORRECT THE VIOLATION INCLUDING THE RESTITUTION OF MONEY OR PROPERTY TO ANY PERSON AGGRIEVED BY THE VIOLATION.”;

in lines 4 and 9, strike “(C)” and “(D)”, respectively, and substitute “(D)” and “(E)”, respectively; and strike in their entirety lines 13 through 23, inclusive.

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 JUDICIARY REPORT #3

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

House Bill 227 – Delegates Waldstreicher, Afzali, Anderson, Barkley, Barve, Cardin, Carr, Dumais, Frush, Gilchrist, Glenn, Huckler, Kach, A. Kelly, Kipke, Lee, McComas, Morhaim, Reznik, Smigiel, Valderrama, and Washington

AN ACT concerning

Criminal Law – Abuse or Neglect of Animals – Sentencing Conditions

HB0227/482510/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 227

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Abuse or Neglect of Animals” and substitute “Animal Abuse, Neglect, or Cruelty”; in the same line, strike “Sentencing”; in the same line, after “Conditions” insert “of Probation”; in line 3, strike “sentencing” and substitute “probation”; in line 4, strike “the abuse or neglect of animals” and substitute “animal abuse, neglect, or cruelty”; strike beginning with “for” in line 5 down through “period” in line 6; and in line 6, after “animal” insert “abuse, neglect, or”.

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 10 down through “**(I)**” in line 11; in line 12, strike “; AND” and substitute a period; in line 13, strike “**(II)**” and substitute “**(3) AS A CONDITION OF PROBATION, THE COURT MAY**”; strike beginning with “**CONVICTED**” in line 13 down through “**SECTION**” in line 14; strike beginning with “**FOR**” in line 14 down through “**TIME**” in line 15; strike beginning with the colon in line 27 down through “**(I)**” in line 28; in line 29, strike “; AND” and substitute a period; in line 30, strike “**(II)**” and substitute “**(3) AS A CONDITION OF PROBATION, THE COURT MAY**”; strike beginning with “**CONVICTED**” in line 30 down through “**SECTION**” in line 31; and strike beginning with “**FOR**” in line 31 down through “**DEFENDANT**” in line 32.

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 247 – Delegates Simmons, Dumais, and Kramer

AN ACT concerning

Maryland General and Limited Power of Attorney Act – Modifications

HB0247/642910/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 247

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “attorney;” insert “providing that certain powers shall be deemed to be included in certain forms executed during a certain period of time under certain circumstances;”; and in line 5, after “terms;” insert “altering a certain definition;”.

AMENDMENT NO. 2

On page 2, in line 18, strike “(G)” and substitute “(G)(1)”; and after line 20, insert:

“(2) “STATUTORY FORM POWER OF ATTORNEY” DOES NOT INCLUDE A POWER OF ATTORNEY SET FORTH IN SUBTITLE 2 OF THIS TITLE IN WHICH A PRINCIPAL INCORPORATES BY REFERENCE ONE OR MORE PROVISIONS OF ANOTHER WRITING INTO THE SECTION OF THE POWER OF ATTORNEY ENTITLED “SPECIAL INSTRUCTIONS (OPTIONAL)”.”.

AMENDMENT NO. 3

On page 7, in line 14, strike the first comma; in line 15, strike the first comma; in the same line, after “WITH” insert a comma; and in the same line, after “OF” insert a comma.

On page 17, in line 17, strike the first comma; in line 18, strike the second comma; in the same line, after “WITH” insert a comma; and in the same line, after “OF” insert a comma.

AMENDMENT NO. 4

On page 31, strike in their entirety lines 11 through 16, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That the changes made to § 17–101 of the Estates and Trusts Article by Section 1 of this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any power of attorney executed on or after May 20, 2010.

SECTION 3. AND BE IT FURTHER ENACTED, That the changes made to §§ 17–105 and 17–109 of the Estates and Trusts Article by Section 1 of this Act shall apply to any power of attorney existing on or after October 1, 2010, regardless of the effective date of the governing instrument in which the power of attorney was created.

SECTION 4. AND BE IT FURTHER ENACTED, That, for each power of attorney that is substantially in the form set forth under § 17–202 of the Estates and Trusts Article and executed by a principal on or after May 20, 2010, and before June 1, 2011, subject to any special instructions added to the power of attorney by the principal, the agent designated by the principal is deemed to have the authority to:

(1) transact all business in connection with an account or other banking arrangement made by or on behalf of the principal;

(2) transact all business in connection with an account or other banking arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by the agent; and

(3) deposit by check, money order, electronic funds transfer, or otherwise with, or leave in the custody of, a financial institution money or property of the principal.

SECTION 5. AND BE IT FURTHER ENACTED, That, for each power of attorney that is substantially in the form set forth under § 17–203 of the Estates and Trusts Article and executed by a principal on or after May 20, 2010, and before June 1,

2011, subject to any special instructions added to the power of attorney by the principal:

(1) if a principal granted to the agent the authority set forth under the first item of subheading E. “Banks and Other Financial Institutions” of § 17–203 of the Estates and Trusts Article, the agent is deemed to have the authority to transact all business in connection with an account or other banking arrangement made by or on behalf of the principal;

(2) if a principal granted to the agent the authority set forth under the second item of subheading E. “Banks and Other Financial Institutions” of § 17–203 of the Estates and Trusts Article, the agent is deemed to have the authority to transact all business in connection with an account or other banking arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by the agent; and

(3) if a principal granted to the agent the authority set forth under the first, second, or fourth item of subheading E. “Banks and Other Financial Institutions” of § 7–203 of the Estates and Trusts Article, the agent is deemed to have the authority to deposit by check, money order, electronic funds transfer, or otherwise with, or leave in the custody of, a financial institution money or property of the principal.

SECTION 6. AND BE IT FURTHER ENACTED, That Sections 4 and 5 of this Act shall apply retroactively to any act of an agent on or after May 20, 2010.

SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 312 – Chair, Judiciary Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Courts – Sentence Review – Review Panel

HB0312/272512/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 312

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike “authorizing” and substitute “prohibiting”; in line 9, strike “to confer” and substitute “from conferring”; in the same line, after “judge;” insert “establishing that the sentencing court retains jurisdiction over a defendant’s case and may rule on a certain motion if the review panel decides that the sentence should remain unchanged;”; and in line 10, after “changed;” insert “establishing that, after resentencing by a review panel, the defendant may file a certain motion for modification even if the defendant previously filed a certain motion for modification;”; and in line 11, after “hearing;” insert “making a certain clarifying change;”.

AMENDMENT NO. 2

On page 3, in line 8, after “MAY” insert “NOT”; in line 20, strike “subject to § 8–107(c) of this subtitle;” and in line 21, after “sentence” insert “, TO THE EXTENT ALLOWED BY § 8–107 OF THIS SUBTITLE”.

AMENDMENT NO. 3

On page 3, after line 28, insert:

“(E) IF THE REVIEW PANEL DECIDES THAT THE SENTENCE SHOULD REMAIN UNCHANGED, THE SENTENCING JUDGE RETAINS JURISDICTION OVER THE CASE OF THE DEFENDANT AND MAY RULE ON A MOTION FOR MODIFICATION FILED UNDER MARYLAND RULE 4–345.”;

and in line 29, strike “(E)” and substitute “**(F)**”.

On page 4, in line 1, strike the comma and substitute “:

(I)”;

and in line 3, after “PANEL” insert “; AND”

(II) THE DEFENDANT MAY FILE A MOTION FOR MODIFICATION OF THE NEW SENTENCE UNDER MARYLAND RULE 4-345, EVEN IF THE DEFENDANT PREVIOUSLY FILED A MOTION FOR MODIFICATION OF THE ORIGINAL SENTENCE”.

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:

House Bill 408 – Delegates McComas, Alston, Anderson, Aumann, Carter, Cluster, Conaway, DeBoy, Dumais, Dwyer, Frank, Haddaway–Riccio, K. Kelly, Lee, McConkey, Parrott, B. Robinson, Simmons, and Smigiel

AN ACT concerning

Criminal Law – Identity Fraud – Assumption of Identity of Fictitious Person

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 523 – Delegates Rosenberg and Dumais

AN ACT concerning

Courts – Fee for the Special Admission of an Out-of-State Attorney – Janet L. Hoffman Loan Assistance Repayment Program

HB0523/932015/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 523

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “Program;” insert “requiring certain funds for the Program to be allocated to certain individuals;”.

AMENDMENT NO. 2

On page 4, after line 18, insert:

“(A) FUNDS FOR THE JANET L. HOFFMAN LOAN ASSISTANCE REPAYMENT PROGRAM DESCRIBED IN SUBSECTION (B)(2) OF THIS SECTION SHALL BE ALLOCATED BY THE COMMISSION TO AN INDIVIDUAL WHO:

(1) HAS RECEIVED A GRADUATE DEGREE FROM A SCHOOL OF LAW; AND

(2) HAS SUBMITTED AN APPLICATION FOR THE JANET L. HOFFMAN LOAN ASSISTANCE REPAYMENT PROGRAM THAT THE COMMISSION DISAPPROVED DUE TO INSUFFICIENT FUNDS.”;

and in lines 19 and 25, strike “(a)” and “(b)”, respectively, and substitute “**(B)**” and “**(C)**”, 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 Vallario, Chair, for the Committee on Judiciary reported favorably:

House Bill 663 – Delegate Simmons

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 876 – Chair, Judiciary Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Single Parent Services – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #3

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

House Bill 39 – Delegates Conway and McDermott

AN ACT concerning

Worcester County – Slot Machines for Nonprofit Organizations

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 51 – Delegates Olszewski and Kach

AN ACT concerning

Video Lottery Operation Licenses – Information on Payouts

HB0051/555664/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 51

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “reported” insert “to the State Lottery Agency in a report that contains certain information; requiring that the State Lottery Agency”

modify the report in a certain manner and forward the modified report”; and after line 18, insert:

“BY adding to

Article – State Government

Section 9–1A–24(g)

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 7 through 11, inclusive, and substitute:

“(3) REQUIRE THAT PAYOUTS MADE BY CHECK ABOVE AN AMOUNT ADOPTED BY THE COMMISSION BE REPORTED TO THE STATE LOTTERY AGENCY IN A REPORT THAT CONTAINS THE NAME AND DATE OF BIRTH OF AN INDIVIDUAL AND THE AMOUNT OF THE PAYOUT;”;

and after line 25, insert:

“(G) (1) ON RECEIPT OF THE REPORT REQUIRED UNDER SUBSECTION (F)(3) OF THIS SECTION, THE STATE LOTTERY AGENCY SHALL MODIFY THE REPORT TO INCLUDE ONLY THE NAMES OF INDIVIDUALS WHO HAVE BEEN CERTIFIED TO THE STATE LOTTERY AGENCY BY THE CHILD SUPPORT ENFORCEMENT ADMINISTRATION OF THE DEPARTMENT OF HUMAN RESOURCES AS OBLIGORS WHO ARE IN ARREARS OF THEIR CHILD SUPPORT ORDERS.

(2) THE STATE LOTTERY AGENCY SHALL FORWARD THE MODIFIED REPORT TO THE CHILD SUPPORT ENFORCEMENT ADMINISTRATION OF THE DEPARTMENT OF HUMAN RESOURCES FOR THE PURPOSE OF ENFORCING CHILD SUPPORT ORDERS ISSUED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE FAMILY LAW 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:

House Bill 205 – Delegates Kaiser, Kach, Barkley, Boteler, Carr, Clippinger, Frick, Haynes, Healey, Hixson, Ivey, Lafferty, McDermott, Morhaim, Parrott, Reznik, B. Robinson, Smigiel, Szeliga, Tarrant, F. Turner, and Wilson

AN ACT concerning

Election Law – Campaign Funds – Investments

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 348 – Delegate Cardin

AN ACT concerning

Election Law – Citizens Who Have Not Lived in the United States – Right to Vote

HB0348/325061/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 348

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after the second “vote” insert “only in elections for federal office”.

AMENDMENT NO. 2

On page 2, in line 29, after the second “VOTE” insert “ONLY IN ELECTIONS FOR FEDERAL OFFICE”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #3

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations reported favorably:

Senate Bill 454 – The President (By Request – Department of Legislative Services)

EMERGENCY BILL

AN ACT concerning

Annual Curative Bill

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations reported favorably:

Senate Bill 455 – The President (By Request – Department of Legislative Services)

EMERGENCY BILL

AN ACT concerning

Annual Corrective Bill

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #4

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

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

AN ACT concerning

~~Religious Freedom and~~ Civil Marriage Protection Act

Favorable report adopted.

FLOOR AMENDMENT

SB0116/543121/1

BY: Delegate Donoghue

AMENDMENT TO SENATE BILL 116

(Third Reading File Bill)

On page 5, in line 12, after “(b)” insert “This Act may not be construed to require an entity described in subsection (a) of this section to provide adoption, foster care, or social services if providing the services would violate the entity’s religious beliefs.”

(c)”;

and in line 14, after “section” insert “or to provide adoption, foster care, or social services in accordance with subsection (b) of this section”.

The preceding amendment was read only.

Delegate Donoghue moved that the Bill and Amendments be laid over 1 day under the Rules.

The motion was supported.

SPECIAL ORDERS

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

House Bill 301 – Delegates Frush and Beitzel

AN ACT concerning

Natural Resources – Suspension of Hunting Licenses and Privileges

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

Favorable report adopted.

FLOOR AMENDMENT

HB0301/470412/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 301

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike the second “certain”; and in lines 7 and 8, strike “a hunting violation” and substitute “certain hunting violations”.

AMENDMENT NO. 2

On page 4, in line 11, after “SUSPEND” insert “FOR A MINIMUM OF 1 YEAR AND A MAXIMUM OF 5 YEARS”; in line 13, after “VIOLATIONS” insert “OF STATE OR FEDERAL LAW”; and strike beginning with “FOR” in line 14 down through “YEARS” in line 15 and substitute “THAT ARE NOT ADMINISTRATIVE OR MINOR IN NATURE AS DETERMINED BY THE DEPARTMENT”.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 177)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #11

House Bill 24 – Delegate O’Donnell

AN ACT concerning

Agriculture – Sewage Sludge – Timing of Winter Application

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

Affirmative – 138 Negative – 2 (See Roll Call No. 178)

The Bill was then sent to the Senate.

House Bill 101 – Delegates Rosenberg, Barve, Cardin, Ivey, Myers, Ross, and Summers

AN ACT concerning

Election Law – Petitions ~~and Ballot Issues~~ – Prohibited Actions

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

Affirmative – 89 Negative – 50 (See Roll Call No. 179)

The Bill was then sent to the Senate.

House Bill 302 – Delegates Anderson, Glenn, Ivey, and Oaks

AN ACT concerning

Inmates – Life Imprisonment – Parole Approval

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 74 Negative – 66 (See Roll Call No. 180)

The Bill was then sent to the Senate.

INTRODUCTION OF JOINT RESOLUTIONS

Delegate Wood moved the Bill be introduced.

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

The roll call vote resulted as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 181)

In compliance with the rules, the Bill was introduced.

House Joint Resolution 11 – Delegates Wood, Aumann, Bohanan, Boteler, Clagett, DeBoy, Dwyer, Eckardt, Fisher, Frank, George, Haddaway–Riccio, Hershey, Hogan, Holmes, Jacobs, Jameson, McConkey, McDermott, McMillan, Minnick, Murphy, O’Donnell, Otto, Proctor, Schulz, Smigiel, Sophocleus, Vitale, Weir, and Wilson

A House Joint Resolution concerning

Equal Benefits for Treatment for Agent Orange Exposure of Vietnam Veterans Who Served Outside Vietnam

FOR the purpose of urging the United States Congress to extend medical benefits for the treatment for Agent Orange exposure of Vietnam veterans who served outside Vietnam that are equal to the medical benefits provided to Vietnam veterans who served within the country’s borders.

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

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 182)

ADJOURNMENT

At 11:25 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Wednesday, March 9, 2011.

Annapolis, Maryland
Wednesday, March 9, 2011

The House met at 10:29 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Donna Stifler of Harford County.

QUORUM CALL

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

(See Roll Call No. 183)

The Journal of March 8, 2011 was read and approved.

EXCUSES:

Del. Impallaria – left early – personal

Del. Summers – personal – family medical issue

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 101 – Senator Edwards

AN ACT concerning

Business Regulation – Motor Fuel Advertising Signs – Requirements

FOR the purpose of ~~requiring the motor fuel advertising sign of a~~ repealing the requirement that certain retail service station ~~dealer to state~~ dealers advertise a certain price for a unit of ~~diesel fuel and a unit of regular~~ mid-grade gasoline ~~if the retail service station sells diesel fuel~~ sold on the premises; repealing a certain obsolete provision of law relating to the sale of gasohol; authorizing certain signs to state a certain price for certain motor fuel products sold on the premises; and generally relating to requirements for motor fuel advertising signs.

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 10-315

Annotated Code of Maryland

(2010 Replacement Volume and 2010 Supplement)

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

Senate Bill 212 – Senators Klausmeier, Edwards, ~~and Kittleman~~ Kittleman, Middleton, Garagiola, Glassman, Kelley, Mathias, Muse, and Pugh

AN ACT concerning

Workers' Compensation – Death Benefits – Dependency

FOR the purpose of providing that certain death benefit provisions of the workers' compensation law apply only to certain covered employees of a municipal corporation or a county and their dependents; altering the authority of the Workers' Compensation Commission to make certain determinations of dependency; altering a provision of law that specifies that certain surviving spouses and individuals are not entitled to certain death benefits; altering the provisions relating to the calculation of death benefits for certain individuals who are wholly or partly dependent; requiring an employer or its insurer to pay certain death benefits to certain dependents for a certain period of time; specifying the calculation of certain death benefits; specifying the minimum amount of certain death benefits; specifying the minimum amount of time for the payment of certain death benefits; providing for an exception to the time limitation for certain dependents who are incapable of self-support under certain circumstances; providing for the termination of certain death benefits under certain circumstances; providing for an exception to the termination of certain death benefits for certain children under certain circumstances; providing for the amount of death benefits to certain dependents who are neither a dependent spouse nor a dependent child; providing for an annual adjustment in a certain manner of a certain death benefit; specifying that the Commission has continuing jurisdiction under certain circumstances; authorizing a municipal corporation or county to make a certain election; increasing the amount of certain funeral expenses that the employer or its insurer is required to pay; providing for the application of this Act; making stylistic changes; and generally relating to workers' compensation death benefits for dependents of covered employees.

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 9–678
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section ~~9–679, 9–680, 9–681, 9–682~~, through 9–683 and 9–689
Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

~~BY repealing~~

~~Article – Labor and Employment~~

~~Section 9-682~~

~~Annotated Code of Maryland~~

~~(2008 Replacement Volume and 2010 Supplement)~~

BY adding to

Article – Labor and Employment

Section ~~9-682~~ 9-683.1, 9-683.2, 9-683.3, 9-683.4, 9-683.5, and 9-683.6

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

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

**Senate Bill 235 – Chair, Education, Health, and Environmental Affairs
Committee**

AN ACT concerning

~~**Department of Labor, Licensing, and Regulation – State Board of Master
Electricians – Sunset Extension, Revision, and Report and Revision**~~

FOR the purpose of continuing the State Board of Master Electricians in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the State Board; requiring the State Board to adopt regulations to establish continuing education requirements; conditioning the ability to renew a certain license on compliance with certain continuing education requirements; requiring that an evaluation of the State Board and the statutes and regulations that relate to the State Board be performed on or before a certain date; requiring the State Board, in conjunction with the Department of Labor, Licensing, and Regulation, to submit a certain report on or before a certain date; ~~requiring the Department to convene a certain group of interested and affected parties to make certain recommendations regarding the establishment of a State Board of Electricians; establishing the membership of the group; requiring the Secretary of Labor, Licensing, and Regulation to submit a certain report and draft legislation to the Senate Education, Health, and Environmental Affairs Committee and the House Economic Matters Committee on or before a certain date; requiring the Division to investigate the feasibility of certain special funding authority for a State Board of Electricians under certain circumstances; requiring the Division to investigate certain fee setting authority for a State Board of Electricians under certain circumstances; requiring the Division to study certain methods of funding; and generally relating to the State Board of Master Electricians.~~

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 6–205, 6–310(c), and 6–702
Annotated Code of Maryland
(2010 Replacement Volume)

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

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(18)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

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

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Baltimore County and Prince George’s County – Orphans’ Court Judges – Qualifications

FOR the purpose of proposing an amendment to the Maryland Constitution to prescribe different qualifications for judges of the Orphans’ Court for Baltimore County and Prince George’s County; requiring judges of the Orphans’ Court for Baltimore County and Prince George’s County to have been admitted to practice law in this State and be members in good standing of the Maryland Bar; and submitting this amendment to the qualified voters of the State for their adoption or rejection.

BY proposing an amendment to the Maryland Constitution
Article IV – Judiciary Department
Section 40

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

**Senate Bill 283 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Labor, Licensing and
Regulation) and Senator Middleton**

AN ACT concerning

State Board of Architects – Retired Status Licenses

FOR the purpose of authorizing the State Board of Architects to issue a retired status license to a licensed architect under certain circumstances; prohibiting the holder of a retired status license from engaging in the practice of architecture; authorizing the holder of a retired status license to use a certain designation; authorizing the Board to reactivate a license to practice architecture for an individual who holds a retired status license under certain circumstances; and generally relating to the practice of architecture.

BY adding to

Article – Business Occupations and Professions
Section 3–309.2
Annotated Code of Maryland
(2010 Replacement Volume)

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

**Senate Bill 285 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Labor, Licensing and
Regulation)**

AN ACT concerning

**State Real Estate Commission – Reinstatement of Licenses and Inactive
Status**

FOR the purpose of altering the time periods within which a licensee must reinstate a license that has expired and reactivate a license that has been placed on inactive status; requiring certain licensees to comply with certain continuing education requirements as a condition of licensure renewal; and generally relating to the State Real Estate Commission.

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions
Section 17–314 and 17–316
Annotated Code of Maryland
(2010 Replacement Volume)

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

**Senate Bill 320 – Senators Montgomery, Frosh, Kelley, Madaleno, Manno,
Raskin, and Rosapepe**

AN ACT concerning

Environment – Phosphorus – Commercial Dishwashing Detergent

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

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

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

Senate Bill 368 – Senator Stone

AN ACT concerning

Hart–Miller–Pleasure Island Citizens Oversight Committee – Duties

FOR the purpose of altering the duties of the Hart–Miller–Pleasure Island Citizens Oversight Committee; requiring the Oversight Committee to monitor and provide oversight for certain development, use, and maintenance of the Hart–Miller–Pleasure Island chain; requiring the Oversight Committee to hear and dispose of complaints by certain individuals; and generally relating to the Hart–Miller–Pleasure Island Citizens Oversight Committee.

BY repealing and reenacting, without amendments,
Article – Environment
Section 5–1104(a)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 5–1104(c)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

Senate Bill 372 – Senator Conway

AN ACT concerning

Environment – Nitrogen Removal Technology – Evaluation and Ranking

FOR the purpose of requiring the Department of the Environment to evaluate and rank certain nitrogen removal technologies for on-site sewage disposal systems for certain purposes; requiring the Department to request certain information from certain vendors for certain purposes; defining certain terms; and generally relating to nitrogen removal technology for on-site sewage disposal systems.

BY adding to

Article – Environment

Section 9–1108.1

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

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

Senate Bill 381 – Senator Pinsky

AN ACT concerning

Health – ~~Residential~~ Youth Camps – ~~Definition~~ Definitions

FOR the purpose of altering the definition of “day camp” to include certain youth camps that have campers who reside at the camp for a certain number of days; altering the definition of “residential camp” for purposes of certain provisions of law governing youth camps to increase the number of days a youth camp may operate as a residential camp; altering the definitions of “travel camp” and “trip camp” to increase the number of days a residential camp may operate as a travel camp or a trip camp; and generally relating to ~~residential~~ youth camps.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 14–401

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

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

Senate Bill 751 – Senator Manno

AN ACT concerning

Environment – Dishwashing Detergent Containing Phosphorus – Penalties

FOR the purpose of ~~altering the~~ establishing a certain penalty for knowingly selling,
~~manufacturing,~~ or distributing for use or sale within the State certain
household dishwashing detergents ~~after a certain date; establishing that each~~
~~pound of a cleaning agent sold, distributed, or manufactured in violation of a~~
~~certain provision of law is a separate violation;~~ repealing obsolete language; and
generally relating to dishwashing detergents containing phosphorus.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1503 and 9–1505
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

THE COMMITTEE ON ECONOMIC MATTERS REPORT #3

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

House Bill 61 – Delegate O’Donnell

AN ACT concerning

Fire, Rescue, or Emergency Medical Services Entities – Resale of Admission Tickets

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 68 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors – Sunset Extension and Program Evaluation

HB0068/873497/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 68

(First Reading File Bill)

On page 2, in lines 29 and 32, in each instance, strike “the PeakRewards program” and substitute “public service company demand response programs”.

On page 3, in line 1, strike “utility” and substitute “service”; in line 2, strike “utility” and substitute “public service company”; in line 3, strike “PeakRewards” and substitute “demand response”; and in lines 5 and 9, in each instance, strike “the PeakRewards program” and substitute “public service company demand response programs”.

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 204 – Chair, Economic Matters Committee (By Request –
Departmental – Transportation)**

AN ACT concerning

**Vehicle Laws – Commercial Motor Vehicles Engaged in Intrastate Commerce
– Minimum Security Requirements**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 281 – Delegates Beitzel and Conway

AN ACT concerning

**Maryland Strategic Energy Investment Fund – Small Rural Electric
Cooperative – Prohibition**

HB0281/573992/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 281
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “prohibiting funds in a certain account in” and substitute “providing that a certain provision of law relating to the use of certain proceeds received by”; in line 5, strike “from being used to offset electricity rates of” and substitute “and credited to a certain account does not apply to”; and in line 6, after “cooperative;” insert “requiring, as approved by the Public Service Commission, certain small rural electric cooperatives to distribute certain moneys held in a certain account as of a certain date to certain organizations;”.

AMENDMENT NO. 2

On page 3, in line 3, strike “**THE RATE RELIEF ACCOUNT ESTABLISHED UNDER SUBSECTION**” and substitute “SUBSECTION”; and strike beginning with “**MAY**” in line 4 down through the first “**OF**” in line 5 and substitute “DOES NOT APPLY TO”.

AMENDMENT NO. 3

On page 3, after line 6, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, as approved by the Public Service Commission, each small rural electric cooperative, as defined in § 1–101 of the Public Utilities Article, shall distribute to one or more organizations that provide assistance to low income residents in the small rural electric cooperative’s service territory any moneys held as of the effective date of this Act in an escrow account for small rural electric cooperative residential customers established in connection with § 9–20B–05(g)(2) of the State Government Article, as in effect before the effective date of this Act.”;

in line 7, strike “2.” and substitute “3.”; and in line 8, strike “October” and substitute “June”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 306 – Delegate Frush

AN ACT concerning

Task Force on Solar Hot Water Systems in Prince George’s County

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 357 – Chair, Economic Matters Committee

AN ACT concerning

State Real Estate Commission – Sunset Extension and Program Evaluation

HB0357/383496/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 357

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “Fund;” insert “prohibiting a certain settlement offered to a licensee by the Commission from including a certain provision;”; and after line 20, insert:

“BY adding to

Article – Business Occupations and Professions

Section 17–413

Annotated Code of Maryland

(2010 Replacement Volume)”.

AMENDMENT NO. 2

On page 2, after line 29, insert:

“17–413.

IF THE COMMISSION OFFERS A LICENSEE A SETTLEMENT TO REDUCE A FINE IMPOSED FOR A VIOLATION OF THIS TITLE, THE SETTLEMENT MAY NOT INCLUDE A PROVISION REQUIRING THE LICENSEE TO WAIVE THE LICENSEE'S RIGHT TO CONTEST A GUARANTY FUND CLAIM AGAINST THE LICENSEE."

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 529 – Delegates A. Miller, Afzali, Alston, Arora, Barkley, Barve, Boteler, Carr, Clippinger, Cullison, Dumais, Feldman, George, Gilchrist, Glass, Hammen, Ivey, Kaiser, A. Kelly, Kramer, Lee, Luedtke, Niemann, O'Donnell, Olszewski, Pena–Melnyk, Reznik, S. Robinson, Serafini, Summers, F. Turner, Valderrama, Valentino–Smith, and Zucker

AN ACT concerning

Telephone Companies – Distribution of Telephone Directories to Residential Customers

HB0529/193690/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 529

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike “to Residential Customers”; and in line 6, after “directory;” insert “requiring a telephone company to provide certain notice to customers if the telephone company elects not to deliver a telephone directory to each customer; requiring a telephone company to deliver a print telephone directory to a customer at no cost to the customer under certain circumstances;”.

AMENDMENT NO. 2

On page 2, after line 3, insert:

“(C) (1) IF A TELEPHONE COMPANY ELECTS NOT TO DISTRIBUTE A TELEPHONE DIRECTORY TO EACH CUSTOMER, THE TELEPHONE COMPANY SHALL PROVIDE NOTICE AS TO HOW A CUSTOMER MAY REQUEST A PRINT TELEPHONE DIRECTORY.”

(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) INCLUDE A TOLL-FREE TELEPHONE NUMBER A CUSTOMER MAY CALL TO REQUEST A PRINT TELEPHONE DIRECTORY; AND

(II) BE INCLUDED:

1. WITH CUSTOMER BILLS; AND

2. ON THE COMPANY’S WEB SITE.

(3) IF A CUSTOMER REQUESTS A PRINT TELEPHONE DIRECTORY, THE TELEPHONE COMPANY SHALL DELIVER THE DIRECTORY TO THE CUSTOMER AT NO COST TO THE CUSTOMER.”

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0529/523090/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 529, AS AMENDED

On page 1 of the Economic Matters Committee Amendments (HB0529/193690/1), in line 11 of Amendment No. 2, strike “WITH CUSTOMER BILLS” and substitute “IN EACH CUSTOMER’S BILL AT LEAST ONCE EACH YEAR”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS
REPORT #3**

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

**House Bill 37 – Delegates Carr, Pena–Melnyk, Barnes, Beidle, Hucker,
Lafferty, Mizeur, and Niemann**

AN ACT concerning

State Government – Access to Public Records – Electronic Documents

HB0037/956883/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 37

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “circumstances;” insert “establishing a certain exception;”; and in lines 7 and 8, strike “, compiling, or programming”.

AMENDMENT NO. 2

On page 4, in line 14, strike “**THE**” and substitute “**EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**”; and after line 30, insert:

“(II) THE DEPARTMENT OF ASSESSMENTS AND TAXATION IS NOT REQUIRED TO PROVIDE AN APPLICANT WITH A COPY OF THE PUBLIC RECORD IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT IF THE DEPARTMENT OF ASSESSMENTS AND TAXATION HAS PROVIDED THE PUBLIC RECORD TO A CONTRACTOR THAT WILL PROVIDE THE APPLICANT A COPY OF THE PUBLIC RECORD IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT FOR A REASONABLE COST.”

On page 5, in lines 1, 7, and 19, strike “**(II)**”, “**(III)**”, and “**(IV)**”, respectively, and substitute “**(III)**”, “**(IV)**”, and “**(V)**”, respectively.

AMENDMENT NO. 3

On page 5, in line 19, strike “**THE**” and substitute “**IF A PUBLIC RECORD EXISTS IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT, THE**”; strike beginning with “**EXTRACTING**” in line 19 down through “**ANOTHER**” in line 21 and substitute “**A CUSTODIAN PROVIDING A PORTION OF THE PUBLIC RECORD IN A SEARCHABLE AND ANALYZABLE ELECTRONIC FORMAT**”; and in lines 21 and 22, strike “**, COMPILING, OR PROGRAMMING**”.

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 329 – Delegates S. Robinson, Arora, Barkley, Conaway, Cullison, Gilchrist, Hucker, A. Kelly, Lee, Luedtke, A. Miller, O’Donnell, Ready, Reznik, B. Robinson, Summers, Waldstreicher, and Zucker

AN ACT concerning

Public Information Act – Required Denials – Senior Citizen Activities Centers

HB0329/386887/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 329

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “centers;” insert “requiring a custodian to permit inspection of certain information by a person in interest, law enforcement personnel, and emergency services personnel;”; in the same line, strike “a”; in the same line, strike “term” and substitute “terms”; and after line 14, insert:

“BY repealing and reenacting, without amendments,

Article – State Government

Section 10–611(e)

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 5, insert:

“10–611.

(e) “Person in interest” means:

(1) a person or governmental unit that is the subject of a public record or a designee of the person or governmental unit;

(2) if the person has a legal disability, the parent or legal representative of the person; or

(3) as to requests for correction of certificates of death under § 5–310(d)(2) of the Health – General Article, the spouse, adult child, parent, adult sibling, grandparent, or guardian of the person of the deceased at the time of the deceased’s death.”;

in line 9, strike “A” and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A”; and after line 12, insert:

“(3) A CUSTODIAN SHALL PERMIT INSPECTION BY:

(I) A PERSON IN INTEREST;

(II) LAW ENFORCEMENT PERSONNEL; OR

(III) EMERGENCY SERVICES PERSONNEL, INCLUDING:

1. A CAREER FIREFIGHTER;

2. AN EMERGENCY MEDICAL SERVICES PROVIDER, AS DEFINED IN § 13–516 OF THE EDUCATION ARTICLE;

3. A RESCUE SQUAD EMPLOYEE; AND

4. A VOLUNTEER FIREFIGHTER, RESCUE SQUAD MEMBER, OR ADVANCED LIFE SUPPORT UNIT MEMBER.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 354 – Delegates V. Turner, Alston, Costa, Donoghue, Elliott, Healey, Hubbard, Kach, Murphy, Nathan–Pulliam, Oaks, Pena–Melnik, Valderrama, and Valentino–Smith

AN ACT concerning

Health Occupations – Temporary Volunteer Dentist’s License, Temporary Volunteer Dental Hygienist’s License, and Temporary Dental Clinic Permit

HB0354/426685/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 354

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “Examiners;” insert “altering a certain qualification for certain dentists and dental hygienists licensed in another state to be granted a license in this State;”; and in line 18, after “4–304,” insert “4–306(b).”

AMENDMENT NO. 2

On page 6, after line 25, insert:

“4–306.

(b) (1) (i) A dentist licensed in any other state who has passed a regional board shall be granted a license in this State if the applicant passes the following examinations given by or designated by the Board:

1. A comprehensive examination on applied clinical diagnosis and treatment planning; and

2. A law examination.

(ii) A dentist licensed in any other state who has not passed a regional board shall be granted a license in this State if:

1. For the 5 preceding years the dentist has been actively engaged in practicing dentistry **FOR AT LEAST 850 HOURS ON AVERAGE PER YEAR**; and

2. The applicant passes the following examinations given by or designated by the Board:

A. A comprehensive examination on applied clinical diagnosis and treatment planning; and

B. A law examination.

(2) (i) A dental hygienist licensed in any other state who has passed a regional board shall be granted a license in this State if the applicant passes an examination given by the Board.

(ii) A dental hygienist licensed in any other state who has not passed a regional board shall be granted a license in this State if:

1. For the 3 preceding years the dental hygienist has been actively engaged in practicing dental hygiene **FOR AT LEAST 150 HOURS ON AVERAGE PER YEAR**; and

2. The applicant passes an examination given by or designated by the Board.”.

AMENDMENT NO. 3

On page 8, in line 10, after “HOURS” insert “**ON AVERAGE PER YEAR**”; and in line 17, strike “**BONA FIDE CHARITABLE ORGANIZATION**” and substitute “**TEMPORARY DENTAL CLINIC**”.

On page 9, in line 10, after “(6)” insert “(I)”; and after line 12, insert:

“(II) THE BOARD MAY ISSUE ANOTHER TEMPORARY VOLUNTEER DENTIST’S LICENSE IF THE DENTIST APPLIES FOR THE LICENSE AND SATISFIES THE REQUIREMENTS OF THIS SUBSECTION.”

AMENDMENT NO. 4

On page 12, in line 28, after “HOURS” insert “ON AVERAGE PER YEAR”.

On page 13, in line 3, strike “BONA FIDE CHARITABLE ORGANIZATION” and substitute “TEMPORARY DENTAL CLINIC”.

On page 14, in line 10, after “(8)” insert “(I)”; and after line 13, insert:

“(II) THE BOARD MAY ISSUE ANOTHER TEMPORARY VOLUNTEER DENTAL HYGIENIST’S LICENSE IF THE DENTAL HYGIENIST APPLIES FOR THE LICENSE AND SATISFIES THE REQUIREMENTS OF THIS SUBSECTION.”

AMENDMENT NO. 5

On page 14, in line 27, after “(3)” insert “(I)”; and after line 29, insert:

“(II) THE BOARD MAY ISSUE ANOTHER TEMPORARY DENTAL CLINIC PERMIT TO A BONA FIDE CHARITABLE ORGANIZATION IF THE BONA FIDE CHARITABLE ORGANIZATION APPLIES FOR THE PERMIT AND SATISFIES THE REQUIREMENTS OF THIS SUBSECTION.”

AMENDMENT NO. 6

On page 23, in line 12, strike “October” and substitute “July”.

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 378 – Delegates Nathan–Pulliam, Braveboy, Burns, Costa, Hubbard, A. Kelly, Kipke, Oaks, Pena–Melnyk, B. Robinson, and V. Turner

AN ACT concerning

State Board of Nursing – Medication Technician Graduates

HB0378/676180/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 378

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in line 2, after “Graduates” insert “and Certified Medication Technicians”; in line 4, after “Nursing;” insert “authorizing certain medication technicians to practice for a certain time period while the State Board of Nursing processes a certain application; requiring the State Board of Nursing to provide a certain report to certain committees of the General Assembly on or before a certain date; making this Act an emergency measure; providing for the termination of this Act;”; in line 6, after “graduates” insert “and certified medication technicians”; and in line 9, after “8–6A–07” insert “and 8–6A–08(f)”.

AMENDMENT NO. 2

On page 3, after line 16, insert:

“8–6A–08.

(f) (1) The Board may grant a 30–day extension, beyond a certificate’s expiration date, to a certificate holder so that the certificate holder may renew the certificate before it expires.

(2) The Board may grant two 90–day extensions beyond a certificate’s expiration date pending receipt of criminal history record information.

(3) A MEDICATION TECHNICIAN WHO HAS APPLIED FOR RENEWAL AND TAKEN THE BOARD–APPROVED CLINICAL REFRESHER COURSE MAY PRACTICE FOR NO MORE THAN 180 DAYS FROM THE DATE OF COMPLETION OF

THE BOARD-APPROVED CLINICAL REFRESHER COURSE WHILE THE BOARD PROCESSES THE RENEWAL APPLICATION.”.

AMENDMENT NO. 3

On page 3, before line 17, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2011, the State Board of Nursing shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, on:

(1) the status of the online program for processing initial and renewal medication technician applications, including:

(i) the percentage of medication technicians using the online renewal process;

(ii) any known obstacles to a medication technician applicant’s use of the online system; and

(iii) the number of days it takes to certify an initial or renewal application;

(2) the measures implemented to encourage the use of online applications; and

(3) an analysis of current staffing, including staff added since January 1, 2011, and projected staffing needs.”.

AMENDMENT NO. 4

On page 3, in line 17, strike “2.” and substitute “3.”; strike beginning with “shall” in line 17 down through “2011” in line 18 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. It shall remain effective for a period of 2 years from the date it is enacted and, at the end of the 2-year period, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect”.

The preceding 4 amendments were read and 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 460 – Delegates Murphy, Bromwell, Costa, Cullison, Donoghue, Elliott, Frank, Hammen, Hubbard, Kach, Kipke, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnik, Pendergrass, Ready, Reznik, Tarrant, and V. Turner

AN ACT concerning

Prescription Drug Repository Program – Disposal of Prescription Drugs and Medical Supplies

HB0460/956783/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 460

(First Reading File Bill)

On page 1, in the sponsor line, strike “and V. Turner” and substitute “V. Turner, Rudolph, and Valderrama”.

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 503 – Delegates Bromwell, Kach, and W. Miller

AN ACT concerning

Health Occupations Boards – Discipline of Health Care Practitioners – Failure to Comply with Governor’s Order

HB0503/496680/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 503

(First Reading File Bill)

On page 2, in line 10, in each instance, strike “OCCUPATION” and substitute “OCCUPATIONS”.

On page 3, in line 12, strike “§ 1-214” and substitute “§ 1-219”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 709 – Delegates V. Turner, Donoghue, Griffith, Hammen, Hubbard, Morhaim, Nathan–Pulliam, Pendergrass, and Valderrama

AN ACT concerning

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

HB0709/146081/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 709

(First Reading File Bill)

On page 2, in line 24, after “TO” insert “THE CONSENT OF THE GOVERNING BODY OF THE COUNTY AND”; and in line 25, after “OFFICER” insert “FOR A COUNTY”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

LAID OVER BILLS

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

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

AN ACT concerning

~~Religious Freedom and Civil Marriage Protection Act~~

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT ADOPTED. FLOOR AMENDMENT BY DEL. DONOGHUE PENDING.

FLOOR AMENDMENT

SB0116/543121/1

BY: Delegate Donoghue

AMENDMENT TO SENATE BILL 116

(Third Reading File Bill)

On page 5, in line 12, after “(b)” insert “This Act may not be construed to require an entity described in subsection (a) of this section to provide adoption, foster care, or social services if providing the services would violate the entity’s religious beliefs.”

(c);

and in line 14, after “section” insert “or to provide adoption, foster care, or social services in accordance with subsection (b) of this section”.

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

Affirmative – 58 Negative – 79 (See Roll Call No. 184)

FLOOR AMENDMENT

SB0116/483026/1

BY: Delegate Afzali

AMENDMENTS TO SENATE BILL 116

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after “circumstances;” insert “providing that, in a public school that offers instruction involving materials that promote same–sex marriage, a public school teacher may not be required to teach the materials and a parent shall be given an opportunity to have the parent’s child excused from the instruction under certain circumstances;”.

AMENDMENT NO. 2

On page 5, in line 27, after “That” insert “, notwithstanding any other provision of law, if a public school offers instruction that involves the use of materials that promote same–sex marriage:

(1) a teacher in the public school may not be required to teach the materials if to do so would violate the teacher’s sincerely held religious beliefs; and

(2) a parent of a student in the public school shall be given an opportunity to have the student excused from the instruction if participation would violate the parent’s sincerely held religious beliefs.

SECTION 6. AND BE IT FURTHER ENACTED, That”.

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

Affirmative – 53 Negative – 87 (See Roll Call No. 185)

FLOOR AMENDMENT

SB0116/873228/1

BY: Delegate Serafini

AMENDMENT TO SENATE BILL 116

(Third Reading File Bill)

On page 1, strike line 2 in its entirety and substitute “Same–Sex Marriage”.

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

Affirmative – 52 Negative – 85 (See Roll Call No. 186)

FLOOR AMENDMENT

SB0116/223923/1

BY: Delegate Braveboy

AMENDMENTS TO SENATE BILL 116

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after “Act;” insert “making this Act contingent on the failure of a certain constitutional amendment;”.

AMENDMENT NO. 2

On page 5, strike beginning with “shall” in line 27 down through “2011.” in line 28 and substitute “is contingent on the passage of Chapter (H.B.963) of the Acts of the General Assembly of 2011, a constitutional amendment, and its failure to be ratified by the voters of the State.”

SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 5 of this Act, this Act shall take effect on the certification of the results of the general election of 2012 indicating that the constitutional amendment, having failed to receive a majority of the votes cast at the general election, has not been adopted by the people of Maryland.”.

The preceding 2 amendments were read only.

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 63 Negative – 72 (See Roll Call No. 187)

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

Delegate Stukes moved the Bill be introduced.

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

The roll call vote resulted as follows:

Affirmative – 133 Negative – 0 (See Roll Call No. 188)

In compliance with the rules, the Bill was introduced.

House Bill 1342 – Delegates Stukes, Anderson, Carter, Conaway, Glenn, Haynes, Oaks, B. Robinson, and Rosenberg

AN ACT concerning

Police and Court Records – Nonviolent Crimes – Expungement

FOR the purpose of authorizing a person convicted of a nonviolent crime, with certain exceptions, who completed the sentence imposed for the conviction, including probation, to petition for the expungement of certain records maintained by the State or a political subdivision of the State pertaining to the conviction; providing that a person convicted of a certain nonviolent crime of a sexual nature is not entitled to an expungement under certain circumstances; prohibiting the petition from being filed until after a certain time period; providing that a person is not entitled to an expungement under certain circumstances; and generally relating to the expungement of police records, court records, and other records maintained by the State or a political subdivision of the State.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–105(a) and (e)(4)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY adding to
Article – Criminal Procedure
Section 10–105(c)(8)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Delegate Beitzel moved the Bill be introduced.

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

The roll call vote resulted as follows:

Affirmative – 133 Negative – 0 (See Roll Call No. 189)

In compliance with the rules, the Bill was introduced.

House Bill 1343 – Allegany County Delegation

AN ACT concerning

Economic Development – Tri-County Council for Western Maryland – Membership and Leadership

FOR the purpose of altering the membership of the Tri-County Council for Western Maryland; establishing an Executive Committee for the Council and providing for the Executive Committee's officers and terms of office; defining a certain term; providing for the initial membership of the Executive Committee; and generally relating to the membership and leadership of the Tri-County Council for Western Maryland.

BY repealing and reenacting, with amendments,

Article – Economic Development
Section 13-701 and 13-703
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY repealing

Article – Economic Development
Section 13-704
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY adding to

Article – Economic Development
Section 13-704
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

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

Delegate Serafini moved the Bill be introduced.

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

The roll call vote resulted as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 190)

In compliance with the rules, the Bill was introduced.

House Bill 1344 – Delegates Serafini, Afzali, Aumann, Bates, Dwyer, Eckardt, Elliott, George, Haddaway–Ricchio, Hogan, Hough, Impallaria, Krebs, McConkey, W. Miller, Myers, Norman, O’Donnell, Otto, Parrott, Ready, Schulz, Stifler, Stocksdale, and Szeliga

AN ACT concerning

**State Retirement and Pension System – Guaranteed Retirement Income Plan
and Retirement Savings Plan**

FOR the purpose of establishing a guaranteed retirement income plan and a retirement savings plan under the State Retirement and Pension System; requiring that certain members of the Employees’ Pension System or the Teachers’ Pension System become members of the guaranteed retirement income plan or the retirement savings plan on a certain date; requiring that certain individuals who are employed by certain participating employers on or after a certain date become members of the guaranteed retirement income plan or the retirement savings plan; providing that certain individuals are not eligible to participate in the optional retirement program on or after a certain date; providing that certain provisions of this Act do not apply to certain participating governmental units; requiring the Board of Trustees of the State Retirement and Pension System to administer a guaranteed retirement income plan and a retirement savings plan; requiring certain participating employees to contribute a certain percentage of the participating employee’s regular earnings to the guaranteed retirement income plan; providing that certain participating employees who rejoin employment with certain participating employers after certain military service, shall be credited certain contributions; requiring the State to pay certain contributions on behalf of certain participating employees of the guaranteed retirement income plan; requiring that certain participating employees of the guaranteed retirement income plan receive certain credited service for certain service; providing that certain participating employees of the guaranteed retirement income plan have a certain vested interest in certain contributions after a certain period of time; providing for the normal retirement age and eligibility to receive a normal retirement in the guaranteed retirement income plan; providing that certain participating employees of the guaranteed retirement income plan may receive certain retirement benefit distributions in a certain manner; providing for certain disability benefits for certain participating employees of the guaranteed retirement income plan; providing for certain death benefits for certain participating employees of the guaranteed retirement income plan; requiring

certain participating employees to contribute a certain percentage of the participating employee's regular earnings to the retirement savings plan; requiring the State to pay certain contributions on behalf of certain participating employees of the retirement savings plan; providing that certain participating employees of the retirement savings plan shall forfeit any interest in certain contributions under certain circumstances; providing that certain participating employees of the retirement savings plan may make certain annual additions under certain circumstances; requiring that certain annual additions be treated in a certain manner; requiring the Board of Trustees to provide certain participating employees of the retirement savings plan with certain investment options; authorizing certain participating employees of the retirement savings plan to direct certain investments in a certain manner; requiring the Board of Trustees to maintain certain accounts in a certain manner for certain participating employees of the retirement savings plan; requiring that certain participating employees who participate in the retirement savings plan and who rejoin employment with certain participating employers after certain military service shall receive certain service credit for that military service; requiring that certain participating employees of the retirement savings plan receive certain creditable service for certain service; providing for the benefits that a participating employee in the retirement savings plan will receive on reaching normal retirement age; providing that certain participating employees of the retirement savings plan have a certain vested interest in certain contributions after a certain period of time; providing for certain disability benefits for certain participating employees of the retirement savings plan; providing for certain death benefits for certain participating employees of the retirement savings plan; requiring that certain participating employees of the retirement savings plan may designate certain beneficiaries in a certain manner; requiring certain participating employees of the retirement savings plan to forfeit certain contributions under certain circumstances; authorizing the Board of Trustees to reinstate certain forfeited contributions in a certain manner for certain participating employees of the retirement savings plan; providing that certain participating employees of the retirement savings plan may receive certain retirement benefit distributions in a certain manner; requiring that certain contributions made by the State to the retirement savings plan on behalf of certain participating employees are subject to appropriation; providing that certain participating employees of the retirement savings plan may request certain decisions in writing by the Board of Trustees; requiring the Board of Trustees to respond to certain requests in a certain manner; requiring the Board of Trustees to submit a certain annual report to the Senate Budget and Taxation Committee and the House Appropriations Committee; requiring the Board of Trustees to provide certain information to the public and certain participating employees; creating a certain trust as part of the retirement savings plan; providing for the powers and duties of the Board of Trustees with respect to the investments of the retirement savings plan; specifying the duties of the Board of Trustees with respect to the participating employees of the retirement savings plan; prohibiting the Board of Trustees from making certain types of investment or engaging in certain transactions; authorizing the Board

of Trustees to appoint certain investment managers; providing that the State assumes no contractual obligation to continue the retirement savings plan and may amend it periodically; providing that the State may terminate the retirement savings plan; providing that the rights of certain participating employees of the retirement savings plan are not subject to certain legal actions; providing that certain participating employees of the retirement savings plan may be subject to certain legal actions under certain circumstances; defining certain terms; and generally relating to establishing a guaranteed retirement income plan and a retirement savings plan within the State Retirement and Pension System.

BY adding to

Article – State Personnel and Pensions

Section 20–101(t–1) and (mm–1); 33–101 through 33–403 to be under the new title “Title 33. Guaranteed Retirement Income Plan”; and 33A–101 through 33A–505 to be under the new title “Title 33A. Retirement Savings Plan”

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 23–203, 23–204(c), 23–208, and 30–302

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

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

Delegate Hubbard moved the Bill be introduced.

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

The roll call vote resulted as follows:

Affirmative – 134 Negative – 0 (See Roll Call No. 191)

In compliance with the rules, the Bill was introduced.

House Bill 1345 – Delegate Hubbard

AN ACT concerning

Food Service Facilities – Artificial Trans Fats – Prohibition

FOR the purpose of providing for the types of foods that contain artificial trans fat; prohibiting a food service facility from using food containing artificial trans fat

for certain purposes; providing for a certain exception to the use of trans fat by a food service facility; requiring a food service facility to maintain on-site the original label for certain food under certain circumstances; authorizing a food service facility to provide certain documentation indicating the contents of a food instead of providing the original label; requiring a food service facility to obtain certain documentation under certain circumstances; requiring the Secretary of Health and Mental Hygiene to adopt certain regulations; requiring the Department of Health and Mental Hygiene to list certain food service facilities on the Department's Web site under certain circumstances; providing that a violation of this Act shall have no effect on the issuance of a certain license; providing for the applicability of this Act to certain penalties; providing that certain provisions of this Act do not preempt certain local entities from enacting certain measures; and generally relating to the prohibition on the use of artificial trans fat in a food service facility.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 21–301(e), (f), and (h) and 21–304(a)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21–314, 21–315, 21–318, and 21–1214
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Health – General
Section 21–353 through 21–357 to be under the new part “Part VIII. Artificial
Trans Fat”
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

QUORUM CALL

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

(See Roll Call No. 192)

ADJOURNMENT

At 12:01 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Thursday, March 10, 2011.

Annapolis, Maryland
Thursday, March 10, 2011

The House met at 10:06 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Sheila E. Hixson of Montgomery County.

QUORUM CALL

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

(See Roll Call No. 193)

The Journal of March 9, 2011 was read and approved.

EXCUSES:

Del. Harrison – illness

Del. Nathan–Pulliam – illness

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 218 – Senator Shank

AN ACT concerning

**Public Safety – Law Enforcement Officers’ Bill of Rights – Internal
Investigation Unit**

FOR the purpose of including the Internal Investigation Unit of the Department of Public Safety and Correctional Services in the definition of law enforcement officer covered by the Law Enforcement Officers’ Bill of Rights.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–101(e)
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

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

Senate Bill 511 – Senator Stone

AN ACT concerning

Criminal Law – Counterfeiting – Venue

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

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 8–601

Annotated Code of Maryland

(2002 Volume and 2010 Supplement)

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

THE COMMITTEE ON WAYS AND MEANS REPORT #4

Delegate Hixson, Chair, for the Committee on Ways and Means recommended the following Bill be re-referred to the Committee on Judiciary:

House Bill 1174 – Delegates Mitchell, Vallario, and Conaway

AN ACT concerning

Correctional Services – Revocation of Parole – Reimposition of Sentence

The Bill was re-referred to the Committee on Judiciary.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 194)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #12**House Bill 27 – Delegate O'Donnell**

AN ACT concerning

Ethics – Executive Branch – Lobbying by Former Officials

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

Affirmative – 134 Negative – 0 (See Roll Call No. 195)

The Bill was then sent to the Senate.

House Bill 39 – Delegates Conway and McDermott

AN ACT concerning

Worcester County – Slot Machines for Nonprofit Organizations

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

Affirmative – 130 Negative – 3 (See Roll Call No. 196)

The Bill was then sent to the Senate.

House Bill 46 – Delegate O'Donnell

AN ACT concerning

Ethics Law – Soliciting the Employment of Lobbyists

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

Affirmative – 135 Negative – 0 (See Roll Call No. 197)

The Bill was then sent to the Senate.

House Bill 51 – Delegates Olszewski and Kach

AN ACT concerning

Video Lottery Operation Licenses – Information on Payouts

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

Affirmative – 136 Negative – 0 (See Roll Call No. 198)

The Bill was then sent to the Senate.

House Bill 103 – Delegates Haddaway–Riccio, Cane, Eckardt, Hershey, Jacobs, McDermott, O’Donnell, Otto, Rudolph, and Smigiel

AN ACT concerning

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 199)

The Bill was then sent to the Senate.

House Bill 167 – The Speaker (By Request – Administration) and Delegates Stein and Cardin

AN ACT concerning

Maryland Electric Vehicle Infrastructure Council

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

Affirmative – 107 Negative – 28 (See Roll Call No. 200)

The Bill was then sent to the Senate.

House Bill 205 – Delegates Kaiser, Kach, Barkley, Boteler, Carr, Clippinger, Frick, Haynes, Healey, Hixson, Ivey, Lafferty, McDermott, Morhaim, Parrott, Reznik, B. Robinson, Smigiel, Szeliga, Tarrant, F. Turner, and Wilson

AN ACT concerning

Election Law – Campaign Funds – Investments

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

Affirmative – 134 Negative – 0 (See Roll Call No. 201)

The Bill was then sent to the Senate.

**House Bill 209 – Chair, Environmental Matters Committee (By Request –
Departmental – Agriculture)**

AN ACT concerning

**Maryland Agricultural Land Preservation Foundation Easements –
Allowable Residential Development**

Delegate McIntosh moved to reconsider the vote by which **House Bill 209** was ordered printed for Third Reading.

The motion was adopted.

FLOOR AMENDMENT

HB0209/900111/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 209
(Bill as Printed for Third Reading)

On page 3, in line 21, after “DOES” insert “NOT”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

THIRD READING CALENDAR (HOUSE BILLS) #13

House Bill 339 – Delegates Frush, Busch, Alston, Anderson, Barkley, Barnes, Barve, Braveboy, Carr, Frick, Gaines, Gilchrist, Glenn, Griffith, Gutierrez, Hubbard, Hucker, Ivey, Kipke, Lee, Morhaim, Niemann, Pena–Melnyk, Proctor, B. Robinson, Ross, Rudolph, Summers, Tarrant, V. Turner, Valderrama, Valentino–Smith, Waldstreicher, and Zucker

AN ACT concerning

Task Force on the Establishment of a Statewide Spay/Neuter Fund

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

Affirmative – 129 Negative – 8 (See Roll Call No. 202)

The Bill was then sent to the Senate.

House Bill 347 – Delegate Lafferty

AN ACT concerning

Environment – Nitrogen Removal Technology – Evaluation and Ranking

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

Affirmative – 131 Negative – 5 (See Roll Call No. 203)

The Bill was then sent to the Senate.

House Bill 355 – Delegates Schulz, Afzali, Aumann, Boteler, Clagett, Cluster, Frank, Hershey, Hogan, Hough, McDermott, Minnick, Myers, Ready, Serafini, Smigiel, and Weir

AN ACT concerning

Natural Resources – Hunting – Junior Deer Hunt

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

Affirmative – 126 Negative – 7 (See Roll Call No. 204)

The Bill was then sent to the Senate.

House Bill 408 – Delegates McComas, Alston, Anderson, Aumann, Carter, Cluster, Conaway, DeBoy, Dumais, Dwyer, Frank, Haddaway–Riccio, K. Kelly, Lee, McConkey, Parrott, B. Robinson, Simmons, and Smigiel

AN ACT concerning

Criminal Law – Identity Fraud – Assumption of Identity of Fictitious Person

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

Affirmative – 137 Negative – 0 (See Roll Call No. 205)

The Bill was then sent to the Senate.

House Bill 497 – Delegates Conway and Otto

AN ACT concerning

**Natural Resources – Somers Cove Marina Commission – Procurement of
~~Capital Projects~~**

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

Affirmative – 136 Negative – 0 (See Roll Call No. 206)

The Bill was then sent to the Senate.

House Bill 509 – Delegate Niemann

EMERGENCY BILL

AN ACT concerning

Real Property – Mortgages – Enforcement

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

Affirmative – 135 Negative – 0 (See Roll Call No. 207)

The Bill was then sent to the Senate.

House Bill 523 – Delegates Rosenberg and Dumais

AN ACT concerning

Courts – Fee for the Special Admission of an Out-of-State Attorney – Janet L. Hoffman Loan Assistance Repayment Program

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

Affirmative – 104 Negative – 33 (See Roll Call No. 208)

The Bill was then sent to the Senate.

House Bill 663 – Delegate Simmons

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 – 135 Negative – 1 (See Roll Call No. 209)

The Bill was then sent to the Senate.

House Bill 876 – Chair, Judiciary Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Single Parent Services – Repeal

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

Affirmative – 137 Negative – 0 (See Roll Call No. 210)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #14

House Bill 222 – ~~Delegate Malone~~ Delegates Malone, Clagett, Frush, Glenn, Howard, Stein, and Wilson

AN ACT concerning

Motor Vehicles – Use of Wireless Communication Device – Prohibited Acts, ~~and~~ Enforcement, and Penalties

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 92 Negative – 39 (See Roll Call No. 211)

The Bill was then sent to the Senate.

House Bill 227 – Delegates Waldstreicher, Afzali, Anderson, Barkley, Barve, Cardin, Carr, Dumais, Frush, Gilchrist, Glenn, Huckler, Kach, A. Kelly, Kipke, Lee, McComas, Morhaim, Reznik, Smigiel, Valderrama, and Washington

AN ACT concerning

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 212)

The Bill was then sent to the Senate.

House Bill 228 – Delegates Haddaway–Riccio and Eckardt

AN ACT concerning

Housing Authorities – Consolidation or Merger – Talbot County and St. Michaels

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

Affirmative – 138 Negative – 0 (See Roll Call No. 213)

The Bill was then sent to the Senate.

House Bill 247 – Delegates Simmons, Dumais, and Kramer

AN ACT concerning

Maryland General and Limited Power of Attorney Act – Modifications

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

Affirmative – 137 Negative – 1 (See Roll Call No. 214)

The Bill was then sent to the Senate.

House Bill 301 – Delegates Frush and Beitzel

AN ACT concerning

Natural Resources – Suspension of Hunting Licenses and Privileges

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

Affirmative – 110 Negative – 26 (See Roll Call No. 215)

The Bill was then sent to the Senate.

House Bill 312 – Chair, Judiciary Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Courts – Sentence Review – Review Panel

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

Affirmative – 137 Negative – 0 (See Roll Call No. 216)

The Bill was then sent to the Senate.

House Bill 313 – Delegate Stein

AN ACT concerning

Natural Resources – Woodland Incentives Fund – Renaming

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

Affirmative – 137 Negative – 0 (See Roll Call No. 217)

The Bill was then sent to the Senate.

House Bill 348 – Delegate Cardin

AN ACT concerning

**Election Law – Citizens Who Have Not Lived in the United States – Right to
Vote**

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

Affirmative – 99 Negative – 37 (See Roll Call No. 218)

The Bill was then sent to the Senate.

House Bill 908 – Delegate Stein

AN ACT concerning

Motor Vehicles – Leased Vehicles – Advertising Practices

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

Affirmative – 138 Negative – 0 (See Roll Call No. 219)

The Bill was then sent to the Senate.

Senate Bill 454 – The President (By Request – Department of Legislative Services)

EMERGENCY BILL

AN ACT concerning

Annual Curative Bill

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

Affirmative – 138 Negative – 0 (See Roll Call No. 220)

The Bill was then returned to the Senate.

Senate Bill 455 – The President (By Request – Department of Legislative Services)

EMERGENCY BILL

AN ACT concerning

Annual Corrective Bill

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

Affirmative – 138 Negative – 0 (See Roll Call No. 221)

The Bill was then returned to the Senate.

INTRODUCTION OF BILLS

Delegate B. Robinson moved the Bill be introduced.

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

The roll call vote resulted as follows:

Affirmative – 134 Negative – 1 (See Roll Call No. 222)

In compliance with the rules, the Bill was introduced.

House Bill 1346 – Delegates B. Robinson, Tarrant, and Conaway

AN ACT concerning

**Creation of a State Debt – Baltimore City – Delta Lambda Foundation Head
Start Facility**

FOR the purpose of authorizing the creation of a State Debt not to exceed \$290,000, the proceeds to be used as a grant to the Board of Directors of the Delta Lambda Foundation, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 223)

ADJOURNMENT

At 10:53 A.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Friday, March 11, 2011.

**Annapolis, Maryland
Friday, March 11, 2011**

The House met at 11:24 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Joseline A. Pena–Melnyk of Anne Arundel and Prince George’s counties.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 224)

The Journal of March 10, 2011 was read and approved.

EXCUSES:

Del. Cane – brother’s funeral

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 139 – Senator Zirkin

AN ACT concerning

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

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

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

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

Senate Bill 205 – Senator Frosh

AN ACT concerning

Real Property – Residential Property Foreclosure Procedures – Accuracy of Notice of Intent to Foreclose

FOR the purpose of requiring that a certain ~~notice of intent to foreclose be signed by an agent of the secured party; requiring that the agent make a certain affirmation under penalties of perjury~~ affidavit regarding the accuracy of the contents of a certain intent to foreclose be included in an order to docket or a complaint to foreclose on a mortgage or deed of trust on residential property; providing for the application of this Act; and generally relating to foreclosure of a mortgage or deed of trust on residential property.

BY repealing and reenacting, with amendments,
Article – Real Property
Section ~~7-105.1(e)~~ 7-105.1(d)(1)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

Senate Bill 211 – Senators Kelley and Stone

AN ACT concerning

Real Property – Condominiums and Homeowners Associations – Foreclosure of Certain Liens Prohibited

FOR the purpose of prohibiting a council of condominium unit owners or a homeowners association from foreclosing certain liens if the damages secured by the lien consist only of certain fines or attorney’s fees; requiring a council of unit owners and a homeowners association to apply a certain payment to a unit or lot owner’s account in a certain order of priority; and generally relating to collection of certain fines, fees, and assessments by condominium councils of unit owners and homeowners associations.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 11-110(d)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11-110(e), 11B-112.1, and 14-204(a)

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

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

Senate Bill 264 – Senator Kelley

AN ACT concerning

Common Ownership Communities – Fidelity Insurance – Indemnification

FOR the purpose of altering the scope of indemnification provided by fidelity insurance that the board of directors or other governing body of a cooperative housing corporation, council of unit owners or other governing body of a condominium, or board of directors or other governing body of a homeowners association is required to purchase under certain circumstances; requiring a management company that provides certain services to a cooperative housing corporation, condominium, or homeowners association to purchase certain fidelity insurance under certain circumstances; making stylistic changes; and generally relating to common ownership communities and fidelity insurance.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 5–6B–18.6
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–114.1 and 11B–111.6
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

**Senate Bill 282 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Education)**

AN ACT concerning

Family Day Care Providers – Amnesty Period – Repeal

FOR the purpose of repealing obsolete provisions of law relating to an amnesty period for unregistered family day care providers; and generally relating to the family day care providers amnesty program.

BY repealing

Article – Family Law
Section 5–552.1
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

Senate Bill 284 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Education)

AN ACT concerning

Education – High School Graduation Records – Collection, Maintenance, Analysis, and Reporting

FOR the purpose of altering the Maryland high school graduation rate formula and ethnic and racial categories in the formula to be consistent with certain federal regulations and guidelines; defining a certain term; repealing a certain annual reporting requirement; and generally relating to the collection, maintenance, analysis, and reporting of Maryland high school graduation records.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–203.2
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 286 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Services – State Comprehensive Juvenile Services 3–Year Plan

FOR the purpose of altering the date by which a revised State Comprehensive Juvenile Services 3–Year Plan is to be submitted to the General Assembly; and generally relating to the State Comprehensive Juvenile Services 3–Year Plan.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 9–204(f)
Annotated Code of Maryland
(2007 Volume and 2010 Supplement)

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

**Senate Bill 287 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Labor, Licensing and
Regulation)**

AN ACT concerning

**State Board of Public Accountancy – Educational Requirements for
Examination and Licensure**

FOR the purpose of altering the educational requirements for an applicant for a license to practice certified public accountancy to take the examination to be a certain number of semester hours or their equivalent and the possession of a baccalaureate or higher degree; maintaining the educational requirements for a license to practice certified public accountancy at a certain number of semester hours or their equivalent and the possession of a baccalaureate or higher degree; and generally relating to the educational requirements for examination and licensure as a certified public accountant.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 2–303 and 2–305
Annotated Code of Maryland
(2010 Replacement Volume)

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

**Senate Bill 288 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Higher Education
Commission)**

AN ACT concerning

Higher Education – Cultural Diversity Programs – Reporting Requirements

FOR the purpose of altering the dates by which certain institutions of higher education and the Maryland Higher Education Commission must submit certain reports on the promotion and enhancement of cultural diversity at institutions of higher education; and generally relating to reports on programs to promote and enhance cultural diversity at institutions of higher education.

BY repealing and reenacting, with amendments,
Article – Education
Section 10–211(c) and 11–406(c) and (d)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

**Senate Bill 289 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Higher Education
Commission)**

AN ACT concerning

**Higher Education – Edward T. Conroy Memorial Scholarship Program –
Eligibility**

FOR the purpose of altering the eligibility requirements for the Edward T. Conroy Memorial Scholarship Program to include certain persons who live outside the State under certain circumstances; repealing a certain obsolete provision; repealing a certain termination provision; and generally relating to eligibility for the Edward T. Conroy Memorial Scholarship Program.

BY repealing and reenacting, with amendments,
Article – Education
Section 18–601
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Chapter 418 of the Acts of the General Assembly of 2004
Section 2

Read the first time and referred to the Committee on Ways and Means.

**Senate Bill 290 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Labor, Licensing and
Regulation)**

AN ACT concerning

State Board for Professional Engineers – Examinations

FOR the purpose of eliminating specific references to the prescribed lengths of time and methods of delivery of the fundamentals of engineering examination and the principles and practice of engineering examination; and generally relating to the practice of professional engineering.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 14–305(b), (c), and (d) and 14–307(d)
Annotated Code of Maryland

(2010 Replacement Volume)

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

**Senate Bill 292 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Higher Education
Commission)**

AN ACT concerning

**Institutions of Postsecondary Education – Falsified Transcripts, Diplomas,
and Grade Reports – Penalties**

FOR the purpose of prohibiting a person from falsely altering, causing or procuring to be falsely altered, or willingly aiding or assisting in falsely altering a transcript, diploma, or grade report of an institution of postsecondary education; prohibiting a person from knowingly buying, selling, or distributing a false, forged, counterfeited, or altered transcript, diploma, or grade report of an institution of postsecondary education; establishing certain penalties; and generally relating to falsified transcripts, diplomas, and grade reports of institutions of postsecondary education.

BY repealing and reenacting, with amendments,
Article – Education
Section 26–301
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

**Senate Bill 293 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Labor, Licensing and
Regulation)**

AN ACT concerning

**State Board of Examiners of Landscape Architects – Applicants for Licensure
– Educational and Experience Requirements**

FOR the purpose of clarifying the educational and experience requirements for applicants seeking to take the Landscape Architect Registration Examination (LARE); establishing additional criteria for meeting the educational and experience requirements for the LARE applicants; and generally relating to the practice of landscape architecture.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions

Section 9-303
Annotated Code of Maryland
(2010 Replacement Volume)

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

**Senate Bill 294 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Labor, Licensing and
Regulation)**

AN ACT concerning

State Board of Pilots – Limited Licenses to Provide Pilotage

FOR the purpose of increasing the vessel draft lengths for the limited pilotage licenses the State Board of Pilots may issue; and generally relating to pilotage licenses issued by the State Board of Pilots.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 11-101(f) and 11-402
Annotated Code of Maryland
(2010 Replacement Volume)

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

Senate Bill 309 – Senator Kelley

AN ACT concerning

Consumer Protection – Transparency in Consumer Arbitrations Act

FOR the purpose of requiring certain arbitration organizations to collect, publish, and make available to the public certain information relating to certain binding arbitrations to which a consumer is a party; requiring the information to be reported beginning on a certain day and to be updated at certain intervals thereafter; requiring the information to be made available to the public in a certain manner; providing that the information may be considered in making a certain determination; providing that an arbitration organization is not liable for collecting, publishing, or distributing certain information; providing that failure to comply with certain provisions of this Act may not be the sole reason to refuse to enforce a certain award and may be considered as a factor in making a certain determination about a consumer arbitration agreement; authorizing a consumer or the Attorney General to seek an injunction to prohibit an arbitration organization from taking certain actions; providing that an arbitration organization is liable to a certain person for certain attorney's

fees and costs under certain circumstances; defining certain terms; and generally relating to consumer arbitrations.

BY adding to

Article – Commercial Law

Section 14–3901 through 14–3905 to be under the new subtitle “Subtitle 39.
Transparency in Consumer Arbitrations Act”

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

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

Senate Bill 328 – Senator Kasemeyer

AN ACT concerning

Estates and Trusts – Transfers – Recordation and Transfer Taxes

FOR the purpose of altering a certain provision prohibiting the imposition of certain taxes on certain transfers of property by a personal representative or the recordation of certain instruments; prohibiting the imposition of certain taxes on certain transfers of real property or the recordation of certain instruments relating to certain transfers to or from certain trusts; providing certain exemptions under the recordation tax and State transfer tax for instruments of writing relating to certain transfers from an estate and certain transfers to or from certain trusts; defining certain terms; and generally relating to the taxation of certain transfers from an estate and certain transfers to or from certain trusts.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 9–105

Annotated Code of Maryland

(2001 Replacement Volume and 2010 Supplement)

BY adding to

Article – Estates and Trusts

Section 14–114

Annotated Code of Maryland

(2001 Replacement Volume and 2010 Supplement)

BY adding to

Article – Tax – Property

Section 12–108(dd) and (ee) and 13–207(a)(22) and (23)

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 13–207(a)(20) and (21)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 346 – Senator Zirkin

AN ACT concerning

Income Tax – Subtraction Modification – Maryland Defense Force

FOR the purpose of making certain members of the Maryland Defense Force eligible under certain circumstances for a certain subtraction modification under the Maryland income tax for qualifying volunteer fire, rescue, or emergency medical services members; providing that an individual may not qualify for the subtraction modification based on membership in the Maryland Defense Force unless the Maryland Defense Force maintains certain records and provides certain reports; providing for the application of this Act; and generally relating to a State income tax subtraction modification for certain qualifying members of the Maryland Defense Force.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–208(a)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–208(i–1)
Annotated Code of Maryland
(2010 Replacement Volume)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 356 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Military Service Credit – Eligibility

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

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

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

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

Senate Bill 357 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Administration – Simplification

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

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

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

Senate Bill 359 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

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

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

BY adding to

Article – State Personnel and Pensions

Section 21–506

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

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

Senate Bill 370 – Senator Conway

AN ACT concerning

Accountants – Regulation – Preparation of a Compilation of Financial Statements

FOR the purpose of altering certain definitions related to the practice of certified public accountancy; including the preparation of certain compilations of financial statements in the list of services that are not prohibited, under certain circumstances, under certain provisions of law that regulate certified public accountants; altering a certain requirement that certain firms hold certain permits under certain circumstances; requiring the State Board of Public Accountancy to adopt certain regulations; making certain technical changes; defining a certain term; and generally relating to the regulation of accountants.

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions

Section 2–101, 2–102, 2–401, and 2–4A–01

Annotated Code of Maryland

(2010 Replacement Volume)

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

Senate Bill 371 – Senator Conway

AN ACT concerning

**Health Occupations Boards – Discipline of Health Care Practitioners –
Failure to Comply with Governor’s Order**

FOR the purpose of authorizing certain health occupations boards to take certain actions against certain health care practitioners under certain circumstances and subject to certain hearing provisions; prohibiting certain health care practitioners from knowingly and willfully failing to comply with certain provisions of law; subjecting certain health care practitioners to certain discipline under certain circumstances; and generally relating to the discipline of health care practitioners for the failure to comply with the Governor’s order relating to catastrophic health emergencies.

BY adding to

Article – Health Occupations
Section 1–219
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Safety
Section 14–3A–01(a) and (e) and 14–3A–03(c)
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety
Section 14–3A–08
Annotated Code of Maryland
(2003 Volume and 2010 Supplement)

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

Senate Bill 383 – Senator Mathias

EMERGENCY BILL

AN ACT concerning

Somerset County – Deputy State’s Attorney – Private Practice

FOR the purpose of repealing a prohibition against the deputy State’s Attorney for Somerset County engaging in the private practice of law; making this Act an emergency measure; and generally relating to the deputy State’s Attorney in Somerset County.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 15–420
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Senate Bill 403 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

**State Retirement and Pension System – Reemployment Earnings Offset –
Retiree Health Care Premiums**

FOR the purpose of limiting a certain reemployment earnings offset for certain reemployed retirees of the State Retirement and Pension System to a certain amount under certain circumstances; requiring the Board of Trustees of the State Retirement and Pension System to recover a certain portion of certain retirement income from certain retirees of the State Retirement and Pension System under certain circumstances; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to the reemployment earnings offset for reemployed retirees of the State Retirement and Pension System.

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 22–406(c)(1), 23–407(c)(1), 24–405(a), and 25–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 22–406(c)(2), 23–407(c)(2), 24–405(b), and 25–403(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 24–405(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)
(As enacted by Chapter 644 of the Acts of the General Assembly of 2009)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions
Section 24–405(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)
(As enacted by Chapter 644 of the Acts of the General Assembly of 2009)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 27–406(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)
(As enacted by Chapter 688 of the Acts of the General Assembly of 2010)

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

Senate Bill 421 – Senators Edwards and Middleton

AN ACT concerning

Program Open Space – Attainment of Acquisition Goals – Increased Allocation for Local Government

FOR the purpose of altering the amount a local government can spend on development projects after it has attained its acquisition goals under Program Open Space; repealing a certain limitation on the use of certain funds; providing for the termination of this Act; and generally relating to the apportionment of local government funds for Program Open Space.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–905(c)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Senate Bill 450 – Senator Frosh

AN ACT concerning

Real Property – Residential Property Foreclosure Procedures – Lost Note Affidavit

FOR the purpose of prohibiting a court, in an action to foreclose a mortgage or deed of trust on residential property, from accepting a certain affidavit in lieu of a copy of the debt instrument unless the affidavit contains certain information;

providing for the application of this Act; and generally relating to residential property foreclosure procedures.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 7–105.1(d)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY adding to
Article – Real Property
Section 7–105.1(d–1)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

Senate Bill 479 – Senators Conway, Manno, Raskin, Benson, Ferguson, Frosh, Garagiola, Gladden, Glassman, Pinsky, Pugh, Young, and Zirkin

AN ACT concerning

Transportation – Procurement for MARC Train Service – Disclosure Requirements Regarding Involvement in Deportations

FOR the purpose of requiring certain entities that submit a bid or proposal to the Maryland Department of Transportation or certain other units of the State or local government to provide certain MARC train service to submit a certain statement concerning certain deportation activity in which the entity may have engaged; requiring an entity to include certain information in the statement; requiring the Department of Transportation or certain other units of the State or local government to consider certain information provided by certain entities seeking to provide certain MARC train service; defining certain terms; and generally relating to the disclosure of certain information by entities that submit bids or proposals on procurement contracts to provide certain MARC train service.

BY adding to
Article – State Finance and Procurement
Section 12–501 through 12–504 to be under the new subtitle “Subtitle 5.
Disclosure Requirements Regarding Involvement in Deportations”
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY adding to
Article – Transportation
Section 7–508

Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Senate Bill 516 – Senators Forehand, Kelley, Madaleno, Ramirez, and Raskin

AN ACT concerning

**Foreclosed Residential Property – Tenants – Collection of Rent Payments
– Prior Notice**

FOR the purpose of prohibiting a foreclosure sale purchaser from exercising any right to collect rent payments from a bona fide tenant in possession of a residential property unless the purchaser conducts a certain reasonable inquiry concerning the occupancy of the residential property and serves on each bona fide tenant a certain notice concerning rent payments; providing that a foreclosure sale purchaser waives any claim to rent payments from a bona fide tenant in possession of a residential property before satisfying certain notice requirements; defining certain terms; providing for the application of this Act; and generally relating to the collection of rent payments from tenants in possession of foreclosed residential property.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 7–105.1(a)(9) and 7–105.6(b)(1)
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

BY adding to
Article – Real Property
Section 7–105.10
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)

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

Senate Bill 799 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

**State Retirement and Pension System – Retirees and Beneficiaries of
Retirees – Annual Retirement Allowance Adjustments**

FOR the purpose of providing that certain annual retirement allowance adjustments shall be a certain amount under certain circumstances; requiring that certain annual retirement allowances be reduced by a certain amount under certain circumstances; defining certain terms; repealing certain termination provisions; requiring the State Retirement Agency to review certain provisions of the State Personnel and Pensions Article for a certain purpose and make certain recommendations to the Joint Committee on Pensions on or before a certain date; and generally relating to annual retirement allowance adjustments for retirees of the several systems of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 24–401(e), 29–406, 29–407, 29–412, 29–418, and 29–427
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing
Chapter 56 of the Acts of the General Assembly of 2010
Section 4

BY repealing
Chapter 57 of the Acts of the General Assembly of 2010
Section 4

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

QUORUM CALL

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

(See Roll Call No. 225)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #15

House Bill 354 – Delegates V. Turner, Alston, Costa, Donoghue, Elliott, Healey, Hubbard, Kach, Murphy, Nathan–Pulliam, Oaks, Pena–Melnik, Valderrama, and Valentino–Smith

AN ACT concerning

Health Occupations – Temporary Volunteer Dentist’s License, Temporary Volunteer Dental Hygienist’s License, and Temporary Dental Clinic Permit

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

Affirmative – 137 Negative – 0 (See Roll Call No. 226)

The Bill was then sent to the Senate.

House Bill 357 – Chair, Economic Matters Committee

AN ACT concerning

State Real Estate Commission – Sunset Extension and Program Evaluation

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

Affirmative – 139 Negative – 0 (See Roll Call No. 227)

The Bill was then sent to the Senate.

House Bill 378 – Delegates Nathan–Pulliam, Braveboy, Burns, Costa, Hubbard, A. Kelly, Kipke, Oaks, Pena–Melnyk, B. Robinson, and V. Turner

EMERGENCY BILL

AN ACT concerning

State Board of Nursing – Medication Technician Graduates and Certified Medication Technicians

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

Affirmative – 140 Negative – 0 (See Roll Call No. 228)

The Bill was then sent to the Senate.

House Bill 460 – Delegates Murphy, Bromwell, Costa, Cullison, Donoghue, Elliott, Frank, Hammen, Hubbard, Kach, Kipke, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Ready, Reznik, Tarrant, ~~and V. Turner~~ V. Turner, Rudolph, and Valderrama

AN ACT concerning

Prescription Drug Repository Program – Disposal of Prescription Drugs and Medical Supplies

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

Affirmative – 140 Negative – 0 (See Roll Call No. 229)

The Bill was then sent to the Senate.

House Bill 503 – Delegates Bromwell, Kach, and W. Miller

AN ACT concerning

**Health Occupations Boards – Discipline of Health Care Practitioners –
Failure to Comply with Governor’s Order**

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

Affirmative – 140 Negative – 0 (See Roll Call No. 230)

The Bill was then sent to the Senate.

**House Bill 529 – Delegates A. Miller, Afzali, Alston, Arora, Barkley, Barve,
Boteler, Carr, Clippinger, Cullison, Dumais, Feldman, George,
Gilchrist, Glass, Hammen, Ivey, Kaiser, A. Kelly, Kramer, Lee, Luedtke,
Niemann, O’Donnell, Olszewski, Pena–Melnik, Reznik, S. Robinson,
Serafini, Summers, F. Turner, Valderrama, Valentino–Smith, and
Zucker**

AN ACT concerning

**Telephone Companies – Distribution of Telephone Directories to Residential
Customers**

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

Affirmative – 140 Negative – 0 (See Roll Call No. 231)

The Bill was then sent to the Senate.

**House Bill 709 – Delegates V. Turner, Donoghue, Griffith, Hammen, Hubbard,
Morhaim, Nathan–Pulliam, Pendergrass, and Valderrama**

AN ACT concerning

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

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

Affirmative – 140 Negative – 0 (See Roll Call No. 232)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #16

House Bill 37 – Delegates Carr, Pena–Melnyk, Barnes, Beidle, Hucker, Lafferty, Mizeur, and Niemann

AN ACT concerning

State Government – Access to Public Records – Electronic Documents

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

Affirmative – 140 Negative – 0 (See Roll Call No. 233)

The Bill was then sent to the Senate.

House Bill 61 – Delegate O’Donnell

AN ACT concerning

Fire, Rescue, or Emergency Medical Services Entities – Resale of Admission Tickets

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

Affirmative – 140 Negative – 0 (See Roll Call No. 234)

The Bill was then sent to the Senate.

House Bill 68 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors – Sunset Extension and Program Evaluation

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

Affirmative – 140 Negative – 0 (See Roll Call No. 235)

The Bill was then sent to the Senate.

**House Bill 204 – Chair, Economic Matters Committee (By Request –
Departmental – Transportation)**

AN ACT concerning

**Vehicle Laws – Commercial Motor Vehicles Engaged in Intrastate Commerce
– Minimum Security Requirements**

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

Affirmative – 140 Negative – 0 (See Roll Call No. 236)

The Bill was then sent to the Senate.

House Bill 281 – Delegates Beitzel and Conway

AN ACT concerning

**Maryland Strategic Energy Investment Fund – Small Rural Electric
Cooperative – Prohibition**

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

Affirmative – 138 Negative – 0 (See Roll Call No. 237)

The Bill was then sent to the Senate.

House Bill 306 – Delegate Frush

AN ACT concerning

Task Force on Solar Hot Water Systems in Prince George’s County

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

Affirmative – 139 Negative – 1 (See Roll Call No. 238)

The Bill was then sent to the Senate.

**House Bill 329 – Delegates S. Robinson, Arora, Barkley, Conway, Cullison,
Gilchrist, Hucker, A. Kelly, Lee, Luedtke, A. Miller, O’Donnell, Ready,
Reznik, B. Robinson, Summers, Waldstreicher, and Zucker**

AN ACT concerning

**Public Information Act – Required Denials – Senior Citizen Activities
Centers**

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

Affirmative – 140 Negative – 0 (See Roll Call No. 239)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #2

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

AN ACT concerning

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

FLOOR AMENDMENT

SB0116/363721/1

BY: Delegate Olszewski

AMENDMENT TO SENATE BILL 116

(Third Reading File Bill)

On page 5, strike beginning with “through” in line 9 down through “retreats.”
in line 10.

The preceding amendment was read and rejected.

FLOOR AMENDMENT

SB0116/463720/1

BY: Delegate Glenn

AMENDMENT TO SENATE BILL 116

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “Family Law – Civil Unions”; strike beginning with “altering” in line 3 down through “marriages” in line 16 and substitute “authorizing certain parties to enter into civil unions in the State; establishing that certain provisions relating to marriages apply to civil unions; establishing that a civil union entered into in another jurisdiction that is valid under the laws of that jurisdiction is valid in this State; establishing that State and local laws that apply to spouses apply to parties who have entered into a civil union; applying certain spousal support and domestic relations provisions to civil unions; establishing that the rights of parties to a civil union with respect to a child of whom either becomes the natural parent during the term of the civil union are the same as those of a married couple; authorizing parties to a civil union to modify the terms and conditions of their civil union in a certain manner; specifying a nonexclusive list of legal benefits, protections, and responsibilities of spouses that apply in the same manner to parties to a civil union; defining a certain term; providing for the construction of this Act; and generally relating to civil unions”; and strike in their entirety lines 17 through 21, inclusive, and substitute:

“BY adding to

Article – Family Law

Section 2.5–101 through 2.5–304 to be under the new title “Title 2.5. Civil Unions”

Annotated Code of Maryland

(2006 Replacement Volume and 2010 Supplement)”.

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 4 on page 2 through line 28 on page 5, inclusive, and substitute:

“TITLE 2.5. CIVIL UNIONS.

SUBTITLE 1. DEFINITIONS; LEGISLATIVE FINDINGS AND DECLARATIONS.

2.5–101.

IN THIS TITLE, “CIVIL UNION” MEANS THE LEGALLY RECOGNIZED UNION OF TWO ELIGIBLE INDIVIDUALS IN ACCORDANCE WITH THIS TITLE.

2.5–102.

(A) THIS TITLE MAY NOT BE CONSTRUED TO REQUIRE AN OFFICIAL OF A RELIGIOUS INSTITUTION OR BODY AUTHORIZED TO SOLEMNIZE MARRIAGES TO SOLEMNIZE ANY CIVIL UNION IN VIOLATION OF THE RIGHT TO FREE EXERCISE OF RELIGION GUARANTEED BY THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION AND BY THE MARYLAND CONSTITUTION AND THE MARYLAND DECLARATION OF RIGHTS.

(B) THIS TITLE MAY NOT BE CONSTRUED TO PROHIBIT THE SOLEMNIZATION OF ANY MARRIAGE BY AN OFFICIAL OF A RELIGIOUS INSTITUTION OR BODY AUTHORIZED TO SOLEMNIZE MARRIAGES.

SUBTITLE 2. GENERAL PROVISIONS.

2.5–201.

(A) TWO PARTIES MAY ENTER INTO A CIVIL UNION IN THE STATE IF EACH PARTY:

(1) IS NOT A PARTY TO ANOTHER CIVIL UNION OR MARRIAGE; AND

(2) IS AT LEAST 18 YEARS OLD.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE PROVISIONS THAT APPLY TO MARRIAGES UNDER TITLE 2 OF THIS ARTICLE APPLY TO CIVIL UNIONS.

(C) A CIVIL UNION ENTERED INTO IN ANOTHER JURISDICTION THAT IS VALID UNDER THE LAWS OF THAT JURISDICTION SHALL BE VALID IN THIS STATE.

(D) AN INDIVIDUAL WHO IS A PARTY TO A CIVIL UNION MAY NOT MARRY AN INDIVIDUAL WHO IS NOT A PARTY TO THE CIVIL UNION.

SUBTITLE 3. BENEFITS, PROTECTIONS, AND RESPONSIBILITIES OF PARTIES TO A CIVIL UNION.

2.5-301.

EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, STATE AND LOCAL LAWS THAT APPLY TO SPOUSES SHALL APPLY TO PARTIES WHO HAVE ENTERED INTO A CIVIL UNION UNDER THIS TITLE.

2.5-302.

A PARTY TO A CIVIL UNION SHALL BE INCLUDED IN ANY DEFINITION OR USE OF THE TERMS “SPOUSE”, “HUSBAND”, “WIFE”, “FAMILY”, “IMMEDIATE FAMILY”, “DEPENDENT”, “NEXT OF KIN”, AND OTHER TERMS THAT DENOTE THE SPOUSAL RELATIONSHIP AS THESE TERMS ARE USED THROUGHOUT THE LAW.

2.5-303.

(A) PARTIES TO A CIVIL UNION SHALL BE RESPONSIBLE FOR THE SUPPORT OF EACH OTHER TO THE SAME DEGREE AND IN THE SAME MANNER AS PRESCRIBED UNDER THE LAW FOR MARRIED INDIVIDUALS.

(B) PARTIES TO A CIVIL UNION SHALL BE SUBJECT TO THE LAW OF DOMESTIC RELATIONS, INCLUDING ANNULMENT, SEPARATION AND DIVORCE, CHILD CUSTODY, VISITATION, AND SUPPORT, ALIMONY, AND PROPERTY DISPOSITION TO THE SAME DEGREE AND IN THE SAME MANNER AS PRESCRIBED UNDER THE LAW FOR MARRIED INDIVIDUALS.

(C) THE RIGHTS OF PARTIES TO A CIVIL UNION, WITH RESPECT TO A CHILD OF WHOM EITHER BECOMES THE NATURAL PARENT DURING THE TERM OF THE CIVIL UNION, SHALL BE THE SAME AS THOSE OF A MARRIED COUPLE.

(D) PARTIES TO A CIVIL UNION MAY MODIFY THE TERMS AND CONDITIONS OF THEIR CIVIL UNION IN THE SAME MANNER AND TO THE SAME EXTENT AS MARRIED INDIVIDUALS WHO EXECUTE A PRENUPTIAL AGREEMENT OR OTHER AGREEMENT RECOGNIZED AND ENFORCEABLE UNDER THE LAW.

2.5-304.

THE FOLLOWING IS A NONEXCLUSIVE LIST OF LEGAL BENEFITS, PROTECTIONS, AND RESPONSIBILITIES OF SPOUSES THAT SHALL APPLY IN THE SAME MANNER TO PARTIES TO A CIVIL UNION:

(1) LAWS RELATING TO TITLE, TENURE, DESCENT AND DISTRIBUTION, INTESTATE SUCCESSION, WAIVER OF WILL, SURVIVORSHIP, OR OTHER INCIDENTS OF THE ACQUISITION, OWNERSHIP, OR TRANSFER, INTER VIVOS OR AT DEATH, OF REAL OR PERSONAL PROPERTY, INCLUDING ELIGIBILITY TO HOLD REAL OR PERSONAL PROPERTY AS TENANTS BY THE ENTIRETY AS PROVIDED IN THE ESTATES AND TRUSTS ARTICLE AND THE REAL PROPERTY ARTICLE;

(2) CAUSES OF ACTION RELATED TO OR DEPENDENT ON SPOUSAL STATUS, INCLUDING AN ACTION FOR WRONGFUL DEATH, EMOTIONAL DISTRESS, LOSS OF CONSORTIUM, OR OTHER TORTS OR ACTIONS UNDER CONTRACT RELATED TO OR DEPENDENT ON SPOUSAL STATUS;

(3) PROBATE LAW AND PROCEDURE, AS PROVIDED IN THE ESTATES AND TRUSTS ARTICLE;

(4) ADOPTION LAW AND PROCEDURE AS PROVIDED IN TITLE 5 OF THIS ARTICLE;

(5) GROUP INSURANCE FOR STATE EMPLOYEES AS PROVIDED IN TITLE 2, SUBTITLE 5 OF THE STATE PERSONNEL AND PENSIONS ARTICLE AND CONTINUING CARE CONTRACTS AS PROVIDED IN TITLE 10, SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE;

(6) DOMESTIC VIOLENCE PROTECTIONS AND PROGRAMS AS PROVIDED IN TITLE 4, SUBTITLE 5 OF THIS ARTICLE;

(7) PROHIBITIONS AGAINST DISCRIMINATION BASED ON MARITAL STATUS AS PROVIDED IN ARTICLE 49B OF THE CODE;

(8) VICTIM'S COMPENSATION RIGHTS AS PROVIDED IN TITLE 11 OF THE CRIMINAL PROCEDURE ARTICLE;

(9) WORKERS' COMPENSATION BENEFITS AS PROVIDED IN TITLE 9 OF THE LABOR AND EMPLOYMENT ARTICLE;

(10) LAWS RELATING TO EMERGENCY AND NONEMERGENCY MEDICAL CARE AND TREATMENT AND HOSPITAL VISITATION AND NOTIFICATION, INCLUDING THE PATIENT'S BILL OF RIGHTS AS PROVIDED IN TITLE 19, SUBTITLE 3, PART VI OF THE HEALTH – GENERAL ARTICLE;

(11) ADVANCE DIRECTIVES AS PROVIDED IN TITLE 5, SUBTITLE 6 OF THE HEALTH – GENERAL ARTICLE;

(12) PUBLIC ASSISTANCE BENEFITS AS PROVIDED IN TITLE 5 OF THE HUMAN SERVICES ARTICLE;

(13) LAWS RELATING TO TAXES IMPOSED BY THE STATE OR A COUNTY OTHER THAN ESTATE TAXES;

(14) LAWS RELATING TO IMMUNITY FROM COMPELLED TESTIMONY AND SPOUSAL TESTIMONIAL IMMUNITY AS PROVIDED IN TITLE 9 OF THE COURTS ARTICLE;

(15) THE SPOUSAL HOMESTEAD PROTECTION RIGHTS AS PROVIDED IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM UNDER TITLE 15, SUBTITLE 1 OF THE HEALTH – GENERAL ARTICLE AND HOMESTEAD PROPERTY TAX CREDIT AND OTHER PROPERTY TAX EXEMPTIONS AND RELIEF GRANTED TO SPOUSES AS PROVIDED IN THE TAX – PROPERTY ARTICLE;

(16) THE FARMER DISASTER LOAN PROGRAM AS PROVIDED IN TITLE 2, SUBTITLE 6 OF THE AGRICULTURE ARTICLE;

(17) LAWS RELATING TO THE MAKING AND REVOKING OF ANATOMICAL GIFTS BY OTHERS AND THE RIGHTS OF NEXT OF KIN AS PROVIDED IN TITLE 4, SUBTITLE 5 OF THE ESTATES AND TRUSTS ARTICLE;

(18) LEGAL REQUIREMENTS FOR THE ASSIGNMENT OF WAGES AS PROVIDED IN TITLE 15, SUBTITLE 3 OF THE COMMERCIAL LAW ARTICLE; AND

(19) LANDOWNER RIGHTS TO HUNT ON FARMLAND AS PROVIDED IN § 10-301 OF THE NATURAL RESOURCES ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.”.

The preceding 2 amendments were read and rejected.

Delegate Vallario moved the Bill be recommitted.

The motion was adopted.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 1 – ~~Senator Middleton~~ Senators Middleton, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Muse, and Pugh

AN ACT concerning

Joint Committee on Workers’ Compensation Benefit and Insurance Oversight – Membership

FOR the purpose of increasing the membership of the Joint Committee on Workers’ Compensation Benefit and Insurance Oversight to include a certain member; repealing obsolete provisions; making stylistic changes; and generally relating to membership of the Joint Committee on Workers’ Compensation Benefit and Insurance Oversight.

BY repealing and reenacting, with amendments,
Article – State Government
Section 2-10A-03
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Senate Bill 81 – Chair, Finance Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

**Higher Education – Assistance Efforts for Family Investment Program
Recipients – Repeal**

FOR the purpose of repealing a requirement that the Maryland Higher Education Commission and the Department of Human Resources identify, promote, and coordinate certain efforts and services and undertake certain activities at institutions of higher education related to recipients of Family Investment Program services; repealing certain reporting requirements relating to services provided to Program recipients; and generally relating to the repeal of certain assistance efforts for Program recipients at institutions of higher education.

BY repealing

Article – Human Services

Section 5–305

Annotated Code of Maryland

(2007 Volume and 2010 Supplement)

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

Senate Bill 200 – Senator Zirkin

AN ACT concerning

Juvenile Services – Recidivism – Reporting

FOR the purpose of requiring the Secretary of Juvenile Services to report to the General Assembly on or before a certain date each year on the recidivism rates of children committed to the Department of Juvenile Services for placement in residential care; establishing that the report shall include recidivism rates ~~by certain regions and~~ by certain facilities residential care programs; specifying certain requirements for the report; and generally relating to a report on recidivism rates of children committed to the Department of Juvenile Services for placement.

BY adding to

Article – Human Services

Section 9–204(i)

Annotated Code of Maryland

(2007 Volume and 2010 Supplement)

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

Senate Bill 203 – Senators Montgomery, Benson, Forehand, Garagiola, Glassman, Kasemeyer, Kelley, King, Madaleno, Manno, Middleton, Pinsky, Pugh, Ramirez, Raskin, Robey, and Rosapepe

AN ACT concerning

Health Care Decisions Act – “Medical Orders for Life-Sustaining Treatment” Form

FOR the purpose of repealing certain provisions of law relating to the “Instructions on Current Life-Sustaining Treatment Options” form; requiring the Department of Health and Mental Hygiene, in conjunction with the Maryland Institute for Emergency Medical Services Systems and the State Board of Physicians, to develop and periodically revise a “Medical Orders for Life-Sustaining Treatment” form and instructions for its completion and use; requiring that the form and instructions be developed in consultation with certain individuals and groups; requiring that the form be suitable for containing certain medical orders; providing that the form is not an advance directive; requiring certain health care facilities and authorizing other health care providers to use a “Medical Orders for Life-Sustaining Treatment” form; requiring certain health care facilities ~~and authorizing other health care providers to use~~ accept and update or complete a “Medical Orders for Life-Sustaining Treatment” form for certain patients during the admission process or, under certain circumstances, during an inpatient hospital stay; requiring certain health care facilities and health care providers, when updating or completing a “Medical Orders for Life-Sustaining Treatment” form, to offer certain individuals the opportunity to participate in ~~the completion of a~~ updating or completing the “Medical Orders for Life-Sustaining Treatment” form; requiring health care facilities to note in a patient’s medical record when certain individuals decline to participate in ~~the completion of a~~ updating or completing the “Medical Orders for Life-Sustaining Treatment” form; requiring, under certain circumstances, that certain health care facilities offer any physician or nurse practitioner selected by the patient the opportunity to participate in updating or completing a “Medical Orders for Life-Sustaining Treatment” form; requiring, under certain circumstances, that certain health care facilities provide certain information to certain individuals; requiring, under certain circumstances, that a “Medical Orders for Life-Sustaining Treatment” form be consistent with certain health care decisions of certain individuals; requiring a health care facility to comply with the “Medical Orders for Life-Sustaining Treatment” form under certain circumstances; requiring certain health care providers to keep the “Medical Orders for Life-Sustaining Treatment” form in the patient’s medical record; requiring that the “Medical Orders for Life-Sustaining Treatment” form accompany certain patients and be given to certain individuals ~~under certain circumstances~~ within a certain time period; requiring that the most recent “Medical Orders for Life-Sustaining Treatment” form be followed if there is a conflict between forms; authorizing a health care provider to rely in good faith on the presumed validity of a “Medical Orders for Life-Sustaining Treatment”

form; requiring the Department to adopt certain regulations; requiring the Department to make the “Medical Orders for Life–Sustaining Treatment” ~~form and form~~, certain instructions, and training materials available on the Department’s Web site; authorizing the Department to print and distribute the form ~~and~~, instructions, and training materials; requiring that a “Medical Orders for Life–Sustaining Treatment” form containing an order that resuscitation not be attempted be given the same effect as an emergency medical services “do not resuscitate order”; specifying that orders regarding life–sustaining treatment executed in another state are to be deemed valid under certain circumstances and construed in a certain manner; repealing the requirement that a nursing home offer patients an “Instructions on Current Life–Sustaining Treatment Options” form; requiring ~~certain health care facilities~~ nursing homes and assisted living programs, on or before a certain date, to complete a “Medical Orders for Life–Sustaining Treatment” form for certain patients admitted to the health care facility before a certain date, and to offer the patients or certain other individuals an opportunity to participate in the completion of the form; altering a certain definition; defining a certain term; and generally relating to health care decisions and the “Medical Orders for Life–Sustaining Treatment” form.

BY repealing

Article – Health – General
 Section ~~5–602(f)(4)~~ 5–602(f)(3) and (4) and 5–608.1
 Annotated Code of Maryland
 (2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General
 Section 5–608, 5–609, 5–617, 5–619, and 19–344(f)
 Annotated Code of Maryland
 (2009 Replacement Volume and 2010 Supplement)

BY adding to

Article – Health – General
 Section 5–608.1
 Annotated Code of Maryland
 (2009 Replacement Volume and 2010 Supplement)

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

Senate Bill 247 – Senators Raskin, Colburn, Forehand, Frosh, Garagiola, Gladden, Jennings, King, Madaleno, Pugh, Shank, Stone, Young, ~~and Zirkin~~ Zirkin, Brochin, Jacobs, Ramirez, and Montgomery

AN ACT concerning

Criminal Procedure – Seizure and Forfeiture – Property Used in Human Trafficking

FOR the purpose of authorizing a State or local law enforcement agency, on process issued by a court of competent jurisdiction, to seize certain property used or intended for use in connection with a violation of the law prohibiting human trafficking; including in the prohibition against human trafficking a prohibition against subjecting a person to involuntary servitude, peonage, debt bondage, or slavery under certain circumstances; creating an Anti-Human Trafficking Fund to be administered by the Executive Director of the Governor's Office of Crime Control and Prevention; specifying the revenue sources for the Fund; providing for certain disbursements from the Fund for certain purposes; specifying certain property subject to forfeiture; specifying certain conditions to exclude property from forfeiture; authorizing the seizure of certain property with or without a warrant under certain circumstances; requiring the seizing authority that seizes money to take certain actions; specifying certain standards and exceptions regarding the seizure of motor vehicles; requiring a certain law enforcement officer to recommend that a motor vehicle be forfeited under certain circumstances; requiring that a forfeiting authority surrender a motor vehicle on request to the owner under certain circumstances; specifying conditions under which an owner may obtain possession of seized property; specifying the time when seizure of real property occurs; authorizing an owner or owner's tenant to remain in possession of seized real property under certain circumstances; prohibiting an owner of real property from taking certain actions; specifying certain procedures for the conduct of forfeiture proceedings, including the filing of complaints and answers, posting and publishing of notice, and conducting hearings for real property and other property; specifying certain restrictions on forfeiture proceedings on property used as the principal family residence; specifying certain powers of a court in a certain forfeiture proceeding; requiring a court to issue a certain order after a full hearing under certain circumstances; authorizing the governing body where the property was seized to take certain actions; requiring certain proceeds to be used for certain expenses; requiring that certain proceeds of the sale of forfeited property be distributed to the Fund for a certain purpose; specifying the terms of sale of forfeited property; specifying the law governing the sale of certain collateral; requiring certain proceeds from the sale of certain property to be distributed in a certain manner; requiring lienholders to take certain actions before exercising the right to sell certain property and after the redemption of certain property; specifying the effect of this Act; defining certain terms; providing for the application of this Act; and generally relating to seizure and forfeiture of property used in connection with a violation of the human trafficking law.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 11-303
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–910(d)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY adding to
Article – Criminal Procedure
Section 11–920; and 13–501 through 13–535 to be under the new subtitle
“Subtitle 5. Violations of the Human Trafficking Law”
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

**Senate Bill 299 – Senators Jennings, Shank, Forehand, Gladden, Kelley, King,
Pugh, Ramirez, Raskin, Stone, Young, and Zirkin**

AN ACT concerning

**Wiretapping and Electronic Surveillance – Investigation of Human
Trafficking**

FOR the purpose of adding certain human trafficking offenses to those crimes for
which evidence may be gathered by, and a judge may grant an order
authorizing, interception of oral, wire, or electronic communications; and
generally relating to wiretap and electronic surveillance and human trafficking.

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

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

**Senate Bill 317 – Senators Pinsky and Brinkley, Brinkley, Astle, Garagiola,
Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, Muse,
and Pugh**

AN ACT concerning

**~~Property and Casualty~~ Homeowner’s Insurance – Victims of Crimes of
Violence – Discrimination Prohibited**

FOR the purpose of prohibiting insurers ~~from using~~, based solely on information about an individual's status as a victim of a crime of violence ~~to take~~, from taking certain actions relating to a policy of ~~property and casualty~~ homeowner's insurance; providing that an insurer may not deny payment to ~~an~~ a certain innocent coinsured under certain circumstances; limiting payment to an innocent coinsured under certain circumstances; authorizing an insurer to exclude certain property from coverage; providing that an insurer making a certain payment shall have the right of subrogation against a certain perpetrator; providing that this Act does not require a payment in excess of certain limits, prohibit an insurer from applying certain standards, or prohibit an insurer or insurance producer from asking certain individuals about a certain claim or from using certain information for certain purposes; authorizing the Maryland Insurance Commissioner to take certain actions on a finding of certain violations; defining certain terms; providing for the application of this Act; and generally relating to victims of crimes of violence and discrimination in ~~property and casualty~~ homeowner's insurance.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 27–501(a) and (b)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY adding to
Article – Insurance
Section 27–504.1
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 27–505(a)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

Senate Bill 402 – ~~Senator Glassman~~ Senators Glassman and Pugh

AN ACT concerning

**Motor Carrier Companies – Local Public Transportation Systems –
Exemption from Motor Carrier Permit Requirement**

FOR the purpose of providing that a motor carrier permit is not required for a local public transportation system established under a law enacted by the local governing body of a county or municipal corporation; providing that a motor

carrier permit is not required for a motor vehicle used by a privately owned transportation company exclusively to provide transportation system services under a certain contract; requiring a certain privately owned transportation company to obtain a motor carrier permit for certain motor vehicles under certain circumstances; repealing certain exemptions for particular counties; and generally relating to motor carriers and motor carrier permits.

BY repealing and reenacting, with amendments,

Article – Public Utilities
Section 9–201
Annotated Code of Maryland
(2010 Replacement Volume)

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

Senate Bill 411 – Senators Raskin and Forehand

AN ACT concerning

Financial Crimes – Seizure and Forfeiture of Property

FOR the purpose of establishing seizure and forfeiture procedures for property obtained through or used in connection with certain financial crimes; establishing conditions that would exclude certain property from forfeiture; establishing how certain property subject to forfeiture may be seized, with certain exceptions; establishing circumstances that must be considered when determining whether to seize certain property; establishing a certain deadline for filing a complaint seeking forfeiture; providing for the contents and distribution of a certain complaint; providing for the forfeiture of interest in certain real property; providing for a stay of forfeiture of a certain family residence under certain circumstances; establishing a certain rebuttable presumption; providing for certain posthearing orders; providing for the application of proceeds from a certain sale of forfeited property; defining certain terms; providing for the application of this Act; providing for the effective date of this Act; and generally relating to seizure and forfeiture of property used in connection with violation of the Financial Crimes law.

BY repealing and reenacting, without amendments,

Article – Criminal Procedure
Section 12–101(c), (f), (g), (i), (k), and (o), 12–202, 12–203, 12–208 through
12–211, 12–301 through 12–308, 12–402, and 12–403
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY adding to

Article – Criminal Procedure

Section 13–501 through 13–509 to be under the new subtitle “Subtitle 5.
Violations of Financial Crimes Law”
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Senate Bill 428 – Senator Klausmeier

AN ACT concerning

Mental Hygiene – Admission Provisions – Definition of “Psychologist”

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

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

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

Senate Bill 515 – Senators Zirkin and Miller

AN ACT concerning

Public Defender – Representation – Income Eligibility and Appointment by a Court

FOR the purpose of establishing that certain individuals may be eligible for services from the Office of the Public Defender without an assessment regarding the need of the individual; establishing that the determination of eligibility for services from the Office of the Public Defender based on need applies for an individual whose assets and net annual income equal or exceed a certain amount; establishing that certain courts are prohibited from appointing an attorney through the Office of the Public Defender under certain circumstances; and generally relating to representation by the Office of the Public Defender.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 16–210 and 16–213
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

INTRODUCTION OF BILLS

Delegate Bohanan moved the Bill be introduced.

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

The roll call vote resulted as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 240)

In compliance with the rules, the Bill was introduced.

House Bill 1347 – Delegate Bohanan

AN ACT concerning

Southern Maryland Higher Education Council

FOR the purpose of establishing a Southern Maryland Higher Education Council; providing for the composition of the Council; requiring the Governor to appoint a chair from among the Council members; requiring the Maryland Higher Education Commission to provide staff for the Council; prohibiting a member from receiving compensation but entitling a member to reimbursement for certain expenses; providing for the duties of the Council; requiring the Council to submit an interim and a final report on its findings and recommendations on or before certain dates; providing for the termination of the Council; and generally relating to the Southern Maryland Higher Education Council.

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

Delegate Murphy moved the Bill be introduced.

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

The roll call vote resulted as follows:

Affirmative – 134 Negative – 1 (See Roll Call No. 241)

In compliance with the rules, the Bill was introduced.

House Bill 1348 – Charles County Delegation

AN ACT concerning

Creation of a State Debt – Charles County – Greater Baden Medical Services Facility

FOR the purpose of authorizing the creation of a State Debt in the amount of \$400,000, the proceeds to be used as a grant to the Board of Directors of the Greater Baden Medical Services, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 242)

ADJOURNMENT

At 2:12 P.M. on motion of Delegate Barve the House adjourned until 8:00 P.M. on Monday, March 14, 2011.

Annapolis, Maryland
Monday, March 14, 2011

The House met at 8:04 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Nicholaus R. Kipke of Anne Arundel County.

QUORUM CALL

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

(See Roll Call No. 243)

The Journal of March 11, 2011 was read and approved.

EXCUSES:

Del. Cluster – medical

Del. Harrison – medical

Del. Hubbard – personal – out of town

Del. Mizeur – personal

Del. Myers – business

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #4

CONSENT CALENDAR #4

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1309 – Delegates Holmes, Anderson, Braveboy, Davis, Guzzone, Niemann, Ross, Stein, V. Turner, Vaughn, Walker, Washington, and Wilson

AN ACT concerning

Real Estate Appraisers – Valuation Appraisals – Requirements

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1311 – Delegates Jameson, Barkley, Kramer, Love, W. Miller, Schulz, and Vaughn

AN ACT concerning

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

The Bill was re-referred to the Committee on Economic Matters.

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 1315 – Howard County Delegation

AN ACT concerning

**Howard County – Orphans’ Court Sessions
Ho. Co. 9–11**

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 Judiciary:

House Bill 1316 – Delegates Waldstreicher and Simmons

AN ACT concerning

Financial Crimes – Seizure and Forfeiture of Property

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 1317 – Delegate Serafini

AN ACT concerning

State Employees and Teachers – Cash Balance Plan

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 1318 – Delegate Serafini

AN ACT concerning

**State Retirement and Pension System – Board of Trustees and Investment
Committee – Membership**

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 Judiciary:

House Bill 1320 – Delegate Olszewski (By Request)

AN ACT concerning

**Criminal Procedure – Plea Agreement Terms and the Violence Prevention
Initiative Criteria**

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 1321 – Delegate Proctor

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2006 – Prince George’s County
– Accokeek Foundation**

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 Economic Matters:

House Bill 1322 – Delegate Barkley

AN ACT concerning

**Electric Companies and Electric Cooperatives – Standard Offer Service –
Service Rights Auctions**

The Bill was re-referred to the Committee on Economic Matters.

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 1325 – Delegates McComas, Cluster, and McDermott

AN ACT concerning

Privileged Communications – Critical Incident Stress Management and Peer Support

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 1326 – Delegate Serafini

AN ACT concerning

State Retirement and Pension System – Investments – Independent Investment Advisory Firms

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 Judiciary:

House Bill 1327 – Delegate Conaway

AN ACT concerning

Criminal Law – Salvia Divinorum – Distribution to Individual Under 21 Years of Age – Penalties

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 Environmental Matters:

House Bill 1329 – Delegate Norman

AN ACT concerning

Motor Vehicles – Renewal of Drivers’ Licenses – Contractors for the Armed Forces of the United States

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1330 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Construction Safety and Health Training – Public Work Contracts

The Bill was re-referred to the Committee on Economic Matters.

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 1332 – Delegate McConkey

AN ACT concerning

Anne Arundel County – Drug-Free Zones Pilot Program – Public Parks and Recreation Areas

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 1333 – Delegate Howard

AN ACT concerning

Legislative Community Initiatives Loan of 2004 – Prince George’s County – Ivy Youth and Family Center

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 Economic Matters:

House Bill 1334 – Delegates McDermott and Conway

AN ACT concerning

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

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1335 – Delegate Hershey

AN ACT concerning

Zoning, Construction, and Stormwater – Permits and Variances – Solar Panels

The Bill was re-referred to the Committee on Environmental Matters.

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 1336 – Delegate Holmes

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2009 – Prince George’s County – South Bowie Boys and Girls Club

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 Environmental Matters:

House Bill 1337 – Delegates Holmes, Braveboy, V. Turner, and Wilson

AN ACT concerning

Real Property – Residential Property Owned by Bank or Investment Company – Required Maintenance

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1340 – Delegates Haddaway–Ricchio and O’Donnell

AN ACT concerning

Natural Resources – Oysters – Sanctuaries and Poaching

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1341 – Chair, Health and Government Operations Committee (By Request – Departmental – Emergency Management Agency, Maryland)

AN ACT concerning

State Government – Transportation – School Bus Use in Emergencies

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1343 – Allegany County Delegation

AN ACT concerning

Economic Development – Tri-County Council for Western Maryland – Membership and Leadership

The Bill was re-referred to the Committee on Economic Matters.

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 1344 – Delegates Serafini, Afzali, Aumann, Bates, Dwyer, Eckardt, Elliott, George, Haddaway-Riccio, Hogan, Hough, Impallaria, Krebs, McConkey, W. Miller, Myers, Norman, O'Donnell, Otto, Parrott, Ready, Schulz, Stifler, Stocksdale, and Szeliga

AN ACT concerning

State Retirement and Pension System – Guaranteed Retirement Income Plan and Retirement Savings Plan

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 1346 – Delegates B. Robinson, Tarrant, and Conaway

AN ACT concerning

Creation of a State Debt – Baltimore City – Delta Lambda Foundation Head Start Facility

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 1347 – Delegate Bohanan

AN ACT concerning

Southern Maryland Higher Education Council

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 1348 – Charles County Delegation

AN ACT concerning

Creation of a State Debt – Charles County – Greater Baden Medical Services Facility

The Bill was re-referred to the Committee on Appropriations.

INTRODUCTION OF BILLS

Delegate Branch moved the Bill be introduced.

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

The roll call vote resulted as follows:

Affirmative – 132 Negative – 0 (See Roll Call No. 244)

In compliance with the rules, the Bill was introduced.

House Bill 1349 – Delegate Branch

AN ACT concerning

Maryland Community Enhancement Transit–Oriented Development Fund

FOR the purpose of establishing the Maryland Community Enhancement Transit–Oriented Development Fund for certain purposes; providing that the Fund is a special, nonlapsing fund; providing for the contents and uses of the Fund; requiring that a certain portion of certain revenues from certain projects and certain other money be paid into the Fund; requiring the Comptroller to pay certain money from the Fund to certain local governing bodies in a certain manner; authorizing local governing bodies to use or make awards of money received from the Fund for certain purposes; requiring the State Treasurer to invest the money in the Fund in a certain manner; stating certain findings of the General Assembly; providing for the purposes of certain provisions of this Act; defining certain terms; and generally relating to the Maryland Community Enhancement Transit–Oriented Development Fund.

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 1–101(e)
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY adding to
Article – Economic Development
Section 15–101 through 15–106 to be under the new title “Title 15. Maryland
Community Enhancement Transit–Oriented Development Fund”
Annotated Code of Maryland
(2008 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 10–306
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 7–101(m)
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

QUORUM CALL

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

(See Roll Call No. 245)

ADJOURNMENT

At 8:19 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Tuesday, March 15, 2011.

**Annapolis, Maryland
Tuesday, March 15, 2011**

The House met at 10:09 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Herb McMillan of Anne Arundel County.

QUORUM CALL

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

(See Roll Call No. 246)

The Journal of March 14, 2011 was read and approved.

EXCUSES:

Del. Arora – illness

Del. Cluster – medical

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 167 – Senators Ramirez, Madaleno, Manno, Benson, Conway, Currie, Ferguson, Forehand, Garagiola, Gladden, Jones-Rodwell, Kelley, King, ~~Manno~~, Montgomery, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

**~~Higher Education – Tuition Charges – Maryland High School Students~~
Public Institutions of Higher Education – Tuition Rates – Exemptions**

FOR the purpose of extending the time period within which an honorably discharged veteran must present certain evidence in order to qualify for a certain tuition rate; establishing that certain individuals, other than certain nonresident individuals, shall be exempt from paying the nonresident tuition rate certain tuition rates at certain public institutions of higher education under certain circumstances; requiring certain individuals to provide certain documentation regarding certain Maryland income tax withholding or filing at certain times; requiring certain information collected as part of certain students' registration to remain confidential; requiring community colleges and public senior higher education institutions that admit certain students to keep a record of the

number of individuals paying resident tuition charges in accordance with this Act and to report certain information to the Maryland Higher Education Commission; requiring the Commission to submit a certain report to the General Assembly each year; requiring the governing board of each public institution of higher education to adopt certain policies; defining a certain term; and generally relating to tuition charges rates for certain individuals attending public institutions of higher education in the State.

BY repealing and reenacting, with amendments,

Article – Education

Section 15–106.4(b)

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

BY adding to

Article – Education

Section 15–106.8

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

THE COMMITTEE ON APPROPRIATIONS REPORT #2

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

House Bill 86 – The Speaker (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Qualified Zone Academy Bond

HB0086/174362/1

BY: Appropriations Committee

AMENDMENT TO HOUSE BILL 86

(First Reading File Bill)

On page 2, in line 18, after “academies” insert “, including public charter schools”; and in line 20, after “academies” insert “, including public charter schools”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 435 – Delegate Bohanan

AN ACT concerning

Optional Retirement Program – Supplemental Retirement Plans – Employee Contributions

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 522 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Correctional Officers’ Bill of Rights

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 581 – Chair, Appropriations Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Displaced Homemakers Program – Evaluation and Report

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 634 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

**State Retirement and Pension System – Reemployment Earnings Offset –
Retiree Health Care Premiums**

HB0634/394768/1

BY: Appropriations Committee

AMENDMENT TO HOUSE BILL 634

(First Reading File Bill)

On page 4 in line 4 and on page 6 in lines 2 and 32, in each instance, after “FOR” insert “:

A. IF THE RETIREE RETIRED FROM ANY UNIT OF STATE GOVERNMENT.”.

On page 4 in line 5 and on page 6 in lines 3 and 33, in each instance, after “PREMIUMS” insert “;OR

B. IF THE RETIREE RETIRED FROM A PARTICIPATING EMPLOYER OTHER THAN THE STATE, THE APPROVED MONTHLY MEDICAL INSURANCE PREMIUMS REQUIRED BY THE PARTICIPATING EMPLOYER THAT EMPLOYED THE RETIREE AT THE TIME OF THE RETIREE’S RETIREMENT”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 727 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

**State Retirement and Pension System – Retirees and Beneficiaries of
Retirees – Annual Retirement Allowance Adjustments**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 748 – Chair, Appropriations Committee (By Request – Departmental – University System of Maryland)

AN ACT concerning

Academic Facilities Bonding Authority

Favorable report adopted.

Delegate Krebs moved to make the Bill a Special Order for March 16, 2011.

The motion was adopted.

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

House Bill 1088 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

Audit Responsibilities – State Department of Education, Maryland Higher Education Commission, and State Retirement Agency

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #6

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

House Bill 110 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Weight Limits

HB0110/880110/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 110
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Weight” insert “and Axle Load”; in line 3, after “of” insert “repealing a certain requirement relating to the measurement of the distance between coupled axles for purposes of applying certain weight limitations; repealing certain weight limitations on coupled axles; altering the determination of a certain limitation on the gross weight imposed on the ground surface by the wheels on the front axle of a vehicle combination; repealing a certain exception related to the determination of rated load capacities of tires for purposes of a certain gross weight limitation.”; and in line 6, strike “weight limits for motor vehicles” and substitute “vehicle weight and load limits of axles”.

AMENDMENT NO. 2

On pages 1 and 2, strike beginning with “For” in line 21 on page 1 down through “(b)” in line 1 on page 2.

AMENDMENT NO. 3

On page 2, in line 3, strike “or axles”; in line 5, strike “(I) Combination Vehicles” and substitute “**SINGLE AXLE WEIGHT**”; in line 6, strike “No. of Axles”; in line 8, strike “Combination”; strike in their entirety lines 12 through 23, inclusive; in line 28, strike “(c)” and substitute “**(B)**”; in line 30, strike “originally was” and substitute “**IS CURRENTLY**”; and in line 31, strike beginning with the comma through “section”.

AMENDMENT NO. 4

On page 3, in lines 11, 15, and 23, strike “(c)”, “(d)”, and “**(E)**”, respectively, and substitute “**(B)**”, “**(C)**”, and “**(D)**”, respectively.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 263 – Frederick County Delegation

AN ACT concerning

Frederick County – Roadside Solicitation of Money or Donations – Permit Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 486 – Delegates Conway, Cane, and McDermott

AN ACT concerning

Education – School Buses – Inspections and Length of Operation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 877 – Chair, Environmental Matters Committee (By Request – Departmental – Housing and Community Development) (By Request – Departmental – Planning)

AN ACT concerning

Sustainable Communities, Designated Neighborhoods, and Priority Funding Areas – Miscellaneous Corrections

HB0877/440410/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 877

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “altering” in line 5 down through “areas;” in line 6.

AMENDMENT NO. 2

On page 3, in lines 4, 5, 6, 8, 10, 12, 14, and 17, in each instance, strike the bracket; in line 4, strike “designated neighborhood” and substitute “SUSTAINABLE COMMUNITY”; and in lines 6, 8, 10, 12, 14, and 17, strike “(3)”, “(4)”, “(5)”, “(6)”, “(7)”, and “(8)”, respectively.

On page 8, in line 19, strike “§ 5-7B-02(3)” and substitute “§ 5-7B-02(2)”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1017 – Delegates O’Donnell, Afzali, Alston, Anderson, Arora, Aumann, Barkley, Barnes, Barve, Bates, Beidle, Beitzel, Bobo, Bohanan, Boteler, Branch, Braveboy, Bromwell, Burns, Busch, Cane, Cardin, Carr, Carter, Clagett, Clippinger, Cluster, Conaway, Conway, Costa, Cullison, Davis, DeBoy, Donoghue, Dumais, Dwyer, Eckardt, Elliott, Feldman, Fisher, Frank, Frick, Frush, Gaines, George, Gilchrist, Glass, Glenn, Griffith, Gutierrez, Guzzone, Haddaway-Riccio, Hammen, Harrison, Haynes, Healey, Hershey, Hixson, Hogan, Holmes, Hough, Howard, Hubbard, Hucker, Impallaria, Ivey, Jacobs, James, Jameson, Jones, Kach, Kaiser, A. Kelly, K. Kelly, Kipke, Kramer, Krebs, Lafferty, Lee, Love, Luedtke, Malone, McComas, McConkey, McDermott, McDonough, McHale, McIntosh, McMillan, A. Miller, W. Miller, Minnick, Mitchell, Mizeur, Morhaim, Murphy, Myers, Nathan-Pulliam, Niemann, Norman, Oaks, Olszewski, Otto, Parrott, Pena-Melnyk, Pendergrass, Proctor, Ready, Reznik, B. Robinson, S. Robinson, Rosenberg, Ross, Rudolph, Schuh, Schulz, Serafini, Simmons, Smigiel, Sophocleus, Stein, Stifler, Stocksdale, Stukes, Summers, Szeliga, Tarrant, F. Turner, V. Turner, Valderrama, Valentino-Smith, Vallario, Vaughn, Vitale, Waldstreicher, Walker, Washington, Weir, Wilson, Wood, and Zucker

AN ACT concerning

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

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 1025 – The Speaker (By Request – Administration)

AN ACT concerning

Natural Resources – Land Acquisitions

HB1025/820019/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1025

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Natural Resources” and substitute “State Government”; in the same line, after “Acquisitions” insert “and Transfers of Property”; in line 20, strike “include” and substitute “exclude”; in line 24, strike “acquisition and planning functions performed” and substitute “acquisitions”; and in line 25, after “Resources” insert “and transfers of property among certain units of State government”.

On page 2, in line 13, strike “5–7B–01(c)(1)” and substitute “5–7B–01(c)”.

AMENDMENT NO. 2

On page 4, in line 13, strike “**1–107(C)**” and substitute “1–109(C)”.

AMENDMENT NO. 3

On page 7, strike beginning with “; **AND**” in line 15 down through “**ARTICLE**” in line 18; and after line 18, insert:

“(2) “Growth–related project” does not include:

(i) projects by the Department of General Services for maintenance, repair, additions, or renovations to existing facilities, acquisition of land for telecommunications towers, parks, conservation and open space, and acquisition of agricultural, conservation, and historic easements;

(ii) funding by the Department of Housing and Community Development for any project financed with federal moneys used to purchase or rehabilitate existing single or multifamily housing or project financed with the proceeds of revenue bonds issued by the Community Development Administration if:

1. the Secretary of Housing and Community Development determines that application of this section:

A. conflicts with any provision of federal or State law applicable to the issuance or tax-exempt status of the bonds;

B. conflicts with any provision of any trust agreement between the Community Development Administration and any trustee; or

C. would otherwise prohibit financing of an existing project, or financing provided to cure or prevent any default under existing financing; or

2. the revenue bonds are issued under a transfer of the Maryland State ceiling to the Administration by a county under Title 13, Subtitle 8 of the Financial Institutions Article; [or]

(III) ACQUISITION OF LAND BY THE DEPARTMENT OF NATURAL RESOURCES UNDER TITLE 1, SUBTITLE 1 OF THE NATURAL RESOURCES ARTICLE; OR

[(iii)] (IV) any other project, funding, or other State assistance not listed under paragraph (1) of this subsection.”.

AMENDMENT NO. 4

On page 7, in line 24, after “Administration” insert “, **UNLESS THE PROPERTY IS BEING TRANSFERRED TO THE MARYLAND TRANSPORTATION AUTHORITY OR TO ANOTHER UNIT IN THE DEPARTMENT OF TRANSPORTATION**”; in line 28, strike “**TRANSFERS**” and substitute:

“(2) ANY PROPERTY TRANSFERRED”;

in the same line, strike “ARE” and substitute “IS”; and in line 30, strike “(2)” and substitute “(3)”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #7

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

House Bill 621 – Delegates Haynes, Anderson, Branch, Carter, Clippinger, Conaway, Glenn, Gutierrez, Mitchell, Oaks, B. Robinson, Stukes, Tarrant, and Washington

AN ACT concerning

Fire Safety – High–Rise Buildings – Mobility Impaired Individuals

HB0621/720316/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 621

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “building” insert “with rental units”.

AMENDMENT NO. 2

On page 2, in line 19, after “BUILDING” insert “WITH RENTAL UNITS”.

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 630 – Delegates Beidle and Vitale

AN ACT concerning

Building Standards – High-Performance Homes

HB0630/790710/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 630

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “providing that” and substitute “requiring”; in line 4, strike “, through certain measures, shall” and substitute “to”; and in line 9, strike “12-502(d)” and substitute “12-509”.

AMENDMENT NO. 2

On page 1, in line 15, strike “12-502.” and substitute “**12-509.**”; in line 16, strike “**(D) (1)**” and substitute “**(A)**”; in the same line, strike “SUBSECTION” and substitute “**SECTION**”; in lines 19 and 21, strike “**(I)**” and “**(II)**”, respectively, and substitute “**(1)**” and “**(2)**”, respectively; and in line 19, strike “**BRONZE**” and substitute “**SILVER**”.

On page 2, in line 1, strike “**(2)**” and substitute “**(B)**”; strike beginning with “**NOTWITHSTANDING**” in line 1 down through “**THE**” in line 3 and substitute “**THE**”; and strike beginning with the first comma in line 4 down through the comma in line 5.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 679 – Delegate Stein

AN ACT concerning

**Real Property – Condominiums – Amendment to Bylaws to Require Unit
Insurance Coverage**

HB0679/930916/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 679

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “units;” insert “authorizing the bylaws of a condominium to require each unit owner to maintain a condominium unit owner insurance policy on the unit; requiring certain bylaws to require each unit owner to provide evidence of certain insurance coverage to the council of unit owners annually;”; and after line 17, insert:

“BY adding to

Article – Real Property

Section 11–114.2

Annotated Code of Maryland

(2010 Replacement Volume and 2010 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 12, insert:

“11–114.2.

(A) THE BYLAWS OF A CONDOMINIUM MAY REQUIRE EACH UNIT OWNER TO MAINTAIN A CONDOMINIUM UNIT OWNER INSURANCE POLICY ON THE UNIT.

(B) BYLAWS THAT REQUIRE EACH UNIT OWNER TO MAINTAIN UNIT OWNER INSURANCE ALSO SHALL REQUIRE EACH UNIT OWNER TO PROVIDE EVIDENCE OF THE INSURANCE COVERAGE TO THE COUNCIL OF UNIT OWNERS ANNUALLY.”.

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 833 – Delegate Norman

AN ACT concerning

Harford County – Archery Hunting – Safety Zone

HB0833/940515/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 833

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike beginning with “within” through “except”.

AMENDMENT NO. 2

On page 1, in line 16, strike “paragraph (2)” and substitute “**PARAGRAPHS (2) AND (3)**”; strike beginning with “AND” in line 22 down through “COUNTY” in line 23; and after line 25, insert:

“(3) FOR ARCHERY HUNTERS IN HARFORD COUNTY SHOOTING DOWNWARD FROM A TREE STAND THAT IS AT LEAST 15 FEET HIGH, THE SAFETY ZONE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IS REDUCED TO 75 YARDS FROM A DWELLING HOUSE, RESIDENCE, CHURCH, OR ANY OTHER BUILDING OR CAMP OCCUPIED BY HUMAN BEINGS.”

On page 2, in line 1, strike “(3)” and substitute “**(4)**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 849 – Chair, Environmental Matters Committee (By Request – Departmental – State Police)

AN ACT concerning

Public Safety – Smoke Detectors and Smoke Alarms

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 972 – Delegates Stein, Carr, Gilchrist, Glenn, Healey, Holmes, and Lafferty

AN ACT concerning

Building Codes – International Green Construction Code

HB0972/880219/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 972

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “adopt” insert “and make local amendments to”; in line 6, strike “as an alternative to the Maryland Building Performance Standards” and substitute “under certain circumstances”; in line 7, strike “altering a certain definition;”; and strike in their entirety lines 14 through 18, inclusive.

AMENDMENT NO. 2

On pages 3 and 4, strike beginning with “**INSTEAD**” in line 31 on page 3 down through “**STANDARDS**” in line 2 on page 4 and substitute:

“(I) IF THE INTERNATIONAL GREEN CONSTRUCTION CODE IS NOT ADOPTED BY THE DEPARTMENT UNDER § 12–503(D) OF THIS SUBTITLE, A LOCAL JURISDICTION MAY ADOPT THE INTERNATIONAL GREEN CONSTRUCTION CODE.”

(II) A LOCAL JURISDICTION MAY MAKE LOCAL AMENDMENTS TO THE INTERNATIONAL GREEN CONSTRUCTION CODE”.

On page 4, strike in their entirety lines 14 through 25, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 994 – Delegates Glass, Afzali, and McComas

AN ACT concerning

Harford County – Deer Hunting on Private Property – Sundays

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #5

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

House Bill 507 – Delegates Branch, Anderson, Arora, Barnes, Dumais, Gilchrist, Gutierrez, Hubbard, A. Kelly, Kipke, Love, Nathan–Pulliam, Pena–Melnyk, and Simmons

AN ACT concerning

Public Safety – Use of Electronic Control Devices – Reports

HB0507/652612/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 507

(First Reading File Bill)

AMENDMENT NO. 1

On page 2, strike in their entirety lines 12 and 13; in lines 14, 15, 19, and 21, strike “(3)”, “(4)”, “(5)”, and “(6)”, respectively, and substitute “(2)”, “(3)”, “(4)”, and “(5)”, respectively; in line 26, after “REPORT” insert “, FOR EACH TIME A LAW ENFORCEMENT OFFICER DISCHARGES AN ECD,”; and strike in their entirety lines 29 through 32, inclusive.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 1 through 4, inclusive; and in lines 5, 6, 7, 9, 11, 13, 15, 17, 19, and 22, strike “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, “(VI)”, “(VII)”, “(VIII)”, “(IX)”, and “(X)”, respectively, and substitute “(1)”, “(2)”, “(3)”, “(4)”, “(5)”, “(6)”, “(7)”, “(8)”, “(9)”, and “(10)”, 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 Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 667 – Delegates Lee, Barkley, Cane, Conway, Cullison, Dumais, Frick, Frush, Gutierrez, Healey, Hucker, A. Kelly, A. Miller, B. Robinson, and Wilson

AN ACT concerning

Peace Orders – Extension of Duration

HB0667/602017/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 667

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “extending the maximum duration of a final peace order” and substitute “authorizing a judge to extend the term of a final peace order under certain circumstances after certain notice and a hearing”; in line 5, strike “with”

and substitute “without”; and strike in their entirety lines 10 through 14, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 3–1506(a)

Annotated Code of Maryland

(2006 Replacement Volume and 2010 Supplement)”.

AMENDMENT NO. 2

On page 1, in line 20, strike the brackets; and in the same line, strike “**1 YEAR**”.

On pages 1 and 2, strike in their entirety the lines beginning with line 21 on page 1 through line 3 on page 2, inclusive, and substitute:

“3–1506.

(a) **(1)** A peace order may be modified or rescinded during the term of the peace order after:

[(1)](I) Giving notice to the petitioner and the respondent; and

[(2)](II) A hearing.

(2) FOR GOOD CAUSE SHOWN, A JUDGE MAY EXTEND THE TERM OF THE PEACE ORDER FOR 6 MONTHS BEYOND THE PERIOD SPECIFIED IN § 3–1505(F) OF THIS SUBTITLE, AFTER:

(I) GIVING NOTICE TO THE PETITIONER AND THE RESPONDENT; AND

(II) A HEARING.”

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 729 – Delegate Simmons

AN ACT concerning

**Civil Actions – Class Action Waiver in a Written Agreement –
Unenforceability**

HB0729/892717/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 729

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “between two parties”; in line 5, after “parties” insert “to the agreement”; in the same line, after the second “the” insert “practical”; in line 6, strike “one” and substitute “a”; and in line 9, after the semicolon insert “providing for the application of this Act.”.

AMENDMENT NO. 2

On page 2, after line 2, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any written agreement in existence on or after the effective date of this Act.”.

AMENDMENT NO. 3

On page 2, in line 3, strike “2.” and substitute “3.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 749 – Delegates Waldstreicher, Anderson, Dumais, Rosenberg, and Valderrama

AN ACT concerning

Correctional Services – Division of Parole and Probation – Supervision Fee

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 837 – Delegates Smigiel, Cane, Carter, Cluster, Dumais, George, Haddaway–Riccio, Hough, K. Kelly, McConkey, McDermott, W. Miller, and Parrott

AN ACT concerning

Courts – Exemption from Execution – Exception for Child Support Arrearage

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 864 – Delegates Sophocleus, Barkley, and Kipke

AN ACT concerning

Criminal Law – Felony Child Abuse in the First Degree

HB0864/342816/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 864

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “of a minor” and substitute “in the first degree”; strike beginning with “of” in line 4 down through “causing” in line 5 and substitute “or household member who causes”; in line 6, strike “causing” and substitute “causes”; and in line 7, after “abuse” insert “in the first degree”.

AMENDMENT NO. 2

On page 2, in line 18, strike “OF” and substitute “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 1018 – Delegates Glass, Afzali, Barve, Boteler, Haynes, Hixson, Howard, Kaiser, Krebs, Luedtke, McComas, Parrott, Rosenberg, Ross, Stukes, F. Turner, Valderrama, Waldstreicher, and Walker

AN ACT concerning

Family Law – Protective Orders – Additional Relief

HB1018/992312/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1018

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the comma in line 4 down through “relief” in line 8.

AMENDMENT NO. 2

On page 3, in line 5, strike the brackets; and strike beginning with the semicolon in line 7 down through “RELIEF” in line 13.

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 31 – Delegates Rosenberg and Cardin

AN ACT concerning

Voter’s Rights Protection Act of 2011

HB0031/155265/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 31

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Cardin” and substitute “, Cardin, and Kipke”; in line 6, after “law;” insert “providing that injunctive relief may be granted under this Act only to prevent certain prohibited acts or practices from affecting a pending election.”; and in line 9, strike “of” and substitute “over”.

AMENDMENT NO. 2

On page 2, after line 33, insert:

“(B) INJUNCTIVE RELIEF MAY BE GRANTED UNDER THIS SECTION ONLY TO PREVENT AN ACT OR PRACTICE PROHIBITED BY § 16–201 OF THIS TITLE FROM AFFECTING A PENDING ELECTION.”

On page 3, in lines 1, 3, and 6, strike “(B)”, “(C)”, and “(D)”, respectively, and substitute “(C)”, “(D)”, and “(E)”, respectively; and in line 7, strike “OF” and substitute “OVER”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate McDonough moved to make the Bill a Special Order for March 16, 2011.

The motion was adopted.

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

House Bill 38 – Delegates Waldstreicher, Branch, Dumais, Feldman, Frick, Hixson, Howard, Kaiser, Kipke, Luedtke, A. Miller, Myers, Rosenberg, Ross, Stein, Summers, Tarrant, V. Turner, and Walker

AN ACT concerning

Nonpublic Schools Accepting State Funds – Bullying, Harassment, and Intimidation – Policies

HB0038/575262/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 38
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Branch,” insert “Cardin,”; in line 2, strike “Accepting State Funds” and substitute “Participating in State–Funded Education Programs”; in line 4, strike “accept State funds” and substitute “participate in State–funded education programs”; and in line 16, strike “accept State funds” and substitute “participate in State–funded education programs”.

AMENDMENT NO. 2

On page 3, in line 2, strike “ACCEPTS STATE FUNDS” and substitute “PARTICIPATES IN STATE–FUNDED EDUCATION PROGRAMS”; and after line 2, insert:

“(5) “STANDARD” MEANS WITHIN EACH SCHOOL.”

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 March 16, 2011.

The motion was adopted.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

House Bill 463 – Delegates Elliott, Ross, Afzali, Arora, Aumann, Barve, Bates, Beidle, Beitzel, Boteler, Branch, Bromwell, Burns, Cardin, Cluster, Conaway, DeBoy, Donoghue, Eckardt, Fisher, Frank, Frick, Frush, George, Gilchrist, Glass, Glenn, Haddaway–Ricchio, Haynes, Healey, Hogan, Holmes, Hough, Hubbard, Impallaria, Ivey, Jacobs, James, Jameson, Kach, Kaiser, K. Kelly, Kipke, Krebs, Love, McComas, McConkey, McDermott, McDonough, McMillan, A. Miller, W. Miller, Minnick, Mitchell, Morhaim, Murphy, Myers, O’Donnell, Olszewski, Parrott, Pena–Melynk, Ready, B. Robinson, Schuh, Schulz, Serafini, Smigiel, Sophocleus, Stocksdale, Stukes, Szeliga, F. Turner, Valentino–Smith, Waldstreicher, Walker, and Wood

AN ACT concerning

Property Tax – Semiannual Payment Schedule – Business Property

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 481 – Delegates Olszewski, Arora, Barnes, Bates, Bromwell, Elliott, Frick, Healey, Kach, Kaiser, Kipke, Reznik, Sophocleus, and Wood

AN ACT concerning

Campaign Finance – Contributions – Disclosure

HB0481/355269/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 481

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “contribution;” insert “requiring that contributions reported on or after a certain date shall be considered in making a certain determination under this Act; providing that certain reporting requirements under this Act apply only to campaign finance reports filed on or after a certain date;”.

AMENDMENT NO. 2

On page 3, after line 21, insert:

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

(1) All contributions reported on or after January 1, 2011, shall be considered in determining whether a campaign finance entity has reached the aggregate limit on contributions that may be reported in an election cycle without listing the amount of each contribution and the name and address of each contributor under § 13–304(c)(3) of the Election Law Article as enacted by this Act; and

(2) The reporting requirements imposed under § 13–304(c) of the Election Law Article as enacted by this Act shall apply only to campaign finance reports filed on or after December 1, 2011.”;

and in line 22, strike “2.” and substitute “3.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 674 – Delegates Cullison, Luedtke, Anderson, Arora, Aumann, Barkley, Barnes, Barve, Beidle, Bobo, Braveboy, Bromwell, Carr, Carter, Clippinger, Dumais, Feldman, Frick, Frush, Gilchrist, Gutierrez, Haddaway–Riccio, Hough, Hucker, Ivey, Kaiser, A. Kelly, Kipke, Kramer, Lee, McComas, McDermott, McDonough, McHale, A. Miller, W. Miller, Mitchell, O’Donnell, Pena–Melnik, Ready, Reznik, S. Robinson, Simmons, Smigiel, Summers, Tarrant, F. Turner, Waldstreicher, Washington, and Zucker

AN ACT concerning

Education – Human Trafficking – Awareness, Training, and Distribution of Materials

HB0674/195365/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 674
(First Reading File Bill)

On page 1, in the sponsor line, strike “and Zucker” and substitute “Zucker, Cardin, Glass, Hixson, Howard, Myers, Rosenberg, Ross, Stukes, 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 with amendments:

House Bill 913 – Delegates Zucker, Hixson, Arora, Clagett, Dumais, Kaiser, Luedtke, A. Miller, Mitchell, S. Robinson, Rosenberg, Ross, and Summers

AN ACT concerning

Homestead Property Tax Credit – Eligibility – Child Support Payments

HB0913/645963/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 913

(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 16, after “SECTION,” insert “ON OR BEFORE APRIL 15 OF EACH YEAR,”.

AMENDMENT NO. 2

On page 3, in line 29, after “CREDIT” insert “FOR THE FOLLOWING TAX YEAR”.

AMENDMENT NO. 3

On page 5, in line 18, strike “**10-113.3**” and substitute “**10-113.3(A)**”; in line 20, after “**YEAR**” insert “FOLLOWING THE TAXABLE YEAR”; and strike in their entirety lines 28 through 32, inclusive, and substitute:

“(II) IF THE DEPARTMENT RECEIVES A CERTIFICATION FROM THE CHILD SUPPORT ENFORCEMENT ADMINISTRATION UNDER § 10-113.3(F) OF THE FAMILY LAW ARTICLE BEFORE APRIL 15, THE DEPARTMENT SHALL REINSTATE THE PROPERTY TAX CREDIT FOR THE FOLLOWING TAX YEAR.

“(III) IF THE DEPARTMENT RECEIVES A CERTIFICATION FROM THE CHILD SUPPORT ENFORCEMENT ADMINISTRATION UNDER § 10-113.3(F) OF THE FAMILY LAW ARTICLE ON OR AFTER APRIL 15, THE DEPARTMENT SHALL:

1. REINSTATE THE PROPERTY TAX CREDIT UNDER THIS SECTION FOR THE SECOND FOLLOWING TAX YEAR; AND

2. CALCULATE THE PROPERTY TAX CREDIT UNDER THIS SECTION AS IF THE CREDIT HAD NOT BEEN REVOKED FOR THE INTERVENING TAX YEARS.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 247)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #17

House Bill 209 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

SECOND PRINTING

AN ACT concerning

**Maryland Agricultural Land Preservation Foundation Easements –
Allowable Residential Development**

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

Affirmative – 139 Negative – 0 (See Roll Call No. 248)

The Bill was then sent to the Senate.

QUORUM CALL

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

(See Roll Call No. 249)

ADJOURNMENT

At 11:02 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Wednesday, March 16, 2011.

Annapolis, Maryland
Wednesday, March 16, 2011

The House met at 10:09 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Emmett C. Burns, Jr. of Baltimore County.

QUORUM CALL

The presiding officer announced a quorum call, showing 115 Members present.

(See Roll Call No. 250)

The Journal of March 15, 2011 was read and approved.

EXCUSES:

Del. Cluster – medical

Del. McMillan – business

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 191 – Senator Edwards

AN ACT concerning

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

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

BY repealing and reenacting, with amendments,

Article – Real Property

Section 14–111(b)

Annotated Code of Maryland

(2010 Replacement Volume and 2010 Supplement)

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

Senate Bill 333 – Senator Garagiola

AN ACT concerning

Children in Need of Assistance – Hearings – Written Findings

FOR the purpose of requiring the juvenile court, in certain child in need of assistance hearings, to send certain written findings to certain individuals and agencies if the court finds that certain reasonable efforts were made but that a certain condition exists; and generally relating to children in need of assistance.

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

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

Senate Bill 469 – Carroll County Senators

AN ACT concerning

Carroll County – Fortune Telling Ban – Repeal

FOR the purpose of repealing a provision that prohibits a person from demanding or accepting payment or gratuity to forecast or foretell, or pretend to forecast or foretell, the future of another person by certain methods in Carroll County; repealing a certain penalty; and generally relating to the repeal of the ban on fortune telling in Carroll County.

BY repealing
The Public Local Laws of Carroll County
Section 4–103
Article 7 – Public Local Laws of Maryland
(2004 Edition and July 1, 2010 Supplement, as amended)

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

**Senate Bill 484 – Senators King, Forehand, Garagiola, Montgomery, Peters,
and Robey**

AN ACT concerning

Counties and Municipal Corporations – Direct Deposit of Wages

FOR the purpose of authorizing municipal corporations to pay wages of employees by direct deposit and to require an employee to receive the payment of wages by direct deposit as a condition of employment; prohibiting a county or municipal corporation from requiring the payment of wages by direct deposit for an employee who was hired before a certain date, whose employment is not conditioned on the employee receiving the payment of wages by direct deposit, or who does not have a certain bank account and opts-out of direct deposit in a certain manner; authorizing certain employees of certain counties and municipal corporations to elect to receive the payment of wages by direct deposit; requiring municipal corporations that elect to pay wages by direct deposit to provide certain employees with a certain form, deposit the wages in a certain personal bank ~~accounts~~ account, and provide certain employees with a certain direct deposit statement at certain times; requiring certain employees to complete and submit to a county or municipal corporation a certain form; requiring certain employees to select a personal bank account for the direct deposit of the employee's wages that is at a financial institution that participates in a certain network; specifying that an employee may change a certain personal bank account number or financial institution by completing and submitting a certain form; and generally relating to the payment of wages by direct deposit by counties and municipal corporations.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3-502
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Senate Bill 500 – Senator Getty

AN ACT concerning

Criminal Law – Identity Fraud – Assumption of Identity of Fictitious Person

FOR the purpose of clarifying that a person is prohibited from knowingly and willfully assuming the identity of a fictitious person to avoid identification, apprehension, or prosecution for a crime, or with fraudulent intent to get a benefit, credit, good, service, or any other thing of value or to avoid the payment of debt or other legal obligation; providing penalties for a violation of this Act; and generally relating to identity fraud.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 8-301(c)

Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 8–301(g)
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

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

Senate Bill 690 – ~~Senator Middleton~~ Senators Middleton, Astle, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Muse, and Pugh

AN ACT concerning

Renewable Energy Portfolio – Waste-to-Energy

FOR the purpose of expanding the definition of a Tier 1 renewable source to include waste-to-energy; altering the definition of a Tier 2 renewable source to exclude waste-to-energy; providing that waste-to-energy is eligible for inclusion in meeting a certain standard only if the source is connected with the distribution grid serving Maryland; and generally relating to waste-to-energy and Tier 1 renewable sources applied to the renewable energy portfolio standard.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–701(l) and (m) and 7–704(a) and (f)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 7–703(b)(6) through (17)
Annotated Code of Maryland
(2010 Replacement Volume)

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

Senate Bill 701 – Senator Klausmeier

AN ACT concerning

Health Insurance – Prescription Eye Drops – Refills

FOR the purpose of requiring certain insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for a refill of prescription

eye drops under certain circumstances; making the provisions of this Act applicable to health maintenance organizations; providing for the application of this Act; and generally relating to health insurance coverage of prescription eye drops.

BY adding to

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

BY adding to

Article – Insurance
Section 15–845
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

Senate Bill 702 – Senator Klausmeier

AN ACT concerning

Health Insurance – Coverage of Hearing Aids

FOR the purpose of requiring an insurer, nonprofit health service plan, or health maintenance organization that provides coverage for hearing aids to an insured or enrolled individual who is not a minor child and that places a dollar limit on the hearing aid benefit to allow the individual to choose a hearing aid that is priced higher than the benefit payable under the policy or contract and pay the difference between the price of the hearing aid and the dollar limit on the benefit; ~~altering the definition of “hearing aid” to remove a requirement that a hearing aid be nondisposable~~ making certain conforming changes; and generally relating to coverage of hearing aids under health insurance.

BY repealing and reenacting, with amendments,

Article – Insurance
Section 15–838
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

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

THE COMMITTEE ON ECONOMIC MATTERS REPORT #4

CONSENT CALENDAR #3

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably on all of the following bills:

<u>BILL NO.</u>	<u>REPORT</u>	<u>SPONSOR</u>	<u>CONTENT</u>
HB 245	FAV	Howard County Delegation	Howard County – Alcoholic Beverages – Beer, Wine and Liquor Tasting License Ho. Co. 5–11
HB 279	FAV	Carroll County Delegation	Carroll County – Alcoholic Beverages – Liquor Tasting
HB 376	FAV	Allegany County Delegation	Allegany Co – Alc Bevs – Eligibility for Class B–BT (Buffet Theater) License
HB 413	FAV	Washington County Delegation	Washington County – Alcoholic Beverages – Wine Festival License
HB 479	FAV	Frederick County Delegation	Frederick County – Winery Special Event Permits – Farmers’ Markets
HB 542	FAV	Montgomery County Delegation	Montgomery County – Alcoholic Beverages – Beer and Wine Sampling or Tasting License MC 3–11
HB 973	FAV	Del Eckardt	Dorchester County Liquor Act of 2011
HB 996	FAV	St. Mary’s County Delegation	St. Mary’s County – Alcoholic Beverages – Beer Festival License
HB 1119	FAV	Prince George’s County Delegation	Prince George’s County – Alcoholic Beverages – Entertainment Permit PG 311–11

Favorable report adopted on all of the preceding bills.

Read the second time and ordered prepared for Third Reading on all of the preceding bills.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #5

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

House Bill 268 – Delegates Branch, Anderson, Carter, Conaway, Glenn, Haynes, Mitchell, Oaks, B. Robinson, Stukes, Tarrant, and Washington

AN ACT concerning

Board of Liquor License Commissioners for Baltimore City – Ethics, Open Meetings, and Performance Audit

HB0268/673296/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 268

(First Reading File Bill)

On page 1, in the sponsor line, strike “and Washington” and substitute “Washington, Clippinger, Hammen, McHale, McIntosh, and Rosenberg”.

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 476 – Carroll County Delegation

AN ACT concerning

Carroll County – Winery Special Event Permits – Farmers’ Markets

HB0476/923697/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 476

(First Reading File Bill)

On page 2, in line 10, strike “12” and substitute “9”.

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 506 – Anne Arundel County Delegation

AN ACT concerning

Alcoholic Beverages – Anne Arundel County – Entertainment Facility

HB0506/503897/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 506

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “be” insert “taken into and”.

AMENDMENT NO. 2

On page 2, in line 18, after “CONCESSION” insert “ADJACENT TO BUT”; in line 26, strike “RESTAURANTS” and substitute “FOOD SERVICE FACILITIES”; in the same line, after “BARS,” insert “OR”; in the same line, strike “, OR OTHER ESTABLISHMENTS”; in line 27, strike “ASSOCIATED WITH AND SUPPORT” and substitute “PART OF”; and in line 29, strike “MAY” and substitute “SHALL”.

AMENDMENT NO. 3

On page 3, in line 12, strike “AT” and substitute “OPERATING IN CONJUNCTION WITH”; in line 19, strike “\$7,500” and substitute “\$15,000”; in line 24, after “(5)” insert “(1)”; and strike beginning with “BEER” in line 24 down through “FACILITY” in line 26 and substitute “AN OFF-SALE PRIVILEGE IS NOT”.

CONFERRED BY AN ENTERTAINMENT FACILITY LICENSE OR AN ENTERTAINMENT CONCESSIONAIRE LICENSE.

(II) BEER, WINE, AND LIQUOR PURCHASED UNDER AN ENTERTAINMENT FACILITY LICENSE OR AN ENTERTAINMENT CONCESSIONAIRE LICENSE MAY BE TAKEN INTO AND CONSUMED ANYWHERE IN AN ENTERTAINMENT FACILITY”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 535 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Town of Kensington – Off-Sale Beer and Light Wine Licenses

MC 9–11

HB0535/883595/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 535
(First Reading File Bill)

On page 3, in line 28, strike “\$200” and substitute “\$250”.

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 543 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcoholic Beverages – Special Culinary School License

MC 14-11

HB0543/853391/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 543

(First Reading File Bill)

AMENDMENT NO. 1On page 1, in line 5, after “Commissioners” insert “, by unanimous vote,”.AMENDMENT NO. 2On page 2, in line 15, after “**BOARD**” insert “, BY UNANIMOUS VOTE,”.On page 2 in line 27 and on page 3 in line 1, in each instance, after “**ARE**” insert “AT LEAST 21 YEARS OLD AND”.On page 3, in line 8, strike “**FRIDAY**” and substitute “THURSDAY”; in line 9 strike “**AND**”; and in line 10, after “**(II)**” insert “ON FRIDAY AND SATURDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY; AND”.(III)”.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 545 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcohol Sales – Burtonsville Towne Square and Hillandale Shopping Center

MC 2–11

HB0545/903198/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 545

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Towne” and substitute “Town”.

AMENDMENT NO. 2

On page 3, in lines 23 and 30, in each instance, strike “**TOWNE**” and substitute “**TOWN**”.

AMENDMENT NO. 3

On page 4, in line 14, strike “**IN EXISTENCE AS OF JUNE 1, 2011, AND**”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 953 – Allegany County Delegation

EMERGENCY BILL

AN ACT concerning

Allegany County – Alcoholic Beverages – 1–Day Special License

HB0953/863296/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 953
(First Reading File Bill)

On page 1, in line 12, after the first “of” insert “the Board of”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1093 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Bladensburg – Alcoholic Beverages – Development
District Licenses**

PG 312–11

HB1093/123897/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1093
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “circumstances;” insert “providing that a Class B license issued under this Act for a restaurant located anywhere in Prince George’s County shall remain in effect under certain circumstances, subject to certain exceptions;”.

AMENDMENT NO. 2

On page 1, in line 20, after “(vii)” insert “1.”; and in line 21, strike “**1.**” and substitute “A.”.

On page 2, in line 1, strike “2.” and substitute “B.”; in the same line, strike “FOR” and substitute “SUBJECT TO SUBSUBPARAGRAPHS 2 AND 3 OF THIS SUBPARAGRAPH, FOR”; and after line 4, insert:

“2. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH, THE CLASS B LICENSE ISSUED TO A HOLDER OF A CLASS B-DD LICENSE FOR A RESTAURANT IN A DEVELOPMENT DISTRICT UNDER § 9-217(F)(7) OF THIS ARTICLE REMAINS IN EFFECT ONLY AS LONG AS THE RESTAURANT IN THE DEVELOPMENT DISTRICT REMAINS OPEN FOR BUSINESS AS A RESTAURANT.

3. IF THE RESTAURANT IN THE DEVELOPMENT DISTRICT IS CLOSED FOR NOT MORE THAN 6 MONTHS, THE CLASS B LICENSE SHALL REMAIN IN 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 Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1095 – Prince George’s County Delegation

AN ACT concerning

Prince George’s County – Alcoholic Beverages – Development District Licenses

PG 302-11

HB1095/463296/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1095

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “circumstances;” insert “providing that a Class B license issued under this Act for a restaurant located anywhere in Prince George’s County shall remain in effect under certain circumstances, subject to certain exceptions;”.

AMENDMENT NO. 2

On page 2, in line 7, after “(vii)” insert “1.”; in line 8, strike “1.” and substitute “A.”; in line 10, strike “2.” and substitute “B.”; in the same line, strike “FOR” and substitute “SUBJECT TO SUBSUBPARAGRAPHS 2 AND 3 OF THIS SUBPARAGRAPH, FOR”; and after line 13, insert:

2. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH, THE CLASS B LICENSE ISSUED TO A HOLDER OF A CLASS B-DD LICENSE FOR A RESTAURANT IN A DEVELOPMENT DISTRICT UNDER § 9-217(F)(7) OF THIS ARTICLE REMAINS IN EFFECT ONLY AS LONG AS THE RESTAURANT IN THE DEVELOPMENT DISTRICT REMAINS OPEN FOR BUSINESS AS A RESTAURANT.

3. IF THE RESTAURANT IN THE DEVELOPMENT DISTRICT IS CLOSED FOR NOT MORE THAN 6 MONTHS, THE CLASS B LICENSE SHALL REMAIN IN EFFECT.”.

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 #6

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

House Bill 128 – Delegates Jameson, Anderson, Arora, Bobo, Bohanan, Braveboy, Cardin, Carr, Eckardt, Frush, Gaines, Gutierrez, Howard, James, Kach, Kaiser, K. Kelly, Krebs, Luedtke, McConkey, Minnick, Murphy, Pena-Melnyk, B. Robinson, Sophocleus, Valderrama, Vaughn, Waldstreicher, Washington, Wilson, and Wood

AN ACT concerning

Commercial Law – Maryland Consumer Protection Act – Scope**HB0128/823694/2**

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 128

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “, consumer services,”; in line 6, after “realty” insert “and the definition of “merchant” to include a person who directly or indirectly purchases or offers to purchase any consumer goods or consumer realty and whose business includes paying off consumer debt in connection with the purchase of consumer goods or consumer realty”; in line 7, after “a” insert “certain”; in lines 7 and 8, strike “, consumer services,”; and in line 17, after “13–101(c)” insert “and (g)”.

AMENDMENT NO. 2

On page 2, in line 10, strike “, CONSUMER SERVICES,”; after line 12, insert:

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

(2) “MERCHANT” INCLUDES A PERSON:

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

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

in line 22, strike “BY A MERCHANT”; in line 23, strike “GOODS,” and substitute “GOODS OR”; in the same line, strike “, OR CONSUMER SERVICES”; and in line 24, after “CONSUMER” insert “BY A MERCHANT WHOSE BUSINESS INCLUDES PAYING

OFF CONSUMER DEBT IN CONNECTION WITH THE PURCHASE OF ANY CONSUMER GOODS OR CONSUMER REALTY FROM A CONSUMER".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 482 – Delegates Frick and Hucker

AN ACT concerning

**Consumer Protection – Information on Payment Device Receipts –
Limitations**

HB0482/873292/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 482

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "device" insert "at the point of sale or transaction"; and in line 11, after "changes;" insert "providing for a delayed effective date;".

AMENDMENT NO. 2

On page 2, in line 12, after "device" insert "**AT THE POINT OF SALE OR TRANSACTION**".

AMENDMENT NO. 3

On page 2, in line 20, strike "October 1, 2011" and substitute "January 1, 2013".

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 596 – Delegate Davis

AN ACT concerning

Electric Companies and Gas Companies – Customer Account Information

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 597 – Delegate Davis

AN ACT concerning

Public Service Commission – Customer Education on Customer Choice

HB0597/983291/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 597

(First Reading File Bill)

On page 1, in line 18, strike “implement” and substitute “take action on”; and in line 19, strike “by a certain date”.

On page 6, in line 11, strike “On or before March 31, 2012” and substitute “As soon as practicable”; and in the same line, strike “implement” and substitute “take action on”.

The preceding 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 940 – Delegates Hucker, Barkley, Barve, Feldman, Frick, Frush, Gilchrist, Impallaria, Jameson, Kach, A. Kelly, K. Kelly, McComas, A. Miller, Olszewski, Reznik, S. Robinson, and Waldstreicher

AN ACT concerning

Counties – Kennel Licenses – Requirements for Breeders

HB0940/133196/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 940

(First Reading File Bill)

On page 2, in line 27, strike “**10**” and substitute “**15**”; in the same line, after “**UNSPAYED**” insert “**FEMALE**”; in line 28, after “**MONTHS**” insert “**KEPT FOR THE PURPOSE OF BREEDING THE DOGS AND SELLING THEIR OFFSPRING**”; strike beginning with “**INTENDS**” in line 29 down through “**OFFSPRING**” in line 30 and substitute “**SELLS DOGS FROM SIX OR MORE LITTERS IN A YEAR**”; and in line 36, after “**LICENSEE;**” insert “**AND**”.

On page 3, strike beginning with the semicolon in line 2 down through “**APPLICABLE**” in line 4.

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 944 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Mortgage Lenders and Mortgage Loan Originators

HB0944/633194/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 944

(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 16, strike “11–506(d)” and substitute “11–506(b) and (d)”.

AMENDMENT NO. 2

On page 2, after line 27, insert:

“(b) (1) [Except as provided in subsection (c) of this section, to] **TO** qualify for a license, the applicant shall satisfy the Commissioner that the applicant has at least 3 years of experience in the mortgage lending business.

(2) If the applicant is a sole proprietor, the applicant shall have the required experience.

(3) If the applicant is a joint venture, or general or limited partnership, at least one of the coventurers or general partners shall have the required experience.

(4) If the applicant is a business entity of any other kind, type, or classification, at least one of the principal officers or members shall have the required experience.”.

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 1028 – Delegate Hixson

AN ACT concerning

Financial Institutions – Automated Teller Machines – Video Cameras

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #7

Delegate Davis, Chair, for the Committee on Economic Matters and Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

House Bill 124 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

Maryland Insurance Administration – Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 195 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Secondhand Precious Metal Object Dealers and Pawnbrokers – License Application and Renewal Fees

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 203 – Chair, Economic Matters Committee (By Request – Departmental – State Police)

AN ACT concerning

Junk Dealers and Scrap Metal Processors – State Licensing Laws – Applicability and Exemptions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 417 – Delegates Jameson, Beitzel, Clagett, Davis, K. Kelly, and Love

AN ACT concerning

Workers' Compensation – Death Benefits – Dependency

HB0417/263991/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 417

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first “of” insert “providing that certain death benefit provisions of the workers’ compensation law apply only to certain covered employees of a municipal corporation or a county and their dependents;”; in line 7, after “for” insert “certain”; and in line 19, after “circumstances;” insert “authorizing a municipal corporation or county to make a certain election;”.

On page 2, in line 2, strike “, 9–680, 9–681, 9–683,” and substitute “through 9–683”; strike in their entirety lines 5 through 9, inclusive; and in line 12, strike “9–682” and substitute “9–683.1, 9–683.2, 9–683.3, 9–683.4, 9–683.5, and 9–683.6”.

AMENDMENT NO. 2

On page 2, in line 24, after “(A)” insert “**THIS SECTION APPLIES ONLY TO A COVERED EMPLOYEE OF A MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9–503 OF THIS TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER § 9–683.6 OF THIS SUBTITLE.**”

(B)”;

and in line 25, in each instance, strike the bracket.

On pages 2 and 3, strike beginning with “(B)” in line 31 on page 2 down through the period in line 4 on page 3.

On page 3, in line 6, before “The” insert “THIS SECTION APPLIES ONLY TO A COVERED EMPLOYEE OF A MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9-503 OF THIS TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER § 9-683.6 OF THIS SUBTITLE.”

(B)”;

in lines 6, 8, 15, 16, 17, 19, 20, and 29, in each instance, strike the bracket; in line 6, strike “DECEASED”; in line 8, strike “DEATH”; and in line 20, strike “(b)” and substitute “(C)”.

On page 4, in line 1, after “(a)” insert “THIS SECTION APPLIES ONLY TO A COVERED EMPLOYEE OF A MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9-503 OF THIS TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER § 9-683.6 OF THIS SUBTITLE.”

(B)”;

in lines 1 and 5, in each instance, strike the bracket; and in lines 5, 15, 19, 23, and 29, strike “(b)”, “(c)”, “(d)”, “(e)”, and “(f)”, respectively, and substitute “(C)”, “(D)”, “(E)”, “(F)”, and “(G)”, respectively.

On page 5, in lines 1, 4, 7, and 23, strike “(g)”, “(h)”, “(i)”, and “(j)”, respectively, and substitute “(H)”, “(I)”, “(J)”, and “(K)”, respectively; in line 28, strike the bracket; after line 28, insert:

“9-682.”

(A) THIS SECTION APPLIES ONLY TO A COVERED EMPLOYEE OF A MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9-503 OF THIS TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE

MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER § 9-683.6 OF THIS SUBTITLE.

[(a)](B) The employer or its insurer shall pay a death benefit in accordance with this section if:

(1) there are no individuals who were wholly dependent on the deceased covered employee at the time of death, but there are individuals who were partly dependent; or

(2) a surviving spouse who was wholly dependent on the deceased covered employee at the time of death becomes partly self-supporting.

[(b)](C) (1) The maximum weekly death benefit payable under this section shall equal two-thirds of the average weekly wage of the deceased covered employee, but may not exceed two-thirds of the State average weekly wage.

(2) The weekly death benefit payable under this section shall be the percentage of the maximum weekly death benefit under paragraph (1) of this subsection that:

(i) the weekly earnings of the deceased covered employee bears to the combined weekly earnings of the deceased covered employee and the partly dependent individuals; and

(ii) does not exceed the maximum weekly death benefit.

[(c)](D) Except as otherwise provided in this section, the employer or its insurer shall pay the weekly death benefit:

(1) for the period of partial dependency; or

(2) until \$75,000 has been paid, including any payments made during a period of total dependency under § 9-681 of this subtitle.

[(d)](E) (1) Subject to paragraph (2) of this subsection, if a surviving spouse who is partly dependent remarries and does not have dependent children at the time of the remarriage, the employer or its insurer shall make payments to the surviving spouse for 2 years after the date of the remarriage.

(2) The total of the payments made before the remarriage may not exceed \$75,000.

[(e)](F) (1) Except as provided in paragraphs (2) and (3) of this subsection, the employer or its insurer shall continue to make payments to, or for the benefit of, a surviving child until the child reaches 18 years of age.

(2) If a child who is 18 years old or older remains partly dependent on the deceased covered employee, the employer or its insurer shall continue to make payments in accordance with subsections [(b) and] (c) AND (D) of this section.

(3) The employer or its insurer shall continue to make payments to, or for the benefit of, a child who is 18 years old or older for up to 5 years after reaching the age of 18 if:

(i) the child is attending school on a full-time basis; and

(ii) the school offers an educational program or a vocational training program and the program is accredited or approved by the Maryland State Department of Education.

9-683.

(A) THIS SECTION APPLIES ONLY TO A COVERED EMPLOYEE OF A MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9-503 OF THIS TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER § 9-683.6 OF THIS SUBTITLE.

[(a)](B) If there are multiple dependents entitled to death benefits, the Commission may apportion an award of death benefits among the dependents in the manner that the Commission considers just and equitable.

[(b)](C) If there are wholly and partly dependent individuals entitled to death benefits, the Commission may:

(1) award the death benefits to the wholly dependent individuals only;
or

(2) apportion the award among the wholly and partly dependent individuals in the manner that the Commission considers to be fair and equitable under all of the facts and circumstances of the case.

[(c)](D) (1) Death benefits shall be paid to 1 or more of the dependents of a covered employee who are entitled to death benefits, as determined by the Commission, for the benefit of all of the dependents who are entitled to death benefits.

(2) A dependent to whom death benefits are paid shall apply the death benefits to the use of all of the dependents who are entitled to death benefits:

(i) according to the respective claims of the dependents on the deceased covered employee for support; and

(ii) in compliance with the findings and direction of the Commission.

9-683.1.

(A) THIS SECTION DOES NOT APPLY TO A COVERED EMPLOYEE OF A MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9-503 OF THIS TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER § 9-683.6 OF THIS SUBTITLE.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE COMMISSION SHALL DETERMINE ALL QUESTIONS OF DEPENDENCY IN ACCORDANCE WITH THE FACTS OF EACH CASE THAT EXISTED:

(1) AT THE TIME OF THE OCCURRENCE OF THE ACCIDENTAL PERSONAL INJURY THAT CAUSED THE DEATH OF THE COVERED EMPLOYEE; OR

(2) ON THE DATE OF DISABLEMENT FROM THE OCCUPATIONAL DISEASE THAT CAUSED THE DEATH OF THE COVERED EMPLOYEE.

(C) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, THE COMMISSION MAY DETERMINE THE QUESTION OF DEPENDENCY OF A CHILD OF A COVERED EMPLOYEE BORN AFTER:

(1) THE TIME OF THE OCCURRENCE OF THE ACCIDENTAL PERSONAL INJURY THAT CAUSED THE DEATH OF THE COVERED EMPLOYEE;

(2) THE DATE OF DISABLEMENT FROM THE OCCUPATIONAL DISEASE THAT CAUSED THE DEATH OF THE COVERED EMPLOYEE; OR

(3) THE DEATH OF THE COVERED EMPLOYEE RESULTING FROM THE ACCIDENTAL PERSONAL INJURY OR OCCUPATIONAL DISEASE.

9-683.2.

(A) THIS SECTION DOES NOT APPLY TO A COVERED EMPLOYEE OF A MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9-503 OF THIS TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER § 9-683.6 OF THIS SUBTITLE.

(B) THE SURVIVING SPOUSE OF A DECEASED COVERED EMPLOYEE WHOSE DEATH WAS CAUSED BY AN ACCIDENTAL PERSONAL INJURY OR AN OCCUPATIONAL DISEASE IS NOT ENTITLED TO DEATH BENEFITS UNDER THIS TITLE IF THE SURVIVING SPOUSE AND THE COVERED EMPLOYEE WERE MARRIED AFTER THE TIME OF THE OCCURRENCE OF THE ACCIDENTAL PERSONAL INJURY OR THE DATE OF DISABLEMENT FROM THE OCCUPATIONAL DISEASE.

9-683.3.

(A) THIS SECTION DOES NOT APPLY TO A COVERED EMPLOYEE OF A MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9-503 OF THIS TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER § 9-683.6 OF THIS SUBTITLE.

(B) IF THERE ARE INDIVIDUALS WHO WERE DEPENDENT ON A DECEASED COVERED EMPLOYEE AT THE TIME OF DEATH RESULTING FROM AN ACCIDENTAL PERSONAL INJURY OR OCCUPATIONAL DISEASE, THE EMPLOYER OR ITS INSURER SHALL PAY DEATH BENEFITS IN ACCORDANCE WITH THIS SECTION.;

and in line 29, strike “(B)” and substitute “(C)”.

On page 6, in lines 25 and 31, strike “(C)” and “(D)”, respectively, and substitute “(D)” and “(E)”, respectively; in line 27, strike “(D) THROUGH (H)” and substitute “(E) THROUGH (I)”; and in line 32, strike “(B) AND (C)” and substitute “(C) AND (D)”.

On page 7, in lines 1, 3, 6, 14, and 18, strike “(E)”, “(F)”, “(G)”, “(H)”, and “(B)”, respectively, and substitute “(F)”, “(G)”, “(H)”, “(I)”, and “(C)”, respectively; and after line 22, insert:

“9-683.4.

(A) THIS SECTION DOES NOT APPLY TO A COVERED EMPLOYEE OF A MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9-503 OF THIS TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER § 9-683.6 OF THIS SUBTITLE.

(B) THE COMMISSION HAS CONTINUING JURISDICTION TO:

(1) SUSPEND, REALLOCATE, OR TERMINATE PAYMENTS OF COMPENSATION IN ACCORDANCE WITH THIS PART; AND

(2) REINSTATE PAYMENTS OF COMPENSATION THAT HAVE BEEN SUSPENDED OR TERMINATED UNDER THIS SECTION.

9-683.5.

(A) THIS SECTION DOES NOT APPLY TO A COVERED EMPLOYEE OF A MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9-503 OF THIS TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER § 9-683.6 OF THIS SUBTITLE.

(B) IF THERE ARE MULTIPLE DEPENDENTS ENTITLED TO DEATH BENEFITS, THE COMMISSION MAY APPORTION AN AWARD OF DEATH BENEFITS AMONG THE DEPENDENTS IN THE MANNER THAT THE COMMISSION CONSIDERS JUST AND EQUITABLE.

(C) (1) DEATH BENEFITS SHALL BE PAID TO 1 OR MORE OF THE DEPENDENTS OF A COVERED EMPLOYEE WHO ARE ENTITLED TO DEATH BENEFITS, AS DETERMINED BY THE COMMISSION, FOR THE BENEFIT OF ALL OF THE DEPENDENTS WHO ARE ENTITLED TO DEATH BENEFITS.

(2) A DEPENDENT TO WHOM DEATH BENEFITS ARE PAID SHALL APPLY THE DEATH BENEFITS TO THE USE OF ALL OF THE DEPENDENTS WHO ARE ENTITLED TO DEATH BENEFITS:

(I) ACCORDING TO THE RESPECTIVE CLAIMS OF THE DEPENDENTS OF THE DECEASED COVERED EMPLOYEE FOR SUPPORT; AND

(II) IN COMPLIANCE WITH THE FINDINGS AND DIRECTION OF THE COMMISSION.

9-683.6.

(A) A MUNICIPAL CORPORATION OR COUNTY MAY MAKE A ONE-TIME ELECTION TO MAKE THEIR COVERED EMPLOYEES WHO ARE SUBJECT TO § 9-503 OF THIS TITLE AND THEIR DEPENDENTS SUBJECT TO §§ 9-683.1 THROUGH 9-683.5 OF THIS SUBTITLE.

(B) TO MAKE THE ELECTION DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION, THE GOVERNING BODY OF THE MUNICIPAL CORPORATION OR COUNTY SHALL:

(1) ADOPT AN ORDINANCE OR RESOLUTION STATING THAT IT IS THE INTENT OF THE GOVERNING BODY TO EXERCISE THE RIGHT OF ELECTION; AND

(2) FORWARD A COPY OF THE ORDINANCE OR RESOLUTION TO THE COMMISSION.

(C) ON RECEIPT OF A COPY OF THE RESOLUTION, THE COMMISSION SHALL ACKNOWLEDGE RECEIPT OF THE ORDINANCE OR RESOLUTION TO THE MUNICIPAL CORPORATION OR COUNTY.

(D) ONCE THE COMMISSION HAS ACKNOWLEDGED RECEIPT OF THE ORDINANCE OR RESOLUTION, ANY WORKERS' COMPENSATION CASE ARISING ON OR AFTER THE DATE OF ACKNOWLEDGEMENT AND INVOLVING A COVERED EMPLOYEE OF THE MUNICIPAL CORPORATION OR COUNTY WHO IS SUBJECT TO § 9-503 OF THIS TITLE AND THE DEPENDENTS OF THE COVERED EMPLOYEE SHALL BE SUBJECT TO §§ 9-683.1 THROUGH 9-683.5 OF THIS SUBTITLE.”.

On pages 7 through 9, strike beginning with line 23 on page 7 through line 24 on page 9, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0417/373399/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 417
(First Reading File Bill)

On page 5, in line 4, strike “(i)” and substitute “**(J)**”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 453 – Delegates Jameson and Minnick

AN ACT concerning

Workers' Compensation – Jurisdiction Pending Appeal – Proposed Settlement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 637 – Delegate Feldman

AN ACT concerning

Limited Liability Company Act

HB0637/813596/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 637

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike “only”; and in the same line, after “form” insert “only”.

AMENDMENT NO. 2

On page 4, in line 7, strike “**ONLY**”; and in the same line, after “**FORM**” insert “**ONLY**”.

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 741 – Delegate Feldman

AN ACT concerning

**Corporations and Real Estate Investment Trusts – Directors and Trustees –
Duties and Immunity from Liability**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #8

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

House Bill 590 – Delegate Davis

EMERGENCY BILL

AN ACT concerning

**Public Service Commission – Certificate of Public Convenience and
Necessity – Renewable Source Generator Lead Line**

HB0590/713791/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 590

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after the semicolon insert “prohibiting a person from applying for a certificate of public convenience and necessity for the construction of a qualified generator lead line under certain circumstances.”.

AMENDMENT NO. 2

On page 2, in line 11, after “OVERHEAD” insert “TRANSMISSION”; in line 13, after “WITH” insert “A PORTION OF”; in line 14, after “MARYLAND” insert “THAT IS OWNED BY AN ELECTRIC COMPANY”; and after line 23, insert:

“(III) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, A PERSON MAY NOT APPLY TO OBTAIN A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR CONSTRUCTION OF A QUALIFIED GENERATOR LEAD LINE UNLESS:

1. AT LEAST 90 DAYS BEFORE THE FILING OF AN APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, THE PERSON HAD IN GOOD FAITH OFFERED THE ELECTRIC COMPANY THAT OWNS THAT PORTION OF THE ELECTRIC GRID IN MARYLAND TO WHICH THE QUALIFIED GENERATOR LEAD LINE WOULD INTERCONNECT A FULL AND FAIR OPPORTUNITY FOR THE ELECTRIC COMPANY TO CONSTRUCT THE QUALIFIED GENERATOR LEAD LINE; AND

2. AT ANY TIME AT LEAST 10 DAYS BEFORE THE FILING OF AN APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, THE ELECTRIC COMPANY:

A. DID NOT ACCEPT FROM THE PERSON A PROPOSAL OR A NEGOTIATED VERSION OF THE PROPOSAL UNDER WHICH THE ELECTRIC COMPANY WOULD CONSTRUCT THE QUALIFIED GENERATOR LEAD LINE; OR

B. STATED IN WRITING THAT THE ELECTRIC COMPANY DID NOT INTEND TO CONSTRUCT THE QUALIFIED GENERATOR LEAD LINE.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS
REPORT #4**

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

House Bill 188 – Delegate Donoghue

AN ACT concerning

State Board of Physical Therapy Examiners – Licensure and Regulation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 286 – Delegates Morhaim and Kipke

AN ACT concerning

**Hospitals and Freestanding Ambulatory Care Facilities – Practitioner
Performance Evaluation**

HB0286/816680/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 286

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Practitioner” and substitute “Practitioner”; in line 4, after “hospitals” insert “and freestanding ambulatory care facilities”; in line 5, strike “and” and substitute “; requiring hospitals”; in line 7, after “hospitals” insert “and freestanding ambulatory care facilities”; and strike beginning with “establishing” in line 10 down through “facilities;” in line 11.

AMENDMENT NO. 2

On page 4, in line 12, after “**CONDITION;**” insert “AND”; and in line 13, after “**STAFF**” insert “OR, AT THE DISCRETION OF THE HOSPITAL, EXTERNAL REVIEWERS,”.

AMENDMENT NO. 3

On page 5, strike beginning with “**BE**” in line 23 down through “**TITLE**” in line 25 and substitute “INCLUDE A REVIEW OF CARE PROVIDED TO PATIENTS AT THE”.

FREESTANDING AMBULATORY CARE FACILITY BY MEMBERS OF THE MEDICAL STAFF.

(3) THE REVIEW OF CARE SHALL:

(i) BE UNDERTAKEN FOR CASES CHOSEN AT RANDOM AND FOR CASES WITH UNEXPECTED ADVERSE OUTCOMES;

(ii) BE BASED ON OBJECTIVE REVIEW STANDARDS;

(iii) INCLUDE A REVIEW OF THE APPROPRIATENESS OF THE PLAN OF CARE FOR THE PATIENT, PARTICULARLY ANY MEDICAL PROCEDURES PERFORMED ON THE PATIENT, IN RELATION TO THE PATIENT’S CONDITION; AND

(iv) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, BE CONDUCTED BY AT LEAST TWO MEMBERS OF THE MEDICAL STAFF WHO:

1. ARE OF THE SAME SPECIALTY AS THE MEMBER OF THE MEDICAL STAFF UNDER REVIEW; AND

2. HAVE BEEN TRAINED IN THE FREESTANDING AMBULATORY CARE FACILITY’S POLICIES AND PROCEDURES REGARDING PRACTITIONER PERFORMANCE EVALUATION.

(4) A REVIEW OF THE CARE PROVIDED BY A MEMBER OF THE MEDICAL STAFF WHO IS A SOLO PRACTITIONER OR WHO PRACTICES IN A SINGLE PRACTICE-OWNED FREESTANDING AMBULATORY CARE FACILITY SHALL BE CONDUCTED BY AN EXTERNAL REVIEWER.

(5) A FREESTANDING AMBULATORY CARE FACILITY SHALL TAKE INTO ACCOUNT THE RESULTS OF THE PRACTITIONER PERFORMANCE EVALUATION PROCESS FOR A MEMBER OF THE MEDICAL STAFF IN THE REAPPOINTMENT PROCESS”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0286/683220/1

BY: Delegate Morhaim

AMENDMENT TO HOUSE BILL 286, AS AMENDED

On page 2 of the Health and Government Operations Committee Amendments (HB0286/816680/1), in line 7 of Amendment No. 3, strike "**ARE**" and substitute "**AS APPROPRIATE, ARE**"; and strike beginning with "**OR**" in line 13 down through "**FACILITY**" in line 14.

The preceding amendment was read and 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 Morhaim, Busch, Branch, Hammen, Barve, McIntosh, Barkley, Barnes, Beidle, Bobo, Bohanan, Boteler, Burns, Cane, Cardin, Carr, Carter, Clagett, Conaway, Cullison, Davis, Feldman, Glenn, Griffith, Gutierrez, Guzzone, Haynes, Hixson, Holmes, Howard, Hubbard, Ivey, Jones, Kaiser, A. Kelly, Lee, Love, Luedtke, A. Miller, Mitchell, Murphy, Nathan–Pulliam, Niemann, Oaks, Pena–Melnik, Proctor, Reznik, B. Robinson, S. Robinson, Rosenberg, Sophocleus, Stein, Stukes, Summers, Tarrant, F. Turner, V. Turner, Valderrama, Valentino–Smith, Vaughn, Walker, and Washington

AN ACT concerning

Procurement – Minority Business Participation

HB0456/376282/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 456

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Washington” and substitute “Washington, Pendergrass, and Donoghue”; in line 3, after the first “of” insert “repealing the requirement that certain procurement procedures try to achieve the result that a certain percentage of a unit’s total dollar value of procurement contracts be made to certified minority business enterprises; clarifying that it is a goal that a certain percentage of a unit’s total dollar value of procurement contracts be made to certified minority business enterprises; requiring the Governor’s Office of Minority Affairs, in consultation with the State Department of Transportation and the Office of the Attorney General, to establish certain guidelines for units to follow while determining whether to set certain subgoals for certain minority groups; requiring units to implement a program that enables the unit to evaluate each contract to determine the appropriate minority business enterprise participation goals for the contract based on certain factors; requiring certain units to make certain determinations on whether certain contractors have demonstrated taking certain steps to achieve certain goals, including complying with certain requirements; requiring certain waivers to be granted if certain contractors demonstrate certain good-faith efforts; prohibiting certain units from requiring certain contractors to renegotiate certain subcontracts under certain circumstances; authorizing certain units to waive certain requirements under certain circumstances; requiring certain units to issue and forward to the Office of Minority Affairs certain written waiver determinations; requiring certain units to submit certain annual reports to the Board of Public Works and the Governor’s Office of Minority Affairs; requiring the Board of Public Works to adopt certain regulations;”; strike beginning with “requiring” in line 4 down through “date;” in line 5 and substitute “declaring the intent of the General Assembly; making the provisions of this Act severable;”; and in line 9, after “Section” insert “14–302, 14–303, and”.

AMENDMENT NO. 2

On page 1, strike in their entirety lines 12 through 17, inclusive, and substitute:

“Preamble

WHEREAS, The State of Maryland wishes to provide all of its citizens with equal access to business formation and business growth opportunities; and

WHEREAS, The elimination of discrimination against minority– and women–owned businesses is of great importance to the future welfare of the State; and

WHEREAS, The disparity study entitled “The State of Minority– and Women–Owned Business Enterprise: Evidence from Maryland” commissioned by the General Assembly and published on February 17, 2011 (the “Study”) provides a strong basis in evidence that demonstrates persistent discrimination against minority– and women–owned businesses, including:

(1) Substantial and statistically significant adverse disparities between the availability and utilization of minorities and women in every major contracting category examined by the Study;

(2) Substantial and statistically significant adverse disparities for all racial and ethnic groups and nonminority women combined in all major contracting categories;

(3) Substantial and statistically significant adverse disparities for all racial and ethnic groups and for nonminority women in most major industry categories;

(4) Substantial and statistically significant evidence of discrimination in the private sector in the same industry categories in which the State of Maryland does business for all minorities and nonminority women, which has depressed firm formation and firm growth among minority and nonminority women entrepreneurs; and

(5) Powerful and persuasive qualitative evidence of discrimination against minority and nonminority women business owners; and

WHEREAS, Despite the fact that since 2001, the State has aspired to achieve a minority business enterprise participation goal of 25% of its total contract dollars awarded, overall State utilization of minority business enterprises for the 5 years covered by the Study was less than 20%; and

WHEREAS, This Act ensures that race–neutral efforts will be used to the maximum extent feasible and that race–conscious measures will be used only where necessary to eliminate discrimination that was not alleviated by race–neutral efforts; and

WHEREAS, Ending discrimination against minority– and women–owned businesses requires ending discrimination in prime contracting as well as subcontracting in Maryland contracting markets; and

WHEREAS, If the Minority Business Enterprise Program imposes a burden on nonminority businesses, the State is committed to limiting the burden as much as possible; and

WHEREAS, The establishment of control (zero goals) contracts has been viewed favorably as a method of determining whether minority business enterprise participation occurs in the absence of goals; and

WHEREAS, Improvements in Minority Business Enterprise Program development, implementation, evaluation, and compliance are essential tools to the State goal to eliminate business discrimination in the Maryland contracting markets; and

WHEREAS, The State is extending the existing Minority Business Enterprise Program for 1 year to allow time to evaluate and propose additional improvements to the program; now, therefore,”.

AMENDMENT NO. 3

On page 2, after line 1, insert:

“14–302.

(a) (1) (I) Except for leases of real property [and except as provided in paragraphs (2) and (3) of this subsection], each unit shall structure procurement procedures, consistent with the purposes of this subtitle, to try to achieve [the following results]:

[(i) a minimum of 7% of the unit’s total dollar value of procurement contracts is to be made directly or indirectly from certified minority business enterprises classified by the certification agency as African American–owned businesses;

(ii) a minimum of 10% of the unit’s total dollar value of procurement contracts is to be made directly or indirectly from certified minority

business enterprises classified by the certification agency as women-owned businesses; and

(iii) an overall GOAL [minimum] of 25% of the unit's total dollar value of procurement contracts [is to be] BEING made directly or indirectly [from all] TO certified minority business enterprises.

(II) IN CONSULTATION WITH THE STATE DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF THE ATTORNEY GENERAL, THE GOVERNOR'S OFFICE OF MINORITY AFFAIRS SHALL ESTABLISH GUIDELINES FOR EACH UNIT TO CONSIDER WHILE DETERMINING WHETHER TO SET SUBGOALS FOR THE MINORITY GROUPS LISTED IN § 14-301(D)(1)(I)1, 2, 3, 4, AND 6 OF THIS SUBTITLE.

(2) [(i) Except as provided in paragraph (3) of this subsection, in procurement for construction, each unit shall structure procurement procedures, consistent with the purposes of this subtitle, to try to achieve the following results:

1. a minimum of 7% of the unit's total dollar value of construction contracts is to be made directly or indirectly from certified minority business enterprises classified by the certification agency as African American-owned businesses;

2. a minimum of 10% of the unit's total dollar value of construction contracts is to be made directly or indirectly from certified minority business enterprises classified by the certification agency as women-owned businesses; and

3. an overall minimum of 25% of the unit's total dollar value of construction contracts is to be made directly or indirectly from all certified minority business enterprises.

(ii) The] EACH unit shall:

[1.](I) consider the practical severability of [the construction projects] CONTRACTS; and

[2.](II) implement a program that will enable the unit to evaluate each contract to determine the [appropriateness of the goal] APPROPRIATE MINORITY BUSINESS ENTERPRISE PARTICIPATION GOALS FOR THE CONTRACT BASED, IN PART, ON:

1. THE POTENTIAL SUBCONTRACT OPPORTUNITIES AVAILABLE IN THE PRIME PROCUREMENT CONTRACT;

2. THE AVAILABILITY OF CERTIFIED MINORITY BUSINESS ENTERPRISES TO RESPOND COMPETITIVELY TO THE POTENTIAL SUBCONTRACT OPPORTUNITIES; AND

3. THE GUIDELINES ESTABLISHED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION.

[(3) With respect to the Maryland Department of Transportation, the provisions of paragraph (2)(i) of this subsection shall apply only to construction contracts in excess of \$50,000.]

[(4)](3) (i) A woman who is also a member of an ethnic or racial minority group may be certified in that category in addition to the gender category.

(ii) For purposes of achieving the goals in this subsection, a certified minority business enterprise may participate in a procurement contract and be counted as a woman-owned business, or as a business owned by a member of an ethnic or racial group, but not both, if the business has been certified in both categories.

[(5)](4) Each unit shall meet the maximum feasible portion of the goals [stated in paragraphs (1), (2), and (3) of] ESTABLISHED IN ACCORDANCE WITH this subsection by using race-neutral measures to facilitate minority business enterprise participation in the procurement process.

[(6)](5) [To achieve the result specified in paragraph (1) or (2) of this subsection.] IF A UNIT ESTABLISHES MINORITY BUSINESS ENTERPRISE PARTICIPATION GOALS FOR A CONTRACT, a contractor, including a contractor that is a certified minority business enterprise, shall:

(i) identify specific work categories appropriate for subcontracting;

(ii) at least 10 days before bid opening, solicit minority business enterprises, through written notice that:

1. describes the categories of work under item (i) of this paragraph; and

2. provides information regarding the type of work being solicited and specific instructions on how to submit a bid;

(iii) attempt to make personal contact with the firms in item (ii) of this paragraph;

(iv) [assist] OFFER TO PROVIDE REASONABLE ASSISTANCE TO minority business enterprises to fulfill bonding requirements or to obtain a waiver of those requirements;

(v) in order to publicize contracting opportunities to minority business enterprises, attend prebid OR PREPROPOSAL meetings or other meetings scheduled by the unit; and

(vi) upon acceptance of a bid OR PROPOSAL, provide the unit with a list of minority businesses with whom the contractor negotiated, including price quotes from minority and nonminority firms.

[(7) (i) The unit shall make a finding whether the contractor complied, in good faith, with paragraph (6) of this subsection.

(ii) If the unit finds the contractor complied with paragraph (6) of this subsection, the unit may not require the contractor to renegotiate any subcontract in order to achieve a different result.]

(6) (I) 1. IF A CONTRACTOR DOES NOT ACHIEVE ALL OR A PART OF THE MINORITY BUSINESS ENTERPRISE PARTICIPATION GOALS ON A CONTRACT, THE UNIT SHALL MAKE A FINDING OF WHETHER THE CONTRACTOR

HAS DEMONSTRATED THAT THE CONTRACTOR TOOK ALL NECESSARY AND REASONABLE STEPS TO ACHIEVE THE GOALS, INCLUDING COMPLIANCE WITH PARAGRAPH (5) OF THIS SUBSECTION.

2. A WAIVER OF ANY PART OF THE MINORITY BUSINESS ENTERPRISE GOALS FOR A CONTRACT SHALL BE GRANTED IF A CONTRACTOR PROVIDES A REASONABLE DEMONSTRATION OF GOOD-FAITH EFFORTS TO ACHIEVE THE GOALS.

(II) IF THE UNIT DETERMINES THAT A WAIVER SHOULD BE GRANTED IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE UNIT MAY NOT REQUIRE THE CONTRACTOR TO RENEGOTIATE ANY SUBCONTRACT IN ORDER TO ACHIEVE A DIFFERENT RESULT.

(III) THE HEAD OF THE UNIT MAY WAIVE ANY OF THE REQUIREMENTS OF THIS SUBSECTION RELATING TO THE ESTABLISHMENT, USE, AND WAIVER OF CONTRACT GOALS FOR A SOLE SOURCE, EXPEDITED, OR EMERGENCY PROCUREMENT IN WHICH THE PUBLIC INTEREST CANNOT REASONABLY ACCOMMODATE USE OF THOSE REQUIREMENTS.

(IV) 1. EXCEPT FOR WAIVERS GRANTED IN ACCORDANCE WITH SUBPARAGRAPH (III) OF THIS PARAGRAPH, WHEN A WAIVER DETERMINATION IS MADE, THE UNIT SHALL ISSUE THE DETERMINATION IN WRITING.

2. THE HEAD OF THE UNIT SHALL:

A. KEEP ONE COPY OF THE WAIVER DETERMINATION AND THE REASONS FOR THE DETERMINATION; AND

B. FORWARD ONE COPY OF THE WAIVER DETERMINATION TO THE GOVERNOR'S OFFICE OF MINORITY AFFAIRS.

(V) ON OR BEFORE JULY 31 OF EACH YEAR, EACH UNIT SHALL SUBMIT DIRECTLY TO THE BOARD OF PUBLIC WORKS AND THE

GOVERNOR'S OFFICE OF MINORITY AFFAIRS AN ANNUAL REPORT OF WAIVERS REQUESTED AND WAIVERS GRANTED UNDER THIS PARAGRAPH.

(VI) THE REPORT REQUIRED UNDER SUBPARAGRAPH (V) OF THIS PARAGRAPH SHALL CONTAIN THE FOLLOWING INFORMATION ON THOSE CONTRACTS WHERE THE UNIT CONSIDERED A CONTRACTOR'S REQUEST FOR WAIVER OF ALL OR A PORTION OF THE MINORITY BUSINESS ENTERPRISE GOALS:

1. THE CONTRACT TITLES, NUMBERS, AND DATES;
2. THE NUMBER OF WAIVER REQUESTS RECEIVED;
3. THE NUMBER OF WAIVER REQUESTS GRANTED;

AND

4. ANY OTHER INFORMATION SPECIFICALLY REQUESTED BY THE BOARD.

[(8)](7) If, during the performance of a contract, a certified minority business enterprise contractor or subcontractor becomes ineligible to participate in the Minority Business Enterprise Program because one or more of its owners has a personal net worth that exceeds the amount specified in § 14-301(i)(3) of this subtitle:

(i) that ineligibility alone may not cause the termination of the certified minority business enterprise's contractual relationship for the remainder of the term of the contract; and

(ii) the certified minority business enterprise's participation under the contract shall continue to be counted toward the program and contract goals.

(b) (1) The provisions of §§ 14-301(f) and 14-303 of this subtitle and subsection (a) of this section are inapplicable to the extent that any unit determines the provisions to be in conflict with any applicable federal program requirement.

(2) The determination under this subsection shall be included with the report required under § 14-305 of this subtitle.

14–303.

(a) (1) (i) In accordance with Title 10, Subtitle 1 of the State Government Article, the Board shall adopt regulations consistent with the purposes of this Division II to carry out the requirements of this subtitle.

(ii) The Board shall keep a record of [the number of] INFORMATION REGARDING ANY waivers requested [and the number of waivers granted each year under] IN ACCORDANCE WITH § 14–302(A)(5)(I) OF THIS SUBTITLE AND subsection (b)(8) of this section and submit a copy of the record to the General Assembly on or before October 1 of each year, in accordance with § 2–1246 of the State Government Article.

(iii) The Board shall keep a record of the aggregate number and the identity of minority business enterprises that receive certification under the process established by the Board under subsection (b)(1) of this section and submit a copy of the record to the General Assembly on or before October 1 of each year, in accordance with § 2–1246 of the State Government Article.

(2) The regulations shall establish procedures to be followed by units, prospective contractors, and successful bidders or offerors to maximize notice to, and the opportunity to participate in the procurement process by, a broad range of minority business enterprises.

(b) These regulations shall include:

(1) provisions:

(i) designating one State agency to certify and decertify minority business enterprises for all units through a single process that meets applicable federal requirements, including provisions that promote and facilitate the submission of some or all of the certification application through an electronic process;

(ii) for the purpose of certification under this subtitle, that promote and facilitate certification of minority business enterprises that have received certification from the U.S. Small Business Administration or a county that uses a certification process substantially similar to the process established in accordance with item (i) of this item;

(iii) requiring the agency designated to certify minority business enterprises to complete the agency's review of an application for certification and notify the applicant of the agency's decision within 90 days of receipt of a complete application that includes all of the information necessary for the agency to make a decision; and

(iv) authorizing the agency designated to certify minority business enterprises to extend the notification requirement established under item (iii) of this item once, for no more than an additional 60 days, if the agency provides the applicant with a written notice and explanation;

(2) a requirement that the solicitation document accompanying each solicitation set forth the expected degree of minority business enterprise participation based, in part, on[:] **THE FACTORS SET FORTH IN § 14-302(A)(2)(II) OF THIS SUBTITLE**

[(i) the potential subcontract opportunities available in the prime procurement contract; and

(ii) the availability of certified minority business enterprises to respond competitively to the potential subcontract opportunities];

(3) a requirement that the unit provide a current list of certified minority business enterprises to each prospective contractor;

(4) provisions to ensure the uniformity of requests for bids on subcontracts;

(5) provisions relating to the timing of requests for bids on subcontracts and of submission of bids on subcontracts;

(6) provisions designed to ensure that a fiscal disadvantage to the State does not result from an inadequate response by minority business enterprises to a request for bids;

(7) provisions relating to joint ventures, under which a bidder may count toward meeting its minority business enterprise participation goal, the minority business enterprise portion of the joint venture;

(8) consistent with § 14–302(a)[(6)](5) of this subtitle, provisions relating to any circumstances under which a unit may waive obligations of the contractor relating to minority business enterprise participation;

(9) provisions requiring a monthly submission to the unit by minority business enterprises acknowledging all payments received in the preceding 30 days under a contract governed by this subtitle;

(10) a requirement that a unit shall verify and maintain data concerning payments received by minority business enterprises, including a requirement that, upon completion of a project, the unit shall compare the total dollar value actually received by minority business enterprises with the amount of contract dollars initially awarded, and an explanation of any discrepancies therein;

(11) a requirement that a unit verify that minority business enterprises listed in a successful bid are actually participating to the extent listed in the project for which the bid was submitted;

(12) provisions establishing a graduation program based on the financial viability of the minority business enterprise, using annual gross receipts or other economic indicators as may be determined by the Board;

(13) a requirement that a bid or proposal based on a solicitation with an expected degree of minority business enterprise participation identify the specific commitment of certified minority business enterprises at the time of submission;

(14) provisions promoting and providing for the counting and reporting of certified minority business enterprises as prime contractors; [and]

(15) PROVISIONS ESTABLISHING STANDARDS TO REQUIRE A MINORITY BUSINESS ENTERPRISE TO PERFORM A COMMERCIALY USEFUL FUNCTION ON A CONTRACT;

(16) A REQUIREMENT THAT EACH UNIT WORK WITH THE GOVERNOR’S OFFICE OF MINORITY AFFAIRS TO DESIGNATE CERTAIN PROCUREMENTS AS BEING EXCLUDED FROM THE REQUIREMENTS OF § 14–302(A) OF THIS SUBTITLE; AND

[(15)](17) other provisions that the Board considers necessary or appropriate to encourage participation by minority business enterprises and to protect the integrity of the procurement process.

(c) The regulations adopted under this section shall specify that a unit may not allow a business to participate as if it were a certified minority business enterprise if the business's certification is pending."

AMENDMENT NO. 4

On page 2, in line 5, strike "**2016**" and substitute "**2012**"; strike in their entirety lines 6 through 25, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That having considered the evidence of discrimination against minority and women-owned businesses included in the study entitled "The State of Minority- And Women-Owned Business Enterprise: Evidence From Maryland" published on February 17, 2011, and other evidence generally available to the General Assembly, it is the intent of the General Assembly to eliminate discrimination against minority and women-owned businesses doing business in Maryland contracting markets in a manner that:

- (1) complies with the United States and Maryland Constitutions;
- (2) is effective and narrowly tailored to achieve the goal of eliminating business discrimination based on race and gender in Maryland contracting markets;
- (3) makes full and effective use of race-neutral measures;
- (4) is focused on operating an effective Minority Business Enterprise Program targeted at eliminating the discrimination thoroughly documented in the Study;
- (5) to the maximum extent feasible under federal constitutional law, provides for flexibility in the operations of the Program and the use of numerical targets or goals;
- (6) prohibits the use of rigid and inflexible quotas;
- (7) ensures that any use of numerical targets in overall aspirational State goals and in contract goals, includes the use of good faith waivers and is

narrowly tailored to reflect the best available evidence of the actual, relative availability of minority business enterprises in Maryland contracting markets;

(8) to the maximum extent feasible, limits and ameliorates burdens on nonminority business enterprises resulting from the operation of the Program; and

(9) ensures that the beneficiaries of the Program are drawn from those groups that have suffered discrimination in Maryland contracting markets.

SECTION 3. AND BE IT FURTHER ENACTED, That, if any of the provisions of this Act or the application thereof, to any person or circumstance, is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect the other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.”;

and in line 26, strike “2.” and substitute “4.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 466 – Delegates Tarrant and Kipke

AN ACT concerning

Procurement – Service Contracts for Janitorial Services

HB0466/106586/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 466

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “categories;” insert “providing for a certain exception:”.

AMENDMENT NO. 2

On page 2, in line 25, strike “THIS” and substitute “1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THIS”; and after line 26, insert:

“2. THIS PARAGRAPH DOES NOT APPLY TO A SERVICE CONTRACT FOR JANITORIAL SERVICES UNDER TITLE 14, SUBTITLE 1 OF THIS ARTICLE.”.

AMENDMENT NO. 3

On page 3, strike line 2 in its entirety; and in lines 3 and 4, strike “3.” and “4.”, respectively, and substitute “2.” and “3.”, 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 Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

House Bill 468 – Delegate Kach

AN ACT concerning

Health Insurance – Dental Provider Contracts – Prohibited Provision

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 600 – Delegates Hammen, Hubbard, Bromwell, Clippinger, Costa, Donoghue, Elliott, Kach, Kipke, McDonough, McHale, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnik, Pendergrass, and V. Turner

AN ACT concerning

Health Care Providers – Investigations – Information Sharing Among State Agencies

HB0600/616785/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 600

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “purpose,” insert “requiring the Board, the Secretary, and the Commission to jointly adopt regulations for the transfer of certain information in a record; providing that certain provisions of this Act may not be construed to alter the authority of the Secretary under certain provisions of law;”.

AMENDMENT NO. 2

On page 3, in line 28, in each instance, strike the comma; in the same line, strike the brackets; and in the same line, strike “**OR GROUP OF AGENCIES**”.

On page 4, in line 4, after “in” insert “**THE DEPARTMENT OR**”.

AMENDMENT NO. 3

On page 8, in line 3, after “CARE” insert “**IN ANY ENTITY REGULATED BY THE OFFICE OF HEALTH CARE QUALITY OR THE HEALTH SERVICES COST REVIEW COMMISSION.**”

(E) ON OR BEFORE JANUARY 1, 2012, THE BOARD, THE SECRETARY, AND THE HEALTH SERVICES COST REVIEW COMMISSION JOINTLY SHALL ADOPT REGULATIONS FOR THE EFFICIENT AND SECURE TRANSFER, UNDER SUBSECTION (D)(2) OF THIS SECTION, OF ANY INFORMATION IN A RECORD THAT MAY INDICATE THAT AN INVESTIGATION OF AN ENTITY REGULATED BY THE OFFICE OF HEALTH CARE QUALITY OR THE HEALTH SERVICES COST REVIEW COMMISSION MAY BE APPROPRIATE.

(F) SUBSECTION (D)(2) OF THIS SECTION MAY NOT BE CONSTRUED TO ALTER THE AUTHORITY OF THE SECRETARY UNDER § 1-203(A) OF THIS ARTICLE OR § 2-106(C) OF THE HEALTH – GENERAL ARTICLE”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0600/123724/1

BY: Delegate Schulz

AMENDMENTS TO HOUSE BILL 600

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Investigations –”; in lines 2 and 3, strike “Among State Agencies”; in line 5, after “information;” insert “requiring a physician who performs an abortion in the State to report the abortion to the Department of Health and Mental Hygiene; requiring the report to be submitted within a certain time period and to include certain information; prohibiting the report from including certain identifying information;”; in line 10, after “to” insert “information”; in the same line, after “sharing” insert “by and about health care providers”; strike beginning with “information” in line 10 down through “care” in line 12; and after line 17, insert:

“BY adding to

Article – Health – General

Section 20–217 to be under the new part “Part V. Reporting Requirements”

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)”.”

AMENDMENT NO. 2

On page 2, after line 24, insert:

“20–215. RESERVED.

20–216. RESERVED.

PART V. REPORTING REQUIREMENTS.

20–217.

(A) A PHYSICIAN WHO PERFORMS AN ABORTION IN THE STATE SHALL REPORT THE ABORTION TO THE DEPARTMENT.

(B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION:

(1) SHALL BE SUBMITTED WITHIN 30 DAYS AFTER THE END OF THE MONTH IN WHICH THE ABORTION WAS PERFORMED;

(2) SHALL INCLUDE INFORMATION ON ANY COMPLICATIONS OR INJURY TO THE PATIENT THAT OCCURRED DURING THE ABORTION PROCEDURE; AND

(3) MAY NOT INCLUDE ANY INFORMATION IDENTIFYING THE PATIENT OR THE PHYSICIAN WHO PERFORMED THE ABORTION.”.

The preceding 2 amendments were read only.

Delegate Schulz moved to make the Bill and Amendments a Special Order for March 17, 2011.

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

Affirmative – 43 Negative – 89 (See Roll Call No. 251)

The preceding 2 amendments were read and rejected.

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 643 – Delegate Carr

AN ACT concerning

Procurement – State Buildings – Energy Efficient Outdoor Lighting Fixtures

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 752 – Delegates Barkley, Anderson, Arora, Barnes, Clagett, Clippinger, Cluster, DeBoy, Dumais, Dwyer, Gilchrist, Glass, K. Kelly, Lee, McComas, McDermott, Mitchell, Parrott, Simmons, Smigiel, Valderrama, Vallario, and Waldstreicher

AN ACT concerning

Maryland Correctional Enterprises – Prohibiting Access to Personal Information

HB0752/876382/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 752

(First Reading File Bill)

On page 2, strike beginning with the comma in line 20 down through “INFORMATION” in line 22; and in line 23, strike “(III)” and substitute “(II)”.

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 793 – Delegates Valentino-Smith, Boteler, DeBoy, Howard, McComas, Minnick, Mitchell, B. Robinson, Stein, F. Turner, V. Turner, Vallario, and Wilson

AN ACT concerning

Behavioral Health – Veterans – Coordination and Provision of Services

HB0793/786281/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 793

(First Reading File Bill)

On page 1, in the sponsor line, strike “and Wilson” and substitute “Wilson, Hammen, Pendergrass, Bromwell, Cullison, Donoghue, Elliott, Frank, Hubbard, Kach, A. Kelly, Kipke, Krebs, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnik, 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 888 – Delegates Kach, Bromwell, Cullison, Elliott, A. Kelly, Kipke, A. Miller, Olszewski, S. Robinson, and Stocksdale

AN ACT concerning

Health Insurance – Prescription Eye Drops – Refills

HB0888/746780/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 888

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Stocksdale” and substitute “Stocksdale, Donoghue, Frank, Hammen, Hubbard, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnik, Pendergrass, Ready, Reznik, Tarrant, and V. Turner”.

AMENDMENT NO. 2

On page 2, in line 12, strike “WHEN”; strike in their entirety lines 13 through 18, inclusive, and substitute:

“(1) IN ACCORDANCE WITH GUIDANCE FOR EARLY REFILLS OF TOPICAL OPHTHALMIC PRODUCTS PROVIDED TO MEDICARE PART D PLAN SPONSORS BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES; AND

(2) **IF:**;

and in lines 19, 22, and 25, strike “**(2)**”, “**(3)**”, and “**(4)**”, respectively, and substitute “**(I)**”, “**(II)**”, and “**(III)**”, respectively.

The preceding 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 31 – Delegates Rosenberg and Cardin

AN ACT concerning

Voter’s Rights Protection Act of 2011

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

Delegate McDonough moved to make the Bill a Special Order for March 17, 2011.

The motion was adopted.

House Bill 38 – Delegates Waldstreicher, Branch, Dumais, Feldman, Frick, Hixson, Howard, Kaiser, Kipke, Luedtke, A. Miller, Myers, Rosenberg, Ross, Stein, Summers, Tarrant, V. Turner, and Walker

AN ACT concerning

Nonpublic Schools Accepting State Funds – Bullying, Harassment, and Intimidation – Policies

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

FLOOR AMENDMENT

HB0038/453824/1

BY: Delegate O’Donnell

AMENDMENTS TO HOUSE BILL 38

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after “intimidation;” insert “providing that a certain nonpublic school’s noncompliance with this Act may not be construed to limit or prohibit participation in certain programs;”.

AMENDMENT NO. 2

On page 5, after line 3, insert:

“(I) A NONPUBLIC SCHOOL’S NONCOMPLIANCE WITH THE PROVISIONS OF THIS SECTION MAY NOT BE CONSTRUED TO LIMIT OR PROHIBIT A NONPUBLIC SCHOOL’S PARTICIPATION IN STATE-FUNDED EDUCATION PROGRAMS.”

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

Affirmative – 51 Negative – 84 (See Roll Call No. 252)

FLOOR AMENDMENT

HB0038/553624/1

BY: Delegate Szeliga

AMENDMENTS TO HOUSE BILL 38

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “requiring” and substitute “encouraging”; in line 6, strike “requiring the policy” and substitute “encouraging a nonpublic school that adopts a policy under this Act”; and in the same line, after “provisions” insert “in the policy”.

AMENDMENT NO. 2

On page 3, in line 3, strike “SHALL” and substitute “IS ENCOURAGED TO”; in line 5, strike “**THE POLICY ADOPTED**” and substitute “**IF A NONPUBLIC SCHOOL**”.

ADOPTS A POLICY"; and in line 6, strike "SHALL INCLUDE" and substitute ", THE NONPUBLIC SCHOOL IS ENCOURAGED TO INCLUDE IN THE POLICY".

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

Affirmative – 37 Negative – 99 (See Roll Call No. 253)

FLOOR AMENDMENT

HB0038/253222/1

BY: Delegate McConkey

AMENDMENTS TO HOUSE BILL 38

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "providing" in line 10 down through "circumstances;" in line 12.

AMENDMENT NO. 2

On page 4, strike in their entirety lines 26 through 31, inclusive.

On page 5, in line 1, strike "**(H)**" and substitute "**(G)**".

The preceding 2 amendments were read and rejected.

Read the second time and ordered prepared for Third Reading.

House Bill 748 – Chair, Appropriations Committee (By Request – Departmental – University System of Maryland)

AN ACT concerning

Academic Facilities Bonding Authority

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

Delegate Serafini moved to make the Bill a Special Order for March 17, 2011.

The motion was adopted.

INTRODUCTION OF BILLS

Delegate Cane moved the Bill be introduced.

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

The roll call vote resulted as follows:

Affirmative – 133 Negative – 0 (See Roll Call No. 254)

In compliance with the rules, the Bill was introduced.

House Bill 1350 – Delegate Cane

AN ACT concerning

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

FOR the purpose of exempting certain alcoholic beverages businesses in Wicomico County from a certain prohibition against having a financial interest in a premises where alcoholic beverages are sold at retail or in any other business conducted by an alcoholic beverages licensee; altering the number of Class B beer, wine and liquor licenses that a person may hold and still remain eligible to be issued a pub–brewery or micro–brewery license; authorizing a holder of a certain license to be eligible to be issued a micro–brewery license and certain other licenses; and generally relating to alcoholic beverages in Wicomico County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 12–104(a)(1) and (2)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 12–104(b)(1) and (e)(5)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

QUORUM CALL

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

(See Roll Call No. 255)

ADJOURNMENT

At 11:47 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Thursday, March 17, 2011.

Annapolis, Maryland
Thursday, March 17, 2011

The House met at 10:08 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Brian K. McHale of Baltimore City.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 256)

The Journal of March 16, 2011 was read and approved.

EXCUSES:

Del. Cluster – medical

Del. Tarrant – late – personal

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 270 – Senator Edwards

AN ACT concerning

**Alcoholic Beverages – Allegany County Board of License Commissioners –
Vacancies**

FOR the purpose of requiring the Governor to appoint the members of the Allegany County Board of License Commissioners with the advice and consent of the central committees of certain political parties; providing for the application of this Act; and generally relating to the filling of vacancies on the Allegany County Board of License Commissioners.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–101(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–101(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Senate Bill 366 – Senator Edwards

AN ACT concerning

Allegany County – Alcoholic Beverages – Eligibility for Class B–BT (Buffet Theater) License

FOR the purpose of altering in Allegany County the types of entertainment that an establishment may provide to its customers to be eligible for a Class B–BT (Buffet Theater) beer, light wine and liquor license to include live acoustic–style music and feature films; and generally relating to eligibility for a Class B–BT (Buffet Theater) beer, light wine and liquor license in Allegany County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(b)(3)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Senate Bill 391 – Senators Shank, Edwards, and Young

AN ACT concerning

Washington County – Alcoholic Beverages – Wine Festival License

FOR the purpose of establishing a special wine festival (WF) license in Washington County; requiring that an applicant for a special WF license must be a holder of a certain other license; specifying that a holder of a special WF license may display and sell wine in a certain manner; requiring the Washington County Board of License Commissioners to assure that the primary focus of the Festival is the promotion of Maryland wine; requiring a holder of a special WF license to display and sell certain wine; providing for a license fee; providing that this Act does not prohibit the holder of a special WF license from holding another alcoholic beverages license; authorizing the Board to choose certain weekends for festivals; requiring the Board to choose certain locations for the festivals; requiring the Board to adopt certain regulations; defining certain terms; and generally relating to wine in Washington County.

BY renumbering

Article 2B – Alcoholic Beverages

Section 8–313.1

to be Section 8–313.2

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 8–313.1

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

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

Senate Bill 414 – Senator Frosh

AN ACT concerning

Natural Resources – Administrative Procedures – Electronic Citations, Inspections, and Hearings

FOR the purpose of altering the acknowledgment procedures for citations issued by certain police officers for certain natural resources violations; repealing a certain hearing requirement that must be met before the Department of Natural Resources may suspend a recreational or commercial fishing license and requiring the Department to provide certain notice to certain persons of the right to a hearing; requiring the Department to hold a hearing under certain circumstances within a certain time frame in accordance with certain procedures before suspending a recreational or commercial fishing license; authorizing the Department to suspend a recreational or commercial fishing license without a hearing under certain circumstances; ~~altering who may perform administrative inspections of commercial fishing operations;~~ altering the authorized scope of administrative inspections of commercial fishing operations; authorizing the seizure and forfeiture by the Department of certain property under certain circumstances; making certain stylistic changes; and generally relating to administrative procedures for natural resources violations.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 1–205, 4–220, and 4–701(l) and (m)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 4-701(a) and (b)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8-2003
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

Senate Bill 466 – Carroll County Senators

AN ACT concerning

Carroll County – Winery Special Event Permits – Farmers’ Markets

FOR the purpose of authorizing the issuance of a certain number of additional winery special event permits to certain wineries for use in certain farmers’ markets in Carroll County; prohibiting a holder of a permit from selling wine by the glass; requiring that a certain individual who is certified by an alcohol awareness program be present during the hours when wine may be sold; and generally relating to farmers’ markets in Carroll County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2-101(u)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 2-101(u)(9)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Senate Bill 467 – Carroll County Senators

AN ACT concerning

Carroll County – Alcoholic Beverages – Liquor Tasting

FOR the purpose of creating a liquor tasting license in Carroll County; authorizing the Board of License Commissioners for Carroll County to issue the liquor tasting

license only to holders of a certain alcoholic beverages license; specifying that the liquor tasting license authorizes consumption of certain liquor for tasting or sampling purposes only; requiring that the liquor be provided to consumers at no charge; specifying certain limitations on the quantity of liquor that may be consumed; providing an annual fee; specifying the term of a liquor tasting license; authorizing the Board to adopt regulations; defining a certain term; and generally relating to alcoholic beverages in Carroll County.

BY adding to

Article 2B – Alcoholic Beverages

Section 8–9A–01 to be under the new subtitle “Subtitle 9A. Liquor Tasting Licenses”

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

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

Senate Bill 538 – Senators Colburn and Pipkin

AN ACT concerning

Natural Resources – Oyster Sanctuaries – Designation

FOR the purpose of prohibiting the Department of Natural Resources from designating more than a certain percent of the ~~available~~ quality oyster habitat in the waters of the State as oyster sanctuaries, except under certain circumstances; and generally relating to oyster sanctuaries.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4–1006.2

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

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

Senate Bill 541 – Senator Colburn

AN ACT concerning

Dorchester County Liquor Act of 2011

FOR the purpose of repealing a certain obsolete residency requirement for voters supporting an application for an alcoholic beverages license in Dorchester County; specifying that a certain prohibition against alcoholic beverages sales at a bar or counter on Sunday does not apply in the county; repealing certain

obsolete language concerning Sunday sales; and generally relating to alcoholic beverages in Dorchester County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 10–103(b)(18)(i) and (iv), 10–104(a), and 11–403(a)(1) and (b)(1) and (2)(xi)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY repealing

Article 2B – Alcoholic Beverages

Section 10–104(k)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 11–403(a)(11)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 11–403(b)(2)(i)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

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

Senate Bill 635 – ~~Senator Frosh~~ Senators Frosh and Simonaire

AN ACT concerning

**Natural Resources – Authorization to Catch Striped Bass and Crabs –
Revocation**

FOR the purpose of providing that a certain person who ~~receives a citation for~~ commits a certain offense related to unlawfully taking striped bass or crabs may have a certain authorization revoked under certain circumstances; requiring the Department of Natural Resources, in consultation with the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission, to adopt regulations that establish certain grounds for the revocation of a certain authorization, including certain categories of ~~offenses~~ violations; requiring the Department to hold a certain hearing under certain circumstances in accordance with the Administrative Procedure Act; requiring the Department to revoke a person's authorization to catch striped bass or crabs under certain

circumstances; authorizing certain aggrieved persons to obtain judicial review of a certain decision; prohibiting a certain person from engaging or working in a certain fishery under certain circumstances; and generally relating to unlawfully taking striped bass or crabs and authorization revocation.

BY adding to

Article – Natural Resources
Section 4–1210
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Senate Bill 655 – Senators Pinsky, Conway, Frosh, Manno, Montgomery, ~~and Young~~ Young, and Simonaire

AN ACT concerning

Natural Resources – Commercial Fishing Violations – Enhanced Penalties

FOR the purpose of establishing certain enhanced penalties for a person who commits a certain separate commercial fisheries violation while the person's commercial fishing license or authorization is suspended or revoked or who engages in commercial fishing activities without an appropriate license or authorization; requiring that certain fines imposed under this Act be paid into the Fisheries Research and Development Fund; clarifying certain commercial fishing violations; and generally relating to enhanced penalties for certain commercial fishing violations.

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 4–708 and 4–1202
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

Article – Natural Resources
Section 4–1201(a) and (b)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to

Article – Natural Resources
Section 4–1201(h)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Senate Bill 720 – Senator Mathias

AN ACT concerning

Commercial Fishing Apprenticeship Permit – Eligibility

FOR the purpose of providing that certain practical commercial fishing experience obtained in certain jurisdictions by certain individuals applies toward the requirements for obtaining a commercial fishing license through the commercial fishing apprenticeship permit; requiring an apprenticeship permittee to obtain the required practical experience within a certain period of time before applying for a commercial fishing license or authorization; altering the process for documenting practical experience under the commercial fishing apprenticeship program; providing that a person may not obtain a seafood landing license through the commercial fishing apprenticeship programs; and generally relating to the commercial fishing apprenticeship program in the State.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–701.1
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Senate Bill 763 – Senator Kittleman

AN ACT concerning

Hunting Licenses – Exemption for Disabled Armed Forces Members

FOR the purpose of expanding a certain exemption from the requirement to obtain a hunting license for a person who serves in the armed forces and has a service-connected disability; and generally relating to exemptions from the requirement to obtain a hunting license.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 10–301(b)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–301(c)(1)

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

Read the first time and referred to the Committee on Environmental Matters.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

House Bill 31 – Delegates Rosenberg and Cardin

AN ACT concerning

Voter’s Rights Protection Act of 2011

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED
ADOPTED.

FLOOR AMENDMENT

HB0031/563520/1

BY: Delegate McDonough

AMENDMENT TO HOUSE BILL 31

(First Reading File Bill)

On page 2, in lines 27 and 29, in each instance, strike “OR ENTITY”.

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 39 Negative – 92 (See Roll Call No. 257)

FLOOR AMENDMENT

HB0031/123627/1

BY: Delegate McDonough

AMENDMENTS TO HOUSE BILL 31

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “or a registered voter”.

AMENDMENT NO. 2

On page 2, in line 31, strike “OR ANY REGISTERED VOTER”.

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 39 Negative – 93 (See Roll Call No. 258)

FLOOR AMENDMENT

HB0031/423622/1

BY: Delegate McDonough

AMENDMENTS TO HOUSE BILL 31

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “, or” in line 4 down through “in,” in line 5.

AMENDMENT NO. 2

On page 2, strike beginning with the second “, OR” in line 27 down through “IN,” in line 30.

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 38 Negative – 93 (See Roll Call No. 259)

FLOOR AMENDMENT

HB0031/803123/1

BY: Delegate McDonough

AMENDMENTS TO HOUSE BILL 31, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after “law;” insert “providing that an action filed under this Act and any proceedings, testimony, or other evidence related to the action are confidential and privileged; requiring, if a circuit court issues an order for injunctive”

relief under this Act, that the circuit court make the order and certain proceedings, testimony, or other evidence public;”.

AMENDMENT NO. 2

On page 3, after line 11, insert:

“(F) (1) AN ACTION FILED UNDER SUBSECTION (A) OF THIS SECTION AND ANY PROCEEDINGS, TESTIMONY, OR OTHER EVIDENCE RELATED TO THE ACTION ARE CONFIDENTIAL AND PRIVILEGED.

(2) IF THE CIRCUIT COURT ISSUES AN ORDER FOR INJUNCTIVE RELIEF IN AN ACTION FILED UNDER SUBSECTION (A) OF THIS SECTION, THE CIRCUIT COURT SHALL MAKE THE ORDER AND THE PROCEEDINGS, TESTIMONY, AND ANY OTHER EVIDENCE PUBLIC.”.

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 42 Negative – 92 (See Roll Call No. 260)

FLOOR AMENDMENT

HB0031/103229/1

BY: Delegate Simmons

AMENDMENTS TO HOUSE BILL 31, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 3, strike “or a registered voter”; and strike beginning with “when” in line 4 down through “in,” in line 5 and substitute “to prohibit a person from engaging in or continuing to engage in”.

In the Committee on Ways and Means Amendments (HB0031/155265/1), in line 3 of Amendment No. 1, strike “prohibited acts or practices” and substitute “violations of election law”.

AMENDMENT NO. 2

On page 2 of the bill, strike beginning with “**WHENEVER**” in line 26 down through “**TITLE**” in line 30 and substitute “**SUBJECT TO SUBSECTION (B) OF THIS**

SECTION"; in line 31, strike "OR ANY REGISTERED VOTER"; and in line 33, after "RULES" insert "TO PROHIBIT A PERSON FROM COMMITTING AN IMMINENT VIOLATION OR CONTINUING TO COMMIT A VIOLATION OF § 16-201 OF THIS TITLE".

In the Committee on Ways and Means Amendments, in line 3 of Amendment No. 2, strike "AN ACT OR PRACTICE PROHIBITED BY" and substitute "A VIOLATION OF".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 748 – Chair, Appropriations Committee (By Request – Departmental – University System of Maryland)

AN ACT concerning

Academic Facilities Bonding Authority

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT ADOPTED.

FLOOR AMENDMENT

HB0748/603221/1

BY: Delegate Serafini

AMENDMENT TO HOUSE BILL 748

(First Reading File Bill)

On page 1, in line 23, strike "\$1,400,000,000" and substitute "\$1,250,000,000".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 41 Negative – 98 (See Roll Call No. 261)

FLOOR AMENDMENT

HB0748/823126/1

BY: Delegate Serafini

AMENDMENTS TO HOUSE BILL 748

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Authority” insert “and Bond Maturity”; in line 4, after “Maryland;” insert “establishing the maximum time period for the maturity of certain bonds that may be issued, on or after the effective date of this Act, by a public senior higher education system or Baltimore City Community College;”; in line 9, after “bonds” insert “and bond maturity”; after line 9, insert:

“BY repealing and reenacting, without amendments,

Article – Education

Section 19–101(m)

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)”;

and in line 12, after “19–102(c)(1)” insert “and (d)”.

AMENDMENT NO. 2

On page 1, after line 17, insert:

“19–101.

(m) “System” means University System of Maryland, Morgan State University, St. Mary’s College of Maryland, or Baltimore City Community College.”.

On page 2, after line 3, insert:

“(d) (1) A system may not issue bonds for the purpose of financing all or any part of the costs of any academic facility or facilities until the General Assembly has approved in an act the:

(i) Project or projects for any academic facility or facilities; and

(ii) Maximum principal amount of bonds a system may issue in connection with such project or projects for any academic facility or facilities.

(2) The General Assembly's approval shall expressly authorize the project or projects for any academic facility or facilities and the maximum principal amount of bonds a system may issue in connection with such project or projects for the academic facility or facilities.

(3) Without the approval of the General Assembly, a system may issue bonds to refinance all or any part of the costs of any project for any academic facility or facilities for which a system previously issued bonds under the authority of this section.

(4) (i) Any bonds issued under the requirements of this subsection shall mature at such times not exceeding the useful life of the project for which the bonds are issued, but not later than 21 years after their respective dates of issue, as may be determined by a system.

(ii) Any bonds issued in accordance with paragraph (3) of this subsection shall mature at such times as may be determined by a system, but not later than 21 years after the date of issue of the bonds that were originally issued for the academic facility or facilities authorized under the requirements of this subsection.

(III) NOTWITHSTANDING SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH, ANY BONDS ISSUED IN ACCORDANCE WITH THIS SECTION ON OR AFTER JUNE 1, 2011 SHALL MATURE NOT LATER THAN 15 YEARS AFTER THEIR RESPECTIVE DATES OF ISSUE.

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 43 Negative – 94 (See Roll Call No. 262)

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 263)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #18**House Bill 86 – The Speaker (By Request – Administration)**

AN ACT concerning

Creation of a State Debt – Qualified Zone Academy Bond

Read the third time and passed by yeas and nays as follows:

Affirmative – 104 Negative – 33 (See Roll Call No. 264)

The Bill was then sent to the Senate.

House Bill 110 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Weight and Axle Load Limits

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 265)

The Bill was then sent to the Senate.

House Bill 263 – Frederick County Delegation

AN ACT concerning

Frederick County – Roadside Solicitation of Money or Donations – Permit Program

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 266)

The Bill was then sent to the Senate.

House Bill 435 – Delegate Bohanan

AN ACT concerning

Optional Retirement Program – Supplemental Retirement Plans – Employee Contributions

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 267)

The Bill was then sent to the Senate.

House Bill 463 – Delegates Elliott, Ross, Afzali, Arora, Aumann, Barve, Bates, Beidle, Beitzel, Boteler, Branch, Bromwell, Burns, Cardin, Cluster, Conaway, DeBoy, Donoghue, Eckardt, Fisher, Frank, Frick, Frush, George, Gilchrist, Glass, Glenn, Haddaway–Riccio, Haynes, Healey, Hogan, Holmes, Hough, Hubbard, Impallaria, Ivey, Jacobs, James, Jameson, Kach, Kaiser, K. Kelly, Kipke, Krebs, Love, McComas, McConkey, McDermott, McDonough, McMillan, A. Miller, W. Miller, Minnick, Mitchell, Morhaim, Murphy, Myers, O’Donnell, Olszewski, Parrott, Pena–Melnyk, Ready, B. Robinson, Schuh, Schulz, Serafini, Smigiel, Sophocleus, Stocksdale, Stukes, Szeliga, F. Turner, Valentino–Smith, Waldstreicher, Walker, and Wood

AN ACT concerning

Property Tax – Semiannual Payment Schedule – Business Property

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 268)

The Bill was then sent to the Senate.

House Bill 481 – Delegates Olszewski, Arora, Barnes, Bates, Bromwell, Elliott, Frick, Healey, Kach, Kaiser, Kipke, Reznik, Sophocleus, and Wood

AN ACT concerning

Campaign Finance – Contributions – Disclosure

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 3 (See Roll Call No. 269)

The Bill was then sent to the Senate.

House Bill 486 – Delegates Conway, Cane, and McDermott

AN ACT concerning

Education – School Buses – Inspections and Length of Operation

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 270)

The Bill was then sent to the Senate.

House Bill 507 – Delegates Branch, Anderson, Arora, Barnes, Dumais, Gilchrist, Gutierrez, Hubbard, A. Kelly, Kipke, Love, Nathan–Pulliam, Pena–Melnik, and Simmons

AN ACT concerning

Public Safety – Use of Electronic Control Devices – Reports

Read the third time and passed by yeas and nays as follows:

Affirmative – 94 Negative – 46 (See Roll Call No. 271)

The Bill was then sent to the Senate.

House Bill 522 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Correctional Officers’ Bill of Rights

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 272)

The Bill was then sent to the Senate.

House Bill 581 – Chair, Appropriations Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Displaced Homemakers Program – Evaluation and Report

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 273)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #19

House Bill 621 – Delegates Haynes, Anderson, Branch, Carter, Clippinger, Conaway, Glenn, Gutierrez, Mitchell, Oaks, B. Robinson, Stukes, Tarrant, and Washington

AN ACT concerning

Fire Safety – High–Rise Buildings – Mobility Impaired Individuals

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 2 (See Roll Call No. 274)

The Bill was then sent to the Senate.

House Bill 630 – Delegates Beidle and Vitale

AN ACT concerning

Building Standards – High–Performance Homes

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 5 (See Roll Call No. 275)

The Bill was then sent to the Senate.

House Bill 634 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

**State Retirement and Pension System – Reemployment Earnings Offset –
Retiree Health Care Premiums**

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 276)

The Bill was then sent to the Senate.

House Bill 667 – Delegates Lee, Barkley, Cane, Conway, Cullison, Dumais, Frick, Frush, Gutierrez, Healey, Hucker, A. Kelly, A. Miller, B. Robinson, and Wilson

AN ACT concerning

Peace Orders – Extension of Duration

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 277)

The Bill was then sent to the Senate.

House Bill 674 – Delegates Cullison, Luedtke, Anderson, Arora, Aumann, Barkley, Barnes, Barve, Beidle, Bobo, Braveboy, Bromwell, Carr, Carter, Clippinger, Dumais, Feldman, Frick, Frush, Gilchrist, Gutierrez, Haddaway–Riccio, Hough, Hucker, Ivey, Kaiser, A. Kelly, Kipke, Kramer, Lee, McComas, McDermott, McDonough, McHale, A. Miller, W. Miller, Mitchell, O’Donnell, Pena–Melnyk, Ready, Reznik, S. Robinson, Simmons, Smigiel, Summers, Tarrant, F. Turner, Waldstreicher, Washington, ~~and Zucker~~ Zucker, Cardin, Glass, Hixson, Howard, Myers, Rosenberg, Ross, Stukes, and Walker

AN ACT concerning

Education – Human Trafficking – Awareness, Training, and Distribution of Materials

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 278)

The Bill was then sent to the Senate.

House Bill 679 – Delegate Stein

AN ACT concerning

Real Property – Condominiums – Amendment to Bylaws to Require Unit Insurance Coverage

Read the third time and passed by yeas and nays as follows:

Affirmative – 103 Negative – 35 (See Roll Call No. 279)

The Bill was then sent to the Senate.

House Bill 727 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Retirees and Beneficiaries of Retirees – Annual Retirement Allowance Adjustments

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 280)

The Bill was then sent to the Senate.

House Bill 729 – Delegate Simmons

AN ACT concerning

Civil Actions – Class Action Waiver in a Written Agreement – Unenforceability

Read the third time and passed by yeas and nays as follows:

Affirmative – 108 Negative – 32 (See Roll Call No. 281)

The Bill was then sent to the Senate.

House Bill 749 – Delegates Waldstreicher, Anderson, Dumais, Rosenberg, and Valderrama

AN ACT concerning

Correctional Services – Division of Parole and Probation – Supervision Fee

Read the third time and passed by yeas and nays as follows:

Affirmative – 119 Negative – 20 (See Roll Call No. 282)

The Bill was then sent to the Senate.

House Bill 833 – Delegate Norman

AN ACT concerning

Harford County – Archery Hunting – Safety Zone

Read the third time and passed by yeas and nays as follows:

Affirmative – 130 Negative – 3 (See Roll Call No. 283)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #20

House Bill 837 – Delegates Smigiel, Cane, Carter, Cluster, Dumais, George, Haddaway–Ricchio, Hough, K. Kelly, McConkey, McDermott, W. Miller, and Parrott

AN ACT concerning

Courts – Exemption from Execution – Exception for Child Support Arrearage

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 284)

The Bill was then sent to the Senate.

House Bill 849 – Chair, Environmental Matters Committee (By Request – Departmental – State Police)

AN ACT concerning

Public Safety – Smoke Detectors and Smoke Alarms

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 285)

The Bill was then sent to the Senate.

House Bill 864 – Delegates Sophocleus, Barkley, and Kipke

AN ACT concerning

Criminal Law – Felony Child Abuse in the First Degree

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 286)

The Bill was then sent to the Senate.

House Bill 877 – Chair, Environmental Matters Committee (By Request – Departmental – Housing and Community Development) (By Request – Departmental – Planning)

AN ACT concerning

Sustainable Communities, Designated Neighborhoods, and Priority Funding Areas – Miscellaneous Corrections

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 287)

The Bill was then sent to the Senate.

House Bill 913 – Delegates Zucker, Hixson, Arora, Clagett, Dumais, Kaiser, Luedtke, A. Miller, Mitchell, S. Robinson, Rosenberg, Ross, and Summers

AN ACT concerning

Homestead Property Tax Credit – Eligibility – Child Support Payments

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 288)

The Bill was then sent to the Senate.

House Bill 972 – Delegates Stein, Carr, Gilchrist, Glenn, Healey, Holmes, and Lafferty

AN ACT concerning

Building Codes – International Green Construction Code

Read the third time and passed by yeas and nays as follows:

Affirmative – 130 Negative – 10 (See Roll Call No. 289)

The Bill was then sent to the Senate.

House Bill 994 – Delegates Glass, Afzali, and McComas

AN ACT concerning

Harford County – Deer Hunting on Private Property – Sundays

Read the third time and passed by yeas and nays as follows:

Affirmative – 122 Negative – 9 (See Roll Call No. 290)

The Bill was then sent to the Senate.

House Bill 1017 – Delegates O’Donnell, Afzali, Alston, Anderson, Arora, Aumann, Barkley, Barnes, Barve, Bates, Beidle, Beitzel, Bobo, Bohanan, Boteler, Branch, Braveboy, Bromwell, Burns, Busch, Cane, Cardin, Carr, Carter, Clagett, Clippinger, Cluster, Conaway, Conway, Costa, Cullison, Davis, DeBoy, Donoghue, Dumais, Dwyer, Eckardt, Elliott, Feldman, Fisher, Frank, Frick, Frush, Gaines, George, Gilchrist, Glass, Glenn, Griffith, Gutierrez, Guzzone, Haddaway–Ricchio, Hammen, Harrison, Haynes, Healey, Hershey, Hixson, Hogan, Holmes, Hough, Howard, Hubbard, Hucker, Impallaria, Ivey, Jacobs, James, Jameson, Jones, Kach, Kaiser, A. Kelly, K. Kelly, Kipke, Kramer, Krebs, Lafferty, Lee, Love, Luedtke, Malone, McComas, McConkey, McDermott, McDonough, McHale, McIntosh, McMillan, A. Miller, W. Miller, Minnick, Mitchell, Mizeur, Morhaim, Murphy, Myers, Nathan–Pulliam, Niemann, Norman, Oaks, Olszewski, Otto, Parrott, Pena–Melnyk, Pendergrass, Proctor, Ready, Reznik, B. Robinson, S. Robinson, Rosenberg, Ross, Rudolph, Schuh, Schulz, Serafini, Simmons, Smigiel, Sophocleus, Stein, Stifler, Stocksdale, Stukes, Summers, Szeliga, Tarrant, F. Turner, V. Turner, Valderrama, Valentino–Smith, Vallario, Vaughn, Vitale, Waldstreicher, Walker, Washington, Weir, Wilson, Wood, and Zucker

AN ACT concerning

**Vehicle Laws – Registration and Driver’s License Renewal Fees – No Charge
for Recipients of Medal of Honor**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 291)

The Bill was then sent to the Senate.

House Bill 1018 – Delegates Glass, Afzali, Barve, Boteler, Haynes, Hixson, Howard, Kaiser, Krebs, Luedtke, McComas, Parrott, Rosenberg, Ross, Stukes, F. Turner, Valderrama, Waldstreicher, and Walker

AN ACT concerning

Family Law – Protective Orders – Additional Relief

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 292)

The Bill was then sent to the Senate.

House Bill 1025 – The Speaker (By Request – Administration)

AN ACT concerning

~~Natural Resources~~ **State Government – Land Acquisitions and Transfers of Property**

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 293)

The Bill was then sent to the Senate.

House Bill 1088 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

Audit Responsibilities – State Department of Education, Maryland Higher Education Commission, and State Retirement Agency

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 294)

The Bill was then sent to the Senate.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 9 – Senators Glassman, Jacobs, and Jennings

EMERGENCY BILL

AN ACT concerning

Harford County – Alcoholic Beverages – Special Class C–3 Miscellaneous Organization or Club License

FOR the purpose of establishing a special Class C–3 (on–sale) beer, wine and liquor license in Harford County; specifying that the County Liquor Control Board may issue a special Class C–3 license only to certain organizations and clubs; authorizing a special Class C–3 license holder to sell or provide alcoholic beverages to certain persons for consumption on the licensed premises under

certain circumstances; establishing certain annual fees for a special Class C–3 license; requiring the Board to prescribe a special Class C–3 license application form; requiring an applicant for a special Class C–3 license to sign the application form and pay the annual fee before being issued the license; prohibiting the Board from issuing multiple special Class C–3 licenses to an organization or club in any license year; limiting to a certain amount the total number of days authorized for events held under a special Class C–3 license in any license year; requiring a special Class C–3 license holder to notify the Board of an event in writing within a certain period of time before each event; providing that this Act does not preclude an organization or club from obtaining a single event special Class C license; providing for the application of this Act; making this Act an emergency measure; and generally relating to organization and club licenses in Harford County.

BY repealing and reenacting, without amendments,
 Article 2B – Alcoholic Beverages
 Section 6–301(n)(1), (2), (3), and (6) and 7–101(a)(1), (b)(1)(i), and (d)(1)(i)
 Annotated Code of Maryland
 (2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
 Article 2B – Alcoholic Beverages
 Section 7–101(v)
 Annotated Code of Maryland
 (2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 12 – Senator Stone

EMERGENCY BILL

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety ~~Task Force~~ ~~Reconstitution~~ Advisory Committee

FOR the purpose of ~~reconstituting~~ establishing the Maryland Quiet Vehicles and Pedestrian Safety ~~Task Force~~ Advisory Committee; providing for the membership and duties of the ~~Task Force~~ Advisory Committee; providing for the staffing of the ~~Task Force~~ Advisory Committee; prohibiting a member of the ~~Task Force~~ Advisory Committee from receiving certain compensation; ~~authorizing a member of the Task Force to receive and~~ and reimbursement for certain expenses; ~~requiring the Task Force to report to the Governor and the General Assembly by a certain date~~; making this Act an emergency measure; providing for the termination of this Act; stating the intent of the General

Assembly; and generally relating to the Maryland Quiet Vehicles and Pedestrian Safety ~~Task Force~~ Advisory Committee.

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 78 – Senator Simonaire

AN ACT concerning

Anne Arundel County Board of Education – Member Reappointment and Terms

FOR the purpose of providing that a member of the Anne Arundel County Board of Education is eligible for nomination and reappointment under certain circumstances; ~~prohibiting an individual from serving as a board member for more than a certain number of consecutive terms~~ clarifying that a certain provision of law provides for the term of a member; making a certain stylistic change; making certain conforming changes; and generally relating to the reappointment and terms of the members of the Anne Arundel County Board of Education.

BY repealing and reenacting, without amendments,

Article – Education

Section 3–108(c)

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 3–110

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 102 – Senators Pipkin and Colburn

AN ACT concerning

Caroline County – Alcoholic Beverages Act of 2011

FOR the purpose of increasing the number of times a Class BWTS beer and wine (on-premises) tasting or sampling license may be granted in a calendar year to a person in Caroline County; altering the hours of sale for certain licensees in the county; requiring that a licensee in the county or an employee of the licensee be certified by an approved alcohol awareness program and, except under certain circumstances, be present during the hours in which alcohol may be

sold; making a stylistic change; and generally relating to alcoholic beverages in Caroline County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 8–404.2(a) and (b) and 13–101(c)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–404.2(i), 8–507.1(g), 11–301(a) and (d)(2), 11–302(a), (c), and (d),
11–303(a) and (d)(4), 11–506, and 13–101(c)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 217 – Senator Kelley

AN ACT concerning

Life Insurance and Annuities – Retained Asset Accounts – Beneficiaries’ Bill of Rights

FOR the purpose of prohibiting an insurer from ~~using~~ offering a certain retained asset account as the mode of settlement of the proceeds payable under a life insurance policy or annuity contract unless the insurer ~~discloses the option of using a retained asset account to the beneficiary or the beneficiary’s legal representative at a certain time; requiring the insurer to inform the beneficiary of the right to receive a lump sum payment of certain proceeds in a certain form; requiring an insurer to ensure that a complete description and explanation, in a certain format, of all of the payment options for certain proceeds available to the beneficiary be made at a certain time under certain circumstances; requiring that certain information be included in the description and explanation of payment options for certain proceeds~~ makes a certain offer and complies with certain disclosure requirements; requiring an insurer to disclose in writing to a beneficiary all the settlement options available under a certain policy or contract under certain circumstances; requiring an insurer that offers to a beneficiary a retained asset account as a settlement option to provide to the beneficiary in writing certain information under certain circumstances; requiring the description and explanation certain information to be in a certain form; requiring insurers to report certain information about retained asset accounts to the Maryland Insurance Administration; requiring an insurer to immediately return any remaining balance in a retained asset account to the beneficiary if the account becomes inactive in a certain manner; providing that failure to meet certain requirements of this Act is an unfair trade practice and a

violation of certain provisions of the Insurance Article; defining a certain term; providing for the applicability of this Act; and generally relating to retained asset accounts under life insurance and annuities.

BY adding to

Article – Insurance

Section 16–117

Annotated Code of Maryland

(2006 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 234 – Chair, Education, Health, and Environmental Affairs Committee

AN ACT concerning

State Real Estate Commission – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Real Estate Commission in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to certain statutory and regulatory authority of the Commission; requiring the Commission to include certain information in its annual report to the Secretary of Labor, Licensing, and Regulation; increasing the amount that a person may recover for each claim against the Real Estate Guaranty Fund; requiring the licensee to submit notice of the change, certain documentation, and a certain fee to the Commission if the address of the affiliated brokerage of a licensed associate real estate broker or a licensed real estate salesperson changes; increasing a certain fee for collection of a dishonored check; requiring the Commission to submit a certain report on or before a certain date; requiring the Commission to submit a certain report jointly with the Office of Financial Regulation on or before a certain date; and generally relating to the State Real Estate Commission.

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions

Section 17–210, 17–404(b), 17–520, 17–521(a), and 17–702

Annotated Code of Maryland

(2010 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – State Government

Section 8–403(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(60)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 296 – Senators Shank, Edwards, and Young

AN ACT concerning

Washington County – Alcoholic Beverages – Micro–Breweries

FOR the purpose of adding Washington County to the list of counties in which a Class 7 micro–brewery license may be issued; authorizing the Comptroller to issue the license in the county to holders of certain retail alcoholic beverages licenses; adding the county to the list of counties in which a Class 7 micro–brewery licensee may sell at retail beer for consumption off the premises under certain circumstances; providing for the hours and days for consumer sales under the license; prohibiting the Comptroller from issuing a Class 7 micro–brewery license for a premises on property in Washington County that has been leased unless the landlord of the property presents to the Comptroller a receipt or certificate showing certain information relating to the payment of taxes; and generally relating to alcoholic beverages in Washington County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 2–208(a), (c), and (e)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–208(b), (d), and (f)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 2–208(j)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 297 – Senators Shank, Edwards, and Young

AN ACT concerning

Washington County – Alcoholic Beverages – Criminal History Records

FOR the purpose of requiring the Board of License Commissioners of Washington County to obtain certain criminal records of an applicant for a new alcoholic beverages license or for a transfer of an existing license; requiring the board to establish a fee to cover certain costs of obtaining an applicant's criminal records; providing that criminal records obtained under this Act are confidential, may be used only for licensing purposes, shall be kept in sealed envelopes and made available only to certain persons, and shall be destroyed on completion of their use; providing that the failure of the Federal Bureau of Investigation to provide requested criminal records by a certain date may not delay an applicant's scheduled hearing or the issuance of a license; authorizing an applicant to contest the contents of a certain written statement; requiring the board to adopt regulations to implement this Act and preserve the confidentiality of information obtained under this Act; defining certain terms; and generally relating to alcoholic beverages licenses in Washington County.

BY adding to

Article 2B – Alcoholic Beverages

Section 10–103(e)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 334 – Senators Kelley and Frosh

AN ACT concerning

Real Property – Deposits on New Homes – Escrow Accounts

FOR the purpose of clarifying the circumstances under which a vendor or builder of a new single-family residential unit is required to deposit certain money in a certain escrow account or obtain and maintain a certain surety bond or irrevocable letter of credit; clarifying the circumstances under which the vendor's or builder's obligation to maintain an escrow account, surety bond, or letter of credit terminates; authorizing the vendor or builder to make withdrawals from an escrow account under certain circumstances; providing that a banking institution or national banking association at which a certain escrow account is maintained is not responsible for a withdrawal from the escrow account under certain circumstances; establishing that any sum of money received by a vendor or builder in connection with the sale and purchase of a new single-family residential unit shall be held in trust for the benefit of

the purchaser; establishing that certain payments shall be consistent with ~~the trust~~ a certain trust obligation; defining certain terms; and generally relating to deposits on new homes.

BY repealing and reenacting, with amendments,

Article – Real Property

Section 10–301 and 10–301.1

Annotated Code of Maryland

(2010 Replacement Volume and 2010 Supplement)

BY adding to

Article – Real Property

Section 10–301.1

Annotated Code of Maryland

(2010 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 367 – Chair, Anne Arundel County Senators

AN ACT concerning

Alcoholic Beverages – Anne Arundel County – Entertainment Facility

FOR the purpose of authorizing the Board of License Commissioners of Anne Arundel County to issue a certain entertainment facility license to certain persons for certain purposes; providing for the scope of the entertainment facility license; authorizing the Board to issue a certain entertainment concessionaire license to certain persons for certain purposes; providing for the scope of the entertainment concessionaire license; providing that beer, wine, and liquor sold under an entertainment facility license or an entertainment concessionaire license may be taken into and consumed anywhere in the entertainment facility; specifying that the licenses authorize the playing of music and dancing; providing that certain provisions relating to a special Sunday license do not apply to an entertainment facility license or an entertainment concessionaire license; providing for the annual fees and payment date for the licenses; providing for the application to certain persons of certain penalties and sanctions for violations occurring on certain premises; defining certain terms; and generally relating to alcoholic beverages and entertainment facilities in Anne Arundel County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 8–202(a)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY adding to

Article 2B – Alcoholic Beverages
Section 8–202(k)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
Section 9–102(h)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 397 – Senator Klausmeier

AN ACT concerning

**Task Force on the ~~Method of Selecting~~ Membership and Operation of the
Baltimore County Board of Education**

FOR the purpose of establishing the Task Force on the ~~Method of Selecting~~ Membership and Operation of the Baltimore County Board of Education; providing for the chairs and staff for the Task Force; prohibiting a member of the Task Force from receiving certain compensation but entitling members to reimbursement for certain expenses; requiring the Task Force to make certain recommendations, including recommendations regarding the method of selecting the Baltimore County Board of Education; requiring the Task Force to hold a certain number of public meetings that allow certain persons to testify about certain issues; requiring the Task Force to make a certain report to certain persons on before a certain date; providing for the termination of this Act; and generally relating to the Task Force on the ~~Method of Selecting~~ Membership and Operation of the Baltimore County Board of Education.

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 468 – Carroll County Senators

AN ACT concerning

Carroll County – Deer Hunting on Private Property – Sundays

FOR the purpose of authorizing a person in Carroll County to hunt deer on certain Sundays on private property with a bow and arrow during certain months; removing Carroll County from the list of counties in which deer hunting on private property on certain Sundays is prohibited; and generally relating to deer hunting on private property in Carroll County on Sunday.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 496 – Senator Brinkley

AN ACT concerning

Alcoholic Beverages – Brewery License – Samples and Sales

FOR the purpose of altering the number of beer samples that a holder of a brewery license may provide to a person of legal drinking age who participates in a tour, promotional event, or other organized activity at the licensed premises; altering the limit on certain purchases of beer per person; establishing a certain limitation on selling beer under certain circumstances; altering the sample size that a holder may provide at a promotional event; altering the limit on the number of special brewery promotional event permits that a holder may be issued in a calendar year; and generally relating to brewery licenses.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–206
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 534 – Senators Shank, Edwards, and Young

AN ACT concerning

Washington County – Board of Elections – Membership and Compensation

FOR the purpose of altering which salaries the Washington County Salary Study Commission is required to study; altering the number of regular members of the Washington County Board of Elections; requiring the members of the local board to be of certain political parties; requiring a vacancy on the local board to be filled in a certain manner; repealing the requirement that members of the local board be paid a certain amount; requiring that the Washington County Board of County Commissioners set the salaries of members of the local board; repealing the requirement that substitute members of the local board be paid a certain amount; providing that this Act does not apply to the salary or

compensation of the local board during a certain term of office; providing for the effective date of this Act; and generally relating to the membership and compensation of the Washington County Board of Elections.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 12–205(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Election Law
Section 2–201(a) and (b)
Annotated Code of Maryland
(2010 Replacement Volume)
(As enacted by Chapter 344 of the Acts of the General Assembly of 2010)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–201(l) and 2–204 (a)(22) and (b)
Annotated Code of Maryland
(2010 Replacement Volume)
(As enacted by Chapter 344 of the Acts of the General Assembly of 2010)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 542 – Senator Colburn

AN ACT concerning

Housing Authorities – Consolidation or Merger – Talbot County and St. Michaels

FOR the purpose of authorizing the Housing Commission of Talbot County and the St. Michaels Housing Authority to unite by consolidation or merger to form one authority under certain circumstances; requiring the unification of the Housing Commission of Talbot County and the St. Michaels Housing Authority to be initiated by the passage of a certain proposal of unification by the legislative body of certain municipal corporations; requiring the appointment of a certain commission to draft proposed articles of organization for a proposed authority under certain circumstances; imposing certain duties on a certain commission; providing that the legislative body of each municipal corporation must adopt or reject certain articles of organization as a whole; prohibiting the articles of organization from being amended or changed except under certain circumstances; requiring a certain custodian of records to file certain articles of organization with the Secretary of State under certain circumstances; requiring the Secretary of State to issue a certificate of approval for certain articles of

organization under certain circumstances; prohibiting an authority created under this Act from doing business or exercising its powers unless a certain certificate has been issued; defining certain terms; and generally relating to the consolidation or merger of the Housing Commission of Talbot County and the St. Michaels Housing Authority.

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 12–105, 12–201, and 12–204(a)
Annotated Code of Maryland
(2006 Volume and 2010 Supplement)

BY adding to
Article – Housing and Community Development
Section 12–208
Annotated Code of Maryland
(2006 Volume and 2010 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 578 – Senators Muse, Benson, Colburn, Currie, Edwards, Forehand, Montgomery, Pugh, Raskin, Rosapepe, ~~and Young Young, Dyson, Klausmeier, and Pinsky~~

AN ACT concerning

~~**Health Occupations – Temporary Volunteer Dentist’s License, Temporary Volunteer Dental Hygienist’s License, and Temporary Dental Clinic Permit**~~
State Board of Dental Examiners – Dentists and Dental Hygienists – Licenses, Temporary Volunteer Licenses, and Temporary Dental Clinic Permits

FOR the purpose of establishing a temporary volunteer dentist’s license, a temporary volunteer dental hygienist’s license, and a temporary dental clinic permit under the State Board of Dental Examiners; altering a certain qualification for certain dentists and dental hygienists for a certain license to practice dentistry or practice dental hygiene in the State; establishing certain procedures for dentists, dental hygienists, and bona fide charitable organizations to apply for certain licenses and permits; establishing the scope of practice of certain licenses; prohibiting the Board from requiring continuing education as a condition for the issuance of certain licenses; requiring temporary dental clinics to have a medical emergency plan, certain equipment, and certain safeguards; specifying certain powers of the Board; altering certain definitions; defining a certain term; making a stylistic change; and generally relating to ~~the establishment of a temporary volunteer dentist’s license, a temporary volunteer dental hygienist’s license, and a temporary dental clinic permit~~ the State Board of Dental Examiners and dentist and dental hygienist licenses, temporary volunteer licenses, and temporary dental clinic permits.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 4–101, 4–304, 4–306(b), and 4–308
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 580 – Senator Edwards

EMERGENCY BILL

AN ACT concerning

Allegany County – Alcoholic Beverages – ~~Music Promoter~~ 1–Day Special License

FOR the purpose of authorizing the Allegany County Board of License Commissioners to grant a certain 1–day special license for use at an entertainment event ~~held by a music promoter~~; limiting the duration of a certain license; authorizing the Allegany County Board of County Commissioners to determine the amount of a certain fee based on a certain recommendation; requiring license holders to exercise the privileges of the license on county–owned property; requiring the Board of County Commissioners to ~~donate~~ distribute a certain amount of a certain license fee to the Board of License Commissioners and donate the balance of a certain license fee to a certain nonprofit charitable organization; requiring license holders, with the approval of the Board of County Commissioners, to designate the recipient of a certain donation; requiring that application for a certain license be made not less than a certain number of days before a certain date; making this Act an emergency measure; and generally relating to the establishment of a 1–day special license in Allegany County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 7–101(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 7–101(h)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 673 – Senator Frosh

AN ACT concerning

Estates and Trusts – Payment of Attorney’s Fees – Contingency Fee

FOR the purpose of authorizing the payment of fees from an estate to an attorney without court approval if the fee is paid to an attorney representing the estate in litigation under a certain contingency fee agreement, the fee does not exceed the terms of the contingency fee agreement, a copy of the contingency fee agreement is on file with the register of wills, and the attorney files a certain statement with each account; and generally relating to payment of certain attorney’s fees.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 7–604
Annotated Code of Maryland
(2001 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judiciary.

Senate Bill 682 – Senators Peters and ~~Montgomery~~, Montgomery, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, Muse, and Pugh

AN ACT concerning

Behavioral Health – Veterans – Coordination and Provision of Services

FOR the purpose of reenacting certain provisions of law that were abrogated as of a certain date to provide for the continuance of the coordination of certain behavioral health services for certain veterans; requiring the Department of Health and Mental Hygiene, in collaboration with the United States Department of Veterans Affairs, the Maryland Department of Veterans Affairs, the Maryland National Guard, and the Maryland Defense Force, to provide behavioral health services coordination for certain veterans, subject to certain limitations; requiring the Department of Health and Mental Hygiene, subject to certain limitations, to coordinate, provide, and fund certain behavioral health services for certain veterans under certain circumstances; requiring the Department of Health and Mental Hygiene to seek certain reimbursement for certain services; requiring the Department of Health and Mental Hygiene to separately account for certain funds; defining certain terms; and generally relating to the coordination and provision of behavioral health services for veterans.

BY adding to

Article – Health – General

Section 13–2701 and 13–2702 to be under the new subtitle “Subtitle 27.

Behavioral Health Services for Maryland Veterans”

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 691 – Senator Middleton

EMERGENCY BILL

AN ACT concerning

Public Service Commission – Certificate of Public Convenience and Necessity – Renewable Source Generator Lead Line

FOR the purpose of requiring a person to obtain a certificate of public convenience and necessity prior to beginning construction in the State of a qualified generator lead line; prohibiting a person from beginning applying for a certificate of public convenience and necessity for the construction of a qualified generator lead line under certain circumstances; requiring the Public Service Commission to provide an opportunity for public comment and hold a certain public hearing on a certain application; requiring the Commission to take a final action on a certain application only under certain circumstances; defining a certain term; making this Act an emergency measure; and generally relating to a certificate of public convenience and necessity for a renewable source generator lead line.

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 7–207(a), (b), (d), and (e)

Annotated Code of Maryland

(2010 Replacement Volume)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 717 – Senator Garagiola and the President (By Request – Administration) and Senators DeGrange, Klausmeier, Manno, Mathias, Middleton, Muse, Pinsky, Pugh, Raskin, Rosapepe, ~~and Young Young,~~ and Kelley

AN ACT concerning

Renewable Energy Portfolio Standard – Renewable Energy Credits – Solar Water Heating Systems

FOR the purpose of providing that energy from a certain solar water heating system is eligible for inclusion in meeting the renewable energy portfolio standard; providing that a person that owns and operates a certain solar water heating system shall receive a certain renewable energy credit under certain circumstances; requiring the total amount of energy generated and consumed by a nonresidential or commercial solar water heating system to be measured by a certain meter; requiring the total amount of energy generated and consumed by a residential solar water heating system to be measured in a certain way; prohibiting a residential solar water heating system from producing more than a certain number of solar renewable energy credits in any one year; defining a certain term; altering a certain definition; requiring that certain solar water heating systems be installed in accordance with applicable State and local plumbing codes; providing for the application of this Act; providing for a delayed effective date; and generally relating to the eligibility of solar water heating systems for inclusion in meeting the renewable energy portfolio standard.

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 7–701(a)
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to
Article – Public Utilities
Section 7–701(k–1) and 7–704(g)
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–701(l)
Annotated Code of Maryland
(2010 Replacement Volume)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 728 – Senator Simonaire

AN ACT concerning

State Board for Professional Engineers – Increase in Membership and Practice Specialties

FOR the purpose of increasing the number of members of the State Board for Professional Engineers; requiring a certain number of engineer members of the Board to be ~~en~~ appointed, without regard to specific professional practice, from

a certain list submitted by the Maryland Society of Professional Engineers; ~~requiring a certain list to include only individuals who practice certain engineering specialties;~~ making certain conforming changes; specifying the terms of the new members of the Board; and generally relating to the State Board for Professional Engineers.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 14–202
Annotated Code of Maryland
(2010 Replacement Volume)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 736 – Cecil County Senators

AN ACT concerning

Cecil County – Alcoholic Beverages – Licensed Establishments – Sunday Sales Hours

FOR the purpose of altering the hours during which certain licensees in Cecil County may sell certain alcoholic beverages on Sunday; exempting certain holders of certain classes of beer, wine and liquor licenses from certain restrictions on hours of sale and from paying a certain license fee under certain circumstances; authorizing certain licensees to conduct certain sales of certain alcoholic beverages between certain hours on certain days; authorizing certain licensees to permit the use and consumption of alcoholic beverages between certain hours on certain days; making stylistic changes; and generally relating to the hours of operation for certain licensed establishments in Cecil County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–403(b)(1) and (2)(vii) and 11–508
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 11–403(b)(2)(i) and (ii)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 754 – Senators King, Benson, Forehand, Kelley, Madaleno, Montgomery, and Raskin

AN ACT concerning

State Department of Education – Permanent Hearing Aid Loan Bank Program – Establishment and Operation

FOR the purpose of establishing a permanent Hearing Aid Loan Bank Program in the State Department of Education; providing for the staffing of the Program; establishing the purpose of the Program; requiring the Program to establish a Hearing Aid Loan Bank; establishing certain criteria for the maintenance of the Hearing Aid Loan Bank; specifying certain criteria for eligibility under the Program; specifying certain conditions for borrowing a hearing aid under the Program; requiring the State Board of Education to adopt certain regulations; requiring that certain instructions be provided to a parent or legal guardian of an eligible child; requiring the State Superintendent to submit a certain annual report to the Governor and General Assembly; defining certain terms; providing for the effective date of this Act; and generally relating to the Hearing Aid Loan Bank Program for eligible children.

BY adding to

Article – Education

Section 8–601 through 8–606 to be under the new subtitle “Subtitle 6. Hearing Aid Loan Bank Program”

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 772 – Senator Conway

AN ACT concerning

Task Force to Study the Creation of a Maryland Center for School Safety

FOR the purpose of establishing a Task Force to Study the Creation of a Maryland Center for School Safety; providing for the membership, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving compensation, but authorizing reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study the Creation of a Maryland Center for School Safety.

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 932 – Senator Miller

EMERGENCY BILL

AN ACT concerning

Calvert County – Alcoholic Beverages – Special Event License

FOR the purpose of establishing a Special Event (SE) beer, wine and liquor license in Calvert County; specifying that the license entitles the holder to sell beer, wine, and liquor for consumption on the licensed premises; requiring that an applicant for the license first obtain approval of the Board for certain items; specifying that an SE license may be valid for 1 or more days; authorizing the Board to approve multiple venues where alcoholic beverages may be sold on the licensed premises; authorizing the Board to require an applicant for the license to provide certain security measures; providing certain license fees; requiring the Board to determine the number of licenses a single applicant may be issued in a year; specifying that this Act does not prohibit the license holder from holding another alcoholic beverages license; authorizing the Board to adopt certain regulations; defining certain terms; making this Act an emergency measure; and generally relating to alcoholic beverages in Calvert County.

BY adding to

Article 2B – Alcoholic Beverages

Section 7–102

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

INTRODUCTION OF BILLS

Delegate Howard moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 295)

In compliance with the rules, the Bill was introduced.

House Bill 1351 – Delegate Howard

AN ACT concerning

Prior Authorizations – Prince George’s County – Ebenezer Community Life Center Loans of 2001 and 2006

FOR the purpose of amending certain prior authorizations of State debt for the Ebenezer Community Life Center to extend the deadline for the Board of Public Works to expend or encumber the proceeds of certain loans by a certain date; and generally relating to amending certain prior authorizations of State debt for the Ebenezer Community Life Center.

BY repealing and reenacting, with amendments,
Chapter 462 of the Acts of the General Assembly of 2001, as amended by
Chapter 707 of the Acts of the General Assembly of 2009
Section 1

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006, as amended by Chapter
707 of the Acts of the General Assembly of 2009
Section 1(3) Item ZA01(BT)

Read the first time and referred to the Committee on Rules and Executive Nominations.

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 296)

ADJOURNMENT

At 11:50 A.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Friday, March 18, 2011.

**Annapolis, Maryland
Friday, March 18, 2011**

The House met at 11:09 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Jon S. Cardin of Baltimore County.

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 297)

The Journal of March 17, 2011 was read and approved.

EXCUSES:

Del. Cluster – medical

THE COMMITTEE ON ECONOMIC MATTERS REPORT #9

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

**House Bill 164 – The Speaker (By Request – Administration) and Delegates
Jameson, Cardin, and Stein**

AN ACT concerning

**Electric Companies – Demand Response Pilot Program for Charging Electric
Vehicles**

HB0164/103995/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 164

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Cardin,” insert “Hucker,”; in line 2, strike “Demand Response”; in lines 5 and 9, in each instance, strike “demand response”; in

line 6, after the second “the” insert “pilot”; and in line 21, strike “**DEMAND RESPONSE**”.

AMENDMENT NO. 2

On page 2, in line 14, strike “**OR**”; and in line 15, after “**(IV)**” insert “DEMAND RESPONSE PROGRAMS; OR

(V)”.

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 197 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Unemployment Insurance Benefits Claims – Appeals – Finality of Order

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 442 – Delegates Rosenberg, Feldman, and Frick

AN ACT concerning

Consumer Protection – Transparency in Consumer Arbitrations Act

HB0442/573994/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 442

(First Reading File Bill)

On page 2, in line 18, after “INCLUDE” insert “:

(I) A”;

in the same line, strike “A”; and in line 21, after “ARTICLE” insert “;

(II) AN ARBITRATION GOVERNED BY RULES ADOPTED BY A SECURITIES SELF-REGULATORY ORGANIZATION AND APPROVED BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION UNDER FEDERAL LAW; OR

(III) AN ARBITRATION BETWEEN A CONSUMER AND A RELATED INSTITUTION THAT IS LICENSED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, IF THE CONSUMER ARBITRATION AGREEMENT BETWEEN THE CONSUMER AND THE RELATED INSTITUTION IS NOT MANDATED AS A CONDITION OF ADMISSION OF THE CONSUMER TO THE RELATED INSTITUTION”.

On page 3, after line 2, insert:

“(G) “RELATED INSTITUTION” HAS THE MEANING STATED IN § 19-301 OF THE HEALTH – GENERAL ARTICLE.”

The preceding amendment was read and adopted.

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 647 – Delegate Braveboy

AN ACT concerning

**Property and Casualty Insurance – Victims of Crimes of Violence –
Discrimination Prohibited**

HB0647/173891/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 647

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Property and Casualty” and substitute “Homeowner’s”; in line 4, strike “from using” and substitute “, based solely on”; in line 5, strike “to take” and substitute “, from taking”; in lines 6 and 12, in each instance, strike “property and casualty” and substitute “homeowner’s”; in line 7, strike “an” and substitute “a certain”; and in line 8, after “circumstances;” insert “authorizing an insurer to exclude certain property from coverage; providing that an insurer making a certain payment shall have the right of subrogation against a certain perpetrator; providing that this Act does not require a payment in excess of certain limits, prohibit an insurer from applying certain standards, or prohibit an insurer or insurance producer from asking certain individuals about a certain claim or from using certain information for certain purposes;”.

AMENDMENT NO. 2

On page 2, in line 24, strike “PERSON” and substitute “POLICYHOLDER OR CLAIMANT”; in line 27, strike “USE” and substitute “, BASED SOLELY ON”; in line 29, strike “TO”; in line 31, strike “PROPERTY AND CASUALTY” and substitute “HOMEOWNER’S”; in lines 32 and 33, strike “PROPERTY AND CASUALTY” and substitute “HOMEOWNER’S”; and in line 33, after the semicolon, insert “OR”.

AMENDMENT NO. 3

On page 3, strike beginning with “INCREASE” in line 1 down through “(4)” in line 3; in lines 3 and 6, in each instance, strike “PROPERTY AND CASUALTY” and substitute “HOMEOWNER’S”; in line 3, after “INSURANCE,” insert “INCREASE A PREMIUM,”; strike beginning with “OR” in line 4 down through “ACCOUNT” in line 5 and substitute “RETIER A POLICY, REMOVE A DISCOUNT, OR TAKE ANY OTHER ADVERSE UNDERWRITING OR RATING ACTION”; in line 8, after “PAYMENT” insert “FOR A LOSS”; in the same line, after “TO” insert “A VICTIM WHO:”

(I) IS”;

in the same line, strike “WHO” and substitute “;

(II)”;

strike beginning with “COOPERATE” in line 8 down through “OF” in line 9 and substitute “COMMIT, CAUSE TO BE COMMITTED, OR DIRECT THE CRIME OF VIOLENCE LEADING TO”; in line 9, strike “IF:” and substitute “; AND”; strike in their entirety lines 10 through 12, inclusive, and substitute:

“(III) COOPERATES IN ANY CRIMINAL INVESTIGATION, INCLUDING THE FILING OF AN OFFICIAL POLICE REPORT, AND IF UNDERTAKEN, ANY PROSECUTION OF THE PERPETRATOR.”;

strike in their entirety lines 14 and 15 and substitute “THE AMOUNT OF THE LOSS UP TO THE HOMEOWNER’S INSURANCE POLICY LIMITS, LESS ANY APPLICABLE DEDUCTIBLE AND COINSURANCE AND ANY PAYMENT TO ANY SECURED PARTY.”;

after line 15, insert:

“(3) AN INSURER MAY EXCLUDE PROPERTY OWNED SOLELY BY THE PERPETRATOR FROM COVERAGE UNDER THE POLICY OF HOMEOWNER’S INSURANCE.

(4) AN INSURER MAKING PAYMENT TO THE INNOCENT COINSURED UNDER THIS SECTION SHALL HAVE THE RIGHT OF SUBROGATION AGAINST THE PERPETRATOR WHO COMMITTED, CAUSED TO BE COMMITTED, OR DIRECTED THE CRIME OF VIOLENCE LEADING TO THE LOSS.

(D) THIS SECTION DOES NOT:

(1) REQUIRE PAYMENT IN EXCESS OF A HOMEOWNER’S INSURANCE POLICY LIMITS;

(2) PROHIBIT AN INSURER FROM APPLYING REASONABLE STANDARDS OF PROOF OF A CLAIM; OR

(3) PROHIBIT AN INSURER OR INSURANCE PRODUCER FROM:

(I) ASKING AN APPLICANT, A POLICYHOLDER, OR A CLAIMANT ABOUT A CLAIM UNDER THIS SECTION; OR

(II) USING INFORMATION OBTAINED BY INVESTIGATION TO EVALUATE A CLAIM AND EXERCISE THE INSURER’S RIGHTS AND PERFORM ITS DUTIES.”;

and in line 22, strike “and contracts of property and casualty” and substitute “of homeowner’s”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 982 – Delegate Rudolph

AN ACT concerning

Property and Casualty Insurance – Certificates of Insurance and Certificate of Insurance Forms

HB0982/953392/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 982

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “prohibiting” in line 4 down through “contract;” in line 12; strike beginning with “specifying” in line 23 down through “to” in line 24 and substitute “providing that the terms and conditions of a”; in line 24, after “notice” insert “shall be governed by the policy of insurance and may not be altered by a certificate of insurance”; in line 26, after the first “the” insert “Maryland Insurance”; strike beginning with “authorizing” in line 28 down through “regulations;” in line 30; and in line 30, after “application” insert “and construction”.

On page 2, in line 1, after “terms;” insert “requiring the Commissioner to conduct a certain study and report to certain committees of the General Assembly on or before a certain date;”.

AMENDMENT NO. 2

On page 2, in line 28, after “(B)” insert “(1)”; and after line 33, insert:

“(2) THIS SECTION MAY NOT BE CONSTRUED TO APPLY TO A STATEMENT, SUMMARY, OR EVIDENCE OF PROPERTY INSURANCE, INCLUDING A CERTIFICATE, REQUIRED BY A LENDER THAT HOLDS A LOAN SECURED BY:

(I) A MORTGAGE;

(II) A LIEN;

(III) A DEED OF TRUST; OR

(IV) ANY OTHER SECURITY INTEREST IN REAL OR PERSONAL PROPERTY AS SECURITY FOR THE LOAN.”

AMENDMENT NO. 3

On pages 3 and 4, strike in their entirety the lines beginning with line 1 on page 3 through line 6 on page 4, inclusive.

On page 4, in lines 7, 12, 17, 20, 33, and 34, strike “(G)”, “(H)”, “(I)”, “(J)”, “(2)”, and “(I)”, respectively, and substitute “(C)”, “(D)”, “(E)”, “(F)”, “(G)”, and “(1)”, respectively; in line 24, strike “RIGHTS” and substitute “COVERAGE”; in the same line, strike “THE RIGHTS” and substitute “THE COVERAGE”; strike in their entirety lines 26 through 32, inclusive; in line 33, strike “THE” and substitute “A”; and in the same line, after “NOTICE” insert “OF CANCELLATION, NONRENEWAL, MATERIAL CHANGE, OR OTHER SIMILAR MATTERS RELATING TO A POLICY OF INSURANCE REFERENCED IN A CERTIFICATE OF INSURANCE”.

On page 5, in lines 1, 3, and 6, strike “(II)”, “(L)”, and “(M) (1)”, respectively, and substitute “(2)”, “(H)”, and “(I)”, respectively; and strike in their entirety lines 10 through 15, inclusive.

AMENDMENT NO. 4

On page 5, in line 16, after “2.” insert “AND BE IT FURTHER ENACTED, That:

(a) The Maryland Insurance Commissioner shall study the impact of requiring a certificate of insurance to be in a form that must be filed with and approved by the Commissioner before use.

(b) The study shall include a review of states having similar requirements.

(c) The Commissioner shall include representatives of all interested parties in the conduct of the study.

(d) On or before December 1, 2011, the Commissioner shall report the findings and conclusions of the study, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee.

SECTION 3.”

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #10

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 326 – Delegates Lafferty, Aumann, Cardin, Frank, Stein, and Weir

AN ACT concerning

Baltimore County – Winery Special Event Permits – Farmers’ Markets

HB0326/753097/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 326

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegates Lafferty, Aumann, Cardin, Frank, Stein, and Weir” and substitute “Baltimore County Delegation”; and in line 5, after “County;” insert “prohibiting a winery from using more than a certain number of winery special event permits at the same farmers’ market in the county in a year;”.

AMENDMENT NO. 2

On page 2, in line 8, after “(I)” insert “1.”; in line 9, after “SUBSECTION” insert “AND SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH”; and after line 13, insert:

“2. A CLASS 4 MARYLAND LIMITED WINERY MAY USE NOT MORE THAN SIX WINERY SPECIAL EVENT PERMITS AT THE SAME FARMERS’ MARKET IN BALTIMORE COUNTY IN A YEAR.”

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 404 – Washington County Delegation

AN ACT concerning

Washington County – Alcoholic Beverages – Micro-Breweries

HB0404/473994/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 404

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “license;” insert “prohibiting the Comptroller from issuing a Class 7 micro-brewery license for a premises on property in Washington County that has been leased unless the landlord of the property presents to the Comptroller a receipt or certificate showing certain information relating to the payment of taxes;”; and after line 19, insert:

“BY adding to

Article 2B – Alcoholic Beverages

Section 2–208(j)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)”.

AMENDMENT NO. 2

On page 5, after line 29, insert:

“(J) (1) THIS SUBSECTION APPLIES ONLY IN WASHINGTON COUNTY.

(2) THE COMPTROLLER MAY NOT ISSUE A CLASS 7 MICRO-BREWERY LICENSE FOR A PREMISES ON PROPERTY THAT HAS BEEN LEASED UNLESS THE LANDLORD OF THE PROPERTY PRESENTS TO THE COMPTROLLER A RECEIPT OR CERTIFICATE SHOWING THAT THERE ARE NO UNPAID TAXES DUE TO THE STATE, A COUNTY, OR ANY LOCAL GOVERNMENT FROM THE LANDLORD OR ANY ENTITY IN WHICH THE LANDLORD HAS A DIRECT OR INDIRECT INTEREST THAT:

(I) IS PROPRIETARY; OR

(II) HAS BEEN OBTAINED BY A LOAN, MORTGAGE, OR LIEN, OR IN ANY OTHER MANNER.”

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 703 – Delegates Impallaria, Glass, James, McComas, Norman, and Stifler

AN ACT concerning

Harford County – Alcoholic Beverages – Continuing Care Facility for Aged – Beer, Wine and Liquor License

HB0703/173292/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 703
(First Reading File Bill)

On page 1, in the sponsor line, strike beginning with “Delegates” through “Stifler” and substitute “Harford County Delegation”; and in line 10, after “circumstances;” insert “setting the annual license fee;”.

On page 2, after line 17, insert:

“(F) THE ANNUAL LICENSE FEE IS \$5,000.”

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 with amendments:

House Bill 947 – Caroline County Delegation

AN ACT concerning

Caroline County – Alcoholic Beverages Act of 2011

HB0947/683193/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 947
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, after “8-404.2(i),” insert “8-507.1(g), 11-301(a) and (d)(2), 11-302(a), (c), and (d), 11-303(a) and (d)(4).”.

AMENDMENT NO. 2

On page 2, after line 4, insert:

“8-507.1.

(g) The hours and days for sale for a Class GC 7-day (golf course) beer, wine and liquor license are [as follows:

(1) Monday through Saturday from 6 a.m. to 2 a.m. the following day;
and

(2) Sunday from 1 p.m. to 12 midnight] FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY.

11-301.

(a) (1) Except as otherwise provided in this subsection, the hours during which the privileges conferred by a Class A beer license may be exercised are from 6 a.m. to midnight, on every day except Sunday.

(2) IN CAROLINE COUNTY, THE HOURS OF OPERATION ARE FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY.

[(2)] (3) In Frederick County, the hours of operation are:

(i) On Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) On Sunday, from 11 a.m. to 2 a.m. the following day.

[(3)] (4) In Montgomery County the hours are as provided in § 11-516(d)(1).

[(4)] (5) In Prince George’s County the hours are from 6 a.m. to 2 a.m. on the day following, except on Sunday when sales are not permitted after 2 a.m.

[(5)] (6) In Washington County, the hours of sale are as provided under § 11-522 of this article.

(d) (2) In Caroline County the hours are from 6 a.m. [Monday through Saturday until 1 a.m. on the following day (including Sunday)] TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY.

11-302.

(a) (1) Except as otherwise provided in this subsection, the hours during which the privileges conferred by a Class A beer and light wine license may be exercised are from 6 a.m. to midnight on every day except Sunday.

(2) In the Park Heights Redevelopment Area that is specified in the Park Heights Master Plan adopted by Baltimore City in 2006, the hours of sale begin at 9 a.m. each day.

(3) IN CAROLINE COUNTY, THE HOURS OF OPERATION ARE FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY.

[(3)] (4) In Frederick County, the hours of operation are:

(i) On Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

(ii) On Sunday, from 11 a.m. to 2 a.m. the following day.

[(4)] (5) In Montgomery County the hours are as provided in § 11-516(d)(1).

[(5)] (6) In Prince George's County the hours are from 6 a.m. to 2 a.m. on the following day except on Sunday when sales are not permitted after 2 a.m.

(c) (1) The hours during which the privileges conferred by a Class C beer and light wine license may be exercised are from 6 a.m. to midnight.

(2) Except as otherwise provided in subsections (h) and (i) of this section, in Baltimore City the hours are from 6 a.m. to 2 a.m. on the following day.

(3) In Baltimore County the hours are from 6 a.m. to 2 a.m. on the following day.

(4) IN CAROLINE COUNTY, THE HOURS OF OPERATION ARE FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY.

[(4)] (5) In Montgomery County, except as provided in § 11–516 of this article, sales may not be made before 11 a.m.

[(5)] (6) In Prince George’s County the hours are from 6 a.m. to 2 a.m. on the following day.

(d) (1) The hours during which the privileges conferred by a Class D beer and light wine license may be exercised are from 6 a.m. to midnight.

(2) Except as otherwise provided in subsections (h), (i), and (j) of this section, in Baltimore City the hours are from 6 a.m. to 1 a.m. on the following day.

(3) In Baltimore County the hours are from 6 a.m. to 2 a.m. Monday through Sunday.

(4) IN CAROLINE COUNTY, THE HOURS OF OPERATION ARE FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY.

[(4)] (5) In Montgomery County, except as provided in § 11–516 of this article, the hours for on–sale are from 9 a.m. on any day to 1 a.m. on the following day.

[(5)] (6) In Prince George’s County the hours are from 6 a.m. to 2 a.m. on the following day.

[(6)] (7) In Wicomico County, notwithstanding the provisions of paragraph (1) of this subsection, the hours on Sunday are from noon to midnight only by bowling alleys as defined in § 1–102(b)(4) of this article.

11–303.

(a) (1) The hours during which the privileges conferred by a Class A beer, wine and liquor license may be exercised are from 6 a.m. to midnight, on every day except Sunday.

(2) The provisions of paragraph (1) of this subsection are superseded as follows:

(i) In Annapolis, the hours may be fixed by the Mayor, Counselor, and Aldermen of the City of Annapolis;

(ii) In the Park Heights Redevelopment Area that is specified in the Park Heights Master Plan adopted by Baltimore City in 2006, the hours of sale begin at 9 a.m. each day;

(III) IN CAROLINE COUNTY, THE HOURS OF OPERATION ARE FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY THROUGH SUNDAY;

~~[(iii)]~~ **(IV)** In Carroll County, the privileges conferred by a Class A beer, wine and liquor license may be exercised from 11 a.m. to 6 p.m. on Sunday;

~~[(iv)]~~ **(V)** In Frederick County holders of a Class A beer, wine and liquor (off-sale) license may sell beer, wine and liquor for off-premises consumption on:

1. Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and

2. Sunday, from 11 a.m. to 2 a.m. the following day, if they hold a special Sunday opening permit;

~~[(v)]~~ **(VI)** In Kent County, the provisions of § 11-515 of this article apply;

~~[(vi)]~~ **(VII)** In St. Mary's County, holders of a Class A-1 license may sell on Sunday; and

~~[(vii)]~~ **(VIII)** In Talbot County, the hours are from 8 a.m. to 12 midnight.

(d) (4) In Caroline County the hours [on Monday through Saturday are from 6 a.m. to 2 a.m. on the following day (including Sunday) for a 6-day license holder. For a 7-day license holder the hours on Monday through Saturday are from 6 a.m. to 2 a.m. the following day (including Sunday), and on Sunday, from 1 p.m. to

midnight] FOR A 6-DAY LICENSE HOLDER AND A 7-DAY LICENSE HOLDER ARE FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1030 – Cecil County Delegation

AN ACT concerning

Cecil County – Alcoholic Beverages – Licensed Establishments – Sunday Sales Hours

HB1030/473590/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1030

(First Reading File Bill)

On page 2, strike beginning with “It” in line 32 down through “article.” in line 35.

On page 3, in line 5, after “DAY;” insert “AND”; and strike beginning with “For” in line 6 down through “(iii)” in line 8.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #8

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

**House Bill 130 – Delegates Braveboy, Burns, Cane, Carr, Carter, Gaines,
Howard, Pena–Melnik, B. Robinson, Ross, V. Turner, Valderrama,
Washington, and Wilson**

AN ACT concerning

Vehicle Laws – Race–Based Traffic Stops

HB0130/810917/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 130

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Wilson” and substitute “Wilson, and Glenn”; in line 5, strike “Justice” and substitute “Statistical”; in lines 6, 9, 10, and 14, in each instance, strike “MJAC” and substitute “MSAC”; strike beginning with “requiring” in line 18 down through “Act;” in line 20 and substitute “altering certain definitions; repealing certain provisions of this Act; providing for the termination of a certain provision of this Act; providing for a delayed effective date for certain provisions of this Act;”; and after line 26, insert:

“BY repealing and reenacting, with amendments,

Article – Transportation

Section 25–113

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

(As enacted by Section 1 of this Act)”.

AMENDMENT NO. 2

On page 2, strike beginning with “**JUSTICE**” in line 15 down through “**PARK**” in line 17 and substitute “**STATISTICAL ANALYSIS CENTER**” MEANS THE RESEARCH, DEVELOPMENT, AND EVALUATION COMPONENT OF THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION”.

On page 3, in lines 2 and 10, in each instance, strike “**JUSTICE**” and substitute “**STATISTICAL**”.

On page 5, in lines 4, 9, 12, 16, and 34, in each instance, strike “**JUSTICE**” and substitute “**STATISTICAL**”.

On page 6, in lines 2 and 10, in each instance, strike “**JUSTICE**” and substitute “**STATISTICAL**”.

AMENDMENT NO. 3

On page 2, in line 29, strike “**OR**”; and in line 31, after “**TECHNOLOGY**” insert”;

OR

4. A STOP BASED ON THE USE OF LICENSE PLATE READER TECHNOLOGY”.

AMENDMENT NO. 4

On page 6, after line 13, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Transportation

25–113.

(a) (1) In this section the following words have the meanings indicated.

(2) “Law enforcement agency” means an agency that is listed in § 3–101(e) of the Public Safety Article [and that, in accordance with subsection (c) of this section, is subject to the provisions of this section].

(3) “Law enforcement officer” means any person who, in an official capacity, is authorized by law to make arrests and who is an employee of a law enforcement agency [that is subject to this section].

(4) [“Maryland Statistical Analysis Center” means the research, development, and evaluation component of the Governor’s office of Crime Control and Prevention.

(5) “Police Training Commission” means the unit within the Department of Public Safety and Correctional Services established under § 3–202 of the Public Safety Article.

(6) (i) “Traffic stop” means any instance when a law enforcement officer stops the driver of a motor vehicle and detains the driver for any period of time for a violation of the Maryland Vehicle Law.

(ii) “Traffic stop” does not include:

1. A checkpoint or roadblock stop;
2. A stop of multiple vehicles due to a traffic accident or emergency situation requiring the stopping of vehicles for public safety purposes;
3. A stop based on the use of radar, laser, or vascar technology; or
4. A stop based on the use of license plate reader technology.

(b) [The Police Training Commission, in consultation with the Maryland Statistical Analysis Center, shall develop:

(1) A model format for the efficient recording of data required under subsection (d) of this section on an electronic device, or by any other means, for use by a law enforcement agency;

(2) Guidelines that each law enforcement agency may use as a management tool to evaluate data collected by its officers for use in counseling and improved training;

(3) A standardized format that each law enforcement agency shall use in reporting data to the Maryland Statistical Analysis Center under subsection (e) of this section; and

(4) A model policy against race-based traffic stops that a law enforcement agency can use in developing its policy in accordance with subsection (g) of this section.

(c) (1) Subject to paragraph (2) of this subsection, this section applies to each law enforcement agency that has one or more law enforcement officers.

(2) Except as provided in subsection (e)(2) of this section, this section does not apply to a law enforcement agency that is subject to an agreement with the United States Department of Justice that requires it to collect data on the race or ethnicity of the drivers of motor vehicles stopped.

(d) Each time a law enforcement officer makes a traffic stop, that officer shall report the following information to the law enforcement agency that employs the officer using the format developed under subsection (b)(1) of this section:

(1) The date, location, and the time of the stop;

(2) The approximate duration of the stop;

(3) The traffic violation or violations alleged to have been committed that led to the stop;

(4) Whether a search was conducted as a result of the stop;

(5) If a search was conducted, the reason for the search, whether the search was consensual or nonconsensual, whether a person was searched, and whether a person's property was searched;

(6) Whether any contraband or other property was seized in the course of the search;

(7) Whether a warning, safety equipment repair order, or citation was issued as a result of the stop;

(8) If a warning, safety equipment repair order, or citation was issued, the basis for issuing the warning, safety equipment repair order, or citation;

(9) Whether an arrest was made as a result of either the stop or the search;

(10) If an arrest was made, the crime charged;

- (11) The state in which the stopped vehicle is registered;
 - (12) The gender of the driver;
 - (13) The date of birth of the driver;
 - (14) The state and, if available on the driver's license, the county of residence of the driver; and
 - (15) The race or ethnicity of the driver as:
 - (i) Asian;
 - (ii) Black;
 - (iii) Hispanic;
 - (iv) White; or
 - (v) Other.
- (e) (1) A law enforcement agency shall:
- (i) Compile the data described in subsection (d) of this section for the calendar year as a report in the format required under subsection (b)(3) of this section; and
 - (ii) Submit the report to the Maryland Statistical Analysis Center no later than March 1 of the following calendar year.
- (2) A law enforcement agency that is exempt under subsection (c)(2) of this section shall submit to the Maryland Statistical Analysis Center copies of reports it submits to the United States Department of Justice in lieu of the report required under paragraph (1) of this subsection.
- (f) (1) The Maryland Statistical Analysis Center shall analyze the annual reports of law enforcement agencies submitted under subsection (e) of this section

based on a methodology developed in consultation with the Police Training Commission.

(2) The Maryland Statistical Analysis Center shall submit a report of the findings to the Governor, the General Assembly as provided in § 2–1246 of the State Government Article, and each law enforcement agency before September 1 of each year.

(g) (1) A law enforcement agency shall adopt a policy against race-based traffic stops that is to be used as a management tool to promote nondiscriminatory law enforcement and in the training and counseling of its officers.

(2) (i) The policy shall prohibit the practice of using an individual's race or ethnicity as the sole justification to initiate a traffic stop.

(ii) The policy shall make clear that it may not be construed to alter the authority of a law enforcement officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations.

[(3) The policy shall provide for the law enforcement agency to periodically review data collected by its officers under subsection (d) of this section and to review the annual report of the Maryland Statistical Analysis Center for purposes of paragraph (1) of this subsection.

(h) (1) If a law enforcement agency fails to comply with the reporting provisions of this section, the Maryland Statistical Analysis Center shall report the noncompliance to the Police Training Commission.

(2) The Police Training Commission shall contact the law enforcement agency and request that the agency comply with the required reporting provisions.

(3) If the law enforcement agency fails to comply with the required reporting provisions within 30 days after being contacted by the Police Training Commission, the Maryland Statistical Analysis Center and the Police Training Commission jointly shall report the noncompliance to the Governor and the Legislative Policy Committee of the General Assembly.];

and strike in their entirety lines 14 through 22, inclusive, and substitute:

“SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2014.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2011. Section 1 of this Act shall remain effective for a period of 3 years and, at the end of June 30, 2014, with no further action required by the General Assembly, Section 1 of this Act shall be abrogated and of no further force and effect.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 179 – Delegate Lafferty

AN ACT concerning

Environment – Recycling – Apartment Buildings and Condominiums

HB0179/940918/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 179

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “date;” insert “requiring certain owners or managers to report annually to a county in accordance with certain requirements beginning on a certain date;”; and in line 9, after “Act;” insert “providing for a delayed effective date for a certain provision of this Act;”.

AMENDMENT NO. 2

On page 3, after line 2, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Environment

AMENDMENT NO. 3

On page 3, in line 4, strike “TO ANY” and substitute “ONLY TO THE”; in lines 7 and 8, strike “LOCAL GOVERNING BODY” and substitute “COUNTY, MUNICIPALITY, OR OTHER LOCAL GOVERNMENT”; in line 8, after “REQUIREMENTS” insert “, INCLUDING ESTABLISHING CIVIL PENALTIES,”; after line 10, insert:

“(3) THIS SECTION DOES NOT REQUIRE A COUNTY TO MANAGE OR ENFORCE THE RECYCLING ACTIVITIES OF AN APARTMENT BUILDING OR CONDOMINIUM THAT IS LOCATED WITHIN THE BOUNDARIES OF A MUNICIPALITY.”;

in line 11, after “(B)” insert “(1)”; in line 15, strike “(1)” and substitute “(I)”; and in line 17, strike “(2)” and substitute “(II)”.

AMENDMENT NO. 4

On page 3, strike beginning with “THAT” in line 12 down through “UNITS” in line 13; and after line 18, insert:

“(2) (I) BEGINNING ON MARCH 1, 2016, AND ON OR BEFORE MARCH 1 EACH YEAR THEREAFTER, EACH PROPERTY OWNER OR MANAGER OF AN APARTMENT BUILDING OR A CONDOMINIUM THAT PROVIDES FOR RECYCLING FOR THE RESIDENTS OF THE DWELLING UNITS IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL REPORT TO THE COUNTY IN WHICH THE APARTMENT BUILDING OR CONDOMINIUM IS LOCATED ON RECYCLING ACTIVITIES IN THE PRIOR CALENDAR YEAR.

(II) THE INFORMATION REPORTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE:

1. THE TYPE AND TONNAGE OF RECYCLABLE MATERIALS COLLECTED AND RECYCLED FROM THE DWELLING UNITS;

2. THE TONNAGE OF WASTE DISPOSED FROM THE DWELLING UNITS; AND

3. INFORMATION REGARDING THE CONTRACTORS THAT COLLECTED THE RECYCLABLE MATERIALS AND THE WASTE DISPOSED.”.

AMENDMENT NO. 5

On page 3, strike beginning with “THE” in line 27 down through “STATE” in line 28, and substitute “**A COUNTY, MUNICIPALITY, OR OTHER LOCAL GOVERNMENT**”; in line 28, strike “SHALL” and substitute “**MAY CONDUCT INSPECTIONS OF AN APARTMENT BUILDING OR CONDOMINIUM TO**”; in line 31, strike “DISBURSED” and substitute “**PAID**”; and in lines 31 and 32, strike “WHERE THE VIOLATION OCCURRED” and substitute “**, MUNICIPALITY, OR OTHER LOCAL GOVERNMENT THAT BROUGHT THE ENFORCEMENT ACTION**”.

AMENDMENT NO. 6

On page 4, in line 1, strike “2.” and substitute “**3.**”; in line 4, strike “3.” and substitute “**4.**”; in the same line, after “That” insert “**Section 1 of**”; in line 5, strike “2011” and substitute “**2013**”; and after line 5, insert:

“**SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect October 1, 2011.**”.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 602 – Delegates Summers, Clippinger, Conaway, Cullison, Holmes, Kaiser, Luedtke, A. Miller, B. Robinson, Ross, F. Turner, and Washington

AN ACT concerning

Environment – Recycling Pilot Program – Transit Stations

HB0602/690019/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 602

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Pilot Program” and substitute “at Transit Stations”; in the same line, strike “Transit Stations” and substitute “Study”; and strike beginning with “Office” in line 3 down through “Act” in line 6 and substitute “Maryland Transit Administration and the State Department of Transportation, in consultation with the Washington Metropolitan Area Transit Authority, jointly to study and make recommendations relating to the establishment of a certain recycling program at transit stations; requiring the recommendations to include certain information; requiring the recommendations to be reported to the President of the Senate, the Speaker of the House, and certain committees of the General Assembly by a certain date”; and strike beginning with “the” in line 7 down through “Program” in line 8 and substitute “a study relating to recycling at transit stations”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 14 on page 1 through line 4 on page 2, inclusive.

On pages 2 and 3, strike in their entirety the lines beginning with line 14 on page 2 through line 17 on page 3, inclusive.

AMENDMENT NO. 3

On page 3, strike beginning with “That” in line 18 down through “effect.” in line 21 and substitute “That:”

(a) In this section, “transit station” has the meaning stated in § 7–101 of the Transportation Article.

(b) (1) The Maryland Transit Administration and the State Department of Transportation, in consultation with the Washington Metropolitan Area Transit Authority, shall jointly study and make recommendations relating to the establishment of a program to place collection bins for recycling adjacent to collection bins for garbage at transit stations in the State.

(2) The recommendations in paragraph (1) of this subsection shall identify the transit stations where recycling would be the most practicable and economically feasible.

(c) On or before December 1, 2011, the Maryland Transit Administration, the State Department of Transportation, and the Washington Metropolitan Area Transit Authority shall jointly report their recommendations under the study in subsection (b) of this section to the President of the Senate, the Speaker of the House, the Senate Education, Health, and Environmental Affairs Committee, and the House Environmental Matters Committee, in accordance with § 2-1246 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.”.

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 789 – Delegate Stein

AN ACT concerning

Driver’s License Applications – Cosigner for Minors – Department of Social Services

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 848 – Chair, Environmental Matters Committee (By Request – Departmental – State Police)

AN ACT concerning

Department of State Police – Tow Companies

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 852 – Delegates Mizeur, Holmes, Beidle, Bobo, Carr, Frick, Frush, Gilchrist, Glenn, Healey, Hubbard, Lafferty, Luedtke, McHale, A. Miller, Niemann, Pena–Melnyk, Reznik, B. Robinson, S. Robinson, Stein, and Wilson

AN ACT concerning

The Marcellus Shale Safe Drilling Act of 2011

HB0852/680112/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 852
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “prohibiting” in line 3 down through “Shale” in line 7 and substitute “requiring the Department of the Environment and the Department of Natural Resources jointly to convene a certain Advisory Commission; providing for the membership of the Advisory Commission; requiring the Department of the Environment and the Department of Natural Resources jointly to undertake a certain study in accordance with certain requirements; requiring the Department of the Environment and the Department of Natural Resources jointly to make a draft of a certain report available under certain circumstances; requiring the Advisory Commission to make certain recommendations; requiring the Department of the Environment and the Department of Natural Resources jointly to publish a certain report in accordance with certain requirements; prohibiting the Department of the Environment from issuing a certain permit under certain circumstances; requiring certain owners of a certain gas interest to file a certain notice with the Department of the Environment in accordance with certain requirements; requiring certain owners to pay to the Department of the Environment a certain amount of money under certain circumstances; establishing certain grounds for the denial of a certain permit, subject to a certain exception; requiring the Department of the Environment to deposit certain funds in the Oil and Gas Fund; requiring the Department of the Environment to make a certain refund under certain circumstances; authorizing certain funds to be deposited in the Oil and Gas Fund; requiring a certain amount of money to be used to pay for a certain study; authorizing the Department of the Environment to enter into certain agreements for goods and services under certain circumstances”; in line 11,

after “Section” insert “14–102 and”; in line 16, after “14–107.1” insert “and 14–107.2”; and after line 18, insert:

“BY repealing and reenacting, with amendments,

Article – Environment

Section 14–122

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 21, insert:

“14–102.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Coalbed methane” means methane and any other gaseous substance occurring in or produced from a coal seam or related, associated, or adjacent rock materials.
- (c) “County” includes Baltimore City unless otherwise indicated.
- (d) “Department” means the Department of the Environment.
- (e) “Field” means the general area underlaid by one or more pools.
- (f) “Fund” means the Oil and Gas Fund.
- (g) “Gas” means all natural gas and other fluid hydrocarbons, not defined as oil, which are produced from a natural reservoir.
- (h) “Oil” means crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the wellhead in liquid form, except liquid hydrocarbons known as distillate or condensate recovered or extracted from gas.
- (i) “Owner” means the person who has the right to drill into and produce from a pool, or to store in a pool, and appropriate the oil or gas the person produces or stores either for the person or others.

(j) “Person” means any individual, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, or other representative of any kind.

(k) “Pool” means an underground reservoir containing a common accumulation of oil, gas, or both.

(l) “Producer” means the owner of a well capable of producing oil, gas, or both.

(m) “Product” means any commodity produced in its natural state by an oil or gas well.

(n) (1) “Production” means the act or process of producing oil or gas from a natural reservoir.

(2) “Production” does not include the sale or distribution of oil or gas.

(o) (1) “Underground storage” means the storing of gas or oil in a geological stratum beneath the surface of the earth.

(2) “Underground storage” includes the injection of gas or oil into and withdrawal from an underground storage reservoir and any other operation necessary for or convenient to the storage of gas or of oil.

(p) “Underground storage reservoir” means the stratum and subsurface area that are used or are to be used for or in connection with the underground storage of gas or of oil.”.

On page 2, strike in their entirety lines 16 through 18, inclusive, and substitute:

“(2) “EPA HYDRAULIC FRACTURING RESEARCH STUDY” MEANS THE STUDY BY THE OFFICE OF RESEARCH AND DEVELOPMENT AT THE U.S. ENVIRONMENTAL PROTECTION AGENCY ON THE RELATIONSHIP BETWEEN HYDRAULIC FRACTURING AND DRINKING WATER THAT MAY BE DEVELOPED AND IMPLEMENTED BEGINNING IN 2011, WITH INITIAL RESEARCH PRODUCTS AVAILABLE BY THE END OF 2012.”.

On pages 3 and 4, strike beginning with line 3 on page 3 down through line 28 on page 4, inclusive, and substitute:

“(B) THE DEPARTMENT AND THE DEPARTMENT OF NATURAL RESOURCES JOINTLY SHALL CONVENE AN ADVISORY COMMISSION THAT SHALL INCLUDE REPRESENTATIVES OF LOCAL GOVERNMENTS, THE SCIENCE AND ENGINEERING COMMUNITIES, INDUSTRY GROUPS, ENVIRONMENTAL ORGANIZATIONS, BUSINESSES AND PRIVATE CITIZENS WHO RESIDE IN THE WESTERN MARYLAND REGION, AND ANY OTHER STATE AGENCIES OR OTHER PERSONS THE AGENCIES DETERMINE NECESSARY.

(C) (1) THE DEPARTMENT AND THE DEPARTMENT OF NATURAL RESOURCES JOINTLY SHALL UNDERTAKE A STUDY OF THE EXTRACTION OF NATURAL GAS FROM SHALE FORMATIONS IN THE STATE, INCLUDING THE MARCELLUS SHALE FORMATION.

(2) IN DESIGNING AND UNDERTAKING THE STUDY, THE DEPARTMENT AND THE DEPARTMENT OF NATURAL RESOURCES JOINTLY SHALL CONSULT, AS APPROPRIATE, OTHER STATE AGENCIES, OTHER STATES IN THE REGION, AND FEDERAL AGENCIES.

(3) THE STUDY SHALL INCLUDE A REVIEW OF THE RESULTS OF THE EPA HYDRAULIC FRACTURING RESEARCH STUDY, ENVIRONMENTAL IMPACT STATEMENTS OF THE STATE OF NEW YORK, THE DELAWARE RIVER BASIN COMMISSION, AND OTHER AVAILABLE STUDIES OF POTENTIAL IMPACTS TO THE PUBLIC HEALTH, SAFETY, ENVIRONMENT, OR NATURAL RESOURCES.

(4) THE STUDY SHALL ADDRESS:

(I) THE RISK OF CONTAMINATION OF GROUNDWATER AND SURFACE WATER BY FRACTURING FLUIDS AND GAS;

(II) THE RISKS OF CONTAMINATION OF, OR NEGATIVE IMPACTS TO, WATER AND OTHER NATURAL RESOURCES FROM THE TRANSPORTATION, STORAGE, AND HANDLING OF LIQUIDS, INCLUDING FRACTURING FLUIDS;

(III) THE RISKS OF CONTAMINATION OR NEGATIVE IMPACTS TO WATER AND OTHER NATURAL RESOURCES FROM THE HANDLING AND DISPOSAL OF FLOW BACK AND OTHER WASTEWATER AND WASTES;

(IV) THE LONG-TERM AVAILABILITY OF WATER RESOURCES TO SUPPORT HYDRAULIC FRACTURING ACTIVITIES;

(V) INCREASED FOREST AND HABITAT FRAGMENTATION AND OTHER ENVIRONMENTAL IMPACTS DUE TO THE CONSTRUCTION OF DRILLING PLATFORMS, GATHERING LINES, TRANSMISSION PIPELINES, AND OTHER NECESSARY INFRASTRUCTURE;

(VI) INCREASED RISKS OF TRAFFIC ACCIDENTS AND DAMAGE TO ROADS AND BRIDGES FROM TRUCK TRAFFIC;

(VII) LONG-TERM IMPACTS TO LOCAL LAND USE PATTERNS AND THE CHARACTER OF RURAL AREAS AND TOWNS;

(VIII) THE ADEQUACY OF LOCAL EMERGENCY RESPONSE CAPABILITIES;

(IX) IMPACTS TO STATE RESOURCES AND RECREATION LANDS;

(X) THE PROJECTED POSITIVE AND NEGATIVE ECONOMIC IMPACT OF HYDRAULIC FRACTURING ACTIVITIES TO THE REGION AND THE STATE;

(XI) THE DESIRABILITY OF ENACTING A STATE-LEVEL SEVERANCE TAX TO GENERATE REVENUES FOR RESEARCH, REMEDIATION, AND OTHER ACTIVITIES RELATING TO HYDRAULIC FRACTURING;

(XII) THE ESTABLISHMENT OF AN INDUSTRY-FUNDED ESCROW ACCOUNT TO FUND THE COST OF REMEDIATION AND REGULATORY ENFORCEMENT;

(XIII) THE AVAILABLE METHODS FOR DISPOSAL OF FLOW BACK AND OTHER WASTEWATER AND WASTES CONTAINING RADIOACTIVE MATERIALS;

(XIV) WELL CONSTRUCTION STANDARDS, INCLUDING CONSTRUCTION METHODS AND MATERIALS USED; AND

(XV) ANY OTHER ISSUES IDENTIFIED BY THE ADVISORY COMMISSION.

(D) THE DEPARTMENT AND THE DEPARTMENT OF NATURAL RESOURCES JOINTLY SHALL MAKE A DRAFT REPORT BASED ON THE STUDY REQUIRED UNDER SUBSECTION (C) OF THIS SECTION:

(1) PUBLICLY AVAILABLE; AND

(2) OPEN TO PUBLIC COMMENT ON THE REPORT BEFORE ITS FINAL PUBLICATION.

(E) THE ADVISORY COMMISSION SHALL MAKE RECOMMENDATIONS TO THE DEPARTMENT AND THE DEPARTMENT OF NATURAL RESOURCES ON:

(1) CONDITIONS THAT SHOULD BE INCLUDED IN PERMITS FOR HYDRAULIC FRACTURING IN THE MARCELLUS SHALE; AND

(2) APPROPRIATE CHANGES, IF ANY, THAT SHOULD BE MADE TO STATE LAW AND REGULATIONS GOVERNING HYDRAULIC FRACTURING IN THE MARCELLUS SHALE.

(F) ON OR BEFORE AUGUST 1, 2013, THE DEPARTMENT AND THE DEPARTMENT OF NATURAL RESOURCES JOINTLY SHALL PUBLISH A FINAL REPORT, INCLUDING FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS, IF ANY, FOR STATUTORY OR REGULATORY CHANGES, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

(G) NOTWITHSTANDING THE PROVISIONS OF §§ 5–204 AND 14–105 OF THIS ARTICLE, UNTIL THE PUBLICATION OF THE FINAL REPORT, THE DEPARTMENT MAY NOT ISSUE A PERMIT UNDER § 14–104 OF THIS TITLE FOR WELL DRILLING THAT MAY INVOLVE THE HYDRAULIC FRACTURING OF A FORMATION:

(1) UNLESS INFORMATION BECOMES AVAILABLE DURING THE COURSE OF THE STUDY SUFFICIENT TO DEMONSTRATE THAT THE EXTRACTION OF NATURAL GAS FROM SHALE FORMATIONS IN THE STATE CAN BE ACCOMPLISHED WITHOUT ADVERSE IMPACT TO HUMAN HEALTH, NATURAL RESOURCES, OR THE ENVIRONMENT; AND

(2) UNTIL AT LEAST 45 DAYS AFTER THE DEPARTMENT NOTIFIES THE GENERAL ASSEMBLY OF ITS INTENTION TO ISSUE SUCH A PERMIT.

14–107.2.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “GAS INTEREST” MEANS THE RIGHT TO EXPLORE FOR GAS ON, OR PRODUCE GAS FROM, REAL PROPERTY.

(3) “INTEREST” DOES NOT INCLUDE A FEE SIMPLE INTEREST IN THE SURFACE RIGHTS OF REAL PROPERTY REGARDLESS OF WHETHER THE FEE INTEREST INCLUDES THE MINERAL RIGHTS.

(B) ON OR BEFORE JULY 1, 2011, OR WITHIN 30 DAYS AFTER ACQUIRING THE GAS INTEREST, WHICHEVER IS LATER, AN OWNER THAT ACQUIRES A GAS INTEREST IN REAL PROPERTY IN GARRETT COUNTY OR ALLEGANY COUNTY AFTER JANUARY 1, 2007, FOR THE PURPOSE OF DRILLING FOR NATURAL GAS SHALL FILE A NOTICE WITH THE DEPARTMENT IDENTIFYING:

(1) EACH PARCEL, BY PARCEL NUMBER OR OTHER LEGAL DESCRIPTION, ON WHICH THE OWNER HAS A GAS INTEREST IN GARRETT COUNTY OR ALLEGANY COUNTY;

(2) A STATEMENT OF THE TOTAL ACREAGE OF THOSE PARCELS;
AND

(3) A MAP SHOWING THOSE PARCELS.

(C) (1) ON OR BEFORE AUGUST 1, 2011, OR WITHIN 30 DAYS AFTER NOTIFICATION BY THE DEPARTMENT, WHICHEVER IS LATER, EACH OWNER THAT FILES A NOTICE UNDER SUBSECTION (B) OF THIS SECTION SHALL PAY TO THE DEPARTMENT, AS A FEE FOR CALENDAR YEAR 2011, AN AMOUNT EQUAL TO \$10 PER ACRE OF THE TOTAL ACREAGE REPORTED.

(2) ON OR BEFORE AUGUST 1, 2012, OR WITHIN 30 DAYS AFTER NOTIFICATION BY THE DEPARTMENT, WHICHEVER IS LATER, EACH OWNER THAT FILES A NOTICE UNDER SUBSECTION (B) OF THIS SECTION SHALL PAY TO THE DEPARTMENT, AS A FEE FOR CALENDAR YEAR 2012, AN AMOUNT EQUAL TO \$10 PER ACRE OF THE TOTAL ACREAGE REPORTED.

(3) EXCEPT AS PROVIDED IN SUBSECTION (G)(3) OF THIS SECTION, A FEE MAY NOT BE ASSESSED UNDER THIS SECTION AFTER CALENDAR YEAR 2012.

(D) (1) THIS SUBSECTION DOES NOT APPLY TO AN OWNER THAT DEMONSTRATES, TO THE SATISFACTION OF THE DEPARTMENT, GOOD CAUSE FOR THE FAILURE TO MEET THE REQUIREMENTS UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION.

(2) FAILURE TO FILE THE NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION WHEN DUE, OR FAILURE TO PAY THE AMOUNTS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION WHEN DUE, MAY BE GROUNDS FOR DENIAL OF A PERMIT TO EXPLORE FOR OR PRODUCE GAS FROM FORMATIONS UNDER THE PARCEL.

(E) AN OWNER MAY NOT PASS THE PAYMENT OF COSTS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION THROUGH TO, OR RECOVER THEM FROM, THE PERSON WHO OWNS THE SURFACE RIGHTS OF THE PROPERTY.

(F) THE DEPARTMENT SHALL DEPOSIT THE MONEY COLLECTED UNDER THIS SECTION IN THE OIL AND GAS FUND.

(G) (1) ON ISSUANCE OF THE FINAL REPORT DESCRIBED IN § 14-107.1 OF THIS SUBTITLE, THE DEPARTMENT SHALL COMPARE THE ACTUAL COSTS OF THE STUDY WITH THE MONEY PAID BY PERSONS THAT FILE A NOTICE UNDER SUBSECTION (B) OF THIS SECTION.

(2) IF THE ACTUAL COST OF THE STUDY IS LESS THAN THE AMOUNT PAID UNDER SUBSECTION (C) OF THIS SECTION, THE DEPARTMENT SHALL REFUND THE DIFFERENCE, PRORATED BY ACREAGE, TO THE OWNERS WHO PAID A FEE.

(3) IF THE ACTUAL COST OF THE STUDY IS MORE THAN THE AMOUNT PAID UNDER SUBSECTION (C) OF THIS SECTION, EACH OWNER THAT FILED A NOTICE UNDER SUBSECTION (B) OF THIS SECTION SHALL PAY, WITHIN 30 DAYS AFTER NOTIFICATION BY THE DEPARTMENT, AN AMOUNT DETERMINED BY THE DEPARTMENT, PRORATED BY ACREAGE, TO FULLY FUND THE COST OF THE STUDY.

14-122.

(a) There is an Oil and Gas Fund.

(b) The Fund consists of:

(1) Fees collected by the Department under § 14-105 of this subtitle;

(2) MONEY COLLECTED BY THE DEPARTMENT UNDER § 14-107.2 OF THIS SUBTITLE;

[(2)] (3) Funds appropriated by the General Assembly for deposit to the Fund;

[(3)] (4) Fines and bond forfeitures collected by the Department in accordance with this subtitle that exceed the amount necessary to restore a site; and

[(4)] (5) Any additional money made available from any sources, public or private, for the purposes for which the Fund has been established.

(c) (1) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(2) Notwithstanding any law to the contrary, unused money in the Fund may not revert to the General Fund.

(d) The Fund shall be maintained and administered by the Department in accordance with the provisions of this subtitle and any regulations the Department adopts.

(E) EXCEPT AS PROVIDED IN § 14-107.2(G)(2) OF THIS SUBTITLE, ANY MONEY DEPOSITED IN THE FUND UNDER § 14-107.2 OF THIS SUBTITLE SHALL BE USED BY THE DEPARTMENT TO PAY FOR THE STUDY REQUIRED UNDER § 14-107.1 OF THIS SUBTITLE.

AMENDMENT NO. 4

On page 4, after line 28, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding § 13-107 of the State Finance and Procurement Article, the Department of the Environment may enter into sole source agreements for goods or services in order to expedite completion of the study required under § 14-107.1 of the Environment Article, as enacted by Section 1 of this Act.”;

and in line 29, strike “2.” and substitute “3.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Beitzel moved to make the Bill a Special Order for Tuesday.

The motion was adopted.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1137 – Delegates Healey, Beidle, Frush, Glenn, Holmes, and Niemann

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems – Uniform Warning Signs

HB1137/730318/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1137

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Uniform”; strike beginning with “requiring” in line 3 down through “State” in line 7 and substitute “altering certain requirements for certain signs placed for the purpose of alerting drivers to the presence of speed monitoring systems; requiring certain speed monitoring system warning signs to be placed in close proximity to certain signs designating a school zone; requiring certain speed monitoring system warning signs to be in accordance with certain specifications and regulations; requiring the State Highway Administration to adopt certain regulations governing certain signs”; in line 8, strike “and work zone speed control”; in line 11, strike “and 21–810(b)(2)(iii)”; and in line 16, strike “and 21–810(l)”.

AMENDMENT NO. 2

On page 2, in line 2, after “jurisdiction,” insert “**AND**”; strike beginning with “, SUBJECT” in line 3 down through “that” in line 4 and substitute “**THAT, IN CLOSE PROXIMITY TO**”; strike beginning with “indicates” in line 4 down through “SECTION” in line 10 and substitute “, **A CONSPICUOUS SIGN IS PLACED THAT**”; in line 11, strike “Are” and substitute “**IS**”; in line 13, strike “and”; in line 14, strike “Indicate” and substitute “**INDICATES**”; in line 14, after “use” insert “; **AND**”

C. IS IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER SUBSECTION (K) OF THIS SECTION;

strike beginning with “**SIGNS**” in line 15 down through “**STATE**” in line 17 and substitute “**THE STATE HIGHWAY ADMINISTRATION SHALL ADOPT REGULATIONS GOVERNING SIGNS PLACED IN ACCORDANCE WITH SUBSECTION**”

(B)(1)(VII) OF THIS SECTION"; and strike in their entirety lines 18 through 27, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #9

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 356 – Delegates Niemann, Barnes, Cane, Carr, Frush, Glenn, Healey, Holmes, James, McIntosh, S. Robinson, Ross, Stein, Stukes, Walker, and Wilson

AN ACT concerning

Motor Vehicles – Towing Practices and Procedures

HB0356/880714/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 356

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Wilson” and substitute “Wilson, and Kipke”.

AMENDMENT NO. 2

On page 5, in line 3, strike “A LICENSED DEALER OR”.

AMENDMENT NO. 3

On page 12, in line 5, strike “SECTION.” and substitute “SECTION; OR”.

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 728 – Delegate Niemann

AN ACT concerning

Residential Property – Foreclosure – Required Documents – Timing of Mediation

HB0728/760615/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 728

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “of” insert “requiring a notice of intent to foreclose for an owner-occupied residential property to be accompanied by an envelope addressed to a certain person; requiring a notice of intent to foreclose for a property that is not an owner-occupied residential property to be accompanied by a certain notice and a certain telephone number;”; in line 8, after “regulation” insert “a certain form and sequence for certain documents and the form and content of”; in line 9, after “certain” insert “other”; in line 10, after “property;” insert “altering the time period within which a mortgagor or grantor may file a certain request for foreclosure mediation;”; in line 12, after “held;” insert “altering the period of time within which the Office shall file a certain report; establishing that certain rules of procedure relating to a failure to appear govern a foreclosure mediation conducted by the Office;”; and in line 13, after “Assembly;” insert “providing that until the effective date of certain regulations that the Commissioner is required to adopt, a copy of an order to docket or complaint to foreclose served on a mortgagor or grantor in compliance with a certain law shall be deemed to be in compliance with certain provisions of this Act;”.

AMENDMENT NO. 2

On page 5, in line 5, strike “The” and substitute “**FOR AN OWNER-OCCUPIED RESIDENTIAL PROPERTY, THE**”; in line 19, strike “preprinted with the address of” and substitute “**ADDRESSED TO**”; and after line 22, insert:

“(6) FOR A PROPERTY THAT IS NOT AN OWNER–OCCUPIED RESIDENTIAL PROPERTY, THE NOTICE OF INTENT TO FORECLOSE SHALL BE ACCOMPANIED BY:

(I) A WRITTEN NOTICE OF THE DETERMINATION THAT THE PROPERTY IS NOT OWNER–OCCUPIED RESIDENTIAL PROPERTY; AND

(II) A TELEPHONE NUMBER TO CALL TO CONTEST THAT DETERMINATION.”.

On page 6, strike beginning with the colon in line 15 down through “by” in line 18 and substitute **“IS IN COMPLIANCE WITH § 521 OF”**; and in line 19, strike **“APPENDIX § 511”** and substitute **“APP. § 501 ET SEQ.”**.

On page 8, in line 34, after “it” insert **“IN THE FORM AND SEQUENCE AS PRESCRIBED BY REGULATIONS ADOPTED BY THE COMMISSIONER OF FINANCIAL REGULATION”**.

On page 9, in lines 7, 18, and 24, in each instance, strike **“PROCESS”** and substitute **“DOCUMENTS”**.

On page 10, in line 9, strike “process” and substitute **“DOCUMENTS”**.

AMENDMENT NO. 3

On page 10, in lines 32 and 34, in each instance, strike “15” and substitute **“25”**.

AMENDMENT NO. 4

On page 12, in line 23, strike “5” and substitute **“7”**; and in line 27, after “postponement” insert **“OR A FAILURE TO APPEAR”**.

AMENDMENT NO. 5

On page 14, after line 18, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That, until the effective date of regulations that the Commissioner of Financial Regulation is required to adopt under § 7–105.1(f) of the Real Property Article, as enacted by Section 1 of this Act, a copy of the order to docket or complaint to foreclose served on a mortgagor or grantor in compliance with Maryland law in effect immediately preceding the effective date of

this Act shall be deemed to be in compliance with § 7–105.1(f) of the Real Property Article, as enacted by Section 1 of this Act.”;

and in line 19, strike “3.” 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 826 – Carroll County Delegation

AN ACT concerning

Carroll County – Abatement of Nuisances

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 830 – Delegate Impallaria

AN ACT concerning

Harford County – Towing and Removing Vehicles – Property Return Agreement

HB0830/630614/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 830

(First Reading File Bill)

On page 1, in the sponsor line, strike “Delegate Impallaria” and substitute “Harford 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 McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 838 – Delegate Hogan

AN ACT concerning

Residential Real Property Sales – Property Tax Disclaimer

HB0838/140214/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 838

(First Reading File Bill)

On page 1, in the sponsor line, strike “Delegate Hogan” and substitute “Delegates Hogan and Hucker”.

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 842 – Delegates Healey, Gilchrist, Glenn, and Lafferty

AN ACT concerning

**Foreclosed Residential Property – Tenants – Collection of Rent Payments
– Prior Notice**

HB0842/880418/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 842

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after “requirements” insert “subject to a certain exception”.

AMENDMENT NO. 2

On page 2, in line 28, after “UNDER” insert “MARYLAND”; and in line 29, strike “OF THE MARYLAND RULES”.

AMENDMENT NO. 3

On page 3, strike beginning with “AND” in line 4 down through “PROPERTY,” in line 5.

AMENDMENT NO. 4

On page 3, in line 7, after the first “THE” insert “PURCHASER OR THE”; and in line 10, after “THE” insert “PURCHASER OR THE”.

AMENDMENT NO. 5

On page 3, in line 11, after “(C)” insert “(1)”; in the same line, strike “A” and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A”; and after line 14, insert:

“(2) A FORECLOSURE SALE PURCHASER DOES NOT WAIVE ANY CLAIM TO RENT DUE AND PAYABLE FOR USE OF THE RESIDENTIAL PROPERTY FOR THE 15 DAYS IMMEDIATELY PRIOR TO THE DATE THAT THE PURCHASER SATISFIED THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION.”

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 863 – Delegate Niemann

AN ACT concerning

Task Force to Study Manufactured Housing

HB0863/250012/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 863

(First Reading File Bill)

AMENDMENT NO. 1

On page 2, after line 4, insert:

“(7) one representative of the Maryland Manufactured Housing Coalition, appointed by the President of the Coalition;”;

and in lines 5 and 8, strike “(7)” and “(8)”, respectively, and substitute “(8)” and “(9)”, respectively.

AMENDMENT NO. 2

On page 3, in line 11, strike “October” and substitute “June”; and in the same line, after “year” insert “and 4 months”.

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 887 – Delegates Beidle, Alston, Braveboy, Eckardt, George, Holmes, Niemann, and Vitale

AN ACT concerning

Real Property – Condominium – Rescission of Sales Contracts

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 966 – Delegates O’Donnell, Bohanan, and Wood

AN ACT concerning

Natural Resources – Restricted Waters for Shellfish Harvesting – Method of Testing**HB0966/810415/1**

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 966

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Method of”; strike beginning with “to” in line 4 down through “(E. coli)” in line 5, and substitute a comma; and in line 6 after “shellfish” insert “to use certain tests for certain purposes; requiring the Department, on or before a certain date, to reconsider the designation of certain restricted waters in accordance with certain testing requirements”.

AMENDMENT NO. 2

On page 2, strike beginning with “**THE**” in line 3 down through “**IN**” in line 4, and substitute “**IN**”; and in line 6, after “**SHELLFISH**” insert “**, THE DEPARTMENT OF THE ENVIRONMENT SHALL USE THE MOST RELIABLE AVAILABLE TESTS TO:**

(I) DETERMINE WHETHER A SHELLFISH PRODUCTION AREA POSES A RISK TO CONSUMER HEALTH; AND

(II) RULE OUT CONTAMINANTS THAT DO NOT POSE A RISK TO CONSUMER HEALTH, INCLUDING BACTERIA FROM VEGETATION”.

AMENDMENT NO. 3

On page 3, after line 5, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before December 31, 2011, in accordance with the testing requirements established in § 4–742 of the Natural Resources Article, as enacted by Section 1 of this Act, the Department of the Environment shall reconsider the

designation of waters of the State that are currently restricted from shellfish harvesting.

(b) When reconsidering the designation of waters of the State under subsection (a) of this section, the Department of the Environment shall prioritize the reconsideration of areas where there are existing or pending shellfish leases or aquaculture permits.”;

in line 6, strike “2.” and substitute “3.”; and in line 7, strike “October” and substitute “June”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 1047 – Delegate Glenn

AN ACT concerning

**Rental Housing – Tenant Victim of Domestic Violence or Sexual Assault –
Lease Payment Obligation**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1109 – Delegate Vaughn

AN ACT concerning

Real Property – Rescission of Sales Contracts – Return of Deposits

HB1109/470910/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1109

(First Reading File Bill)

On page 5, strike beginning with “RESCIND” in line 30 down through “CONTRACT” in line 33; and in line 33, strike the colon.

On page 6, in lines 1, 4, 5, and 7, in each instance, strike the bracket; in lines 1 and 4, strike “(I)” and “(II)”, respectively; and in lines 1 and 4, in each instance, strike “WITHIN”.

The preceding amendment was withdrawn.

HB1109/100617/1

BY: Environmental Matters Committee

SUBSTITUTE AMENDMENT TO HOUSE BILL 1109

(First Reading File Bill)

On page 1, in line 7, strike “clarifying” and substitute “conforming”.

On pages 5 and 6, strike in their entirety the lines beginning with line 30 on page 5 through line 7 on page 6, inclusive, and substitute:

“(e) (1) Any purchaser may at any time [(1)](I) within 15 days following receipt of all of the information required under subsection (b) of this section or the signing of the contract, whichever is later; and [(2)](II) within 5 days following receipt of the information required under subsection (d) of this section, rescind in writing the contract of sale without stating any reason and without any liability on his part, and he shall be entitled to the return of any deposits made on account of the contract.”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 298)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #21

House Bill 124 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

Maryland Insurance Administration – Program Evaluation

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 299)

The Bill was then sent to the Senate.

House Bill 128 – Delegates Jameson, Anderson, Arora, Bobo, Bohanan, Braveboy, Cardin, Carr, Eckardt, Frush, Gaines, Gutierrez, Howard, James, Kach, Kaiser, K. Kelly, Krebs, Luedtke, McConkey, Minnick, Murphy, Pena–Melnik, B. Robinson, Sophocleus, Valderrama, Vaughn, Waldstreicher, Washington, Wilson, and Wood

AN ACT concerning

Commercial Law – Maryland Consumer Protection Act – Scope

Read the third time and passed by yeas and nays as follows:

Affirmative – 119 Negative – 21 (See Roll Call No. 300)

The Bill was then sent to the Senate.

House Bill 245 – Howard County Delegation

AN ACT concerning

Howard County – Alcoholic Beverages – Beer, Wine and Liquor Tasting License

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 301)

The Bill was then sent to the Senate.

House Bill 268 – Delegates Branch, Anderson, Carter, Conaway, Glenn, Haynes, Mitchell, Oaks, B. Robinson, Stukes, Tarrant, ~~and Washington~~ Washington, Clippinger, Hammen, McHale, McIntosh, and Rosenberg

AN ACT concerning

Board of Liquor License Commissioners for Baltimore City – Ethics, Open Meetings, and Performance Audit

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 1 (See Roll Call No. 302)

The Bill was then sent to the Senate.

House Bill 279 – Carroll County Delegation

AN ACT concerning

Carroll County – Alcoholic Beverages – Liquor Tasting

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 1 (See Roll Call No. 303)

The Bill was then sent to the Senate.

House Bill 376 – Allegany County Delegation

AN ACT concerning

Allegany County – Alcoholic Beverages – Eligibility for Class B–BT (Buffet Theater) License

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 304)

The Bill was then sent to the Senate.

House Bill 417 – Delegates Jameson, Beitzel, Clagett, Davis, K. Kelly, and Love

AN ACT concerning

Workers' Compensation – Death Benefits – Dependency

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 305)

The Bill was then sent to the Senate.

House Bill 466 – Delegates Tarrant and Kipke

AN ACT concerning

Procurement – Service Contracts for Janitorial Services

Read the third time and passed by yeas and nays as follows:

Affirmative – 131 Negative – 8 (See Roll Call No. 306)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #22

House Bill 476 – Carroll County Delegation

AN ACT concerning

Carroll County – Winery Special Event Permits – Farmers' Markets

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 307)

The Bill was then sent to the Senate.

House Bill 506 – Anne Arundel County Delegation

AN ACT concerning

Alcoholic Beverages – Anne Arundel County – Entertainment Facility

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 2 (See Roll Call No. 308)

The Bill was then sent to the Senate.

House Bill 535 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Town of Kensington – Off-Sale Beer and Light Wine Licenses

MC 9–11

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 309)

The Bill was then sent to the Senate.

House Bill 637 – Delegate Feldman

AN ACT concerning

Limited Liability Company Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 310)

The Bill was then sent to the Senate.

House Bill 643 – Delegate Carr

AN ACT concerning

Procurement – State Buildings – Energy Efficient Outdoor Lighting Fixtures

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 311)

The Bill was then sent to the Senate.

House Bill 944 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Mortgage Lenders and Mortgage Loan Originators

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 312)

The Bill was then sent to the Senate.

House Bill 1093 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Bladensburg – Alcoholic Beverages – Development
District Licenses**

PG 312–11

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 313)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #23

**House Bill 38 – Delegates Waldstreicher, Branch, Cardin, Dumais, Feldman,
Frick, Hixson, Howard, Kaiser, Kipke, Luedtke, A. Miller, Myers,
Rosenberg, Ross, Stein, Summers, Tarrant, V. Turner, and Walker**

AN ACT concerning

**Nonpublic Schools ~~Accepting State Funds~~ Participating in State-Funded
Education Programs – Bullying, Harassment, and Intimidation – Policies**

Read the third time and passed by yeas and nays as follows:

Affirmative – 108 Negative – 30 (See Roll Call No. 314)

The Bill was then sent to the Senate.

House Bill 188 – Delegate Donoghue

AN ACT concerning

State Board of Physical Therapy Examiners – Licensure and Regulation

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 315)

The Bill was then sent to the Senate.

**House Bill 195 – Chair, Economic Matters Committee (By Request –
Departmental – Labor, Licensing and Regulation)**

AN ACT concerning

**Secondhand Precious Metal Object Dealers and Pawnbrokers – License
Application and Renewal Fees**

Read the third time and passed by yeas and nays as follows:

Affirmative – 101 Negative – 37 (See Roll Call No. 316)

The Bill was then sent to the Senate.

**House Bill 203 – Chair, Economic Matters Committee (By Request –
Departmental – State Police)**

AN ACT concerning

**Junk Dealers and Scrap Metal Processors – State Licensing Laws –
Applicability and Exemptions**

Read the third time and passed by yeas and nays as follows:

Affirmative – 133 Negative – 4 (See Roll Call No. 317)

The Bill was then sent to the Senate.

House Bill 286 – Delegates Morhaim and Kipke

AN ACT concerning

**Hospitals and Freestanding Ambulatory Care Facilities – ~~Practitioner~~
Practitioner Performance Evaluation**

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 318)

The Bill was then sent to the Senate.

House Bill 413 – Washington County Delegation

AN ACT concerning

Washington County – Alcoholic Beverages – Wine Festival License

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 319)

The Bill was then sent to the Senate.

House Bill 453 – Delegates Jameson and Minnick

AN ACT concerning

Workers’ Compensation – Jurisdiction Pending Appeal – Proposed Settlement

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 320)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #24

House Bill 456 – Delegates Morhaim, Busch, Branch, Hammen, Barve, McIntosh, Barkley, Barnes, Beidle, Bobo, Bohanan, Boteler, Burns, Cane, Cardin, Carr, Carter, Clagett, Conaway, Cullison, Davis, Feldman, Glenn, Griffith, Gutierrez, Guzzone, Haynes, Hixson, Holmes, Howard, Hubbard, Ivey, Jones, Kaiser, A. Kelly, Lee, Love, Luedtke, A. Miller, Mitchell, Murphy, Nathan–Pulliam, Niemann, Oaks, Pena–Melnik, Proctor, Reznik, B. Robinson, S. Robinson, Rosenberg, Sophocleus, Stein, Stukes, Summers, Tarrant, F. Turner, V. Turner, Valderrama, Valentino–Smith, Vaughn, Walker, ~~and Washington~~ Washington, Pendergrass, and Donoghue

AN ACT concerning

Procurement – Minority Business Participation

Read the third time and passed by yeas and nays as follows:

Affirmative – 128 Negative – 10 (See Roll Call No. 321)

The Bill was then sent to the Senate.

House Bill 468 – Delegate Kach

AN ACT concerning

Health Insurance – Dental Provider Contracts – Prohibited Provision

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 322)

The Bill was then sent to the Senate.

House Bill 479 – Frederick County Delegation

AN ACT concerning

Frederick County – Winery Special Event Permits – Farmers’ Markets

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 323)

The Bill was then sent to the Senate.

House Bill 482 – Delegates Frick and Hucker

AN ACT concerning

**Consumer Protection – Information on Payment Device Receipts –
Limitations**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 324)

The Bill was then sent to the Senate.

House Bill 542 – Montgomery County Delegation

AN ACT concerning

**Montgomery County – Alcoholic Beverages – Beer and Wine Sampling or
Tasting License**

MC 3-11

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 325)

The Bill was then sent to the Senate.

House Bill 543 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcoholic Beverages – Special Culinary School License

MC 14-11

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 326)

The Bill was then sent to the Senate.

House Bill 545 – Montgomery County Delegation

AN ACT concerning

**Montgomery County – Alcohol Sales – ~~Burtonsville Towne~~ Town Square and
Hillandale Shopping Center**

MC 2-11

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 327)

The Bill was then sent to the Senate.

House Bill 590 – Delegate Davis

EMERGENCY BILL

AN ACT concerning

**Public Service Commission – Certificate of Public Convenience and
Necessity – Renewable Source Generator Lead Line**

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 328)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #25

House Bill 596 – Delegate Davis

AN ACT concerning

Electric Companies and Gas Companies – Customer Account Information

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 329)

The Bill was then sent to the Senate.

House Bill 597 – Delegate Davis

AN ACT concerning

Public Service Commission – Customer Education on Customer Choice

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 330)

The Bill was then sent to the Senate.

House Bill 600 – Delegates Hammen, Hubbard, Bromwell, Clippinger, Costa, Donoghue, Elliott, Kach, Kipke, McDonough, McHale, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnik, Pendergrass, and V. Turner

AN ACT concerning

Health Care Providers – Investigations – Information Sharing Among State Agencies

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 331)

The Bill was then sent to the Senate.

House Bill 741 – Delegate Feldman

AN ACT concerning

**Corporations and Real Estate Investment Trusts – Directors and Trustees –
Duties and Immunity from Liability**

Delegate Feldman moved to make the Bill a Special Order for Tuesday.

The motion was adopted.

**House Bill 752 – Delegates Barkley, Anderson, Arora, Barnes, Clagett,
Clippinger, Cluster, DeBoy, Dumais, Dwyer, Gilchrist, Glass, K. Kelly,
Lee, McComas, McDermott, Mitchell, Parrott, Simmons, Smigiel,
Valderrama, Vallario, and Waldstreicher**

AN ACT concerning

**Maryland Correctional Enterprises – Prohibiting Access to Personal
Information**

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 332)

The Bill was then sent to the Senate.

**House Bill 793 – Delegates Valentino-Smith, Boteler, DeBoy, Howard,
McComas, Minnick, Mitchell, B. Robinson, Stein, F. Turner, V. Turner,
Vallario, ~~and Wilson~~ Wilson, Hammen, Pendergrass, Bromwell,
Cullison, Donoghue, Elliott, Frank, Hubbard, Kach, A. Kelly, Kipke,
Krebs, McDonough, Morhaim, Murphy, Nathan-Pulliam, Oaks,
Pena-Melnyk, Ready, Reznik, and Tarrant**

AN ACT concerning

Behavioral Health – Veterans – Coordination and Provision of Services

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 333)

The Bill was then sent to the Senate.

**House Bill 888 – Delegates Kach, Bromwell, Cullison, Elliott, A. Kelly, Kipke,
A. Miller, Olszewski, S. Robinson, ~~and Stocksdale~~ Stocksdale,**

Donoghue, Frank, Hammen, Hubbard, McDonough, Morhaim, Murphy, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Ready, Reznik, Tarrant, and V. Turner

AN ACT concerning

Health Insurance – Prescription Eye Drops – Refills

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 334)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #26

House Bill 940 – Delegates Hucker, Barkley, Barve, Feldman, Frick, Frush, Gilchrist, Impallaria, Jameson, Kach, A. Kelly, K. Kelly, McComas, A. Miller, Olszewski, Reznik, S. Robinson, and Waldstreicher

AN ACT concerning

Counties – Kennel Licenses – Requirements for Breeders

Read the third time and passed by yeas and nays as follows:

Affirmative – 132 Negative – 7 (See Roll Call No. 335)

The Bill was then sent to the Senate.

House Bill 953 – Allegany County Delegation

EMERGENCY BILL

AN ACT concerning

Allegany County – Alcoholic Beverages – 1-Day Special License

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 336)

The Bill was then sent to the Senate.

House Bill 973 – Delegates Eckardt, Cane, and Haddaway-Riccio

AN ACT concerning

Dorchester County Liquor Act of 2011

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 337)

The Bill was then sent to the Senate.

House Bill 996 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Alcoholic Beverages – Beer Festival License

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 338)

The Bill was then sent to the Senate.

House Bill 1028 – Delegate Hixson

AN ACT concerning

Financial Institutions – Automated Teller Machines – Video Cameras

Read the third time and passed by yeas and nays as follows:

Affirmative – 123 Negative – 16 (See Roll Call No. 339)

The Bill was then sent to the Senate.

House Bill 1095 – Prince George’s County Delegation

AN ACT concerning

Prince George’s County – Alcoholic Beverages – Development District Licenses

PG 302–11

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 340)

The Bill was then sent to the Senate.

House Bill 1119 – Prince George’s County Delegation

AN ACT concerning

Prince George’s County – Alcoholic Beverages – Entertainment Permit

PG 311–11

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 341)

The Bill was then sent to the Senate.

INTRODUCTION OF BILLS

Delegate Hixson 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 – 7 (See Roll Call No. 342)

In compliance with the rules, the Bill was introduced.

House Bill 1352 – Delegates Hixson, Branch, Ivey, Kaiser, Luedtke, and Walker

AN ACT concerning

Local School Boards – Authority to Impose a Property Tax

FOR the purpose of authorizing county boards of education to impose, by resolution, a property tax to provide funding for public school operation and expenses; providing that the property tax is in addition to the county property tax; providing for the collection and administration of the property tax; requiring the property tax rate to be set by certain county boards at a certain level for certain fiscal years; requiring certain counties to reduce their property tax rates by a certain amount for certain fiscal years; authorizing certain counties to appropriate funds for the county boards of education; authorizing certain county boards to provide for the issuance of bonds and other evidence of indebtedness; requiring that the proceeds from the issuance of bonds and other evidence of indebtedness be used for certain purposes; providing for the tax-exempt nature

of the bonds and other evidence of indebtedness; requiring certain county boards to appropriate in an annual budget a certain minimum amount; requiring certain county boards to spend revenues in a certain manner; making technical changes; providing for the application of this Act; and generally relating to authorization for county boards of education to impose a property tax.

BY adding to

Article – Education

Section 3–106, 3–107, 3–107.1, 5–103.1, 5–104.1, and 5–105.1

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 5–102, 5–103, 5–104, 5–105, 5–107, 5–109, 5–110, 5–113, 5–201(e), and
5–202(d)

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 343)

ADJOURNMENT

At 12:19 P.M. on motion of Delegate Barve the House adjourned until 8:00 P.M., on Legislative Day March 19, 2011, Calendar Day Monday, March 21, 2011.

Annapolis, Maryland
Legislative Day: March 19, 2011
Calendar Day: Monday, March 21, 2011

The House met at 8:01 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Jeannie Haddaway–Ricchio of Caroline, Dorchester, Talbot and Wicomico counties.

QUORUM CALL

The presiding officer announced a quorum call, showing 131 Members present.

(See Roll Call No. 344)

The Journal of March 18, 2011 was read and approved.

EXCUSES:

Del. Burns – illness

Del. Gutierrez – business – El Salvador

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 132 – Senators Pugh, Currie, Jones–Rodwell, Kelley, Madaleno, Manno, Montgomery, Peters, ~~and Raskin~~ Raskin, and Muse

AN ACT concerning

Job Applicant Fairness Act

FOR the purpose of prohibiting an employer from using the credit report or credit history of an employee or applicant for employment for certain purposes; authorizing an employer to request or ~~consider~~ use an applicant's or employee's credit report or credit history under certain circumstances; providing that, for the purpose of this Act, a position for which an employer has a bona fide purpose that is substantially job-related for requesting or using information in a credit report or credit history includes a position that meets certain criteria; authorizing certain ~~civil actions under certain circumstances~~ individuals to file a complaint with the Commissioner of Labor and Industry; requiring that a complaint filed by an employee under this Act be investigated promptly by the

Commissioner; requiring the Commissioner to attempt to resolve a certain matter informally; authorizing the Commissioner to assess certain civil penalties and send a certain order to pay a certain penalty to certain parties under certain circumstances; authorizing an employer to request a certain hearing under certain circumstances; requiring the Commissioner to schedule a certain hearing under certain circumstances; establishing that an order to pay a civil penalty becomes final under certain circumstances; authorizing the Commissioner or a complainant to bring certain court actions under certain circumstances; providing that this Act does not apply to certain employers; specifying that this Act does not prohibit an employer from performing an employment-related background investigation that meets certain requirements; and generally relating to the use by employers of credit reports and credit histories of employees and applicants for employment.

BY adding to

Article – Labor and Employment

Section 3-711

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 176 – The President (By Request – Administration) and Senators Garagiola, Klausmeier, Astle, King, Madaleno, and Rosapepe

AN ACT concerning

Maryland Electric Vehicle Infrastructure Council

FOR the purpose of establishing the Maryland Electric Vehicle Infrastructure Council; specifying the membership and staffing of the Council; requiring the Governor to designate the chair or cochairs of the Council; requiring the Council to perform certain duties and make certain recommendations; prohibiting members of the Council from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Council to submit an interim and a final report by certain dates; defining ~~certain terms~~ a certain term; providing for the termination of this Act; and generally relating to the Maryland Electric Vehicle Infrastructure Council.

Read the first time and referred to the Committee on Environmental Matters and the Committee on Economic Matters.

Senate Bill 342 – Senators Ramirez and Forehand

AN ACT concerning

Peace Orders – Extension of Duration

FOR the purpose of extending the maximum duration of a final peace order; and generally relating to peace orders.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–1505(f)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Family Law
Section 4–506(j)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judiciary.

Senate Bill 480 – Senators Forehand and Ramirez

AN ACT concerning

Courts – Peace Orders – Penalties

FOR the purpose of altering the penalty, for a second or subsequent offense, for a person who fails to comply with the relief granted in an interim, a temporary, or a final peace order; and generally relating to peace orders.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–1508
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judiciary.

Senate Bill 593 – Senators Raskin ~~and Jacobs~~, Jacobs, and Forehand

AN ACT concerning

Crimes – Definition of Serious Physical Injury – Strangulation and Suffocation

FOR the purpose of establishing that for certain provisions of law relating to assault, reckless endangerment, the abuse of vulnerable adults, and domestic violence, the definition of “serious physical injury” includes strangulation and suffocation; and generally relating to the definition of serious physical injury.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 3–201(a), 3–202, 3–204, and 3–604(a)(1), (b), (c), and (d)
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–201(d) and 3–604(a)(8)
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Family Law
Section 4–701
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judiciary.

Senate Bill 670 – Senator Rosapepe

AN ACT concerning

Task Force on Solar Hot Water Systems in Prince George’s County

FOR the purpose of reestablishing the Task Force on Solar Hot Water Systems in Prince George’s County; providing for the members of the Task Force; providing for the designation of a chair of the Task Force; requiring the Prince George’s County government to provide staff for the Task Force; prohibiting a member of the Task Force from receiving certain compensation; providing that a member of the Task Force may receive reimbursement of certain expenses; requiring the Task Force to study certain matters and make certain findings and recommendations; requiring the Task Force to report its findings and recommendations to the Prince George’s County Senators, the Prince George’s County Delegation, the Prince George’s County Council, the Prince George’s County Executive, and certain committees of the General Assembly on or before a certain date; stating a certain intent of the General Assembly concerning technical assistance provided by the Maryland Energy Administration; stating a certain intent of the General Assembly concerning the selection of Task Force members; providing for the termination of this Act; and generally relating to the Task Force on Solar Hot Water Systems in Prince George’s County.

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 746 – Senator Stone

AN ACT concerning

Economic Development – Task Force on Job Creation

FOR the purpose of establishing the Task Force on Job Creation; specifying the membership, chair, and staffing of the Task Force; specifying that a member of the Task Force may not receive compensation, but may receive certain reimbursement; requiring the Task Force to determine the causes of the loss of employment opportunities in the State and make certain recommendations; requiring the Task Force to inventory current State and local agencies, laws, regulations, and policies on job creation ~~that are duplicative, operate at cross purposes, or are ineffective as to job creation and retention~~ for a certain purpose; requiring the Task Force, on or before certain dates, to submit certain preliminary and final reports to the Governor and the General Assembly; providing for the termination of this Act; and generally relating to the Task Force on Job Creation.

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 747 – ~~Senator Stone~~ Senators Stone, Raskin, Brochin, Forehand, and Jacobs

AN ACT concerning

Domestic Violence – Cruelty Toward a Pet or Service Animal

FOR the purpose of authorizing a District Court Commissioner, in a certain interim protective order, and a judge, in a temporary protective order or final protective order, to order a respondent to remain away from a certain pet or service animal, to refrain from cruelty or aggravated cruelty toward the pet or service animal, or in certain circumstances, to give the pet or service animal to a certain person; providing certain penalties for failure to comply with certain relief ordered in a certain interim protective order, temporary protective order, or final protective order; defining certain terms; and generally relating to domestic violence and cruelty toward a pet or service animal.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–601(a), (b), and (c), 10–604(a), and 10–606(a)
Annotated Code of Maryland
(2002 Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Family Law
Section 4–501(a) and (l)
Annotated Code of Maryland

(2006 Replacement Volume and 2010 Supplement)

BY adding to

Article – Family Law

Section 4–501(m) and (q), 4–504.1(c)(9), 4–505(a)(2)(ix), and 4–506(d)(13)

Annotated Code of Maryland

(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Family Law

Section 4–501(m), (n), (o), (p), (q), and (r), 4–504.1(c)(7) and (8), 4–505(a)(2)(vii) and (viii), 4–506(d)(11) and (12), and 4–509(a)

Annotated Code of Maryland

(2006 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Judiciary.

Senate Bill 822 – Senator Middleton

AN ACT concerning

Maryland Communities for a Lifetime Act

FOR the purpose of establishing the Maryland Communities for a Lifetime Program within the Department of Aging; ~~altering the membership of the Interagency Committee on Aging Services; providing for the term of a representative of a Community for a Lifetime on the Interagency Committee; prohibiting the reappointment of a representative of a Community for a Lifetime for more than a certain number of terms; requiring the Interagency Committee to plan for assisting Communities for a Lifetime annually; altering the composition of local interagency committees; requiring the Secretary of Aging to determine the amount of a grant for a proposed or existing senior activities center capital improvement after considering whether a Community for a Lifetime is affected by the project; requiring the Senior Citizen Activities Center Operating Fund to be used to benefit Communities for a Lifetime in a certain manner;~~ requiring the Secretary of Aging, with the advice of the Innovations in Aging Services Advisory Council, to include provisions for funding grants sought by Communities for a Lifetime within an Innovations in Aging Services Program plan in a certain manner; altering the membership of the Innovations in Aging Services Advisory Council; establishing the purpose of certain provisions of this Act; requiring the Department of Aging, ~~in consultation with area agencies on aging and the Interagency Committee on Aging Services, to establish, oversee, and coordinate the Maryland Communities for a Lifetime Program;~~ requiring the Department of Aging to collect and make available certain best practices; authorizing a county or municipal corporation to establish a certification process for Communities for a Lifetime; requiring the Department of Aging to ~~consider~~ recommend certain criteria ~~in its~~ for the certification process for

Communities for a Lifetime; requiring a Community for a Lifetime to report to the Department of Aging on certain progress and plans by a certain date each year; ~~requiring a Community for a Lifetime to be considered a priority funding area~~; defining a certain term; and generally relating to establishing a Maryland Communities for a Lifetime Program.

BY repealing and reenacting, with amendments,

Article – Human Services

Section 10–101, ~~10–302, 10–306, 10–504, 10–514~~, 10–603, and 10–604

Annotated Code of Maryland

(2007 Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

Article – Human Services

Section ~~10–301, 10–501, 10–502~~, and 10–602

Annotated Code of Maryland

(2007 Volume and 2010 Supplement)

BY adding to

Article – Human Services

Section 10–801 through 10–804 to be under the new subtitle “Subtitle 8. Maryland Communities for a Lifetime Program”

Annotated Code of Maryland

(2007 Volume and 2010 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article – State Finance and Procurement~~

~~Section 5–7B–02~~

~~Annotated Code of Maryland~~

~~(2009 Replacement Volume and 2010 Supplement)~~

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 901 – Senator Miller

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Prince George’s County – Site Plan Approval Authority

FOR the purpose of ~~prohibiting~~ authorizing the County Council for Prince George’s County, sitting as the district council, ~~from reviewing~~ to review decisions by the Prince George’s County Planning Board to approve or disapprove certain site plans ~~except under certain circumstances~~; authorizing a party of record to appeal certain decisions by the Planning Board to the district council; requiring the district council to decide whether to conduct a certain review within a

certain number of days; requiring the district council to conduct a certain review hearing within a certain number of days unless that period of time is extended in certain circumstances; requiring the district council to issue a certain decision within a certain number of days; prohibiting the district council from revoking certain delegations of approval authority made to the Planning Board by a certain date; authorizing the district council to revoke certain delegations of approval authority for the purpose of delegating that authority to the governing bodies of certain municipal corporations; and generally relating to site plan approval in Prince George's County.

BY adding to

Article 28 – Maryland–National Capital Park and Planning Commission
Section 8–129
Annotated Code of Maryland
(2010 Replacement Volume)

Read the first time and referred to the Committee on Environmental Matters.

Senate Joint Resolution 6 – Senator Middleton

A Senate Joint Resolution concerning

Safe Harbor Legislation and Regulations Needed to Form Accountable Care Organizations

FOR the purpose of urging ~~the United State Congress and~~ the Federal Trade Commission, ~~the Department of Justice, and the Department of Health and Human Services to pass legislation and~~ adopt regulations to guide the development of accountable care organizations and establishing establish certain safe harbors that will allow ~~physicians~~ health care providers to ~~collaborate in certain health insurance marketplaces and~~ form and deliver care through accountable care organizations; requesting that the United States Congress consider whether additional legislation, including antitrust safe harbor protections, is desirable for a certain purpose; and generally relating to safe harbor legislation and regulations needed for accountable care organizations.

Read the first time and referred to the Committee on Rules and Executive Nominations.

THE COMMITTEE ON APPROPRIATIONS REPORT #3

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 70 – The Speaker and the President (By Request – Administration)

Budget Bill**Fiscal Year 2012**

REPORT OF THE HOUSE APPROPRIATIONS COMMITTEE
TO THE MARYLAND HOUSE OF DELEGATES – 2011 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO HOUSE BILL 70 – THE BUDGET BILL

(See Exhibit H of Appendix II)

HOUSE APPROPRIATIONS COMMITTEE
REPRINT TO HOUSE BILL 70 – THE BUDGET BILL

(See Exhibit I of Appendix II)

HOUSE APPROPRIATIONS COMMITTEE REPORT ON
HOUSE BILL 70 – THE BUDGET BILL AND
HOUSE BILL 72 – THE BUDGET RECONCILIATION AND FINANCING ACT

(See Exhibit J of Appendix II)

Delegate Conway moved to make the Bill and Amendments a Special Order for Wednesday.

The motion was adopted.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 72 – The Speaker (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2011

HOUSE APPROPRIATIONS COMMITTEE REPORT ON
HOUSE BILL 70 – THE BUDGET BILL AND
HOUSE BILL 72 – THE BUDGET RECONCILIATION AND FINANCING ACT

(See Exhibit J of Appendix II)

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 72
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike “repealing” and substitute “altering”; in line 15, after “surcharges;” insert “altering the amount of a certain surcharge imposed for recording certain instruments for certain fiscal years;”; in the same line, strike “a certain fee” and substitute “certain fees”; in line 20, after “fees;” insert “altering the calculation of certain State aid to community colleges; altering the calculation of certain State aid to certain nonpublic institutions of higher education;”; strike beginning with “altering” in line 22 down through “purposes” in line 27 and substitute “establishing a Need-Based Student Financial Assistance Fund as a special, nonlapsing fund to be administered by the Commission; altering the amount of the fee collected by the Department of Health and Mental Hygiene for certain certificates and reports; altering the amount of certain fees collected by local health departments required to be transferred to the General Fund of the State; requiring the Department of Health and Mental Hygiene to ensure that certain publicly operated hospitals pay certain assessments comparable to certain assessments imposed on certain hospitals; altering certain provisions relating to certain hospital assessments; requiring the Health Services Cost Review Commission for a certain fiscal year to approve a combination of hospital assessments and remittances in a certain amount for certain purposes; requiring the Commission and the Department to adopt certain policies that will provide at least a certain amount from certain revenues and certain savings”; and in line 29, after “facilities;” insert “removing a certain limitation applicable to certain counties on the amount of certain license fees authorized to be imposed by the counties for certain licenses for food establishments;”.

On page 2, in line 2, after “circumstances;” insert “requiring that certain information be included in a certain plan prior to approval by the Department of Information Technology; providing that certain proceeds derived from certain sales by the Department of State Police be allocated to the State Annuity Bond Fund; authorizing the Maryland Environmental Service to establish certain project reserve funds; prohibiting the Service from retaining more than certain amounts in the project reserve funds; requiring the reversion of certain excesses to certain funds;”; in line 4, after “employees;” insert “requiring that the health insurance benefit option for retirees include a certain prescription drug benefit; altering eligibility in the State Employees and Retirees Health and Welfare Benefits Program for certain retirees who

begin State service on or after a certain date and their surviving spouses or dependent children;"; in line 5, strike "authorizing" and substitute "requiring"; in line 8, after "Program;" insert "setting a certain limit on a certain amount paid by the State to certain funds of the State Retirement and Pension System; requiring the Board of Trustees for the State Retirement and Pension System to certify certain information to the Governor and the Secretary of Budget and Management on or before certain dates; requiring the Governor to include certain amounts in the budget bill for payment to the State Retirement and Pension System;"; in the same line, after "new" insert "and certain returning"; strike beginning with "Employees" in line 10 down through the second "System" in line 11 and substitute "State Retirement and Pension System"; strike beginning with "requiring" in line 15 down through "change;" in line 20; in line 21, strike "and the method for calculating certain benefits"; in line 23, after "System;" insert "providing that employees of certain participating governmental units participating in the State Retirement and Pension System are not subject to a certain reformed contributory pension benefit;"; in line 25, after "System;" insert "altering the number of years of eligibility service required for certain members of the State Police Retirement System to become eligible to receive certain retirement benefits;"; strike beginning with "and" in line 27 down through "System;" in line 28 and substitute "altering the rate of member contributions for certain members of the Law Enforcement Officers' Pension System; altering the interest rate that certain benefits earn in certain deferred retirement option programs for members of the State Police Retirement System and the Law Enforcement Officers' Pension System;"; strike beginning with "Employees" in line 30 down through "System" in line 31 and substitute "State Retirement and Pension System"; strike beginning with "Employees" in line 32 down through "System" in line 33 and substitute "State Retirement and Pension System"; in line 36, after "credit;" insert "clarifying that certain members of the State Reformed Contributory Employees' Pension System or the State Reformed Contributory Teachers' Pension System may transfer certain service credit in a certain manner;"; in line 40, after "Pensions;" insert "providing that certain administrative and operational expenses of the Board of Trustees of the State Retirement and Pension System and the State Retirement Agency shall be paid by certain employers in a certain manner and may not be transferred from certain funds; requiring the Board of Trustees to determine and certify to the State and certain employers certain amounts payable; requiring the Governor to include a certain amount certified by the Board of Trustees in the annual budget bill; providing for the manner of payment of certain administrative and operational expenses of the Board of Trustees by certain employers; requiring the Comptroller to exercise the right of setoff against any money due or becoming due to certain employers under certain circumstances;"; in line 43, after "circumstances;" insert "altering the calculation of a certain mandatory property

tax credit for certain property located in certain enterprise zones; authorizing the governing body of a county or of a municipal corporation to grant, by law, a local supplement to a certain mandatory property tax credit for certain property located in certain enterprise zones; providing that a county or municipal corporation may not obtain reimbursement from the State for the revenues that would have been collected if a certain local supplement had not been granted; prohibiting the transfer or diversion of funds in the Transportation Trust Fund unless certain legislation is enacted prior to the transfer or diversion;”; in line 44, after “highway;” insert “altering the pledging of certain revenues for certain purposes; providing that certain altered distributions of certain revenues do not apply until certain bonds are no longer outstanding and unpaid, except under certain circumstances; requiring the Maryland Transit Administration to include certain information in a certain report; requiring the Administration to set certain fares for certain transit services at an amount sufficient to achieve a certain farebox recovery requirement; requiring the Maryland Aviation Administration Fire Rescue Service to charge a certain ambulance transport fee;”; strike beginning with “for” in line 45 down through “of” in line 46 and substitute “; altering certain limitations and requirements relating to certain miscellaneous fees that the Motor Vehicle Administration is authorized to set; altering the amount of certain fees related to motor vehicles; altering certain provisions relating to a certain fee for certain vehicle emissions inspections; prohibiting the Motor Vehicle Administration from renewing or transferring the”; strike beginning with “; requiring” in line 47 down through “of” in line 48 and substitute “under certain circumstances; prohibiting the Administration from renewing”; and in line 48, after “license” insert “under certain circumstances; requiring the Administration to cooperate with the Comptroller and the Department of Labor, Licensing, and Regulation to develop certain procedures and adopt certain regulations”.

On pages 2 and 3, strike beginning with “requiring” in line 48 on page 2 down through “coal;” in line 7 on page 3 and substitute “delaying a certain requirement for the State Department of Education to conduct a certain study of the adequacy of education funding in the State; requiring the study to incorporate certain standards and certain results from certain assessments;”; strike beginning with “providing” in line 8 down through “circumstances;” in line 10 and substitute “providing that certain retirees of the State Retirement Agency may be exempt from a certain earnings offset for a certain period of time if they are reemployed by the State Retirement Agency in a certain manner;”; and in line 13, after “obligations” insert “; providing that if certain institutions of higher education create a certain voluntary separation program, the institutions shall provide that certain positions be abolished and may not recreate certain positions and certain funds appropriated for a certain fiscal year shall be

transferred to the General Fund; requiring the transfer of certain funds to the General Fund to reimburse the State for certain State administrative expenses; requiring the Maryland Insurance Administration to work with the Health Services Cost Review Commission and the Maryland Health Care Commission to develop a mechanism for identifying hospital rate adjustments and assessments as components in a certain process, take into account in its work certain items, and report its findings and recommendations to the Governor and the General Assembly on or before a certain date”.

AMENDMENT NO. 2

On page 3, in line 18, strike “and” and substitute a comma; in the same line, after “17–311” insert “, and 17–317(a)”; after line 20, insert:

“BY repealing and reenacting, with amendments,

Article – Correctional Services

Section 7–702(b)

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)”;

in line 23, after “7–301(f)” insert “and 13–604(a)”; in line 38, after “11–105(o),” insert “16–305(c)(1)(i).”; in the same line, after “16–310(d)(1),” insert “17–104(a)(1), 18–107,” and strike in their entirety lines 31 through 35, inclusive.

On page 4, in line 2, strike “and” and substitute a comma; in the same line, after “18–1107” insert “, and 22–306.1”; strike in their entirety lines 10 through 15, inclusive; strike line 18 in its entirety and substitute:

“Section 4–217(c)(1) and (3), 19–214(d)(2)(i) and (e), 19–310.1(b), and 21–308(b)”;

and strike line 23 in its entirety and substitute:

“Section 15–702”.

On page 5, strike line 3 in its entirety and substitute:

“Section 3–103(h), 5–212(g), 5–212.1(g), and 5–903(a)(2)(v)”;

in line 8, after “Section” insert “3A-308(g).”; in the same line, strike “and” and substitute a comma; in the same line, after “6-226(a)” insert “, and 10-306(c)”; in line 13, strike “2-508(b)(3)” and substitute “2-508(c) and (d)”; in the same line, strike “23-212(d) and (e), 23-221(d)” and substitute “21-316, 23-212(d)”; in line 15, strike “and (g), 29-303(h)” and substitute “29-302(b-1), 29-303(b-1)”; in line 17, strike “and 31-116.2” and substitute “29-435 and 29-436 to be under the new part “Part VIII. Three/One Percent Compound Combination Adjustment”; 31-116.2, and 37-101(r-1) and (r-2)”; in line 22, after “Section” insert “2-508(b) and (c), 2-509”; in the same line, strike “20-205(a), 21-304(e) and (f),” and substitute “20-204, 20-205(a), 21-302(b), 21-303(d), 21-304(a)(2), (b), (e), and (f), 21-308(a).”; strike in their entirety lines 23 and 24 and substitute “23-212(c), 23-401(a) and (b), 23-402, 24-401(a), 24-401.1(c), (d), and (h)(2), 26-204(a), 26-401.1(h)(2), 27-202, 29-302(b), 29-303(b), 29-410, 29-425, 34-101(d), 37-101(j), 37-203(a), 37-203.1(a), (b)(1) and (3)(i)1., (c)(1), and (d)(1), and 38-104(d)”; after line 26, insert:

“BY repealing and reenacting, without amendments,

Article – State Personnel and Pensions

Section 29-302(a) and 29-303(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)”;

in line 29, after “2-202(b),” insert “2-614.”; in the same line, after “2-1302.1,” insert “2-1303.”; after line 31, insert:

“BY repealing

Article – Tax – General

Section 2-1302.2

Annotated Code of Maryland

(2010 Replacement Volume)”;

in line 34, after “2-106” insert “and 9-103(d)(1) and (4)”; and after line 36, insert:

“BY adding to

Article – Tax – Property

Section 9-255

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)”.

On page 6, in line 3, after “Section” insert “3–215(b).”; in the same line, strike “and 8–402(c)(2)” and substitute “, 7–208(b), 8–402(c), and 8–403”; after line 5, insert:

“BY adding to

Article – Transportation

Section 3–217, 5–415, and 7–208(b–1)

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)”;

strike in their entirety lines 6 through 10, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article – Transportation

Section 12–120, 13–613(b), 13–802, and 23–205

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)”;

strike in their entirety lines 13 and 14 and substitute:

“Section 13–406.2 and 16–115(j)”;

after line 16, insert:

“BY repealing and reenacting, with amendments,

Chapter 288 of the Acts of the General Assembly of 2002

Section 7”;

and strike in their entirety lines 26 through 36, inclusive.

AMENDMENT NO. 3

On page 7, strike in their entirety lines 15 through 35, inclusive.

On page 9, after line 7, insert:

“[(a)] (D) (1) Within 365 days from the filing of the report required by § 17–310 of this subtitle, the Administrator shall cause notice to be published in a newspaper of general circulation in [the county] THE COUNTIES in the State IDENTIFIED AS FEDERALLY DESIGNATED RURAL COUNTIES BY THE RURAL

MARYLAND COUNCIL within which is located the last known address of any person to be named in the notice.

(2) If an address is not listed or if the address is outside the State, the notice shall be published in the county within which the person who held the abandoned property has the principal place of business in this State, IF THE COUNTY IS IDENTIFIED AS A FEDERALLY DESIGNATED RURAL COUNTY BY THE RURAL MARYLAND COUNCIL.

[(b)] (E) The published notice REQUIRED UNDER SUBSECTION (D) OF THIS SECTION shall be entitled “Notice of Names of Persons Appearing to Be Owners of Abandoned Property” and shall contain:

(1) The names in alphabetical order and last known addresses, if any, of persons listed in the report and entitled to notice in the county specified in SUBSECTION (D) OF this section;

(2) A statement that information concerning the amount or description of the property and the name and address of the person who held the property may be obtained by any person who possesses an interest in the property, by addressing an inquiry to the Administrator; and

(3) A statement that a proof of claim may be presented by the owner to the Administrator.

[(c)] (F) The Administrator is not required to publish in the notice REQUIRED UNDER SUBSECTION (D) OF THIS SECTION any item valued at less than \$100 unless the Administrator considers the publication to be in the public interest.”;

and in lines 8 and 12, strike “(d)” and “(e)”, respectively, and substitute “**(G)**” and “**(H)**”, respectively.

AMENDMENT NO. 4

On page 10, strike beginning with the colon in line 13 down through “**SUBJECT**” in line 14 and substitute “**, SUBJECT**”; in line 15, strike “**50%**” and substitute “**100% OF THE REMAINDER**”; strike beginning with “**; AND**” in line 17 down through “**FUND**” in line 19; and in line 21, strike “**(III)1**” and substitute “**(III)**”.

AMENDMENT NO. 5

On page 9, after line 19, insert:

“17–317.

(a) (1) All funds received under this title, including the proceeds of the sale of abandoned property under § 17–316 of this subtitle, shall be credited by the Administrator to a special fund. The Administrator shall retain in the special fund at the end of each fiscal year, from the proceeds received, an amount not to exceed \$50,000, from which sum the Administrator shall pay any claim allowed under this title.

[(2) After deducting all costs incurred in administering this title from the remaining net funds the Administrator shall distribute \$500,000 to the Maryland Legal Services Corporation to support the activities of the corporation.]

[(3)] (2) (i) Subject to subparagraph (ii) of this paragraph, the Administrator shall distribute all unclaimed money from judgments of restitution under Title 11, Subtitle 6 of the Criminal Procedure Article to the State Victims of Crime Fund established under § 11–916 of the Criminal Procedure Article to assist victims of crimes and delinquent acts to protect the victims’ rights as provided by law.

(ii) If a victim entitled to restitution that has been treated as abandoned property under § 11–614 of the Criminal Procedure Article is located after the money has been distributed under this paragraph, the Administrator shall reduce the next distribution to the State Victims of Crime Fund by the amount recovered by the victim.

[(4)] (3) After making the distributions required under [paragraphs (2) and (3)] PARAGRAPH (2) of this subsection, the Administrator shall distribute the remaining net funds not retained under paragraph (1) of this subsection to the General Fund of the State.”

AMENDMENT NO. 6

On page 9, before line 20, insert:

“Article – Correctional Services

7–702.

(b) Unless a supervisee is exempted by the Commission under subsection (d) of this section, the Commission shall assess a monthly fee of ~~[\$40]~~ \$50 as a condition of supervision for each supervisee.

On page 10, line 28, strike “except as provided in paragraph (2) of this subsection,”.

AMENDMENT NO. 7

On page 10, after line 24, insert:

“13-604.

(a) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE Administrator shall establish a surcharge of \$20 for each type of recordable instrument to be recorded among the land records and the financing statement records.

(2) FOR EACH OF FISCAL YEARS 2012 THROUGH 2016, THE SURCHARGE ESTABLISHED UNDER THIS SUBSECTION SHALL BE \$40 FOR EACH TYPE OF RECORDABLE INSTRUMENT TO BE RECORDED AMONG THE LAND RECORDS AND THE FINANCING STATEMENT RECORDS.”.

AMENDMENT NO. 8

On pages 10 and 11, strike in their entirety the lines beginning with line 32 on page 10 through line 12 on page 11, inclusive.

AMENDMENT NO. 9

On page 12, in line 3, strike “\$6,599” and substitute “\$6,694”.

AMENDMENT NO. 10

On page 13, after line 24, insert:

“16-305.

(c) (1) (i) The total State operating fund per full-time equivalent student to the community colleges for each fiscal year as requested by the Governor shall be:

1. In fiscal year 2009, not less than an amount equal to 26.25% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;

2. In fiscal year 2010, not less than an amount equal to 23.6% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

3. In fiscal year 2011, not less than an amount equal to 21.8% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

4. In fiscal year 2012, not less than an amount equal to 20% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

5. In fiscal year 2013, not less than an amount equal to [21%] 18.5% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

6. In fiscal year 2014, not less than an amount equal to [22%] 18.5% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

7. In fiscal year 2015, not less than an amount equal to [23%] 19.5% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated

by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

8. In fiscal year 2016, not less than an amount equal to [24%] 20.5% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

9. In fiscal year 2017, not less than an amount equal to [25%] 21.5% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

10. In fiscal year 2018, not less than an amount equal to [26%] 22.5% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

11. In fiscal year 2019, not less than an amount equal to [27%] 23.5% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

12. In fiscal year 2020, not less than an amount equal to [28%] 25% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year; [and]

13. IN FISCAL YEAR 2021, NOT LESS THAN AN AMOUNT EQUAL TO 26.5% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION

FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR;

14. IN FISCAL YEAR 2022, NOT LESS THAN AN AMOUNT EQUAL TO 28% OF THE STATE’S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR; AND

[13.] 15. In fiscal year [2021] 2023 and each fiscal year thereafter, not less than an amount equal to 29% of the State’s General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year.”.

AMENDMENT NO. 11

On page 14, after line 8, insert:

“22-306.1.

(A) IN THIS SECTION, “BASIC COST” MEANS THE AVERAGE AMOUNT SPENT BY A COUNTY FROM COUNTY AND STATE FUNDS FOR THE PUBLIC EDUCATION OF A NONDISABLED CHILD.

(B) A COUNTY SHALL REIMBURSE THE DEPARTMENT OF JUVENILE SERVICES THE AMOUNT OF THE BASIC COST CALCULATED UNDER SUBSECTION (A) OF THIS SECTION FOR EACH CHILD WHO WAS DOMICILED IN THE COUNTY PRIOR TO THE PLACEMENT IF THE CHILD:

(1) IS COMMITTED TO THE DEPARTMENT OF JUVENILE SERVICES AND IS IN A PROGRAM AT A FACILITY OR A RESIDENTIAL FACILITY;

(2) IS NOT IN DETENTION OR AWAITING PLACEMENT AFTER DISPOSITION; AND

(3) DOES NOT MEET THE CRITERIA FOR SHARED STATE AND LOCAL PAYMENT OF EDUCATIONAL COSTS AS PROVIDED IN §§ 8-406 AND 8-415 OF THIS ARTICLE.

AMENDMENT NO. 12

On page 14, before line 5, insert:

“18-107.

(a) (1) Each year, money for each student financial assistance program administered by the Office shall be included in the State budget.

(2) Each year, the Governor shall include in the State budget at least 80 percent of the funds appropriated in the prior fiscal year for need-based programs as provided in §§ 18-301, 18-706(f), 18-1401, 18-1501, and 18-2601 of this title.

(b) [(1) Except as otherwise provided in this title, money appropriated under this title that is not used by the end of the fiscal year [may not revert to the State Treasury] SHALL BE DEPOSITED IN THE NEED-BASED STUDENT FINANCIAL ASSISTANCE FUND.

[(2) All money retained under paragraph (1) of this subsection shall be used to make awards to students during subsequent fiscal years as provided in §§ 18-301, 18-601, 18-604, 18-706(f), 18-1401, 18-14A-01, 18-1501, and 18-2601 of this title and may not be used for administrative expenses.]

(c) (1) IN THIS SUBSECTION, “FUND” MEANS THE NEED-BASED STUDENT FINANCIAL ASSISTANCE FUND.

(2) THERE IS A NEED-BASED STUDENT FINANCIAL ASSISTANCE FUND.

(3) THE PURPOSE OF THE FUND IS TO ALLOW MONEY APPROPRIATED FOR STUDENT FINANCIAL ASSISTANCE PROGRAMS THAT IS NOT USED IN A FISCAL YEAR TO BE RETAINED FOR NEED-BASED AWARDS IN FUTURE FISCAL YEARS.

(4) THE COMMISSION SHALL ADMINISTER THE FUND.

(5) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(II) THE STATE TREASURER SHALL HOLD THE FUND AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(6) THE FUND CONSISTS OF:

(I) MONEY DISTRIBUTED TO THE FUND UNDER SUBSECTION (B) OF THIS SECTION; AND

(II) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(7) (I) THE FUND MAY BE USED ONLY FOR MAKING NEED-BASED FINANCIAL ASSISTANCE AWARDS TO STUDENTS AS PROVIDED IN §§ 18-301, 18-601, 18-604, 18-706(F), 18-1401, 18-14A-01, 18-1501, AND 18-2601 OF THIS TITLE.

(II) THE FUND MAY NOT BE USED FOR ADMINISTRATIVE EXPENSES.

(8) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(II) ANY INVESTMENT EARNINGS ON THE FUNDS IN THE ACCOUNT SHALL BE PAID INTO THE GENERAL FUND OF THE STATE.

(9) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.”.

AMENDMENT NO. 13

On page 14, after line 4, insert:

“17-104.

(a) (1) Except as provided in paragraph (2) of this subsection, the Maryland Higher Education Commission shall compute the amount of the annual apportionment for each institution that qualifies under this subtitle by multiplying the number of full-time equivalent students enrolled at the institution during the fall semester of the fiscal year preceding the fiscal year for which the aid apportionment is made, as determined by the Maryland Higher Education Commission by:

(i) In fiscal year 2009, an amount not less than 16% of the State’s General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the preceding fiscal year;

(ii) In fiscal year 2010, an amount not less than 12.85% of the State’s General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in the State for the same fiscal year;

(iii) In fiscal year 2011, an amount not less than 9.8% of the State’s General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year;

(iv) In fiscal year 2012, an amount not less than 9.2% of the State’s General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year;

(v) In fiscal year 2013, an amount not less than [10%] **9.5%** of the State’s General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year;

(vi) In fiscal year 2014, an amount not less than [10.5%] **10%** of the State’s General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year;

(vii) In fiscal year 2015, an amount not less than [11%] **10.5%** of the State’s General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the same fiscal year;

(viii) In fiscal year 2016, an amount not less than [11.5%] 11% of the State’s General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(ix) In fiscal year 2017, an amount not less than 12% of the State’s General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(x) In fiscal year 2018, an amount not less than 13% of the State’s General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(xi) In fiscal year 2019, an amount not less than 14% of the State’s General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(xii) In fiscal year 2020, an amount not less than 15% of the State’s General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year; and

(xiii) In fiscal year 2021 and each fiscal year thereafter, an amount not less than 15.5% of the State’s General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year.”.

AMENDMENT NO. 14

On page 13, in line 10, strike “**APPROVAL**” and substitute “**EXCEPT FOR ACTIONS RELATING TO PROGRAMS OFFERED AT A REGIONAL HIGHER EDUCATION CENTER, APPROVAL**”.

AMENDMENT NO. 15

On page 15, in line 27, strike “**\$500,000**” and substitute “**\$140,000**”.

AMENDMENT NO. 16

On page 16, strike in their entirety lines 1 through 5, inclusive.

On pages 16 through 19, strike in their entirety the lines beginning with line 26 on page 16 through line 18 on page 19, inclusive.

AMENDMENT NO. 17

On page 16, after line 6, insert:

“4-217.

(c) (1) Except as otherwise provided by law[, the]:

(I) THE Department shall collect a \$12 fee:

[(i)] 1. For each certified or abridged copy of a [birth,] death, fetal death, marriage, or divorce verification certificate;

[(ii)] 2. For a report that a search of the DEATH, FETAL DEATH, MARRIAGE, OR DIVORCE VERIFICATION CERTIFICATE files was made and the requested record is not on file;

[(iii)] 3. For each change to a DEATH, FETAL DEATH, MARRIAGE, OR DIVORCE VERIFICATION certificate made later than one year after the certificate has been registered with the Department; or

[(iv)] 4. To process an adoption, foreign adoption, or legitimation; AND

(II) THE DEPARTMENT SHALL COLLECT A \$24 FEE:

1. FOR EACH CERTIFIED OR ABRIDGED COPY OF A BIRTH CERTIFICATE;

2. FOR A REPORT THAT A SEARCH OF THE BIRTH CERTIFICATE FILES WAS MADE AND THE REQUESTED RECORD IS NOT ON FILE; OR

3. FOR EACH CHANGE TO A BIRTH CERTIFICATE MADE LATER THAN 1 YEAR AFTER THE CERTIFICATE HAS BEEN REGISTERED WITH THE DEPARTMENT.

(3) (i) Any local health department may set and collect a fee for processing and issuing a birth certificate, or for a report that a search of the files was made and the requested record is not on file, that covers:

1. The administrative costs of providing this service; and
2. The requirements of subparagraph (iii) of this paragraph.

(ii) The fee set by the local health department for processing and issuing a birth certificate or for a report under subparagraph (i) of this paragraph may not exceed the actual costs to the local health department for processing and issuing a birth certificate or a report.

(iii) From the fee the local health department collects under subparagraph (i) of this paragraph, [\$10] \$20 shall be transferred to the General Fund.

(iv) Prior to setting and collecting a fee for processing and issuing a birth certificate or for a report under subparagraph (i) of this paragraph, the local health department shall enter into a memorandum of understanding with the Department of Health and Mental Hygiene that outlines the local health department's fee structure."

AMENDMENT NO. 18

On page 16, strike in their entirety lines 7 through 25, inclusive.

AMENDMENT NO. 19

On pages 19 and 20, strike in their entirety the lines beginning with line 20 on page 19 through line 4 on page 20.

AMENDMENT NO. 20

On page 19, after line 18, insert:

"15-702.

(A) THE DEPARTMENT SHALL ENSURE THAT PUBLICLY OWNED SPECIALTY HOSPITALS PAY AN ASSESSMENT THAT IS COMPARABLE TO ANY UNIFORM ASSESSMENTS IMPOSED BY THE HEALTH SERVICES COST REVIEW

COMMISSION ON SPECIALTY HOSPITALS UNDER § 19-214(D) OF THIS ARTICLE OR UNDER SECTION 16 OF CHAPTER (H.B. 72) OF THE ACTS OF THE GENERAL ASSEMBLY OF 2011.

(B) REVENUES GENERATED FROM ANY ASSESSMENTS AUTHORIZED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE USED FOR THE GENERAL OPERATIONS OF THE MEDICAID PROGRAM.”.

On pages 20 through 22, strike in their entirety the lines beginning with line 5 on page 20 through line 14 on page 22, inclusive, and substitute:

“(d) (2) (i) For the portion of the assessment under paragraph (1)(i) of this subsection:

1. The Commission shall ensure that the assessment amount [does not exceed the savings realized in averted hospital uncompensated care from the health care coverage expansion] EQUALS 1.25% OF PROJECTED REGULATED NET PATIENT REVENUE; and

2. Each hospital shall remit its assessment amount to the Health Care Coverage Fund established under § 15-701 of this article.”.

On page 61, in line 13, strike “SECTION” and substitute:

“SECTION 16. AND BE IT FURTHER ENACTED, That, in addition to any other revenue generated under § 19-214 of the Health – General Article, as amended by this Act:

(a) For fiscal year 2012, the Health Services Cost Review Commission shall approve a combination of hospital assessments and remittances in the amount of \$389,825,000 to support the general operations of the Medicaid program. The Commission may reduce assessments or remittances by the amount of any reduction in State Medicaid expenditures that will result from any Commission-approved changes in hospital rates or policies, other than changes authorized through the pooling of graduate medical education under § 19-214(b) of the Health – General Article.

(b) For fiscal year 2013 and every fiscal year thereafter, the Commission and the Department of Health and Mental Hygiene shall adopt policies that will provide at least \$389,825,000 from a combination of special fund revenues and General Fund savings from reduced hospital or other payments made by the Medicaid program. The policies adopted under this subsection shall be in lieu of the hospital assessment and remittance revenue generated in fiscal year 2012, but may include hospital assessments and remittances. To the maximum extent possible, the Commission and the Department shall adopt policies that do not erode the State’s Medicare waiver.

SECTION”.

AMENDMENT NO. 21

On page 22, after line 33, insert:

“21–308.

(b) (1) For any license issued for which the authority to conduct a program under this subtitle has been delegated to a county health department:

(i) A county governing body or the Mayor and City Council of Baltimore City may and the Anne Arundel County Council shall provide for a license fee schedule based on the anticipated cost of licensing, inspecting, and regulating food establishments and may provide for exemptions from the license fee schedule; and

(ii) All license fees shall be paid to the local health department or chief financial officer of the county governing body or Baltimore City.

(2) Except in Anne Arundel County, Baltimore City, Montgomery County, and Prince George’s County, a license fee under this subsection may not exceed [:

(i) \$300; or

(ii) \$70 for a seasonal food processing operation that:

[1.] (I) Uses only food that is grown on the property of the licensee; and

[2.] (II) Is in operation for not more than a 3-month continuous period in the calendar year.

(3) A seasonal food processing operation may obtain a food establishment license for a fee of \$70 under paragraph [(2)(ii)] (2) of this subsection only twice in a calendar year.”.

AMENDMENT NO. 22

On page 23, strike beginning with “DEPARTMENT” in line 22 down through “THE” in line 23.

On page 24, in line 14, strike beginning with “FOR” through “THE” and substitute “THE”; strike beginning with “THE” in line 15 down through “FOR” in line 16; in line 17, after “THAN” insert “:

1.”;

in the same line, after “\$3,000,000” insert “FOR EACH OF FISCAL YEARS 2012 AND 2013; AND

2. \$8,000,000 FOR FISCAL YEAR 2014 AND EACH FISCAL YEAR THEREAFTER”;

strike beginning with “THE” in line 20 down through “FOR” in line 21; and in line 28, after the bracket insert “THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR”.

AMENDMENT NO. 23

On page 25, strike in their entirety lines 7 through 22, inclusive, and substitute:

“(g) (1) The Fund may be used only for:

[(1)](i) 1. Purchasing and managing in the name of the State lands suitable for forest culture, reserves, watershed protection, State parks, scenic preserves, historic monuments, parkways, and State recreational reserves; and

[(ii)] 2. Helping to offset the costs to the Forest and Park Service for developing and implementing a forest health emergency contingency program under § 5–307 of this title;

[(2)] (II) [Annual] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, payments to counties in the amount of:

[(i)] 1. If the State forest or park reserve comprises less than 10% of the total land area of the county, a sum equal to 15% of the revenue derived from the State forest or park reserve located in that county; and

[(ii)] 2. If the State forest or park reserve comprises 10% or more of the total land area of the county, a sum equal to 25% of the revenue derived from the State forest or park reserve located in that county; and

[(3)] (III) Administrative costs calculated in accordance with § 1–103(b)(2) of this article.

(2) FOR FISCAL YEARS 2012 AND 2013 ONLY, THE PAYMENTS UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE BASED ONLY ON THE REVENUE DERIVED FROM SALES OF TIMBER.”;

and strike in their entirety lines 24 through 31, inclusive, and substitute:

“(g)”.

On page 26, in lines 1 and 8, in each instance, strike the bracket; in line 1, after “(2)” insert “(I)”; in the same line, strike “Each” and substitute “SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, EACH”; in lines 3 and 6, strike “(i)” and “(ii)”, respectively, and substitute “1.” and “2.”, respectively; and after line 8, insert:

“(II) FOR FISCAL YEARS 2012 AND 2013 ONLY, THE PAYMENTS UNDER SUBPARAGRAPH (I) OF THIS SUBSECTION MAY NOT BE MADE.”.

On pages 26 and 27, strike in their entirety the lines beginning with line 9 on page 26 through line 6 on page 27, inclusive.

AMENDMENT NO. 24

On page 27, after line 7, insert:

“3A-308.

(g) (1) The Secretary shall approve funding for major information technology development projects only when those projects are supported by an approved systems development life cycle plan.

(2) AN APPROVED SYSTEMS DEVELOPMENT LIFE CYCLE PLAN SHALL INCLUDE SUBMISSION OF:

(i) A PROJECT PLANNING REQUEST THAT DETAILS INITIAL PLANNING FOR THE PROJECT, INCLUDING:

1. THE PROJECT TITLE, APPROPRIATION CODE, AND SUMMARY;

2. A DESCRIPTION OF:

A. THE NEEDS ADDRESSED BY THE PROJECT;

B. THE POTENTIAL RISKS ASSOCIATED WITH THE PROJECT;

C. POSSIBLE ALTERNATIVES; AND

D. THE SCOPE AND COMPLEXITY OF THE PROJECT;
AND

3. AN ESTIMATE OF:

A. THE TOTAL COSTS REQUIRED TO COMPLETE THROUGH PLANNING; AND

B. THE FUND SOURCES AVAILABLE TO SUPPORT PLANNING COSTS; AND

(II) A PROJECT IMPLEMENTATION REQUEST TO BEGIN FULL DESIGN, DEVELOPMENT, AND IMPLEMENTATION OF THE PROJECT AFTER THE COMPLETION OF PLANNING, INCLUDING:

1. THE PROJECT TITLE, APPROPRIATION CODE, AND SUMMARY;

2. A DESCRIPTION OF:

A. THE NEEDS ADDRESSED BY THE PROJECT;

B. THE POTENTIAL RISKS ASSOCIATED WITH THE PROJECT;

C. POSSIBLE ALTERNATIVES;

D. THE SCOPE AND COMPLEXITY OF THE PROJECT;
AND

E. HOW THE PROJECT MEETS THE GOALS OF THE STATEWIDE MASTER PLAN; AND

3. AN ESTIMATE OF:

A. THE TOTAL PROJECT COST; AND

B. THE FUND SOURCES AVAILABLE.

[(2)] (3) The Secretary may approve funding incrementally, consistent with the systems development life cycle plan.”.

AMENDMENT NO. 25

On page 27, before line 7, insert:

“5-903.

(a) (2) (v) For each of fiscal years 2010 [and 2011] THROUGH 2013, \$1,217,000 of the State's share of funds available under subparagraph (i)1A of this paragraph may be appropriated in the budgets of the Department, the Department of General Services, and the Department of Planning for expenses necessary to administer this Program."

AMENDMENT NO. 26

On page 31, in line 22, strike "AND"; and in line 23, after "FUND" insert "; AND

63. TRANSPORTATION TRUST FUND".

AMENDMENT NO. 27

On page 31, after line 23, insert:

"10-306.

(c) (1) Except as provided in paragraph (2) of this subsection, if cash is received as consideration for the disposition of a capital asset of the State or any unit of the State government, the cash shall be applied to the State Annuity Bond Fund Account for the payment of the principal of and interest on the bonded indebtedness of the State.

(2) (I) If cash is received as consideration for the disposition of a capital asset, and if the capital asset was originally purchased with special funds, the cash shall be applied to the special fund.

(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, CASH RECEIVED AS CONSIDERATION FOR THE DISPOSITION OF HELICOPTERS, AUXILIARY HELICOPTER EQUIPMENT, GROUND SUPPORT EQUIPMENT, OR OTHER CAPITAL EQUIPMENT RELATED TO HELICOPTERS SHALL BE APPLIED TO THE STATE ANNUITY BOND FUND ACCOUNT FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDED INDEBTEDNESS OF THE STATE.

(3) If cash is received as consideration for the disposition of any real or personal property of the State or any unit of the State government, other than a capital asset, the cash shall be accounted for and paid into the State Treasury."

AMENDMENT NO. 28

On page 31, after line 25, insert:

“(b) (1) THIS SUBSECTION APPLIES TO A RETIREE WHO BEGAN STATE SERVICE ON OR BEFORE JUNE 30, 2011.

[(1) (2) A retiree may enroll and participate in the health insurance benefit options established under the Program if the retiree:

(i) ended State service with at least 10 years of creditable service and within 5 years before the age at which a vested retirement allowance normally would begin;

(ii) ended State service with at least 16 years of creditable service;

(iii) ended State service on or before June 30, 1984;

(iv) retired directly from State service with a State retirement allowance on or after July 1, 1984, and had at least 5 years of creditable service; or

(v) retired directly from State service with a State disability retirement allowance on or after July 1, 1984.

[(2) (3) (i) The surviving spouse or dependent child of a deceased retiree who was eligible to enroll may enroll and participate in the health insurance benefit options established under the Program as long as the spouse or child is receiving a periodic allowance under Division II of this article or the Maryland Transit Administration Retirement Plan under § 7–206 of the Transportation Article.

(ii) Subparagraph (i) of this paragraph does not apply to a deceased retiree’s spouse or dependent child who receives an Option 1, Option 4, or Option 7 benefit under Division II of this article or a lump–sum payment of benefits under the Maryland Transit Administration Retirement Plan under § 7–206 of the Transportation Article.

[(c) (4) [(1) (I) If a retiree receives a State disability retirement allowance or has 16 or more years of creditable service, the retiree or the retiree’s

surviving spouse or dependent child is entitled to the same State subsidy allowed a State employee.

[(2)] (II) In all other cases, if a retiree has at least 5 years of creditable service, the retiree or the retiree's surviving spouse or dependent child is entitled to 1/16 of the State subsidy allowed a State employee for each year of the retiree's creditable service up to 16 years.

[(3)] (III) Notwithstanding [paragraph (2)] SUBPARAGRAPH (II) of this [subsection] PARAGRAPH and subsection (a)(4)(i) of this section, if a retiree is an additional employee or agent of the State Racing Commission, for the purposes of determining a retiree's State subsidy, creditable service shall be determined with respect to service as an additional employee or agent beginning from the initial date of employment or January 1, 1986, whichever is later.

(C) (1) THIS SUBSECTION APPLIES TO A RETIREE WHO BEGINS STATE SERVICE ON OR AFTER JULY 1, 2011.

(2) A RETIREE MAY ENROLL AND PARTICIPATE IN THE HEALTH INSURANCE BENEFIT OPTIONS ESTABLISHED UNDER THE PROGRAM IF THE RETIREE ENDED STATE SERVICE WITH AT LEAST 25 YEARS OF CREDITABLE SERVICE.

(3) (I) THE SURVIVING SPOUSE OR DEPENDENT CHILD OF A DECEASED RETIREE WHO WAS ELIGIBLE TO ENROLL MAY ENROLL AND PARTICIPATE IN THE HEALTH INSURANCE BENEFIT OPTIONS ESTABLISHED UNDER THE PROGRAM AS LONG AS THE SPOUSE OR CHILD IS RECEIVING A PERIODIC ALLOWANCE UNDER DIVISION II OF THIS ARTICLE OR THE MARYLAND TRANSIT ADMINISTRATION RETIREMENT PLAN UNDER § 7-206 OF THE TRANSPORTATION ARTICLE.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY TO A DECEASED RETIREE'S SPOUSE OR DEPENDENT CHILD WHO RECEIVES AN OPTION 1, OPTION 4, OR OPTION 7 BENEFIT UNDER DIVISION II OF THIS ARTICLE OR A LUMP-SUM PAYMENT OF BENEFITS UNDER THE MARYLAND TRANSIT ADMINISTRATION RETIREMENT PLAN UNDER § 7-206 OF THE TRANSPORTATION ARTICLE.

(4) (I) IF A RETIREE RECEIVES A STATE DISABILITY RETIREMENT ALLOWANCE OR HAS 25 OR MORE YEARS OF CREDITABLE SERVICE, THE RETIREE OR THE RETIREE’S SURVIVING SPOUSE OR DEPENDENT CHILD IS ENTITLED TO THE SAME STATE SUBSIDY ALLOWED A STATE EMPLOYEE.

(II) IN ALL OTHER CASES, IF A RETIREE HAS AT LEAST 10 YEARS OF CREDITABLE SERVICE, THE RETIREE OR THE RETIREE’S SURVIVING SPOUSE OR DEPENDENT CHILD IS ENTITLED TO 1/25 OF THE STATE SUBSIDY ALLOWED A STATE EMPLOYEE FOR EACH YEAR OF THE RETIREE’S CREDITABLE SERVICE UP TO 25 YEARS.

(III) NOTWITHSTANDING SUBPARAGRAPH (II) OF THIS PARAGRAPH AND SUBSECTION (A)(4)(I) OF THIS SECTION, IF A RETIREE IS AN ADDITIONAL EMPLOYEE OR AGENT OF THE STATE RACING COMMISSION, FOR THE PURPOSES OF DETERMINING A RETIREE’S STATE SUBSIDY, CREDITABLE SERVICE SHALL BE DETERMINED WITH RESPECT TO SERVICE AS AN ADDITIONAL EMPLOYEE OR AGENT BEGINNING FROM THE INITIAL DATE OF EMPLOYMENT.”.

On page 32, in line 1, strike “(b)” and substitute “**(D)**”; in the same line, strike “**(3)**” and substitute “**(1)**”; in the same line, strike “PARAGRAPH (1) OF THIS SUBSECTION” and substitute “SUBSECTIONS (B) AND (C) OF THIS SECTION”; after line 4, insert:

“(2) THE HEALTH INSURANCE BENEFIT OPTION FOR RETIREES SHALL INCLUDE A PRESCRIPTION DRUG BENEFIT THAT:

(I) HAS THE SAME CO-PAYMENTS, COINSURANCE, DEDUCTIBLE, AND OUT-OF-POCKET LIMITS THAT APPLY TO THE PRESCRIPTION DRUG BENEFIT FOR ACTIVE STATE EMPLOYEES; AND

(II) REQUIRES RETIREES TO PAY 25% OF THE PREMIUM FOR THE PRESCRIPTION DRUG BENEFIT.

(a) (1) THIS SUBSECTION APPLIES TO A RETIREE WHO BEGAN SERVICE WITH A STATE INSTITUTION OF HIGHER EDUCATION ON OR BEFORE JUNE 30, 2011.

[(1) (2) (I) Subject to [paragraph (2)] SUBPARAGRAPH (II) of this [subsection] PARAGRAPH, an individual may enroll and participate in the health insurance benefit options established under the Program if the individual retired under an optional program under Title 30 of this article and:

[(i) 1. ended service with a State institution of higher education with at least 10 years of service and was at least age 57;

[(ii) 2. ended service with a State institution of higher education with at least 16 years of service; or

[(iii) 3. retired directly from and had at least 5 years of service with a State institution of higher education with a periodic distribution of benefits on or after July 1, 1984.

[(2) (i) (II) 1. For purposes of this subsection only, years of service shall be calculated as follows:

[1.] A. except as provided in [subparagraph (ii) of this paragraph] SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, a year of service means a period of 12 months during which an employee was a participant in an optional retirement program under Title 30 of this article and the participant's employer made contributions to the participant's account in the Program; or

[2.] B. if an employee's work year is an academic year of at least 9 but less than 12 months, a year of service means a period equal to the academic year during which an employee was a participant in an optional retirement program under Title 30 of this article and the participant's employer made contributions to the participant's account in the Program.

[(ii) 2. To determine eligibility for health insurance benefits under this section, each year of service shall be multiplied by the participant's percentage of full-time employment for that year of service.

[(3)] (III) The surviving spouse or dependent child of a deceased individual who was eligible to enroll may enroll and participate in the health insurance benefit options established under the Program as long as the spouse or child is receiving a periodic distribution of benefits under an optional retirement program under Title 30 of this article.

[(b) (1)] (3) (I) An enrollee under this section who was in service with a State institution of higher education at the time of the retirement is entitled to the same State subsidy allowed a retiree under § 2–508 of this subtitle. However, except as provided in [paragraph (2) of this subsection] SUBPARAGRAPH (II) OF THIS PARAGRAPH, the subsidy shall apply only to the costs of coverage for the enrollee and may not apply to any additional costs of coverage for the enrollee’s spouse or children.

[(2)] (II) If the enrollee has 25 or more years of service as an employee of the State in the Executive, Legislative, or Judicial Branch of government, the enrollee or the enrollee’s surviving spouse or dependent child is entitled to the same State subsidy allowed a retiree with 16 or more years of creditable service under § 2–508(c)(1) of this subtitle.

(B) (1) THIS SUBSECTION APPLIES TO A RETIREE WHO BEGINS SERVICE WITH A STATE INSTITUTION OF HIGHER EDUCATION ON OR AFTER JULY 1, 2011.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN INDIVIDUAL MAY ENROLL AND PARTICIPATE IN THE HEALTH INSURANCE BENEFIT OPTIONS ESTABLISHED UNDER THE PROGRAM IF THE INDIVIDUAL RETIRED UNDER AN OPTIONAL PROGRAM UNDER TITLE 30 OF THIS ARTICLE AND:

1. ENDED SERVICE WITH A STATE INSTITUTION OF HIGHER EDUCATION WITH AT LEAST 10 YEARS OF SERVICE AND WAS AT LEAST AGE 57;

2. ENDED SERVICE WITH A STATE INSTITUTION OF HIGHER EDUCATION WITH AT LEAST 25 YEARS OF SERVICE; OR

3. RETIRED DIRECTLY FROM AND HAD AT LEAST 10 YEARS OF SERVICE WITH A STATE INSTITUTION OF HIGHER EDUCATION WITH A PERIODIC DISTRIBUTION OF BENEFITS ON OR AFTER JULY 1, 2011.

(ii) 1. FOR PURPOSES OF THIS PARAGRAPH ONLY, YEARS OF SERVICE SHALL BE CALCULATED AS FOLLOWS:

A. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, A YEAR OF SERVICE MEANS A PERIOD OF 12 MONTHS DURING WHICH AN EMPLOYEE WAS A PARTICIPANT IN AN OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE AND THE PARTICIPANT'S EMPLOYER MADE CONTRIBUTIONS TO THE PARTICIPANT'S ACCOUNT IN THE PROGRAM; OR

B. IF AN EMPLOYEE'S WORK YEAR IS AN ACADEMIC YEAR OF AT LEAST 9 BUT LESS THAN 12 MONTHS, A YEAR OF SERVICE MEANS A PERIOD EQUAL TO THE ACADEMIC YEAR DURING WHICH AN EMPLOYEE WAS A PARTICIPANT IN AN OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE AND THE PARTICIPANT'S EMPLOYER MADE CONTRIBUTIONS TO THE PARTICIPANT'S ACCOUNT IN THE PROGRAM.

2. TO DETERMINE ELIGIBILITY FOR HEALTH INSURANCE BENEFITS UNDER THIS SECTION, EACH YEAR OF SERVICE SHALL BE MULTIPLIED BY THE PARTICIPANT'S PERCENTAGE OF FULL-TIME EMPLOYMENT FOR THAT YEAR OF SERVICE.

(iii) THE SURVIVING SPOUSE OR DEPENDENT CHILD OF A DECEASED INDIVIDUAL WHO WAS ELIGIBLE TO ENROLL MAY ENROLL AND PARTICIPATE IN THE HEALTH INSURANCE BENEFIT OPTIONS ESTABLISHED UNDER THE PROGRAM AS LONG AS THE SPOUSE OR CHILD IS RECEIVING A PERIODIC DISTRIBUTION OF BENEFITS UNDER AN OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE.

(3) (i) AN ENROLLEE UNDER THIS SUBSECTION WHO WAS IN SERVICE WITH A STATE INSTITUTION OF HIGHER EDUCATION AT THE TIME OF THE RETIREMENT IS ENTITLED TO THE SAME STATE SUBSIDY ALLOWED A

RETIREE UNDER § 2-508(C) OF THIS SUBTITLE. HOWEVER, EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE SUBSIDY SHALL APPLY ONLY TO THE COSTS OF COVERAGE FOR THE ENROLLEE AND MAY NOT APPLY TO ANY ADDITIONAL COSTS OF COVERAGE FOR THE ENROLLEE’S SPOUSE OR CHILDREN.

(II) IF THE ENROLLEE HAS 25 OR MORE YEARS OF SERVICE AS AN EMPLOYEE OF THE STATE IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF GOVERNMENT, THE ENROLLEE OR THE ENROLLEE’S SURVIVING SPOUSE OR DEPENDENT CHILD IS ENTITLED TO THE SAME STATE SUBSIDY ALLOWED A RETIREE WITH 25 OR MORE YEARS OF CREDITABLE SERVICE UNDER § 2-508(B)(4)(I) OF THIS SUBTITLE.”;

and in line 13, strike “MAY” and substitute “SHALL”.

AMENDMENT NO. 29

On page 34, after line 13, insert:

“20-204.

(a) (1) This [section]SUBSECTION applies only to AN INDIVIDUAL WHO IS A MEMBER OF:

[(1) the Correctional Officers’ Retirement System;

(2)] (I) the Employees’ Retirement System; OR

[(3) the State Police Retirement System; or

(4)] (II) the Teachers’ Retirement System.

[(b)] (2) Except as provided in [subsection (c) of this section]PARAGRAPH (3) OF THIS SUBSECTION, the average final compensation of a member equals the average annual earnable compensation of the member for:

[(1)] (I) the 3 years of employment as a member during which the member's earnable compensation was highest, if the member was employed at least 3 years as a member; or

[(2)] (II) the member's total period of employment, if the member was employed less than 3 years as a member.

[(c) (1)] (3) Except for a salary increase because of a member's promotion, the member's average final compensation does not include a salary increase in the last 3 years of employment if it is an extraordinary salary increase according to regulations that the Board of Trustees adopts.

[(2) (i) This paragraph applies only to a member of the State Police Retirement System.

(ii) If a member of the State Police Retirement System who transferred from another actuarial retirement system in the State retires after less than 3 years of employment as a member of the State Police Retirement System, the earnable compensation as a member in the other system shall be used in the determination of average final compensation.]

(B) (1) THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL WHO ON OR BEFORE JUNE 30, 2011, IS A MEMBER OF:

(I) THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM;
OR

(II) THE STATE POLICE RETIREMENT SYSTEM.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE AVERAGE FINAL COMPENSATION OF A MEMBER EQUALS THE AVERAGE ANNUAL EARNABLE COMPENSATION OF THE MEMBER FOR:

(I) THE 3 YEARS OF EMPLOYMENT AS A MEMBER DURING WHICH THE MEMBER'S EARNABLE COMPENSATION WAS HIGHEST, IF THE MEMBER WAS EMPLOYED AT LEAST 3 YEARS AS A MEMBER; OR

(II) THE MEMBER'S TOTAL PERIOD OF EMPLOYMENT, IF THE MEMBER WAS EMPLOYED LESS THAN 3 YEARS AS A MEMBER.

(3) (I) EXCEPT FOR A SALARY INCREASE BECAUSE OF A MEMBER'S PROMOTION, THE MEMBER'S AVERAGE FINAL COMPENSATION DOES NOT INCLUDE A SALARY INCREASE IN THE LAST 3 YEARS OF EMPLOYMENT IF IT IS AN EXTRAORDINARY SALARY INCREASE ACCORDING TO REGULATIONS THAT THE BOARD OF TRUSTEES ADOPTS.

(II) 1. THIS SUBPARAGRAPH APPLIES ONLY TO A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM.

2. IF A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM WHO TRANSFERRED FROM ANOTHER ACTUARIAL RETIREMENT SYSTEM IN THE STATE RETIRES AFTER LESS THAN 3 YEARS OF EMPLOYMENT AS A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM, THE EARNABLE COMPENSATION AS A MEMBER IN THE OTHER SYSTEM SHALL BE USED IN THE DETERMINATION OF AVERAGE FINAL COMPENSATION.

(C) (1) THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL WHO ON OR AFTER JULY 1, 2011, BECOMES A MEMBER OF:

(I) THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM;
OR

(II) THE STATE POLICE RETIREMENT SYSTEM.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE AVERAGE FINAL COMPENSATION OF A MEMBER EQUALS THE AVERAGE ANNUAL EARNABLE COMPENSATION OF THE MEMBER FOR:

(I) THE 5 YEARS OF EMPLOYMENT AS A MEMBER DURING WHICH THE MEMBER'S EARNABLE COMPENSATION WAS HIGHEST, IF THE MEMBER WAS EMPLOYED AT LEAST 3 YEARS AS A MEMBER; OR

(II) THE MEMBER'S TOTAL PERIOD OF EMPLOYMENT, IF THE MEMBER WAS EMPLOYED LESS THAN 5 YEARS AS A MEMBER.

(3) (I) EXCEPT FOR A SALARY INCREASE BECAUSE OF A MEMBER'S PROMOTION, THE MEMBER'S AVERAGE FINAL COMPENSATION DOES NOT INCLUDE A SALARY INCREASE IN THE LAST 5 YEARS OF EMPLOYMENT IF IT IS AN EXTRAORDINARY SALARY INCREASE ACCORDING TO REGULATIONS THAT THE BOARD OF TRUSTEES ADOPTS.

(II) 1. THIS SUBPARAGRAPH APPLIES ONLY TO A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM.

2. IF A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM WHO TRANSFERRED FROM ANOTHER ACTUARIAL RETIREMENT SYSTEM IN THE STATE RETIRES AFTER LESS THAN 5 YEARS OF EMPLOYMENT AS A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM, THE EARNABLE COMPENSATION AS A MEMBER IN THE OTHER SYSTEM SHALL BE USED IN THE DETERMINATION OF AVERAGE FINAL COMPENSATION.”;

strike beginning with “(1)” in line 15 down through “THIS” in line 16 and substitute “THIS”; in line 16, after “to” insert “AN INDIVIDUAL WHO ON OR BEFORE JUNE 30, 2011, IS A MEMBER OF”; in lines 17, 18, 19, and 20, in each instance, strike the brackets; in lines 17, 18, 19, and 20, strike “(I)”, “(II)”, “(III)”, and “(IV)”, respectively; in line 19, strike “and” and substitute “OR”; strike in their entirety lines 21 through 29, inclusive; in line 31, strike “TO” and substitute “ONLY TO AN INDIVIDUAL WHO ON OR AFTER JULY 1, 2011, BECOMES A MEMBER OF”;

and after line 31, insert:

“(1) THE EMPLOYEES’ PENSION SYSTEM;

(2) THE LAW ENFORCEMENT OFFICERS’ PENSION SYSTEM; OR

(3) THE TEACHERS’ PENSION SYSTEM.”.

On page 35, strike in their entirety lines 1 through 8, inclusive.

On page 37, in line 22, strike the brackets; strike beginning with “**EXCEPT**” in line 22 down through “**THE**” in line 23; in line 28, strike “and”; in line 29, strike “on or after” and substitute “**FROM**”; in line 30, strike the period and substitute “**TO JUNE 30, 2011, BOTH INCLUSIVE; AND**”

(4) 7% OF THE MEMBER’S EARNABLE COMPENSATION RECEIVED ON OR AFTER JULY 1, 2011.”.

On pages 37 and 38, strike in their entirety the lines beginning with line 31 on page 37 through line 8 on page 38, inclusive.

On page 38, in line 9, strike “**(E)**” and substitute “**(D)**”.

On pages 38 through 40, strike in their entirety the lines beginning with line 12 on page 38 through line 8 on page 40, inclusive.

On page 40, in line 18, before “**A**” insert “**(A)**”.

On page 41, in line 4, strike “**(E)**” and substitute “**(D)**”; after line 4, insert:

“(B) A MEMBER DESCRIBED IN § 23–225(A)(2) OF THIS SUBTITLE IS NOT SUBJECT TO THIS PART IV OF THIS SUBTITLE WITH RESPECT TO THE SERVICE CREDIT EARNED IN THE MEMBER’S PREVIOUS MEMBERSHIP.”.

in line 6, strike “**(G)**” and substitute “**(F)**”; in line 23, after “(e),” insert “**AND**”; and in the same line, strike “, AND **(G)**”.

On pages 41 through 43, strike in their entirety the lines beginning with line 31 on page 41 through line 3 on page 43, inclusive.

On page 43, in line 4, strike “**(G)**” and substitute “**(F)**”.

On page 44, after line 21, insert:

“24–401.”

(a) (1) (I) THIS PARAGRAPH APPLIES TO AN INDIVIDUAL WHO IS A MEMBER ON OR BEFORE JUNE 30, 2011.

(II) A member may retire with a normal service retirement allowance if:

[(1) 1. on or before the date of retirement, the member:

[(i) A. has at least 22 years of eligibility service; or

[(ii) B. is at least 50 years old; and

[(2) 2. the member completes and submits a written application to the Board of Trustees, on the form that the Board of Trustees provides, stating the date when the member desires to retire.

(2) (I) THIS PARAGRAPH APPLIES TO AN INDIVIDUAL WHO BECOMES A MEMBER ON OR AFTER JULY 1, 2011.

(II) A MEMBER MAY RETIRE WITH A NORMAL SERVICE RETIREMENT ALLOWANCE IF:

1. ON OR BEFORE THE DATE OF RETIREMENT, THE MEMBER:

A. HAS AT LEAST 25 YEARS OF ELIGIBILITY SERVICE;
OR

B. IS AT LEAST 50 YEARS OLD; AND

2. THE MEMBER COMPLETES AND SUBMITS A WRITTEN APPLICATION TO THE BOARD OF TRUSTEES, ON THE FORM THAT THE BOARD OF TRUSTEES PROVIDES, STATING THE DATE WHEN THE MEMBER DESIRES TO RETIRE.”;

in line 23, after “(1)” insert **“(I) THIS PARAGRAPH APPLIES TO AN INDIVIDUAL WHO IS A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM ON OR BEFORE JUNE 30, 2011.**

(II)”;

in lines 25 and 27, strike “(i)” and “(ii)”, respectively, and substitute “1.” and “2.”, respectively; in line 26, strike the brackets; strike beginning with “; AND” in line 27 down through “**2011**” in line 29; in line 30, strike “(2)” and substitute “(III)”; strike beginning with “AND” in line 31 down through “**2011**” in line 32; and after line 32, insert:

“(2) (I) THIS PARAGRAPH APPLIES TO AN INDIVIDUAL WHO BECOMES A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM ON OR AFTER JULY 1, 2011.

(II) EXCEPT FOR THE SECRETARY OF STATE POLICE, A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM IS ELIGIBLE TO PARTICIPATE IN THE DROP IF THE MEMBER:

1. HAS AT LEAST 25 YEARS AND NOT LESS THAN 29 YEARS OF ELIGIBILITY SERVICE; AND

2. IS LESS THAN 60 YEARS OLD.

(III) THE SECRETARY OF STATE POLICE IS ELIGIBLE TO PARTICIPATE IN THE DROP IF THE SECRETARY HAS AT LEAST 25 YEARS OF ELIGIBILITY SERVICE.

(d) An eligible member may elect to participate in the DROP for a period not to exceed the lesser of:

(1) 4 years;

(2) (I) the difference between 28 years and the member’s eligibility service as of the date of the member’s election to participate in the DROP and retire from the State Police Retirement System, IF THE MEMBER IS A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM ON OR BEFORE JUNE 30, 2011; OR

(II) THE DIFFERENCE BETWEEN 29 YEARS AND THE MEMBER’S ELIGIBILITY SERVICE AS OF THE DATE OF THE MEMBER’S ELECTION

TO PARTICIPATE IN THE DROP AND RETIRE FROM THE STATE POLICE RETIREMENT SYSTEM, IF THE MEMBER BECOMES A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM ON OR AFTER JULY 1, 2011;

(3) the difference between age 60 and the member's age as of the date of the member's election to participate in the DROP and retire from the State Police Retirement System; or

(4) a term selected by the member.

(h) (2) During the period that a DROP member participates in the DROP, the Board of Trustees shall:

(i) deposit the DROP member's normal service retirement allowance in the DROP for the DROP member's benefit;

(ii) adjust the DROP member's normal service retirement allowance each fiscal year as provided in Title 29, Subtitle 4, Part III of this article;
and

(iii) accrue interest on the amounts calculated under items (i) and (ii) of this paragraph for the DROP member into the DROP at the rate of:

1. 6% a year, compounded monthly IF THE INDIVIDUAL IS A DROP MEMBER ON OR BEFORE JUNE 30, 2011; OR

2. 4% A YEAR, COMPOUNDED ANNUALLY, IF THE INDIVIDUAL BECOMES A DROP MEMBER ON OR AFTER JULY 1, 2011."

On page 45, before line 1, insert:

"26-204.

(a) Except as provided in subsection (b) of this section, a member's contribution rate is:

(1) 4% of the member's earnable compensation RECEIVED BEFORE JULY 1, 2011;

(2) 6% OF THE MEMBER’S EARNABLE COMPENSATION RECEIVED FROM JULY 1, 2011 TO JUNE 30, 2012, BOTH INCLUSIVE; AND

(3) 7% OF THE MEMBER’S EARNABLE COMPENSATION RECEIVED ON OR AFTER JULY 1, 2012.”;

strike in their entirety lines 2 through 7, inclusive; and after line 7, insert:

“(h) (2) During the period that a DROP member participates in the DROP, the Board of Trustees shall:

(i) deposit the DROP member’s normal service retirement allowance in the DROP for the DROP member’s benefit;

(ii) adjust the DROP member’s normal service retirement allowance each fiscal year as provided in Title 29, Subtitle 4, Part VI of this article; and

(iii) accrue interest on the amounts calculated under subparagraphs (i) and (ii) of this paragraph for the DROP member into the DROP at the rate of:

1. 6% a year, compounded monthly IF THE INDIVIDUAL IS A DROP MEMBER ON OR BEFORE JUNE 30, 2011; OR

2. 4% A YEAR, COMPOUNDED ANNUALLY, IF THE INDIVIDUAL BECOMES A DROP MEMBER ON OR AFTER JULY 1, 2011.”;

in line 9, strike the brackets; in the same line, strike “SUBSECTIONS”; in the same line, strike “AND (C)”; in line 10, after “is” insert “:

(1)”;

in the same line, after “compensation” insert “**RECEIVED BEFORE JULY 1, 2011; AND**

(2) 8% OF THE MEMBER'S EARNABLE COMPENSATION RECEIVED ON OR AFTER JULY 1, 2011;

strike beginning with "THE" in line 11 down through "(C)" in line 14; after line 15, insert:

"29-302.

(a) This section applies only to members of:

- (1) the Correctional Officers' Retirement System;
- (2) the Employees' Retirement System;
- (3) the State Police Retirement System; and
- (4) the Teachers' Retirement System.

(b) (1) THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO IS A MEMBER ON OR BEFORE JUNE 30, 2011.

(2) A member may elect to receive a vested allowance if:

(i) the member is separated from employment other than by death or retirement; and

(ii) subject to paragraph [(2)] (3) of this subsection, the member has at least 5 years of eligibility service.

[(2)] (3) A former member of the State Police Retirement System who separated from employment on or before June 30, 1989, must have at least 15 years of eligibility service to elect a vested allowance.

[(3)] (4) A member is deemed to have elected a vested allowance, unless the member requests the return of the accumulated contributions before membership ends.

(B-1) (1) THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO BECOMES A MEMBER ON OR AFTER JULY 1, 2011.

(2) A MEMBER IS ELIGIBLE TO RECEIVE A VESTED ALLOWANCE IF:

(I) THE MEMBER SEPARATED FROM EMPLOYMENT OTHER THAN BY DEATH OR RETIREMENT; AND

(II) THE MEMBER HAS AT LEAST 10 YEARS OF ELIGIBILITY SERVICE.”;

after line 16, insert:

“(a) This section applies only to members of:

(1) the Employees’ Pension System;

(2) the Local Fire and Police System;

(3) the Law Enforcement Officers’ Pension System; or

(4) the Teachers’ Pension System.”;

in line 17, after “(b)” insert “**(1)**”; in the same line, strike beginning with “**EXCEPT**” through “**A**” and substitute:

“THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO IS A MEMBER ON OR BEFORE JUNE 30, 2011.

(2) A”;

in lines 19 and 21, strike “(1)” and “(2)”, respectively, and substitute “**(I)**” and “**(II)**”, respectively; and after line 21, insert:

“(B-1) (1) THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO BECOMES A MEMBER ON OR AFTER JULY 1, 2011.

(2) A MEMBER IS ELIGIBLE TO RECEIVE A VESTED ALLOWANCE IF:**(I) THE MEMBER SEPARATED FROM EMPLOYMENT OTHER THAN BY DEATH OR RETIREMENT; AND****(II) THE MEMBER HAS AT LEAST 10 YEARS OF ELIGIBILITY SERVICE.”.**

On pages 45 and 46, strike in their entirety the lines beginning with line 22 on page 45 through line 27 on page 46, inclusive, and substitute:

“29–410.

(a) (1) [This] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS Part III applies only to an allowance received by:

[(1)] (I) a former member, retiree, or surviving spouse of a member:

[(i)] 1. of the Correctional Officers’ Retirement System;

[(ii)] 2. of the Employees’ Retirement System or the Teachers’ Retirement System who elected Selection A (Additional member contributions);

[(iii)] 3. of the State Police Retirement System;

[(iv)] 4. who transferred to the Local Fire and Police System from the Employees’ Retirement System; or

[(v)] 5. who transferred to the Law Enforcement Officers’ Pension System from the Employees’ Retirement System and had elected Selection A (Additional member contributions); or

[(2)] (II) a surviving beneficiary of a deceased former member or retiree described in item [(1)](I) of this [subsection] PARAGRAPH.

(2) THIS PART III APPLIES ONLY TO AN ALLOWANCE BASED ON CREDITABLE SERVICE EARNED BEFORE JULY 1, 2011, FOR A FORMER MEMBER,

RETIREE, SURVIVING SPOUSE OF A MEMBER, OR A SURVIVING BENEFICIARY OF A DECEASED FORMER MEMBER OR RETIREE:

(I) OF THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM; OR

(II) OF THE STATE POLICE RETIREMENT SYSTEM.

(b) This Part III does not apply to:

- (1) benefits paid in a single payment;
- (2) the return of accumulated contributions; or
- (3) benefits attributable to additional contributions.

29–425.

(a) This Part VI of this subtitle applies:

(1) on or after July 1, 1998 only to an allowance **BASED ON CREDITABLE SERVICE EARNED BEFORE JULY 1, 2011, AND** received by a former member, retiree, or surviving beneficiary of a deceased member, former member, or retiree of the Employees' Pension System or the Teachers' Pension System; and

(2) on or after December 31, 2000, to an allowance **BASED ON CREDITABLE SERVICE EARNED BEFORE JULY 1, 2011, AND** received by a former member, retiree, or surviving beneficiary of a deceased member, former member, or retiree of the Law Enforcement Officers' Pension System.

(b) This Part VI of this subtitle does not apply if:

- (1) the member, former member, or retiree was an employee of:
 - (i) a participating governmental unit that has not elected the contributory pension benefit or the Alternate Contributory Pension Selection of its employees under § 31–116 of this article; or

(ii) a former participating governmental unit, other than Frederick County, that has withdrawn before July 1, 1998, while a member; or

(2) the member, former member, or retiree:

(i) transferred to the Law Enforcement Officers' Pension System from the Employees' Retirement System; and

(ii) did not elect to participate in the Law Enforcement Officers' Modified Pension Benefit on or before December 31, 2000 as provided in § 26-211 of this article.”.

On page 48, in line 1, after “(C)” insert “(1)”; in the same line, strike “**THE**” and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE”; in lines 3, 5, and 7, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively; and after line 7, insert:

“(2) (I) IN THIS PARAGRAPH, “ZERO-ADJUSTMENT FISCAL YEAR” MEANS ANY FISCAL YEAR WHEN THE ALLOWANCE ADJUSTED AS PROVIDED IN SUBSECTION (A) OF THIS SECTION IS LESS THAN THE ALLOWANCE PAID FOR THE PRECEDING FISCAL YEAR.

(II) FOR ANY FISCAL YEAR, THE ALLOWANCE PAYABLE MAY NOT BE LESS THAN THE ALLOWANCE PAID FOR THE PRECEDING FISCAL YEAR.

(III) 1. THIS SUBPARAGRAPH APPLIES ONLY TO A FISCAL YEAR THAT IS NOT A ZERO-ADJUSTMENT FISCAL YEAR.

2. SUBJECT TO SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH:

A. FOR A FISCAL YEAR THAT FOLLOWS IMMEDIATELY AFTER A ZERO-ADJUSTMENT FISCAL YEAR, THE ALLOWANCE PAYABLE AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE ALLOWANCE PAID IN THE PRECEDING FISCAL YEAR AND THE ALLOWANCE THAT WOULD HAVE BEEN PAYABLE FOR THE PRECEDING FISCAL YEAR IF THE ALLOWANCE FOR THAT FISCAL YEAR HAD BEEN

CALCULATED WITHOUT REGARD TO SUBPARAGRAPH (II) OF THIS PARAGRAPH;
AND

B. FOR A FISCAL YEAR THAT FOLLOWS IMMEDIATELY
AFTER 2 OR MORE CONSECUTIVE ZERO-ADJUSTMENT FISCAL YEARS, THE
ALLOWANCE PAYABLE AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION
SHALL BE REDUCED BY THE DIFFERENCE BETWEEN THE TOTAL OF THE
ALLOWANCES PAID IN EACH CONSECUTIVE ZERO-ADJUSTMENT FISCAL YEAR
PRECEDING THE FISCAL YEAR AND THE TOTAL ALLOWANCES THAT WOULD
HAVE BEEN PAYABLE FOR EACH OF THOSE FISCAL YEARS IF THE ALLOWANCE
FOR EACH OF THOSE FISCAL YEARS HAD BEEN CALCULATED WITHOUT REGARD
TO SUBPARAGRAPH (II) OF THIS PARAGRAPH.

3. IF THE AMOUNT OF THE REDUCTION REQUIRED
FOR ANY FISCAL YEAR UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH
EXCEEDS THE DIFFERENCE BETWEEN THE ALLOWANCE AS PROVIDED IN
PARAGRAPH (1) OF THIS SUBSECTION FOR THE FISCAL YEAR AND THE
ALLOWANCE PAID IN THE PRECEDING FISCAL YEAR, THE EXCESS SHALL BE
DEDUCTED IN FUTURE YEARS, SUBJECT TO SUBPARAGRAPH (II) OF THIS
PARAGRAPH, UNTIL THE DIFFERENCE IS FULLY RECOVERED.

29-433. RESERVED.

29-434. RESERVED.

PART VIII. THREE/ONE PERCENT COMPOUND COMBINATION ADJUSTMENT.

29-435.

(A) THIS PART VIII APPLIES ONLY TO AN ALLOWANCE BASED ON
CREDITABLE SERVICE EARNED ON OR AFTER JULY 1, 2011, FOR:

(1) A FORMER MEMBER, RETIREE, OR SURVIVING SPOUSE OF A
MEMBER OF:

(I) THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM;

(II) THE EMPLOYEES' PENSION SYSTEM;

(III) THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM;

(IV) THE STATE POLICE RETIREMENT SYSTEM; OR

(V) THE TEACHERS' PENSION SYSTEM; OR

(2) A BENEFICIARY OF THE RETIREE OR FORMER MEMBER DESCRIBED IN ITEM (1) OF THIS SUBSECTION.

(B) THIS PART VIII OF THIS SUBTITLE DOES NOT APPLY IF:

(1) THE MEMBER, FORMER MEMBER, OR RETIREE WAS:

(I) SUBJECT TO THE REFORMED CONTRIBUTORY PENSION BENEFIT;

(II) AN EMPLOYEE OF A PARTICIPATING GOVERNMENTAL UNIT THAT HAS NOT ELECTED THE CONTRIBUTORY PENSION BENEFIT OR THE ALTERNATE CONTRIBUTORY PENSION SELECTION OF ITS EMPLOYEES UNDER § 31-116 OF THIS ARTICLE; OR

(III) AN EMPLOYEE OF A FORMER PARTICIPATING GOVERNMENTAL UNIT, OTHER THAN FREDERICK COUNTY, THAT HAS WITHDRAWN BEFORE JULY 1, 1998, WHILE A MEMBER; OR

(2) THE MEMBER, FORMER MEMBER, OR RETIREE:

(I) TRANSFERRED TO THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM FROM THE EMPLOYEES' RETIREMENT SYSTEM; AND

(II) DID NOT ELECT TO PARTICIPATE IN THE LAW ENFORCEMENT OFFICERS' MODIFIED PENSION BENEFIT ON OR BEFORE DECEMBER 31, 2000, AS PROVIDED IN § 26-211 OF THIS ARTICLE.

29-436.

EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, THE BOARD OF TRUSTEES SHALL ADJUST AN ALLOWANCE DESCRIBED IN § 29-435 OF THIS SUBTITLE:

(1) FOR CREDITABLE SERVICE EARNED BEFORE JULY 1, 2011, AS PROVIDED BY PART VI OF THIS SUBTITLE; AND

(2) FOR CREDITABLE SERVICE ON OR AFTER JULY 1, 2011, AS PROVIDED BY PART VII OF THIS SUBTITLE.”;

in line 9, after “(A)” insert “(1)”; in the same line, strike “THIS” and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS”; after line 11, insert:

“(2) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHO BECOMES AN EMPLOYEE OF:

(I) A PARTICIPATING GOVERNMENTAL UNIT THAT ON JULY 1, 2011, IS PARTICIPATING IN THE EMPLOYEES’ PENSION SYSTEM AND HAS NOT ELECTED TO PARTICIPATE IN THE ALTERNATE CONTRIBUTORY PENSION SELECTION UNDER § 31-116.1 OF THIS ARTICLE; OR

(II) A FORMER PARTICIPATING GOVERNMENTAL UNIT, OTHER THAN FREDERICK COUNTY, THAT HAS WITHDRAWN FROM THE EMPLOYEES’ PENSION SYSTEM ON OR BEFORE JUNE 30, 2011.”;

and after line 24, insert:

“37-101.

(j) (1) “Noncontributory system” means a State or local retirement or pension system under which member contributions are not deducted from all compensation.

(2) “Noncontributory system” includes the part of the Employees’ Pension System of the State of Maryland and the part of the Teachers’ Pension System of the State of Maryland that does not provide a contributory pension benefit under Title 23, Subtitle 2, Part II of this article or the Alternate Contributory Pension Selection under Title 23, Subtitle 2, Part III of this article OR THE REFORMED CONTRIBUTORY PENSION BENEFIT UNDER TITLE 23, SUBTITLE 2, PART IV OF THIS ARTICLE.

(R-1) “STATE REFORMED CONTRIBUTORY EMPLOYEES’ PENSION SYSTEM” MEANS THE PART OF THE EMPLOYEES’ PENSION SYSTEM OF THE STATE OF MARYLAND THAT PROVIDES THE REFORMED CONTRIBUTORY PENSION BENEFIT UNDER TITLE 23, SUBTITLE 2, PART IV OF THIS ARTICLE.

(R-2) “STATE REFORMED CONTRIBUTORY TEACHERS’ PENSION SYSTEM” MEANS THE PART OF THE TEACHERS’ PENSION SYSTEM OF THE STATE OF MARYLAND THAT PROVIDES THE REFORMED CONTRIBUTORY PENSION BENEFIT UNDER TITLE 23, SUBTITLE 2, PART IV OF THIS ARTICLE.

37-203.

(a) This section does not apply to a transfer of service credit to or from the State Alternate Contributory Employees’ Pension System, the State Alternate Contributory Teachers’ Pension System, the State Contributory Employees’ Pension System, the State Contributory Law Enforcement Officers’ Pension System, [or] the State Contributory Teachers’ Pension System, THE STATE REFORMED CONTRIBUTORY EMPLOYEES’ PENSION SYSTEM, OR THE STATE REFORMED CONTRIBUTORY TEACHERS’ PENSION SYSTEM.

37-203.1.

(a) (1) An individual may transfer service credit from a contributory system to the State Alternate Contributory Employees’ Pension System, the State Alternate Contributory Teachers’ Pension System, the State Contributory Employees’ Pension System, the State Contributory Law Enforcement Officers’ Pension System, [or] the State Contributory Teachers’ Pension System, THE STATE REFORMED CONTRIBUTORY EMPLOYEES’ PENSION SYSTEM, OR THE STATE REFORMED CONTRIBUTORY TEACHERS’ PENSION SYSTEM if, within 1 year after becoming a member of the pension system, the individual:

(i) completes a claim for the service credit and files it with the Board of Trustees of the State Retirement and Pension System on a form that the Board of Trustees provides; and

(ii) deposits in the annuity savings fund of:

1. the Employees' Pension System or Teachers' Pension System member contributions at the rate applicable for the period of service if the member had earned the transferred service credit in the new system, including regular interest on the contributions at the rate of 5% per year compounded annually; or

2. the Law Enforcement Officers' Pension System member contributions at the rate of 4% of the individual's earnable compensation while a member of the contributory system after June 30, 2000, including regular interest on the contributions at the rate of 5% per year compounded annually.

(2) Subject to § 414(h) of the Internal Revenue Code, the contributory system shall refund the individual's accumulated contributions in excess of the amount determined under paragraph (1) of this subsection on request.

(b) (1) Subject to paragraph (2) of this subsection, an individual may transfer service credit from a noncontributory system to the State Alternate Contributory Employees' Pension System, the State Alternate Contributory Teachers' Pension System, the State Contributory Employees' Pension System, the State Contributory Law Enforcement Officers' Pension System, [or] the State Contributory Teachers' Pension System, **THE STATE REFORMED CONTRIBUTORY EMPLOYEES' PENSION SYSTEM, OR THE STATE REFORMED CONTRIBUTORY TEACHERS' PENSION SYSTEM** if, within 1 year after becoming a member of the pension system, the individual completes a claim for the service credit and files it with the Board of Trustees for the State Retirement and Pension System on a form that the Board of Trustees provides.

(3) (i) 1. This subparagraph applies only to an individual who transferred service credit from a noncontributory system to the State Alternate Contributory Employees' Pension System, the State Alternate Contributory Teachers' Pension System, the State Contributory Employees' Pension System, [or] the State Contributory Teachers' Pension System, **THE STATE REFORMED CONTRIBUTORY**

EMPLOYEES' PENSION SYSTEM, OR THE STATE REFORMED CONTRIBUTORY TEACHERS' PENSION SYSTEM and earned any portion of the transferred service credit in a noncontributory system after June 30, 1998.

(c) (1) An individual may transfer service credit from the State Alternate Contributory Employees' Pension System, the State Alternate Contributory Teachers' Pension System, the State Contributory Employees' Pension System, the State Contributory Law Enforcement Officers' Pension System, [or] the State Contributory Teachers' Pension System, THE STATE REFORMED CONTRIBUTORY EMPLOYEES' PENSION SYSTEM, OR THE STATE REFORMED CONTRIBUTORY TEACHERS' PENSION SYSTEM to a noncontributory system if, within 1 year after becoming a member of the noncontributory system, the individual completes a claim for the service credit and files it with the administrator of the noncontributory system on a form that the administrator provides.

(d) (1) An individual may transfer service credit from the State Alternate Contributory Employees' Pension System, the State Alternate Contributory Teachers' Pension System, the State Contributory Employees' Pension System, the State Contributory Law Enforcement Officers' Pension System, [or] the State Contributory Teachers' Pension System, THE STATE REFORMED CONTRIBUTORY EMPLOYEES' PENSION SYSTEM, OR THE STATE REFORMED CONTRIBUTORY TEACHERS' PENSION SYSTEM to a contributory system if, within 1 year after becoming a member of the contributory system, the individual:

(i) completes a claim for the service credit and files it with the administrator of the contributory system on a form that the administrator provides;
and

(ii) deposits in the annuity savings fund or other corresponding fund of the contributory system the sum of:

1. the total accumulated contributions to the individual's credit in the annuity savings fund of the previous system;

2. the difference, if any, between the member contributions at the rate provided for in the contributory system, including interest on those contributions, and the total accumulated contributions to the individual's credit in the annuity savings fund of the previous system; and

3. the accumulated contributions that would have been deducted during the period the individual was a member of the State system while it was a noncontributory system if the individual had earned the transferred service credit under the contributory system, including interest on those contributions.”.

On page 63, after line 9, insert:

“SECTION 25. AND BE IT FURTHER ENACTED, That, notwithstanding §§ 22–406 or 23–407 of the State Personnel and Pensions Article and except for an individual whose retirement allowance is subject to a reduction as provided under § 22–406(c)(1)(iii) and (3) or § 23–407(c)(1)(iii) and (3), the reduction of an allowance does not apply to an individual who was previously employed by the State Retirement Agency, retired, and is rehired by the State Retirement Agency for a period not to exceed 1 year to assist in the implementation of the pension option selection enacted during the 2011 session of the General Assembly. This exception to the earnings limitation provisions of §§ 22–406 and 23–407 shall be abrogated and of no further force and effect on June 30, 2012.”.

AMENDMENT NO. 30

On page 36, after line 8, insert:

“21–302.

(b) [The] SUBJECT TO § 21–316 OF THIS SUBTITLE, THE assets of the several systems shall be used to pay the obligations of the State specified in this section.

21–303.

(d) (1) [Each] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH year, the Board of Trustees shall transfer from the accumulation fund of each State system to the expense fund of that system the amounts required by § 21–315 of this subtitle.

(2) WITH RESPECT TO MEMBERS OTHER THAN MEMBERS WHO ARE EMPLOYEES OF A PARTICIPATING GOVERNMENTAL UNIT OR ON WHOSE BEHALF AN EMPLOYER IS REQUIRED TO MAKE CONTRIBUTIONS UNDER § 21–307 OF THIS SUBTITLE, THE ADMINISTRATIVE AND OPERATIONAL EXPENSES OF THE

BOARD OF TRUSTEES AND THE STATE RETIREMENT AGENCY, NOT INCLUDING AMOUNTS AS AUTHORIZED BY THE BOARD OF TRUSTEES NECESSARY FOR INVESTMENT MANAGEMENT SERVICES, SHALL BE PAID BY PARTICIPATING EMPLOYERS AS PROVIDED IN § 21-316 OF THIS SUBTITLE AND MAY NOT BE TRANSFERRED FROM THE ACCUMULATION FUND OF EACH SYSTEM.”.

On page 37, before line 21, insert:

“21-316.

(A) IN THIS SECTION, “LOCAL EMPLOYER” MEANS A PARTICIPATING EMPLOYER OTHER THAN:

(1) THE STATE;

(2) A PARTICIPATING GOVERNMENTAL UNIT; OR

(3) AN EMPLOYER REQUIRED TO MAKE CONTRIBUTIONS UNDER § 21-307 OF THIS SUBTITLE.

(B) (1) FOR EACH FISCAL YEAR, THE STATE AND EACH LOCAL EMPLOYER SHALL PAY TO THE BOARD OF TRUSTEES THEIR PRO RATA SHARES OF THE AMOUNT ESTIMATED BY THE BOARD OF TRUSTEES UNDER § 21-315(C) OF THIS SUBTITLE TO BE NECESSARY FOR THE ADMINISTRATIVE AND OPERATIONAL EXPENSES OF THE BOARD OF TRUSTEES AND THE STATE RETIREMENT AGENCY.

(2) THE PRO RATA SHARE OF THE STATE AND OF EACH LOCAL EMPLOYER SHALL BE BASED ON THE NUMBER OF MEMBERS OF THE SEVERAL SYSTEMS EMPLOYED BY THE STATE OR LOCAL EMPLOYER COMPARED TO THE TOTAL MEMBERSHIP OF THE SEVERAL SYSTEMS WHO ARE EMPLOYED BY THE STATE OR A LOCAL EMPLOYER.

(C) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE BOARD OF TRUSTEES SHALL:

(1) DETERMINE THE PER MEMBER CONTRIBUTION AMOUNT AND THE AMOUNTS PAYABLE BY THE STATE AND EACH LOCAL EMPLOYER UNDER THIS SECTION FOR THE NEXT FISCAL YEAR; AND

(2) CERTIFY THE PER MEMBER CONTRIBUTION AND THE AMOUNTS PAYABLE:

(I) TO THE SECRETARY OF BUDGET AND MANAGEMENT, FOR MEMBERS WHOSE COMPENSATION IS PAID BY THE STATE; AND

(II) TO EACH LOCAL EMPLOYER.

(D) (1) THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL THE AMOUNT CERTIFIED UNDER SUBSECTION (C)(2)(I) OF THIS SECTION.

(2) THE AMOUNTS PAYABLE BY THE STATE UNDER THIS SECTION WITH RESPECT TO MEMBERS EMPLOYED BY EACH STATE UNIT SHALL BE CHARGED AGAINST THE BUDGET OF THAT UNIT.

(E) (1) ON OR BEFORE OCTOBER 1, JANUARY 1, APRIL 16, AND JUNE 1 OF EACH FISCAL YEAR, EACH LOCAL EMPLOYER SHALL PAY TO THE BOARD OF TRUSTEES 25% OF THE AMOUNT CERTIFIED TO THE LOCAL EMPLOYER BY THE BOARD OF TRUSTEES UNDER SUBSECTION (C)(2)(II) OF THIS SECTION.

(2) A LOCAL EMPLOYER MAY ELECT TO HAVE THE AMOUNTS REQUIRED UNDER THIS SECTION DEDUCTED FROM STATE AID DISTRIBUTIONS UNDER THE EDUCATION ARTICLE.

(3) IF A LOCAL EMPLOYER DOES NOT PAY THE AMOUNTS REQUIRED UNDER THIS SECTION WITHIN THE TIME REQUIRED, THE LOCAL EMPLOYER IS LIABLE FOR INTEREST ON DELINQUENT AMOUNTS AT A RATE OF 4% A YEAR UNTIL PAYMENT.

(4) THE SECRETARY OF THE BOARD OF TRUSTEES MAY ALLOW A GRACE PERIOD NOT TO EXCEED 10 CALENDAR DAYS FOR PAYMENT OF THE AMOUNTS CERTIFIED UNDER THIS SECTION.

(5) ON NOTIFICATION BY THE SECRETARY OF THE BOARD OF TRUSTEES THAT A DELINQUENCY EXISTS, THE STATE COMPTROLLER IMMEDIATELY SHALL EXERCISE THE RIGHT OF SETOFF AGAINST ANY MONEY DUE OR COMING DUE TO THAT LOCAL EMPLOYER FROM THE STATE.

(F) ON RECEIPT OF PAYMENTS UNDER THIS SECTION, THE BOARD OF TRUSTEES SHALL CREDIT THESE AMOUNTS TO THE EXPENSE FUND OF THE APPROPRIATE STATE SYSTEM.”.

On page 63, after line 34, insert:

“SECTION 27. AND BE IT FURTHER ENACTED, That, notwithstanding § 21–316 of the State Personnel and Pensions Article, as enacted by this Act, or any other provision of law, on or before July 1, 2011, the Board of Trustees shall:

(1) Determine the per member contribution amount and the amounts payable by each local employer for fiscal year 2012 under § 21–316 of the State Personnel and Pensions Article; and

(2) Certify to each local employer the per member contribution and the amounts payable by the local employer.”.

AMENDMENT NO. 31

On page 36, after line 9, insert:

“(a) (2) “[Full] PRELIMINARY funding rate” means the sum of:

(i) the aggregate normal rate that is based on the normal contribution rate calculated under subsection (c) of this section [and adjusted to incorporate legislative changes in benefits to reflect changes to the normal cost]; and

(ii) the aggregate unfunded accrued liability contribution rate that is based on the unfunded accrued liability contribution rate under subsection [(d)(1) and (2)] (D)(1)(I) AND (II)1 AND 2 AND (2) of this section.

(b) (1) [Each] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, EACH fiscal year, on behalf of the State members of each State system,

the State shall pay to the appropriate accumulation fund an amount equal to or greater than the sum of the amount, if any, required to be included in the budget bill under § 3–501(c)(2)(ii) of this article and the product of multiplying:

(i) the aggregate annual earnable compensation of the State members of that State system; and

(ii) 1. for State members of the Law Enforcement Officers' Retirement System, State Police Retirement System, and the Judges' Retirement System, the sum of the normal contribution rate and the accrued liability contribution rate, as determined under this section;

2. for State members of the Employees' Pension System, Employees' Retirement System, Correctional Officers' Retirement System, and Legislative Pension Plan, the employees' systems contribution rate determined under subsection (e) of this section; or

3. for State members of the Teachers' Pension System and Teachers' Retirement System, the teachers' systems contribution rate determined under subsection (f) of this section.

(2) The amount determined under paragraph (1) of this subsection for each State system shall be based on an actuarial determination of the amounts that are required to preserve the integrity of the funds of the several systems using:

(i) the entry–age actuarial cost method; and

(ii) actuarial assumptions adopted by the Board of Trustees.

(3) For the purpose of making the determinations required under this section:

(i) the Employees' Retirement System, the Employees' Pension System, the Correctional Officers' Retirement System, and the Legislative Pension Plan shall be considered together as one State system; and

(ii) the Teachers' Retirement System and the Teachers' Pension System shall be considered together as one State system.

(4) (I) THE TOTAL AMOUNT PAID UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE GREATER THAN 20% OF THE AGGREGATE ANNUAL EARNABLE COMPENSATION OF ALL STATE MEMBERS.

(II) IF THE AMOUNT REQUIRED TO BE PAID UNDER PARAGRAPH (1) OF THIS SUBSECTION IS GREATER THAN 20% OF THE AGGREGATE ANNUAL EARNABLE COMPENSATION OF ALL STATE MEMBERS, THE AMOUNT PAID TO THE APPROPRIATE ACCUMULATION FUND OF EACH STATE SYSTEM SHALL BE REDUCED ON A PRORATED BASIS BASED ON THE TOTAL AGGREGATE ANNUAL EARNABLE COMPENSATION FOR EACH STATE SYSTEM.”;

in line 15, strike “EXCEPT AS PROVIDED IN” and substitute “SUBJECT TO”; in lines 20 and 29, in each instance, strike “full” and substitute “PRELIMINARY”; in line 23, strike “EXCEPT AS PROVIDED IN” and substitute “SUBJECT TO”; in line 31, after “SYSTEMS” insert “UNDER PARAGRAPH (2) OR (3) OF THIS SUBSECTION”; and in line 32, strike “OF LEGISLATIVE CHANGES” and substitute “OR SAVINGS OF LEGISLATIVE CHANGES THAT RESULT IN CHANGES IN NORMAL CONTRIBUTIONS OR ACCRUED LIABILITIES AND TO AMORTIZE OVER 25 YEARS ANY CHANGES IN ACCRUED LIABILITIES OF THE EMPLOYEES’ SYSTEMS”.

On page 37, in lines 3 and 11, in each instance, strike “EXCEPT AS PROVIDED IN” and substitute “SUBJECT TO”; in lines 8 and 17, in each instance, strike “full” and substitute “PRELIMINARY”; in line 19, after “SYSTEMS” insert “UNDER PARAGRAPH (2) OR (3) OF THIS SUBSECTION”; in line 20, strike “OF LEGISLATIVE CHANGES” and substitute “OR SAVINGS OF LEGISLATIVE CHANGES THAT RESULT IN CHANGES IN NORMAL CONTRIBUTIONS OR ACCRUED LIABILITIES AND TO AMORTIZE OVER 25 YEARS ANY CHANGES IN ACCRUED LIABILITIES OF THE TEACHERS’ SYSTEMS”; and after line 20, insert:

“21-308.

(a) (1) On or before December 1 of each year, the Board of Trustees shall:

(i) certify to the Governor and the Secretary of Budget and Management the rates to be used to determine the amounts to be paid by the State to the accumulation fund of each of the several systems during the next fiscal year; and

(ii) provide to the Secretary of Budget and Management a statement of the total amount to be paid to the Teachers' Retirement System and the Teachers' Pension System expressed as a percentage of the payroll of all members of those State systems.

(2) The Governor shall include in the budget bill:

(i) the total amount of the State's contribution to each State system as ascertained based on the rates certified by the Board of Trustees under paragraph (1) of this subsection;

(ii) the additional amounts as ascertained under subsection (d) of this section for the State's payment to the professional and clerical employees of the Department of Public Libraries of Montgomery County who are members of the Employees' Retirement System of Montgomery County and are excluded from membership in the Teachers' Retirement System or the Teachers' Pension System; and

(iii) any additional amount required to be in the budget bill under § 3-501(c)(2)(ii) of this article.

(3) (I) ON OR BEFORE DECEMBER 1, 2012 AND EACH DECEMBER 1 THEREAFTER, THE BOARD OF TRUSTEES SHALL CERTIFY TO THE GOVERNOR AND THE SECRETARY OF BUDGET AND MANAGEMENT THE AMOUNT OF THE DIFFERENCE BETWEEN THE TOTAL AMOUNT OF THE STATE'S CONTRIBUTION REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION AND THE AMOUNT THAT THE BOARD DETERMINES WOULD HAVE BEEN REQUIRED HAD LEGISLATION INCREASING EMPLOYEE CONTRIBUTIONS TO, AND REDUCING THE LIABILITIES OF, THE STATE RETIREMENT AND PENSION SYSTEM NOT BEEN ENACTED IN 2011.

(II) FOR FISCAL YEAR 2014 AND EACH FISCAL YEAR THEREAFTER, IN ADDITION TO THE AMOUNTS REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL THE LESSER OF:

1. \$300,000,000; AND

2. THE AMOUNT CERTIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

On page 63, in line 27, strike “\$60,000,000; and” and substitute “\$120,000,000.”; and strike in their entirety lines 28 through 34, inclusive.

AMENDMENT NO. 32

On page 49, strike beginning with “AS” in line 17 down through “BALANCE” in line 22.

AMENDMENT NO. 33

On page 51, in line 2, strike “\$13,669,444” and substitute “\$16,669,444”.

AMENDMENT NO. 34

On page 25, after line 5, insert:

“3-103.

(h) (1) The Service [may]:

(I) MAY create [and establish 1 or more project reserve funds in such amounts as the Board considers appropriate] THE FOLLOWING PROJECT RESERVE FUNDS:

1. AN EASTERN CORRECTIONAL INSTITUTION STEAM TURBINE CONTINGENCY FUND;

2. A DEPARTMENT OF NATURAL RESOURCES PROJECT CONTINGENCY FUND; AND

3. A REIMBURSABLE PROJECT CONTINGENCY FUND; and

(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, may pay into such funds:

[(i)] 1. Any moneys appropriated and made available by the State for the purposes of such funds;

[(ii)] 2. Any proceeds from the sale of bonds or notes, to the extent provided in the resolution authorizing the issuance of the bonds or notes;

[(iii)] 3. Revenues derived from a project of the Service; and

[(iv)] 4. Any other moneys which may be received by or otherwise made available to the Service from any other source or sources which the Service has designated for deposit into such funds.

(2) Moneys held in or credited to a project reserve fund established under this subsection shall be used solely to accomplish the purposes of this subtitle, as determined by the Board and, SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, may be retained by the Service in [any such fund from year to year as determined by the Service] THE APPROPRIATE PROJECT RESERVE FUND BASED ON THE PROJECT FOR WHICH THE MONEY WAS APPROPRIATED.

(3) (I) THE SERVICE MAY NOT RETAIN MORE THAN:

1. \$1,500,000 IN THE EASTERN CORRECTIONAL INSTITUTION TURBINE PROJECT CONTINGENCY FUND;

2. \$500,000 IN THE DEPARTMENT OF NATURAL RESOURCES PROJECT CONTINGENCY FUND; OR

3. \$1,000,000 IN THE REIMBURSABLE PROJECT CONTINGENCY FUND.

(II) IF THE BALANCE IN A PROJECT RESERVE FUND EXCEEDS THE LIMITS STATED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE SERVICE SHALL REVERT THE EXCESS TO THE FUND FROM WHICH THE APPROPRIATION TO THE SERVICE WAS MADE.

[(3)] (4) Moneys appropriated or made available to the Service by the State shall be expended in accordance with the provisions of this subtitle.”.

On page 53, after line 6, insert:

“9-103.

(d) (1) The appropriate governing body shall calculate the amount of the tax credit under this section equal to a percentage of the amount of property tax imposed on the eligible assessment of the qualified property, as follows:

(i) [80%] 50% in each of the 1st [5] 6 taxable years following the calendar year in which the property initially becomes a qualified property;

(ii) [70% in the 6th taxable year;

(iii) 60%] 40% in the 7th taxable year;

[(iv)] (III) [50%] 30% in the 8th taxable year;

[(v)] (IV) [40%] 20% in the 9th taxable year; and

[(vi)] (V) [30%] 10% in the 10th taxable year.

(4) For qualified property located in a focus area, the appropriate governing body shall calculate the amount of the tax credit under this section equal to [80%] 50% of the amount of property tax imposed on the eligible assessment of the qualified property for each of the 10 taxable years following the calendar year in which the property initially becomes a qualified property.

9-255.

(A) IN THIS SECTION, “ELIGIBLE ASSESSMENT” AND “QUALIFIED PROPERTY” HAVE THE MEANINGS STATED IN § 9-103 OF THIS TITLE.

(B) (1) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION MAY GRANT, BY LAW, A LOCAL SUPPLEMENT TO THE PROPERTY TAX CREDIT REQUIRED UNDER § 9-103 OF THIS TITLE AGAINST THE PROPERTY TAX IMPOSED ON THE ELIGIBLE ASSESSMENT OF QUALIFIED PROPERTY.

(2) A COUNTY OR MUNICIPAL CORPORATION MAY NOT OBTAIN REIMBURSEMENT UNDER § 9-103(H) OF THIS TITLE FOR THE REVENUES THAT THE COUNTY OR MUNICIPAL CORPORATION WOULD HAVE COLLECTED IF IT HAD NOT GRANTED A LOCAL SUPPLEMENT AS AUTHORIZED UNDER THIS SECTION.

(C) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE LOCAL SUPPLEMENT AUTHORIZED UNDER THIS SECTION SHALL BE SUBJECT TO THE PROVISIONS OF THE PROPERTY TAX CREDIT REQUIRED UNDER § 9-103 OF THIS TITLE.

(D) (1) SUBJECT TO THE LIMITATION UNDER PARAGRAPH (2) OF THIS PARAGRAPH, A LOCAL SUPPLEMENT AUTHORIZED UNDER THIS SECTION SHALL EQUAL A PERCENTAGE, AS SET BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION, OF THE AMOUNT OF PROPERTY TAX IMPOSED ON THE ELIGIBLE ASSESSMENT OF THE QUALIFIED PROPERTY FOR EACH OF NOT MORE THAN 10 TAXABLE YEARS FOLLOWING THE CALENDAR YEAR IN WHICH THE PROPERTY INITIALLY BECOMES A QUALIFIED PROPERTY.

(2) FOR ANY TAXABLE YEAR, THE PERCENTAGE SET BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT EXCEED THE PERCENTAGE THAT WHEN ADDED TO THE PERCENTAGE SPECIFIED IN § 9-103(D)(1) OF THIS TITLE FOR THAT TAXABLE YEAR EQUALS 80%.”.

On page 64, after line 32, insert:

“SECTION 33. AND BE IT FURTHER ENACTED, That §§ 9-103 and 9-255 of the Tax – Property Article as enacted by this Act shall be applicable to tax credits granted for qualified property for which a property tax credit has not been granted for any taxable year beginning before July 1, 2011.”.

AMENDMENT NO. 36

On page 53, after line 25, insert:

“5-415.

(A) IN THIS SECTION, "FIRE RESCUE SERVICE" MEANS THE MARYLAND AVIATION ADMINISTRATION FIRE RESCUE SERVICE.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE FIRE RESCUE SERVICE SHALL CHARGE AN AMBULANCE TRANSPORT FEE AS PROVIDED IN SUBSECTION (D) OF THIS SECTION TO AN INDIVIDUAL IF THE FIRE RESCUE SERVICE TRANSPORTS THE INDIVIDUAL TO A HOSPITAL FROM PROPERTY OWNED BY THE ADMINISTRATION OR PROPERTY SUBJECT TO A MUTUAL AID AGREEMENT TO WHICH THE ADMINISTRATION IS A PARTY.

(C) (1) THE FIRE RESCUE SERVICE MAY NOT:

(I) QUESTION AN INDIVIDUAL ABOUT ABILITY TO PAY THE AMBULANCE TRANSPORT FEE AT THE TIME THAT AMBULANCE TRANSPORTATION IS REQUESTED OR PROVIDED; OR

(II) FAIL TO PROVIDE AMBULANCE TRANSPORTATION AND EMERGENCY MEDICAL SERVICES BECAUSE OF AN INDIVIDUAL'S ACTUAL OR PERCEIVED INABILITY TO PAY THE AMBULANCE TRANSPORT FEE.

(2) THE ADMINISTRATION MAY PROCURE THE SERVICES OF A THIRD PARTY BILLING COMPANY TO ADMINISTER ITS AMBULANCE TRANSPORT FEE PROGRAM.

(3) THE ADMINISTRATION MAY ADOPT REGULATIONS TO ADMINISTER THE COLLECTION OF THE AMBULANCE TRANSPORT FEE, INCLUDING REGULATIONS GOVERNING:

(I) A WAIVER OF THE AMBULANCE TRANSPORT FEE IN THE EVENT OF FINANCIAL HARDSHIP;

(II) THE ACCEPTANCE OF REDUCED PAYMENTS BY COMMERCIAL INSURERS AND OTHER THIRD-PARTY PAYORS, INCLUDING MEDICARE AND MEDICAID; AND

(III) A REQUIREMENT THAT EACH INDIVIDUAL RECEIVING AN AMBULANCE TRANSPORT PROVIDE FINANCIAL INFORMATION, INCLUDING THE INDIVIDUAL’S INSURANCE COVERAGE, AND ASSIGN INSURANCE BENEFITS TO THE ADMINISTRATION.

(D) THE AMBULANCE TRANSPORT FEE SHALL BE THE SUM OF:

(1) AN AMOUNT EQUAL TO:

(I) \$550 FOR SERVICES THAT QUALIFY AS ADVANCED LIFE SUPPORT, LEVEL 1, UNDER 42 C.F.R. 414.605;

(II) \$600 FOR SERVICES THAT QUALIFY AS ADVANCED LIFE SUPPORT, LEVEL 2, UNDER 42 C.F.R. 414.605; OR

(III) \$375 FOR SERVICES THAT QUALIFY AS BASIC LIFE SUPPORT UNDER 42 C.F.R. 414.605; AND

(2) AN AMOUNT EQUAL TO \$13 FOR EACH MILE THE INDIVIDUAL IS TRANSPORTED BY THE FIRE RESCUE SERVICE.

(E) THE ADMINISTRATION SHALL DEPOSIT THE FEES COLLECTED UNDER THIS SECTION IN THE TRANSPORTATION TRUST FUND.”.

AMENDMENT NO. 37

On page 53, before line 26, insert:

“7-208.

(b) (1) For fiscal year 2009 and each fiscal year thereafter, the Administration shall separately recover from fares and other operating revenues at least 35 percent of the total operating costs for:

(i) The Administration’s bus, light rail, and Metro subway services in the Baltimore region; and

(ii) All passenger railroad services under the Administration's control.

(2) The Administration shall submit, in accordance with § 2-1246 of the State Government Article, an annual report to the Senate Budget and Taxation Committee, House Ways and Means Committee, and House Appropriations Committee by December 1 of each year that includes:

(i) Separate farebox recovery ratios for the prior fiscal year for:

1. Bus, light rail, and Metro subway services provided by the Administration in the Baltimore region;

2. Commuter bus service provided under contract to the Administration in the Baltimore region; and

3. Maryland Area Rail Commuter (MARC) service provided under contract to the Administration;

(ii) A discussion of the success or failure to achieve the farebox recovery requirement established in paragraph (1) of this subsection; [and]

(iii) Comparisons of farebox recovery ratios for the Administration's mass transit services and other similar transit systems nationwide;
AND

(IV) THE ESTIMATED FARE PRICES NECESSARY TO ACHIEVE THE FAREBOX RECOVERY REQUIREMENT ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION FOR THE NEXT FISCAL YEAR.

(B-1) SUBJECT TO § 7-506 OF THIS TITLE, THE ADMINISTRATION SHALL SET THE FARE PRICES FOR BUS, LIGHT RAIL, AND METRO SUBWAY SERVICES IN THE BALTIMORE REGION AND FOR PASSENGER RAILROAD SERVICES UNDER THE ADMINISTRATION'S CONTROL AT AN AMOUNT SUFFICIENT TO ACHIEVE THE FAREBOX RECOVERY REQUIREMENT ESTABLISHED IN SUBSECTION (B) OF THIS SECTION."

On page 54, before line 18, insert:

“12–120.

(a) In this section[, “miscellaneous]:

(1) “MISCELLANEOUS fees” means all fees collected by the Administration under this article other than:

[(1)] (I) The vehicle titling tax;

(II) THE CERTIFICATE OF TITLE FEE UNDER § 13–802 OF THIS ARTICLE; and

[(2)] (III) Vehicle registration fees under Part II of Title 13, Subtitle 9 of this article; AND

(2) “MISCELLANEOUS FEES” INCLUDES THE FEE CHARGED UNDER § 23–205 OF THIS ARTICLE FOR VEHICLE EMISSIONS INSPECTION.

(b) Except as provided in this section, the Administration may not alter the miscellaneous fees that the Administration is authorized under this article to establish.

(c) (1) Subject to the limitations under subsection (d) of this section, before the start of any fiscal year the Administration by regulation may alter, effective beginning in the upcoming fiscal year, the levels of the miscellaneous fees that the Administration is authorized under this article to establish.

(2) The Administration shall alter the levels of miscellaneous fees for the upcoming fiscal year if the projected cost recovery under subsection (d) of this section exceeds [100%] 75%.

(d) The Administration shall set the levels of miscellaneous fees so that the total amount of projected revenues from all miscellaneous fees for the upcoming fiscal year is at least [95] 70 percent but does not exceed [100] 75 percent of the sum of:

(1) The operating budget of the Administration for that fiscal year, INCLUDING THE COSTS OF ADMINISTERING THE VEHICLE EMISSIONS INSPECTION PROGRAM, as approved by the General Assembly in the annual State budget;

(2) The average annual capital program of the Administration as reported in the 6-year Consolidated Transportation Program described in § 2-103.1 of this article; and

(3) The Administration's portion of the cost for that fiscal year of the Department's data center operations, except for the cost of data center operations attributable to other administrations' activities.

(e) (1) The Administration may not alter miscellaneous fees more than once in any fiscal year.

(2) The Administration need not reduce fees for the upcoming fiscal year if legislative budget modifications cause the projected cost recovery percentage to exceed [100] 75 percent.

(3) The level of a miscellaneous fee set by the Administration remains in effect until again altered by the Administration as provided under this section."

On page 56, before line 4, insert:

"13-613.

(b) In addition to the annual registration fee otherwise required by this title, the applicant shall pay an additional annual fee of [\$25] \$50, payable with the original and each renewal application for special registration under this section.

13-802.

Except as provided in § 13-805 of this subtitle, the fee for each certificate of title issued under this title is [\$50] \$100."

and before line 11, insert:

"23-205.

(a) [(1) [Subject to paragraph (2) of this subsection, the] THE Administration and the Secretary shall set the fee to be charged for each vehicle to be inspected and tested by a facility.

[(2) The fee established under this subsection:

(i) During the period from January 1, 1995 through May 31, 1997, may not exceed \$12; and

(ii) During the period after May 31, 1997, may not exceed \$14.]

(b) The fee shall be collected in a manner established by the Administration and the Secretary.

[(c) A specific portion of the fee shall be paid to or retained by the Administration to cover the cost of administration and enforcement of the emissions control program, as provided in the contract between the contractor and the State.]”

AMENDMENT NO. 39

On pages 54 through 56, strike in their entirety the lines beginning with line 26 on page 54 through line 3 on page 56, inclusive.

On page 56, after line 3, insert:

“13-406.2.

(A) THE ADMINISTRATION MAY NOT RENEW OR TRANSFER THE REGISTRATION OF ANY VEHICLE IF THE APPLICANT HAS NOT PAID ALL UNDISPUTED TAXES AND UNEMPLOYMENT INSURANCE CONTRIBUTIONS PAYABLE TO THE COMPTROLLER OR THE SECRETARY OF LABOR, LICENSING, AND REGULATION OR PROVIDED FOR PAYMENT IN A MANNER SATISFACTORY TO THE UNIT RESPONSIBLE FOR COLLECTION.

(B) THE ADMINISTRATION SHALL COOPERATE WITH THE COMPTROLLER AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION TO DEVELOP PROCEDURES AND ADOPT REGULATIONS IN ACCORDANCE WITH THIS SECTION.

(C) REGULATIONS ADOPTED UNDER THIS SECTION SHALL REQUIRE:

(1) THE COMPTROLLER TO NOTIFY THE ADMINISTRATION THAT AN INDIVIDUAL HAS NOT PAID ALL UNDISPUTED TAXES; AND

(2) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION TO NOTIFY THE ADMINISTRATION THAT AN INDIVIDUAL HAS NOT PAID ALL UNDISPUTED UNEMPLOYMENT INSURANCE CONTRIBUTIONS.

On page 56, in line 5, after “(J)” insert “**(1)**”; and after line 10, insert:

“(2) THE ADMINISTRATION SHALL COOPERATE WITH THE COMPTROLLER AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION TO DEVELOP PROCEDURES AND ADOPT REGULATIONS IN ACCORDANCE WITH THIS SECTION.

(3) REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL REQUIRE:

(I) THE COMPTROLLER TO NOTIFY THE ADMINISTRATION THAT AN INDIVIDUAL HAS NOT PAID ALL UNDISPUTED TAXES; AND

(II) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION TO NOTIFY THE ADMINISTRATION THAT AN INDIVIDUAL HAS NOT PAID ALL UNDISPUTED UNEMPLOYMENT INSURANCE CONTRIBUTIONS.

AMENDMENT NO. 40

On page 49, after line 22, insert:

“2-614.

(a) (1) [After] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AFTER making the distributions required under §§ 2-613 and 2-613.1 of this subtitle, the Comptroller shall distribute monthly [24%] 19.5% of the remaining income tax revenue from corporations to a special fund to be distributed as provided in subsection (b) of this section.

(2) THE PERCENT OF THE REMAINING INCOME TAX REVENUE FROM CORPORATIONS DISTRIBUTED TO A SPECIAL FUND TO BE DISTRIBUTED AS PROVIDED IN SUBSECTION (B) OF THIS SECTION SHALL BE:

(I) 24% FOR THE FISCAL YEAR BEGINNING JULY 1, 2011;

AND

(II) 9.5% FOR THE FISCAL YEAR BEGINNING JULY 1, 2012.

(b) (1) (I) [From] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, FROM the special fund, the Comptroller shall distribute an amount equal to [24%] 19.5% of the cost to administer the income tax on corporations to an administrative cost account.

(II) THE PERCENT OF THE COST TO ADMINISTER THE INCOME TAX ON CORPORATIONS THAT IS DISTRIBUTED TO AN ADMINISTRATIVE COST ACCOUNT SHALL BE:

1. 24% FOR THE FISCAL YEAR BEGINNING JULY 1, 2011; AND

2. 9.5% FOR THE FISCAL YEAR BEGINNING JULY 1, 2012.

(2) After making the distribution required under paragraph (1) of this subsection, the Comptroller shall distribute the balance in the special fund to the Gasoline and Motor Vehicle Revenue Account in the Transportation Trust Fund.”.

On page 51, after line 22, insert:

“[2-1302.2.

After making the distributions required under §§ 2-1301 through 2-1302.1 of this subtitle, the Comptroller shall pay into the Transportation Trust Fund established under § 3-216 of the Transportation Article:

(1) for each fiscal year beginning before July 1, 2013, 5.3% of the remaining sales and use tax revenue; and

(2) for each fiscal year beginning on or after July 1, 2013, 6.5% of the remaining sales and use tax revenue.]

2-1303.

After making the distributions required under §§ 2-1301 through [2-1302.2] 2-1302.1 of this subtitle, the Comptroller shall pay:

(1) revenues from the hotel surcharge into the Dorchester County Economic Development Fund established under § 10-130 of the Economic Development Article; and

(2) the remaining sales and use tax revenue into the General Fund of the State.”.

On page 53, after line 11, insert:

“3-215.

(b) The tax levied and imposed by this section consists of that part of the following taxes that are retained to the credit of the Department after distributions to the political subdivisions:

(1) The motor fuel tax revenue distributed under §§ 2-1103(2) and 2-1104(a)(2) of the Tax – General Article;

(2) The income tax revenue distributed under § 2-614 of the Tax – General Article;

(3) The excise tax imposed on vehicles by Part II of Title 13, Subtitle 8 of this article; and

(4) The sales and use tax revenues distributed under [§§ 2-1302.1 and 2-1302.2] § 2-1302.1 of the Tax – General Article.

3-217.

(A) BEGINNING JULY 1, 2012, FUNDS IN THE TRANSPORTATION TRUST FUND MAY NOT BE TRANSFERRED OR DIVERTED FROM THAT FUND TO THE GENERAL FUND UNLESS LEGISLATION IS ENACTED PRIOR TO THE TRANSFER OR DIVERSION THAT PROVIDES FOR REPAYMENT OF THE FUNDS TO THE TRANSPORTATION TRUST FUND WITHIN 5 YEARS AFTER THE TRANSFER OR DIVERSION.

(B) THIS SECTION DOES NOT APPLY TO A TRANSFER OR DIVERSION OF FUNDS UNDER § 8-403 OF THIS ARTICLE.”

On page 54, strike in their entirety lines 1 through 17, inclusive, and substitute:

“(c) (1) Except as provided in paragraph (2) of this subsection, for each fiscal year:

(i) [19.3% of the revenue credited to the Account shall be distributed to the General Fund of the State;

(ii) [71.5%] 90.4% of the revenue credited to the Account may be used as provided in § 3-216 of this article; and

[(iii)] (II) The balance of the Account shall be used to pay the allocations of highway user revenues provided by this subtitle to the counties, municipalities, and Baltimore City.

(2) For fiscal years 2010 through [2012] 2013, the Account shall be distributed as follows:

(i) A portion to the General Fund of the State FOR FISCAL YEARS 2010 THROUGH 2012 as follows:

1. 19.5% for fiscal year 2010;
2. 23% for fiscal year 2011; and
3. [20.4%] 11.3% for fiscal year 2012;

(ii) A portion to be used as provided in § 3–216 of this article, as follows:

1. 70% for fiscal year 2010;
2. 68.5% for fiscal year 2011; [and]
3. [71.5%] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, 79.8% for fiscal year 2012; AND
4. 90% FOR FISCAL YEAR 2013; and

(iii) The balance to be used to pay the allocations of highway user revenues provided under this subtitle to the counties, municipalities, and Baltimore City.

(3) FOR FISCAL YEAR 2012, FROM THE AMOUNT ALLOCATED TO THE TRANSPORTATION TRUST FUND UNDER PARAGRAPH (2)(II)3 OF THIS SUBSECTION, \$40,000,000 SHALL BE TRANSFERRED FROM THE TRANSPORTATION TRUST FUND TO THE REVENUE STABILIZATION ACCOUNT ESTABLISHED UNDER § 7–311 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

8–403.

(a) Subject to §§ 3–307 and 3–308 of this article, and except as provided in subsection (b) of this section, for each fiscal year, from the total highway user revenues:

(1) An amount equal to [7.5%] 7.7% of total highway user revenues shall be distributed to Baltimore City in monthly installments;

(2) An amount shall be distributed to the counties at the times specified in § 8–407 of this subtitle, to be allocated as provided in § 8–404 of this subtitle, equal to [1.4%] 1.5% of total highway user revenues; and

(3) An amount shall be distributed to the municipalities at the times specified in § 8–407 of this subtitle, to be allocated as provided in § 8–405 of this subtitle, equal to [0.3%] **0.4%** of total highway user revenues.

(b) (1) For fiscal year 2010:

(i) The amount distributed to Baltimore City under this subtitle shall equal 8.6% of total highway user revenues;

(ii) The amount distributed to the counties under this subtitle shall equal 1.5% of total highway user revenues; and

(iii) The amount distributed to the municipalities under this subtitle shall equal 0.4% of total highway user revenues.

(2) For fiscal year 2011:

(i) The amount distributed to Baltimore City under this subtitle shall equal 7.9% of total highway user revenues;

(ii) The amount distributed to the counties under this subtitle shall equal 0.5% of total highway user revenues; and

(iii) The amount distributed to the municipalities under this subtitle shall equal 0.1% of total highway user revenues.

(3) For fiscal year 2012:

(i) The amount distributed to Baltimore City under this subtitle shall equal 7.5% of total highway user revenues;

(ii) The amount distributed to the counties under this subtitle shall equal [0.5%] **0.8%** of total highway user revenues; and

(iii) The amount distributed to the municipalities under this subtitle shall equal [0.1%] **0.6%** of total highway user revenues.

(4) FOR FISCAL YEAR 2013:

(I) THE AMOUNT DISTRIBUTED TO BALTIMORE CITY UNDER THIS SUBTITLE SHALL EQUAL 8.1% OF TOTAL HIGHWAY USER REVENUES;

(II) THE AMOUNT DISTRIBUTED TO THE COUNTIES UNDER THIS SUBTITLE SHALL EQUAL 1.5% OF TOTAL HIGHWAY USER REVENUES; AND

(III) THE AMOUNT DISTRIBUTED TO THE MUNICIPALITIES UNDER THIS SUBTITLE SHALL EQUAL 0.4% OF TOTAL HIGHWAY USER REVENUES.”.

On page 64, strike in their entirety lines 8 through 20, inclusive, and substitute:

“SECTION 30. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of this Act, except as otherwise provided in this section, the altered distributions of the revenues from the corporate income tax and the sales and use tax under the provisions of Title 2, Subtitles 6 and 13 of the Tax – General Article as enacted by this Act do not apply until any Consolidated Transportation Bonds that were issued by the Department of Transportation before July 1, 2011, no longer remain outstanding and unpaid. In any fiscal year for which funds are appropriated by the General Assembly to pay the amount due and payable in that fiscal year for the principal of and interest on the Department of Transportation’s Consolidated Transportation Bonds that were issued before July 1, 2011, the revenues from the corporate income tax and the sales and use tax shall be distributed as provided in Title 2, Subtitles 6 and 13 of the Tax – General Article as enacted by this Act.”;

and before line 33, insert:

“SECTION 34. AND BE IT FURTHER ENACTED, That, subject to Section 30 of this Act, the repeal of § 2–1302.2 of the Tax – General Article under this Act shall take effect July 1, 2011.”.

AMENDMENT NO. 41

On page 52, in lines 11, 12, and 14, in each instance, strike “**90%**” and substitute “**50%**”.

AMENDMENT NO. 42

On page 54, strike in their entirety lines 18 through 25, inclusive.

On pages 56 through 58, strike in their entirety the lines beginning with line 11 on page 56 through line 10 on page 58, inclusive.

On page 64, strike in their entirety lines 27 through 32, inclusive.

AMENDMENT NO. 43

On page 58, strike in their entirety lines 20 through 22, inclusive.

AMENDMENT NO. 44

On page 58, strike in their entirety lines 23 through 25, inclusive.

AMENDMENT NO. 45

On page 58, after line 10, insert:

“Chapter 288 of the Acts of 2002

SECTION 7. AND BE IT FURTHER ENACTED, That, [within the next 10 years, and] no later than June 30, [2012] 2014, the Maryland State Department of Education, in consultation with the Department of Budget and Management and the Department of Legislative Services, shall contract with a public or private entity to conduct a study of the adequacy of education funding in the State. At a minimum, the adequacy study shall: (1) identify a base funding level for students without special needs; (2) per pupil weights for students with special needs to be applied to the base funding level; and (3) an analysis of the effect of concentrations of poverty on adequacy targets. THE STUDY SHALL BE CONDUCTED IN PHASES, WITH THE FIRST PHASE BEGINNING NO LATER THAN JUNE 30, 2014, AND THE FINAL PHASE BEING COMPLETED BY DECEMBER 1, 2016. THE STUDY SHALL INCORPORATE STANDARDS FROM THE COMMON CORE CURRICULUM ADOPTED BY THE STATE BOARD OF EDUCATION AND 2 YEARS OF RESULTS FROM THE NEW COMMON CORE ASSESSMENTS, WHICH ARE SCHEDULED TO BE IMPLEMENTED BEGINNING IN THE 2014–2015 SCHOOL YEAR. The Governor shall include sufficient funds in the State budget for the appropriate fiscal years for the Maryland State Department of Education to cover the costs of conducting the adequacy study.”.

AMENDMENT NO. 46

On page 58, in line 31, strike “\$500,000” and substitute “\$1,000,000”.

AMENDMENT NO. 47

On page 59, in line 4, strike “\$150,000” and substitute “\$75,000”.

AMENDMENT NO. 48

On page 62, strike in their entirety lines 14 through 30, inclusive.

AMENDMENT NO. 49

On page 63, in line 2, strike the second “or” and substitute a comma; and in line 4, after “Maryland” insert “, or payments pursuant to a collective bargaining agreement negotiated with an accredited representative in accordance with § 7–601 of the Transportation Article”.

AMENDMENT NO. 50

On page 59, in line 5, after “Article” insert “; and

\$970,000 of the funds in the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund established under § 8–2A–02 of the Natural Resources Article”.

AMENDMENT NO. 51

On page 59, in line 22, after “Article” insert “;

\$35,000 of the funds in the special fund established under § 1–203.3 of the Corporations and Associations Article;

\$179,316 of the funds in the Central Collection Fund established under § 3–306 of the State Finance and Procurement Article;

\$100,000 of the funds in the Rental Housing Programs Fund established under § 4–504 of the Housing and Community Development Article;

\$30,000 of the funds in the Homeownership Programs Fund established under § 4–502 of the Housing and Community Development Article;

\$175,000 of the funds in the Board of Physicians Fund established under § 14–207 of the Health Occupations Article;

\$83,000 of the funds in the State Board of Physical Therapy Examiners Fund established under § 13–207 of the Health Occupations Article;

\$39,000 of the funds in the Maryland Health Care Commission Fund established under § 19–111 of the Health – General Article;

\$26,000 of the funds in the Board of Nursing Fund established under § 8–206 of the Health Occupations Article;

\$68,000 of the funds in the Mortgage Lender–Originator Fund established under § 11–610 of the Financial Institutions Article;

\$62,000 of the funds in the Deep Creek Lake Recreation Maintenance and Management Fund established under § 5–215 of the Natural Resources Article;

\$313,000 of the funds in the State Boat Act Fund established under § 8–723 of the Natural Resources Article;

\$68,000 of the funds in the Waterway Improvement Fund established under § 8–707 of the Natural Resources Article;

\$325,000 of the funds in the Maryland Correctional Enterprises Revolving Fund established under § 3–507 of the Correctional Services Article;

\$50,000 of the funds in the special fund established under § 6–204 of the Agriculture Article;

\$40,000 of the funds in the State Radiation Control Fund established under § 8–306 of the Environment Article;

\$40,000 of the funds in the Maryland Clean Water Fund established under § 9–320 of the Environment Article;

\$45,000 of the funds in the State Used Tire Cleanup and Recycling Fund established under § 9–273 of the Environment Article;

\$85,000 of the funds in the Maryland Clean Air Fund established under § 2–107 of the Environment Article; and

\$60,000 of the funds in the accounts of the Maryland Public Broadcasting Commission established under Title 24, Subtitle 2 of the Education Article”.

AMENDMENT NO. 52

On page 61, in line 12, after “2010.” insert:

“SECTION 13. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 8–402 of the Transportation Article or any other provision of law, \$6,768,222 from motor vehicle registration revenues and other user fees from the Motor Vehicle Administration for fiscal year 2012 shall be deposited in the General Fund rather than in the Gasoline and Motor Vehicle Revenue Account of the Transportation Trust Fund or the Transportation Trust Fund, respectively.”.

AMENDMENT NO. 53

On page 59, after line 20, insert:

“\$1,500,000 of the funds in the Senior Prescription Drug Assistance Program Account of the Maryland Health Insurance Plan Fund established under § 14–504(e) of the Insurance Article;”.

AMENDMENT NO. 54

On page 62, before line 14, insert:

“SECTION 20. AND BE IT FURTHER ENACTED, That, on or before June 30, 2012, the Governor shall transfer from the Injured Workers Insurance Fund to the General Fund an amount equal to \$6,000,000 less the amount received on or before June 30, 2012, as a result of the imposition of a premium tax under § 6–101 of the Insurance Article as enacted by this Act, to reimburse the State for State personnel costs in connection with retirement and pension benefits and health care benefits for employees and retirees that are provided to employees of the Injured Workers Insurance Fund.”.

AMENDMENT NO. 55

On page 61, after line 12, insert:

“SECTION 14. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, by budget amendment the Governor may transfer from the Cigarette Restitution Fund established under § 7–317 of the State Finance and Procurement Article to Medical Care Provider Reimbursements (M00Q01.03) in the Medical Care Programs Administration up to \$444,000 in fiscal year 2012.”.

AMENDMENT NO. 56

On page 64, after line 20, insert:

“SECTION 31. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, if the University System of Maryland, St. Mary’s College of Maryland, or Morgan State University institute a voluntary separation program under Executive Order 01.01.2010.23:

(a) The institution that institutes the program:

(1) shall provide as part of the program that the positions of the employees who separate from employment under the program be abolished; and

(2) may not recreate the positions that are abolished under the program, notwithstanding the autonomy of the institution to create positions as needed.

(b) The portion of the salaries for the positions of the employees who separate from employment under the program that have been appropriated for fiscal year 2012 from State funds shall be transferred to the General Fund of the State.”.

AMENDMENT NO. 57

On page 59, before line 21, insert:

“\$2,297,142 of the funds in the accounts of the Baltimore City Community College;”.

AMENDMENT NO. 58

On page 62, after line 30, insert:

“SECTION 21. AND BE IT FURTHER ENACTED, That, on or before June 30, 2012, the Governor shall transfer from the Maryland Automobile Insurance Fund to the General Fund an amount equal to \$4,000,000 to reimburse the State for State administrative expenses in connection with the management of retirement and pension benefits and health care benefits for employees and retirees that are provided to employees of the Maryland Automobile Insurance Fund.”.

AMENDMENT NO. 59

On page 61, before line 13, insert:

“SECTION 15. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2012, any special fund savings realized in fiscal year 2012 from the abolition of positions in accordance with Section 48 of Chapter _____ (H.B. 70) of the Acts of the General Assembly of 2011, and any special fund savings realized in fiscal year 2012 from reductions to electricity expenditures in accordance with Section 50 of Chapter _____ (H.B. 70) of the Acts of the General Assembly of 2012, shall be transferred to the General Fund.”.

AMENDMENT NO. 60

On page 62, after line 13, insert:

“SECTION 19. AND BE IT FURTHER ENACTED, That the Maryland Insurance Administration shall:

(1) work with the Health Services Cost Review Commission and the Maryland Health Care Commission to develop a mechanism for identifying hospital rate adjustments and assessments as components to be considered in the Administration’s process for reviewing and approving premium rates for health insurance policies and contracts issued or delivered in the State by insurers, nonprofit health service plans, and health maintenance organizations;

(2) take into account in its work under item (1) of this section:

(i) the tools available to the Administration for supporting active premium rate review under laws regulating medical loss ratios;

(ii) the requirements of Section 1003 “Ensuring That Consumers Get Value For Their Dollars” of the federal Patient Protection and Affordable Care Act, as amended by the federal Health Care and Education Reconciliation Act of 2010, and any regulations adopted or guidance issued under the Acts (“Affordable Care Act”) for annual reviews of unreasonable premium increases and State grants;

(iii) the observations relating to premium rate review and approval and interagency regulatory coordination contained in the Hilltop Institute report “Premium Rate Review of Private Health Insurers in Maryland and Opportunities for State Regulatory Coordination under Health Care Reform” issued on January 20, 2011; and

(iv) any recommendations that result from the analysis of rate review and public disclosure processes undertaken by the Administration with grant money provided under the Affordable Care Act; and

(3) report, on or before November 1, 2011, its findings and recommendations for the mechanism to be developed under item (1) of this section to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.”.

AMENDMENT NO. 61

On page 12, in line 26, strike “DOLLARS” and substitute “FUNDS”.

On page 13, in line 25, strike “16.310.” and substitute “16-310.”.

On page 58, in lines 17 and 26, strike “4.” and “7.”, respectively, and substitute “2.” and “3.”, respectively.

On page 59, in lines 6 and 23, strike “8.” and “9.”, respectively, and substitute “4.” and “5.”, respectively.

On page 60, in lines 5, 12, 19, 26, 31, and 37, strike “10.”, “11.”, “12.”, “13.”, “14.”, and “15.”, respectively, and substitute “6.”, “7.”, “8.”, “9.”, “10.”, and “11.”, respectively.

On page 61, in line 3, strike “16.” and substitute “12.”.

On page 62, in lines 31 and 36, strike “20.” and “21.”, respectively, and substitute “22.” and “23.”, respectively; strike beginning with “with” in line 33 down through “Committee” in line 34 and substitute “of nonpublic placements”; and in line 35, strike “of nonpublic placements” and substitute “with rates set by the Interagency Rates Committee”.

On page 63, in lines 5, 10, 35, and 39, strike “22.”, “23.”, “24.”, and “25.”, respectively, and substitute “24.”, “26.”, “28.”, and “29.”, respectively.

On page 64, in lines 21, 33, and 35, strike “27.”, “29.”, and “30.”, respectively, and substitute “32.”, “35.”, and “36.”, respectively.

The preceding 61 amendments were read only.

Delegate Conway moved to make the Bill and Amendments a Special Order for Wednesday.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 138 Members present.

(See Roll Call No. 345)

ADJOURNMENT

At 8:35 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 20, 2011, Calendar Day Tuesday, March 22, 2011.

Annapolis, Maryland
Legislative Day: March 20, 2011
Calendar Day: Tuesday, March 22, 2011

The House met at 10:27 A.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 135 Members present.

(See Roll Call No. 346)

The Journal of March 19, 2011 was read and approved.

EXCUSES:

Del. Gutierrez – business – El Salvador

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 122 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Qualified Zone Academy Bond

FOR the purpose of authorizing the creation of a State Debt in the amount of \$15,902,000, the proceeds to be used as grants to the Interagency Committee on School Construction and the Maryland State Department of Education for certain development or improvement purposes; providing for disbursement of the loan proceeds and the further grant of funds to eligible school systems for certain purposes, subject to a requirement that the grantees document the provision of a required federal matching fund; providing that, after a certain date, any bonds authorized under this Act shall be cancelled and be of no further effect; providing that the proceeds of the loan under this Act shall be expended not later than a certain number of years after the issuance of the bonds authorized under this Act; authorizing the Board of Public Works to sell certain bonds at certain sales in proportion to the documented matching fund; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Appropriations.

Senate Bill 199 – Senator Glassman

AN ACT concerning

**State Retirement and Pension System – Direct Mailings by Retiree
Organizations – ~~Repeal of Sunset Provision~~**

FOR the purpose of requiring a retiree organization to submit certain information to the Board of Trustees of the State Retirement and Pension System; requiring the Board of Trustees to review certain direct mailing materials before submitting retiree data to a mail processing center; altering the definition of “retiree organization” to expand the definition to include any organization in which State retirees participate and whose primary purpose is representing or providing services to those retirees; providing for the application of certain provisions of this Act; repealing the termination of certain provisions of law that allow retiree organizations to send direct mailings to retirees of the State Retirement and Pension System; providing for the effective date of certain provisions of this Act; and generally relating to direct mailings by retiree organizations to retirees of the State Retirement and Pension System.

BY repealing and reenacting, ~~without~~ with amendments,
Article – State Personnel and Pensions
Section 21–128 ~~and 21–504(e)~~
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–128
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,
Chapter 714 of the Acts of the General Assembly of 2010
Section 2

Read the first time and referred to the Committee on Appropriations.

Senate Bill 358 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

Audit Responsibilities – ~~Local Education Agencies, Community Colleges, and Public Libraries – Employer Pension Contributions~~ State Department of Education, Maryland Higher Education Commission, and State Retirement Agency

FOR the purpose of requiring the county boards of education to conduct certain audits under certain circumstances; requiring certain local school systems to reimburse the State for certain employer contributions for certain employees participating in the Teachers' Retirement System or the Teachers' Pension System; providing that the State Department of Education may authorize certain county boards of education and public libraries to conduct certain audits; authorizing the State Department of Education, rather than the State Retirement Agency, to conduct certain audits of local school systems and public libraries to determine if certain employer contributions have been paid appropriately to the State Retirement and Pension System; ~~altering a provision relating to the employees included for purposes of certain audits as eligible for State payment of retirement contributions;~~ clarifying that certain audits conducted by certain groups may be conducted in a certain manner; requiring that reimbursements for certain audits be applied to the State Department of Education, certain county boards of education, the Maryland Higher Education Commission, certain public junior or community colleges, certain public libraries, and the General Fund in a certain manner; requiring certain county boards of education and public libraries to provide certain documentation to the State Department of Education under certain circumstances; providing that the Maryland Higher Education Commission may authorize certain public junior or community colleges to conduct certain audits; authorizing the Maryland Higher Education Commission, rather than the State Retirement Agency, to conduct certain audits of public junior or community colleges to determine if certain employer contributions have been paid appropriately to the State Retirement and Pension System; ~~requiring that certain reimbursements determined from performing certain audits of local school systems, public junior or community colleges, and public libraries be credited entirely to the General Fund;~~ requiring certain public junior or community colleges to provide certain documentation to the Maryland Higher Education Commission under certain circumstances; clarifying that the State Retirement Agency may perform certain audits of certain participating employers; requiring that if certain audits by the State Retirement Agency reveal certain information, certain actions shall be taken and certain payments shall be made to the State Retirement and Pension System; and generally relating to performing audits of local school systems, public junior or community colleges, and public libraries for purposes of determining if employer and member contributions have been paid appropriately to the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – Education
Section ~~5–109, 5–203, 16–306, and 23–504~~
Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 21–121

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Appropriations.

Senate Bill 398 – Senators King, Garagiola, Manno, Montgomery, Peters, Ramirez, and Robey

AN ACT concerning

Sales and Use Tax – Sale of Electricity Generated by Solar Energy and Residential Wind Energy Equipment – Exemption

FOR the purpose of providing an exemption from the sales and use tax for the sale of electricity generated by certain solar energy equipment or certain residential wind energy equipment for certain purposes; and generally relating to a sales and use tax exemption for the sale of certain electricity.

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 11–207(a)

Annotated Code of Maryland

(2010 Replacement Volume)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 431 – Senator Klausmeier (By Request – Baltimore County Administration)

AN ACT concerning

Baltimore County – Tax Sales – Notification

FOR the purpose of eliminating a requirement that in Baltimore County the collector post a statement and notice on certain property before the property is advertised for sale at a tax sale; eliminating a certain fee related to tax sales in Baltimore County; increasing a certain fee related to tax sales in Baltimore County; and generally relating to certain tax sales in Baltimore County.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 14–812 and 14–813(e)(1)

Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 436 – Senator Rosapepe

AN ACT concerning

**Prince George’s County – Municipal Corporations – Tax Credit for
Revitalization Districts**

PG 415–11

FOR the purpose of authorizing the governing body of a municipal corporation in Prince George’s County to establish, by resolution, certain areas within the municipal corporations as revitalization districts; authorizing the governing body of a municipal corporation in Prince George’s County to grant a property tax credit against the municipal corporation property tax imposed on real property within a designated revitalization district; authorizing the governing body of a municipal corporation in Prince George’s County to provide, by law, certain provisions to carry out the tax credit authorized by this Act; ~~defining a certain term;~~ and generally relating to tax credits for revitalization districts in a municipal corporation in Prince George’s County.

BY adding to

Article – Tax – Property
Section 9–318(g)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 470 – 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 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 485 – Senators King, DeGrange, Madaleno, Manno, and Young

AN ACT concerning

**Biotechnology Investment Tax Credit – ~~Application and Approval~~
~~Procedures~~ Qualified Maryland Biotechnology Company**

FOR the purpose of ~~requiring that an application for the biotechnology investment tax credit state the amount of the proposed investment; modifying the application approval process under the credit to treat all first day applicants as if applications were delivered simultaneously for purposes of distributing the tax credit; repealing a certain limitation on the credit allowed to a qualified investor; altering a certain recapture provision under the credit; defining a certain term and modifying a certain definition under the credit; altering the definition of qualified Maryland biotechnology company for purposes of the biotechnology investment tax credit for certain fiscal years to allow investments in certain companies that have been in active business for up to a certain number of years to qualify for the credit; defining a certain term; providing for the application of this Act; and generally relating to the Maryland Biotechnology Investment Tax Credit.~~

BY repealing and reenacting, with amendments,

Article – Tax – General
Section 10–725(a)(7)
Annotated Code of Maryland
(2010 Replacement Volume)

BY adding to

Article – Tax – General
Section 10–725(a)(8)
Annotated Code of Maryland
(2010 Replacement Volume)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 902 – Senator Miller

AN ACT concerning

**Prince George’s County – Public Ethics Requirements – Limitations on
Contributions to Slates Containing the County Executive or a Member of the
County Council and on Participation of County Council Members in Land
Use Applications**

FOR the purpose of prohibiting payments to be made, under certain circumstances, to slates that include a member of the County Council for Prince George’s County or the Prince George’s County Executive during the pendency of certain applications; expanding a prohibition on a member of the County Council voting or participating in certain applications if the member received certain payments during a certain period by including payments to certain slates; repealing a provision that allows a member to participate in certain applications if a certain affidavit is not filed; providing for the prospective application of this Act; and generally relating to the expansion of public ethics requirements in Prince George’s County.

BY repealing and reenacting, without amendments,
Article – State Government
Section 15–829(a), (d), (f), (l), and (p)
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 15–829(m) and 15–831
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #11

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 233 – Delegates Barve, Gilchrist, and Simmons

AN ACT concerning

Municipal Corporations – Direct Deposit of Wages

HB0233/613897/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 233

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Municipal” insert “Counties and”; in line 3, after “authorizing” insert “counties and”; in line 4, after “deposit;” insert “prohibiting a county or municipal corporation from requiring the payment of wages by direct deposit for an employee unless the employee was hired after a certain date, received certain notice, and has not requested an exemption from direct deposit; authorizing certain employees of certain counties and municipal corporations to elect to receive the payment of wages by direct deposit;”; in the same line, after “requiring” insert “counties and”; in line 5, after “to” insert “provide certain employees with a certain form;”; in the same line, after “in” insert “a”; in the same line, strike “accounts” and substitute “account, and provide certain employees with a certain direct deposit statement at certain times; requiring certain employees to complete and submit to a county or municipal corporation a certain form; requiring certain employees to select a personal bank account for the direct deposit of the employee’s wages that is at a financial institution that participates in a certain network; specifying that an employee may change a certain personal bank account number or financial institution by completing and submitting a certain form”; and in line 6, after the second “by” insert “counties and”.

AMENDMENT NO. 2

On page 2, in line 7, after “(1)” insert “(I)”; in the same line, strike “A” and substitute “SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A COUNTY OR”; after line 9, insert:

“(II) A COUNTY OR MUNICIPAL CORPORATION MAY NOT REQUIRE THE PAYMENT OF WAGES BY DIRECT DEPOSIT FOR AN EMPLOYEE UNLESS THE EMPLOYEE:

1. WAS HIRED AFTER SEPTEMBER 30, 2011;

2. RECEIVED NOTICE OF THE EMPLOYEE’S RIGHT TO REQUEST AN EXEMPTION FROM THE PAYMENT OF WAGES BY DIRECT DEPOSIT; AND

3. HAS NOT REQUESTED AN EXEMPTION FROM THE PAYMENT OF WAGES BY DIRECT DEPOSIT.

(III) IF A COUNTY OR MUNICIPAL CORPORATION ELECTS TO PAY WAGES BY DIRECT DEPOSIT, AN EMPLOYEE WHO IS NOT REQUIRED TO RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT MAY ELECT TO RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION.”;

in line 10, after “A” insert “COUNTY OR”; in line 11, after “THE” insert “COUNTY OR”; in the same line, after “SHALL” insert “:

(I) PROVIDE AN EMPLOYEE WHO IS REQUIRED OR ELECTS TO RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT WITH AN ELECTRONIC FUND TRANSFER AUTHORIZATION FORM;

(II)”;

strike beginning with the second “OF” in line 12 down through “(I)” in line 14; in the same line, strike the semicolon and substitute “ON THE ELECTRONIC FUND TRANSFER AUTHORIZATION FORM; AND

(III) EACH TIME A COUNTY OR MUNICIPAL CORPORATION PAYS THE WAGE OF AN EMPLOYEE BY DIRECT DEPOSIT, PROVIDE THE EMPLOYEE WITH A DIRECT DEPOSIT STATEMENT THAT INCLUDES:

1. THE TOTAL AMOUNT OF THE WAGE;

2. ANY AMOUNT DEDUCTED FROM THE WAGE; AND

3. THE AMOUNT OF THE WAGE DIRECTLY DEPOSITED INTO THE PERSONAL BANK ACCOUNT OF THE EMPLOYEE.”;

strike in their entirety lines 15 through 19, inclusive; and after line 19, insert:

“(3) (I) AN EMPLOYEE WHO IS REQUIRED OR ELECTS TO RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT SHALL COMPLETE AND SUBMIT TO THE COUNTY OR MUNICIPAL CORPORATION THE ELECTRONIC FUND TRANSFER AUTHORIZATION FORM PROVIDED TO THE EMPLOYEE UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(II) AN EMPLOYEE WHO IS REQUIRED OR ELECTS TO RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT SHALL SELECT A PERSONAL BANK ACCOUNT FOR THE DIRECT DEPOSIT OF THE EMPLOYEE’S WAGES THAT IS AT A FINANCIAL INSTITUTION THAT PARTICIPATES IN THE AUTOMATIC CLEARINGHOUSE NETWORK.

(III) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN EMPLOYEE MAY CHANGE THE PERSONAL BANK ACCOUNT NUMBER OR THE FINANCIAL INSTITUTION DESIGNATED ON AN ELECTRONIC FUND TRANSFER AUTHORIZATION FORM BY COMPLETING AND SUBMITTING A NEW ELECTRONIC FUND TRANSFER AUTHORIZATION FORM TO THE COUNTY OR MUNICIPAL CORPORATION.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 244 – Delegate Costa

AN ACT concerning

**Anne Arundel County – Workers’ Compensation – Occupational Disease –
Deputy Sheriffs**

HB0244/913395/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 244
(First Reading File Bill)

On page 1, in the sponsor line, strike “Delegate Costa” 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 Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 362 – Chair, Economic Matters Committee

AN ACT concerning

Maryland Home Improvement Commission – Sunset Extension and Program Evaluation

HB0362/313095/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 362
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after “circumstances;” insert “requiring the Commission to publish certain consumer education materials on its Web site; requiring the Commission to develop a certain searchable Web site that includes certain information;”; in line 16, after “fees;” insert “requiring a home improvement contract to contain the telephone number of the contractor;”; and after line 27, insert:

“BY repealing and reenacting, without amendments,

Article – Business Regulation

Section 8–101(a), (b), and (e) and 8–707(a)

Annotated Code of Maryland

(2010 Replacement Volume and 2010 Supplement)

BY adding to

Article – Business Regulation
Section 8–215 and 8–216
Annotated Code of Maryland
(2010 Replacement Volume and 2010 Supplement)”.

On page 2, strike in their entirety lines 5 through 9, inclusive.

AMENDMENT NO. 2

On page 2, after line 25, insert:

“8–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Commission” means the Maryland Home Improvement Commission.
- (e) “Fund” means the Home Improvement Guaranty Fund.

8–215.

THE COMMISSION SHALL PUBLISH ON ITS WEB SITE CONSUMER EDUCATION MATERIALS THAT SPECIFY THE PROTECTIONS AVAILABLE TO CONSUMERS THROUGH THE COMMISSION, INCLUDING THE AVAILABILITY OF COMPENSATION FROM THE GUARANTY FUND.

8–216.

THE COMMISSION SHALL DEVELOP A SEARCHABLE WEB SITE THAT INCLUDES A LISTING OF LICENSED CONTRACTORS AND INFORMATION RELATING TO ANY FINAL DISCIPLINARY ACTION TAKEN BY THE COMMISSION AGAINST A LICENSEE IN EACH LICENSEE’S PROFILE.”.

On page 5, in line 10, after “address,” insert “TELEPHONE NUMBER,”.

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 392 – Delegates Feldman, Barkley, and W. Miller

AN ACT concerning

Labor and Employment – Workers’ Compensation – Venue for Appeal

HB0392/933091/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 392

(First Reading File Bill)

On page 1, in line 20, strike “APPELLANT” and substitute “COVERED EMPLOYEE”; and in line 21, strike “, IF THE APPELLANT IS AN INDIVIDUAL”.

On page 2, in line 1, strike “APPELLANT” and substitute “EMPLOYER”; and in lines 1 and 2, strike “, IF THE APPELLANT IS AN EMPLOYER”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 959 – Delegate Davis

AN ACT concerning

Insurance – Surplus Lines

HB0959/433391/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 959

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “authorizing” in line 3 down through “criteria;” in line 8; in line 8, strike “authorizing” and substitute “requiring”; in the same line, after “the” insert “Maryland Insurance”; in line 15, after “circumstances;” insert “prohibiting the Commissioner from approving an insurer as a surplus lines insurer unless the insurer meets certain requirements or the Commissioner makes a certain finding; altering the process for an insurer to be approved by the Commissioner as a surplus lines insurer; altering certain prohibitions against a surplus lines broker placing surplus lines insurance with an unauthorized insurer;”; in the same line, strike “and amount”; in line 17, strike “wholly or partly”; in line 18, after “performed” insert “entirely in the State or both in and”; strike beginning with “providing” in line 18 down through “states;” in line 19; in line 19, after “that” insert “, for policies effective on or after a certain date, only”; in line 20, strike “shall” and substitute “may”; in lines 21 and 22, in each instance, strike “certain”; in line 22, strike “multistate”; in line 24, after “that” insert “, for policies effective on or after a certain date,”; and in the same line, after “regulation” insert “and placement”.

On pages 1 and 2, strike beginning with “providing” in line 26 on page 1 down through “purposes;” in line 1 on page 2.

On page 2, in line 2, strike “insurers” and substitute “surplus lines brokers and insureds”; in line 3, after “reports” insert “and pay certain taxes”; strike beginning with “authorizing” in line 3 down through “reports;” in line 4; in line 6, after “terms;” insert “requiring the Commissioner to conduct a certain study and report the findings of the study to certain committees of the General Assembly on or before a certain date; requiring qualified surplus lines brokers to provide certain information to the Commissioner under certain circumstances;”; in line 10, after “3-310,” insert “3-318, 3-319,”; in the same line, strike “and 4-210” and substitute “4-209, 4-210, and 4-211”; and in line 15, strike “3-324.1 and”.

AMENDMENT NO. 2

On page 4, in line 27, strike “, as authorized by the Commissioner.”.

On pages 5 and 6, strike in their entirety the lines beginning with line 9 on page 5 through line 3 on page 6, inclusive.

On page 6, in line 4, strike “(F)” and substitute “(D)”; in the same line, strike “MAY” and substitute “SHALL”; and strike beginning with “process” in line 25 down through “Commissioner” in line 26 and substitute “ACT”.

On page 7, after line 19, insert:

“3-318.

(A) THE COMMISSIONER MAY NOT APPROVE AN INSURER AS A SURPLUS LINES INSURER UNLESS THE INSURER:

(1) IS AUTHORIZED IN ITS DOMICILIARY JURISDICTION TO WRITE THE TYPE OF INSURANCE IT SEEKS TO WRITE;

(2) HAS CAPITAL AND SURPLUS, OR THEIR EQUIVALENT UNDER THE LAWS OF ITS DOMICILIARY JURISDICTION, EQUAL TO THE GREATER OF:

(I) THE MINIMUM CAPITAL AND SURPLUS REQUIRED UNDER THE LAWS OF ITS DOMICILIARY JURISDICTION; AND

(II) \$15,000,000; AND

(3) FILES WITH THE COMMISSIONER THE INFORMATION REQUIRED UNDER SUBSECTION (C) OF THIS SECTION.

(B) (1) FOR A FOREIGN INSURER, THE REQUIREMENTS OF SUBSECTION (A)(2) OF THIS SECTION MAY BE SATISFIED BY THE INSURER'S POSSESSING LESS THAN THE MINIMUM CAPITAL AND SURPLUS IF THE COMMISSIONER MAKES AN AFFIRMATIVE FINDING OF ACCEPTABILITY.

(2) THE FINDING SHALL BE BASED ON THE FOLLOWING OR SIMILAR FACTORS:

(I) QUALITY OF MANAGEMENT;

(II) CAPITAL AND SURPLUS OF ANY PARENT COMPANY;

(III) COMPANY UNDERWRITING PROFIT AND INVESTMENT INCOME TRENDS;

(IV) MARKET AVAILABILITY; AND

(V) COMPANY RECORD AND REPUTATION OF THE FOREIGN INSURER IN THE INDUSTRY.

(3) THE COMMISSIONER MAY NOT MAKE AN AFFIRMATIVE FINDING OF ACCEPTABILITY IF THE FOREIGN INSURER'S CAPITAL AND SURPLUS IS LESS THAN \$4,500,000.

[(a)] (C) An insurer [may not be approved as a surplus lines insurer until the insurer files] THAT SEEKS APPROVAL UNDER SUBSECTION (A) OF THIS SECTION SHALL FILE each year with the Commissioner:

(1) a written request for approval as a surplus lines insurer [for those surplus lines authorized by the Commissioner] TO WRITE THE TYPE OF INSURANCE IT SEEKS TO WRITE;

(2) a certified copy of its annual statement, on convention form, that shows the amount by line of surplus lines business written on risks located in the State during the period covered by the annual statement; AND

(3) a certificate of compliance issued by the insurance department of the insurer's state of domicile[; and

(4) a certificate evidencing a deposit issued by the official custodian of deposits of the insurer's state of domicile].

[(b)] (D) An unauthorized insurer shall appoint in writing the Commissioner as agent for the acceptance of service of process.

3-319.

(a) A surplus lines broker may not place surplus lines insurance with an unauthorized insurer that:

(1) has not been approved by the Commissioner as a surplus lines insurer IN ACCORDANCE WITH § 3-318 OF THIS SUBTITLE;

(2) FOR AN INSURER NOT DOMICILED IN THE STATE, HAS NOT QUALIFIED UNDER § 3-303 OF THIS SUBTITLE;

(3) has been determined by the Commissioner to be insolvent or unsafe financially under subsection (b) of this section; or

[3] (4) has been determined by the Commissioner to have refused to pay just claims.

(b) (1) The Commissioner shall direct that surplus lines insurance may not be placed with a surplus lines insurer that has been approved by the Commissioner if the Commissioner determines that the surplus lines insurer:

(i) is not in a safe or solvent financial condition; or

(ii) has refused to pay just claims.

(2) After written notice of a determination made by the Commissioner under paragraph (1) of this subsection is mailed by the Commissioner to qualified surplus lines brokers, surplus lines insurance may not be placed with the surplus lines insurer.

(c) Notwithstanding any other provision of this subtitle, a surplus lines broker may not place surplus lines insurance with an insurer if the broker knows, or reasonably should know, that the insurer is in an unsafe or insolvent financial condition.

(d) A qualified surplus lines broker may not place a risk in an unauthorized insurer that has not previously appointed the Commissioner as agent for the acceptance of service of process.”.

AMENDMENT NO. 3

On page 7, in line 23, strike “**(1)**”; in line 24, strike the brackets; in the same line, strike “**IN ACCORDANCE WITH THIS SUBSECTION**”; and in lines 25 and 25 and 26, in each instance, strike “**ALLOCABLE TO THE STATE**”.

On pages 7 and 8, strike in their entirety the lines beginning with line 27 on page 7 through line 18 on page 8, inclusive, and substitute:

“(C) FOR POLICIES EFFECTIVE BEFORE JULY 21, 2011:

(1) IF THE POLICY COVERS PROPERTY, RISKS, OR EXPOSURES LOCATED OR TO BE PERFORMED ENTIRELY IN THE STATE, THE PREMIUM RECEIPTS TAX SHALL BE COMPUTED ON THE ENTIRE PREMIUM AT THE RATE SPECIFIED IN SUBSECTION (B) OF THIS SECTION; AND

(2) IF THE POLICY COVERS PROPERTY, RISKS, OR EXPOSURES LOCATED OR TO BE PERFORMED BOTH IN AND OUTSIDE THE STATE, THE PREMIUM RECEIPTS TAX SHALL BE COMPUTED AT THE RATE SPECIFIED IN SUBSECTION (B) OF THIS SECTION ONLY ON THAT PORTION OF THE PREMIUM THAT IS PROPERLY ALLOCABLE TO THE RISKS LOCATED IN THE STATE.

(D) FOR POLICIES EFFECTIVE ON OR AFTER JULY 21, 2011, IF THE STATE IS THE INSURED’S HOME STATE, THE PREMIUM RECEIPTS TAX SHALL BE COMPUTED ON THE ENTIRE PREMIUM AT THE RATE SPECIFIED IN SUBSECTION (B) OF THIS SECTION.”.

On page 8, in lines 19, 21, and 27, strike “(C)”, “(D)”, and “(E)”, respectively, and substitute “(E)”, “(F)”, and “(G)”, respectively; and in line 19, strike “ONLY” and substitute “**FOR POLICIES EFFECTIVE ON OR AFTER JULY 21, 2011, ONLY**”.

On page 9, strike line 1 in its entirety; in lines 2 and 5, strike “(A)” and “(B)”, respectively, and substitute “(H)” and “(I)”, respectively; in line 3, strike “MULTISTATE”; and in line 5, strike “THE” and substitute “**FOR POLICIES EFFECTIVE ON OR AFTER JULY 21, 2011, THE**”.

On pages 9 and 10, strike in their entirety the lines beginning with line 8 on page 9 through line 9 on page 10, inclusive.

On page 10, in lines 11, 12, and 13, in each instance, strike the bracket; in line 11, after “year” insert “, **OR AT ANOTHER INTERVAL THAT THE COMMISSIONER DIRECTS**”; in the same line, strike “EACH”; in line 13, strike “semiannual statement that reports” and substitute “**REPORT, ON A FORM THE COMMISSIONER PRESCRIBES,**”; in line 14, after “year” insert “**OR OTHER INTERVAL THAT THE COMMISSIONER DIRECTS**”; strike beginning with “imposed” in line 15 down through

“STATE” in line 20 and substitute “STATED IN THE REPORT”; and in lines 30 and 31, in each instance, strike “TAX ALLOCATION”.

AMENDMENT NO. 4

On page 11, after line 7, insert:

“4–209.

(a) This section does not apply to:

(1) premiums on lawfully procured surplus lines insurance;

(2) premiums on independently procured insurance on which a tax has been paid under § 4–211 of this subtitle; or

(3) wet marine and transportation insurance.

(b) (1) If an unauthorized insurer effects, continues, or renews insurance on a subject resident, located, or to be performed in the State, the unauthorized insurer shall pay to the Commissioner, before March 1 of the next calendar year, a premium receipts tax of 3% of gross premiums charged for the insurance.

(2) FOR POLICIES EFFECTIVE BEFORE JULY 21, 2011:

(I) IF THE POLICY COVERS PROPERTY, RISKS, OR EXPOSURES LOCATED OR TO BE PERFORMED ENTIRELY IN THE STATE, THE PREMIUM RECEIPTS TAX SHALL BE COMPUTED ON THE ENTIRE PREMIUM AT THE RATE SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) IF THE POLICY COVERS PROPERTY, RISKS, OR EXPOSURES LOCATED OR TO BE PERFORMED BOTH IN AND OUTSIDE THE STATE, THE PREMIUM RECEIPTS TAX SHALL BE COMPUTED AT THE RATE SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION ONLY ON THAT PORTION OF THE PREMIUM THAT IS PROPERLY ALLOCABLE TO THE RISKS LOCATED IN THE STATE.

(3) FOR POLICIES EFFECTIVE ON OR AFTER JULY 21, 2011, IF THE STATE IS THE INSURED’S HOME STATE, THE PREMIUM RECEIPTS TAX SHALL

BE COMPUTED ON THE ENTIRE PREMIUM AT THE RATE SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.

[(2)] (4) Insurance that an unauthorized insurer effects, continues, or renews on a subject resident, located, or to be performed in the State that is procured through negotiations or an application wholly or partly occurring or made in or from within or outside of the State, or for which premiums wholly or partly are remitted directly or indirectly from in or outside of the State, is deemed to be insurance procured, continued, or renewed in the State.

(c) The premium receipts tax under this section is instead of all other State taxes.

(d) If an unauthorized insurer defaults on the payment of the tax under this section, the insured shall pay the tax.

(e) If the tax is not timely paid under subsection (b) of this section, the amount of the tax due shall be increased by a penalty of:

(1) 25% of the tax due; and

(2) an amount computed at the rate of 1% per month or any part of a month after the date the payment was due to the date the payment is made.

[(f) (1) If a policy covers a risk or exposure that is partly in the State, the tax payable shall be computed on the part of the premium that is properly allocable to the risk or exposure located in the State.

(2) Except for premiums that are properly allocated or apportioned and reported as taxable premiums of another state, in determining the amount of premiums taxable in this State, all premiums written, procured, or received in this State and all premiums on policies negotiated in this State shall be deemed written on property or risks located or resident in this State.]”.

On page 12, strike in their entirety lines 3 through 6, inclusive, and substitute:

“(C) FOR POLICIES EFFECTIVE BEFORE JULY 21, 2011, A REPORT UNDER THIS SECTION SHALL BE FILED WITHIN 60 DAYS AFTER THE DATE THAT THE INSURANCE WAS PROCURED.

(D) FOR POLICIES EFFECTIVE ON OR AFTER JULY 21, 2011, ON OR BEFORE MARCH 15 AND SEPTEMBER 15 OF EACH YEAR, OR AT ANOTHER INTERVAL THAT THE COMMISSIONER DIRECTS, EACH INSURED SHALL:

(1) FILE WITH THE COMMISSIONER A REPORT, ON A FORM THE COMMISSIONER PRESCRIBES, ON BUSINESS SUBJECT TO TAX DURING THE PRECEDING HALF CALENDAR YEAR OR OTHER INTERVAL THAT THE COMMISSIONER DIRECTS; AND

(2) PAY TO THE COMMISSIONER THE TOTAL AMOUNT OF TAX STATED IN THE REPORT.”;

in line 7, strike “(D)” and substitute “(E)”; in line 8, strike “TAX ALLOCATION REPORT” and substitute “REPORTS”; and after line 8, insert:

“4-211.

(a) This section does not apply to wet marine and transportation insurance.

(b) (1) If an insured procures, continues, or renews insurance from an unauthorized insurer that is subject to a report under § 4-210 of this subtitle, a premium receipts tax of 3% of the gross premiums charged for the insurance is levied on the obligation, chose in action, or right represented by the premium charged for the insurance.

(2) [The insured shall pay the amount of the tax to the Commissioner before March 1 of the next calendar year after the insurance was procured, continued, or renewed.

(3) If an insurance contract subject to the tax is canceled and rewritten, the additional premium, for purposes of the premium receipts tax, is the premium in excess of the unearned premium of the canceled insurance contract.

(c) [(1) If a policy covers a risk or exposure that is only partly in the State, the tax payable shall be computed on the part of the premium that is properly allocable to the risk or exposure located in the State.

(2) Except for premiums that are properly allocated or apportioned and reported as taxable premiums in another state, in determining the amount of premiums taxable in this State, all premiums written, procured, or received in this State and all premiums on policies negotiated in this State shall be deemed written on property or risks located or resident in this State.

(d) If the insured fails to withhold from the premium the amount of the tax levied under this section, the insured is liable for the amount of the tax **IMPOSED UNDER SUBSECTION (B) OF THIS SECTION** and shall pay the tax to the Commissioner [in accordance with subsection (c) of this section].

[(e)] **(D)** If the tax [required by] **IMPOSED UNDER** subsection [(d)] **(B)** of this section is not timely paid [under subsection (c) of this section], the amount of the tax due shall be increased by a penalty of:

(1) 25% of the tax due; and

(2) an amount computed at the rate of 1% per month or part of a month after the date the payment is due until the date the payment is made.

[(f)] **(E)** If the tax is not timely paid under this section, on request of the Commissioner, the Attorney General shall proceed in a court of this State or another state or in a federal court or agency to recover the tax.”;

in line 12, after “**(2)**” insert “**“ACT” HAS THE MEANING STATED IN § 3-301 OF THIS ARTICLE.**

(3)”;

in line 14, strike “**(3)**” and substitute “**(4)**”; in line 16, strike “**THE**” and substitute “**FOR POLICIES EFFECTIVE ON OR AFTER JULY 21, 2011, THE**”; in line 19, strike “**(1)**”; in lines 21 and 22, in each instance, strike “**ALLOCABLE TO THE STATE**”; and in line 22, strike “**SURPLUS LINES**” and substitute “**NONADMITTED**”.

On pages 12 and 13, strike in their entirety the lines beginning with line 24 on page 12 through line 22 on page 13, inclusive, and substitute:

“(D) FOR POLICIES EFFECTIVE BEFORE JULY 21, 2011:

(1) IF THE POLICY COVERS PROPERTY, RISKS, OR EXPOSURES LOCATED OR TO BE PERFORMED ENTIRELY IN THE STATE, THE PREMIUM RECEIPTS TAX SHALL BE COMPUTED ON THE ENTIRE PREMIUM AT THE RATE SPECIFIED IN SUBSECTION (C) OF THIS SECTION; AND

(2) IF THE POLICY COVERS PROPERTY, RISKS, OR EXPOSURES LOCATED OR TO BE PERFORMED BOTH IN AND OUTSIDE THE STATE, THE PREMIUM RECEIPTS TAX SHALL BE COMPUTED AT THE RATE SPECIFIED IN SUBSECTION (C) OF THIS SECTION ONLY ON THAT PORTION OF THE PREMIUM THAT IS PROPERLY ALLOCABLE TO THE RISKS LOCATED IN THE STATE.

(E) FOR POLICIES EFFECTIVE ON OR AFTER JULY 21, 2011, IF THE STATE IS THE INSURED’S HOME STATE, THE PREMIUM RECEIPTS TAX SHALL BE COMPUTED ON THE ENTIRE PREMIUM AT THE RATE SPECIFIED IN SUBSECTION (C) OF THIS SECTION.”.

On page 13, in line 23, strike “(D)” and substitute “(F)”; in the same line, strike “ONLY” and substitute “FOR POLICIES EFFECTIVE ON OR AFTER JULY 21, 2011, ONLY”; after line 24, insert:

“(G) FOR POLICIES EFFECTIVE ON OR AFTER JULY 21, 2011, THE REGULATION OF NONADMITTED INSURANCE IS SUBJECT TO THE STATUTORY AND REGULATORY REQUIREMENTS SOLELY OF THE HOME STATE OF THE INSURED.

(H) THE COMMISSIONER SHALL COOPERATE WITH OTHER STATES TO ADOPT AND IMPLEMENT UNIFORM REQUIREMENTS FOR NONADMITTED INSURANCE IN COMPLIANCE WITH THE ACT.”;

and in line 25, after “2.” insert “AND BE IT FURTHER ENACTED, That:

(a) On or before January 1, 2012, the Maryland Insurance Commissioner shall:

(1) study the various approaches taken by other states to implement the federal Nonadmitted and Reinsurance Reform Act of 2010, paying specific attention to the approaches taken by contiguous states; and

(2) report the findings of the study, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee.

(b) The study required under subsection (a)(1) of this section shall include a review of:

(1) the approaches taken by other states, including:

(i) legislative enactments;

(ii) the execution of agreements or compacts, if any;

(iii) the impact on nonadmitted premium receipts tax revenue experienced by other states based on the approach taken, if known; and

(iv) future plans for implementation, if known or ascertainable;

(2) the impact of Maryland’s approach on its nonadmitted premium receipts tax revenue, if any;

(3) relevant congressional guidance;

(4) guidance provided by the National Council of Insurance Legislators, the Council of State Government, the National Council of State Legislators, and the National Association of Insurance Commissioners; and

(5) industry guidance, statistics, or information.

(c) On request of the Maryland Insurance Commissioner, qualified surplus lines brokers shall provide to the Commissioner, to the extent practicable, information regarding written premium on risks located in Maryland and multistate risks so as to provide more information regarding premium receipts tax revenue.

SECTION 3.”

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

House Bill 1041 – Delegates Vaughn, Arora, Barkley, Barnes, Braveboy, Dumais, Frick, Frush, Gaines, Gilchrist, Gutierrez, Hucker, Jameson, Kach, Kaiser, Kramer, Lee, Love, Minnick, Mitchell, Mizeur, Niemann, Reznik, Stukes, Tarrant, Waldstreicher, and Washington

AN ACT concerning

Business Regulation – Definition of Home Builder

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

House Bill 1049 – Delegates Vaughn, Braveboy, Haddaway–Riccio, W. Miller, Minnick, and Schulz

AN ACT concerning

Real Estate Brokers – Intracompany Agents

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1082 – Delegates Braveboy and Hucker

AN ACT concerning

Homeowner’s Insurance – Model Information – People’s Insurance Counsel

HB1082/263491/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1082
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “that” in line 3 down through “insurance” in line 5 and substitute “certain insurers to make arrangements for the vendor of a certain risk planning model to explain to the People’s Insurance Counsel the data used in the model and the manner in which the output is obtained”; in line 5, strike “Division” and substitute “People’s Insurance Counsel”; and in line 8, strike “Division”.

AMENDMENT NO. 2

On page 2, in line 2, after “Commissioner” insert “AND THE PEOPLE’S INSURANCE COUNSEL”; strike beginning with “IF” in line 7 down through “(C)” in line 12; in line 15, strike “DIVISION”; in line 17, strike “DIVISION” and substitute “PEOPLE’S INSURANCE COUNSEL”; in line 18, strike “(B)” and substitute “(A)”; in line 19, strike the brackets; and in the same line, strike “(D)”.

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 1116 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Secondhand Precious Metal Object Dealers –
Precious Metal Objects – Holding Period**

PG 416–11

HB1116/463590/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1116

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “objects;” insert “providing a certain exception regarding the applicable holding period in Prince George’s County for certain pawned precious metal objects;”.

AMENDMENT NO. 2

On page 1, in line 18, after “(I)” insert “1.”; after line 21, insert:

“2. NOTWITHSTANDING SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE 18-DAY HOLDING PERIOD ESTABLISHED UNDER THIS SUBPARAGRAPH APPLIES TO A PRECIOUS METAL OBJECT THAT:

A. A DEALER LICENSED IN PRINCE GEORGE’S COUNTY ACQUIRED IN A PAWN TRANSACTION; AND

B. AN INDIVIDUAL SEEKS TO REDEEM BY PRESENTING THE ORIGINAL TICKET ISSUED AS PART OF THE PAWN TRANSACTION.”;

and in line 23, after “OBJECT” insert “, OTHER THAN A PAWNED PRECIOUS METAL OBJECT DESCRIBED IN SUBPARAGRAPH (I)2 OF THIS PARAGRAPH,”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1134 – Delegates Hucker, Barkley, Burns, and Frick

AN ACT concerning

Consumer Protection – Household Goods Movers – Estimates and Charges

HB1134/653897/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1134

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 6 and 8, in each instance, strike “that” and substitute “who”; and in line 10, after “services” insert “, plus certain excess charges; authorizing a consumer to waive the right to receive a written estimate under certain circumstances”.

AMENDMENT NO. 2

On page 2, in line 18, after “(A)” insert “IN THIS SECTION, “EXCESS CHARGES” MEANS AN AMOUNT, IN EXCESS OF THE ESTIMATE PROVIDED TO A CONSUMER, CHARGED BY A HOUSEHOLD GOODS MOVER FOR ADDITIONAL SERVICES THAT:

(1) ARE PROVIDED BEFORE OR DURING AN INTRASTATE MOVE;
AND

(2) ARE NECESSARY BECAUSE OF CIRCUMSTANCES THAT:

(i) ARE BEYOND THE CONTROL OF THE HOUSEHOLD GOODS MOVER; AND

(ii) COULD NOT HAVE BEEN REASONABLY ANTICIPATED BY THE HOUSEHOLD GOODS MOVER.

(B)”;

in line 18, strike “A” and substitute “SUBJECT TO SUBSECTION (E) OF THIS SECTION, A”; and in line 21, strike “(B)” and substitute “(C)”.

On page 3, in line 3, strike “(C)” and substitute “(D)”; in lines 3 and 7, in each instance, strike “THAT” and substitute “WHO”; in line 9, strike “110%” and substitute “125%”; in line 10, after “ESTIMATE” insert “, PLUS ANY APPLICABLE EXCESS CHARGES”; and after line 10, insert:

“(E) A CONSUMER MAY WAIVE THE RIGHT TO RECEIVE A WRITTEN ESTIMATE UNDER SUBSECTION (A) OF THIS SECTION IF THE WAIVER IS MADE VOLUNTARILY AND WITHOUT COERCION BY THE HOUSEHOLD GOODS MOVER.”.

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 221 – Delegate Malone

AN ACT concerning

Motor Vehicles – Use of Text Messaging Device While Driving

HB0221/930618/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 221

(First Reading File Bill)

On page 1, in the sponsor line, strike “Delegate Malone” and substitute “Delegates Malone, Glenn, and Kipke”.

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 319 – Delegate Frush

AN ACT concerning

Motor Vehicle Dealers – Issuance of Temporary Registration Plate – Lapsed Security – Registration

HB0319/410916/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 319

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “security;” insert “making a certain technical correction;”.

AMENDMENT NO. 2

On page 3, in line 12, strike “and is titled after the violation date”.

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 505 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Metropolitan Commission – Public Ethics Law

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1050 – Delegates Beidle, Barnes, Braveboy, Clagett, Frush, Hogan, Holmes, Norman, O’Donnell, and Otto

EMERGENCY BILL

AN ACT concerning

Construction Permits – Expiration Dates

HB1050/340712/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1050

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Otto” and substitute “Otto, Jacobs, Vitale, James, Bohanan, Rudolph, Glenn, and McMillan”.

AMENDMENT NO. 2

On page 1, in line 12, before “providing” insert “prohibiting a certain construction of this Act;”.

On page 4, after line 25, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That this Act may not be construed to affect the applicability of any requirement under:

(1) Title 8, Subtitle 18 of the Natural Resources Article;

(2) any regulation adopted under the authority of Title 8, Subtitle 18 of the Natural Resources Article; or

(3) any local program requirement or other legal requirement adopted in accordance with the Chesapeake and Atlantic Coastal Bays Critical Area Protection Program.”;

and in line 26, strike “4.” and substitute “5.”.

AMENDMENT NO. 3

On page 1, at the top of the page, strike “EMERGENCY BILL”; and in lines 11 and 12, strike “making this Act an emergency measure;”.

On page 4, strike beginning with “is” in line 26 down through “enacted” in line 30 and substitute “shall take effect June 1, 2011”; and in line 30, strike “through December 31, 2012,” and substitute “for a period of 1 year and 7 months”.

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 1222 – Delegate Malone

AN ACT concerning

Vehicle Laws – Dealers – Licensing and Temporary Registration Plates

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 1223 – Delegate Malone

EMERGENCY BILL

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety Task Force – Reconstitution

Favorable report adopted.

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 111 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – Fishing – Regulatory Authority

HB0111/510119/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 111

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “Department” and substitute “Secretary”; and strike beginning with “, subject” in line 3 down through “fish” in line 5 and substitute “to adopt regulations, in consultation with certain commissions, governing the use of certain types of fishing gear under certain circumstances; requiring the Department to consider certain factors before adopting certain regulations”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 5 through 7 and substitute:

“(A) THE AUTHORITY PROVIDED BY THIS SECTION IS IN ADDITION TO ANY OTHER AUTHORITY OF THE SECRETARY PROVIDED BY LAW.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE SECRETARY, AFTER CONSULTATION WITH THE TIDAL FISHERIES ADVISORY COMMISSION AND THE SPORT FISHERIES ADVISORY COMMISSION, MAY ADOPT REGULATIONS TO DEFINE AND GOVERN THE USE OF:

(i) RECREATIONAL FISHING GEAR; AND

(ii) THE FOLLOWING TYPES OF COMMERCIAL FISHING GEAR:

1. FISH POTS;

2. BANK TRAPS;

3. FYKE NETS; AND

4. HOOP NETS.

(2) THE DEPARTMENT SHALL CONSIDER RELEVANT BIOLOGICAL, ECOLOGICAL, AND SOCIOECONOMIC FACTORS BEFORE ADOPTING REGULATIONS UNDER 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 McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 208 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Aquaculture – Shellfish Leasing Areas – Expansion

HB0208/220710/2

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 208

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “providing” in line 10 down through “circumstances;” in line 12 and substitute “providing that the Department may only issue a shellfish lease to a corporation under certain circumstances; providing that certain restrictions on the locations of submerged land leases do not apply to certain persons with certain riparian rights; making a certain technical correction; making the provisions of this Act severable;”.

AMENDMENT NO. 2

On page 4, in line 27, after “(i)” insert “1.”; in line 31, strike “(ii)” and substitute “2.”; and in the same line, strike “paragraph” and substitute “SUBPARAGRAPH”.

On page 5, in line 1, strike “(iii)” and substitute “3.”; in the same line, strike “subparagraph (i)” and substitute “SUBSUBPARAGRAPH 1”; in line 2, strike “paragraph” and substitute “SUBPARAGRAPH”; and after line 2, insert:

“(II) THE DEPARTMENT MAY ISSUE AN AQUACULTURE LEASE TO A CORPORATION ONLY IF:

1. THE CORPORATION IS ORGANIZED UNDER THE LAWS OF THE STATE; AND

2. MORE THAN 50% OF THE STOCK IN THE CORPORATION IS OWNED BY RESIDENTS OF THE STATE.”

AMENDMENT NO. 3

On page 5, in line 23, after “(1)” insert “**(I)**”; in the same line, strike “The” and substitute “**SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**”; and after line 25, insert:

“(II) THE DEPARTMENT MAY ISSUE A SUBMERGED LAND LEASE IN THE WATERS OF THE CHESAPEAKE BAY TO A CORPORATION ONLY IF:

1. THE CORPORATION IS ORGANIZED UNDER THE LAWS OF THE STATE; AND

2. MORE THAN 50% OF THE STOCK IN THE CORPORATION IS OWNED BY RESIDENTS OF THE STATE.”

AMENDMENT NO. 4

On page 6, in line 4, strike “In” and substitute “**SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IN**”; after line 6, insert:

“(3) PARAGRAPH (2)(V) OF THIS SUBSECTION DOES NOT APPLY TO A RIPARIAN OWNER OR A LAWFUL OCCUPANT OF THE RIPARIAN PROPERTY.”;

in line 22, after “(c)” insert “**(1)**”; in lines 23, 25, 27, 29, 30, and 32, strike “(1)”, “(2)”, “(3)”, “(4)”, “(5)”, and “(6)”, respectively, and substitute “**(I)**”, “**(II)**”, “**(III)**”, “**(IV)**”, “**(V)**”, and “**(VI)**”, respectively; and in line 30, strike “In” and substitute “**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN**”.

AMENDMENT NO. 5

On page 6, in line 19, after “(b)” insert “**(1)**”; in the same line, strike “The” and substitute “**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**”; and after line 21, insert:

“(2) THE DEPARTMENT MAY ISSUE A SUBMERGED LAND LEASE IN THE WATERS OF THE ATLANTIC COASTAL BAYS TO A CORPORATION ONLY IF:

(I) THE CORPORATION IS ORGANIZED UNDER THE LAWS OF THE STATE; AND

(II) MORE THAN 50% OF THE STOCK IN THE CORPORATION IS OWNED BY RESIDENTS OF THE STATE.”.

AMENDMENT NO. 6

On page 7, in line 1, strike “(7)” and substitute “**(VII)**”; and after line 2, insert:

“(2) PARAGRAPH (1)(V) OF THIS SUBSECTION DOES NOT APPLY TO A RIPARIAN OWNER OR A LAWFUL OCCUPANT OF THE RIPARIAN PROPERTY.”.

AMENDMENT NO. 7

On page 8, strike beginning with “any” in line 9 down through “Article” in line 15 and substitute **“if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable”.**

The preceding 7 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 320 – Delegate Frush

AN ACT concerning

Motor Vehicles – Disposal Under Indemnity Agreement – Repeal

HB0320/240215/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 320
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute:

“Vehicle Laws – Towed and Stored Vehicles – Disposal”;

strike beginning with “repealing” in line 3 down through “vehicles” in line 9 and substitute “providing that an automotive dismantler and recycler or scrap processor takes unencumbered title to certain inoperable vehicles under certain circumstances; authorizing an automotive dismantler and recycler or scrap processor to dispose of certain vehicles under certain circumstances; altering the records an automotive dismantler and recycler or scrap processor is required to keep for each vehicle acquired; altering the time period within which an automotive dismantler and recycler or scrap processor is required to electronically transmit the records to the Motor Vehicle Administration; requiring an automotive dismantler and recycler or scrap processor to electronically transmit the records to the Department of State Police for a stolen vehicle inspection; requiring the Department of State Police to perform a stolen vehicle inspection, provide certain notice of the result of the inspection, and take possession of any vehicle found to be stolen; altering the process for the disposal of certain vehicles by an automotive dismantler and recycler or scrap processor; establishing certain administrative penalties for certain possession of a stolen vehicle by an automotive dismantler and recycler or scrap processor; establishing an exception to the prohibition against storing certain vehicles on private property; repealing a provision of law that exempts certain vehicles from a certain process governing the disposal of vehicles with lost or defective titles; requiring certain persons who deliver certain vehicles to an automotive dismantler and recycler or scrap processor to provide certain notice to certain persons; establishing certain civil liability for failure to provide the required notice; authorizing certain persons to reclaim certain vehicles under certain circumstances; requiring certain persons to provide to an automotive dismantler and recycler or scrap processor certain documentation of certain notice; requiring an automotive dismantler and recycler or scrap processor to keep and make available for inspection by a law enforcement agency for a certain period of time certain notice documentation; and generally relating to the disposal of towed and stored vehicles”; in line 12, after “Section” insert “15-502(c) and”; in line 15, after “repealing” insert “and reenacting, with amendments,”; and in line 17, after “Section” insert “15-502(d), 15-509, 15-511, 15-514, and”.

AMENDMENT NO. 2

On page 1, after line 22, insert:

“15-502.

(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]:

(1) AN unlicensed person from transporting a vehicle to a licensed automotive dismantler and recycler or a licensed scrap processor for dismantling, destroying, or scrapping; OR

(2) A PERSON WHOSE LICENSE HAS BEEN SUSPENDED UNDER § 15-514(B) OF THIS SUBTITLE FROM STORING A VEHICLE THAT IS TO BE DISMANTLED, DESTROYED, OR SCRAPPED IF THE VEHICLE WAS STORED BEFORE THE LICENSE SUSPENSION.

15-509.

(a) [This section does not apply to any abandoned vehicle that is 8 years old or older and is totally inoperable.

(b) If an automotive dismantler and recycler or scrap processor takes possession of a vehicle and does not receive a certificate of title or other documentary evidence of ownership acceptable to the Administration, the automotive dismantler and recycler or scrap processor shall comply with this section.

[(c) (B) [After] EXCEPT FOR AN INOPERABLE VEHICLE DELIVERED UNDER § 25-210(B)(2) OF THIS ARTICLE, AFTER the vehicle has been in the possession of the automotive dismantler and recycler or scrap processor for more than 30 days, the automotive dismantler and recycler or scrap processor shall give at least 10 days' notice of intent to dispose of the vehicle. The notice shall be sent by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to:

(1) The owner of the vehicle and any secured party, as shown on the records of the Administration; or

(2) Any other person who is entitled to possession of the vehicle and whose address is known or reasonably can be obtained.

[(d)] (C) (1) The automotive dismantler and recycler or scrap processor takes unencumbered title to the vehicle, without having to obtain a certificate of title for it in his own name, if:

(i) He has complied with this section; and

(ii) Except as provided in paragraph (2) of this subsection, the vehicle has not been recovered or reclaimed, before the end of the 10-day period specified in the notice, by the owner, secured party, or other person entitled to its possession.

(2) [If the address of the owner, secured party, or other person entitled to possession of the vehicle cannot be obtained from the records of the Administration or by the exercise of reasonable diligence, the automotive dismantler and recycler or scrap processor takes unencumbered title to the vehicle, without having to obtain a certificate of title in his own name, after the vehicle has been in his possession for 30 days] THE LICENSED AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR TAKES UNENCUMBERED TITLE TO THE VEHICLE, WITHOUT HAVING TO OBTAIN A CERTIFICATE OF TITLE IN THE LICENSEE'S NAME, IF:

(I) AFTER THE VEHICLE HAS BEEN IN THE LICENSEE'S POSSESSION FOR 30 DAYS, THE ADDRESS OF THE OWNER, SECURED PARTY, OR OTHER PERSON ENTITLED TO POSSESSION OF THE VEHICLE CANNOT BE OBTAINED FROM THE RECORDS OF THE ADMINISTRATION OR BY THE EXERCISE OF REASONABLE DILIGENCE; OR

(II) THE LICENSEE IS DELIVERED A VEHICLE UNDER § 25-210(B)(2) OF THIS ARTICLE BY A PERSON WHO COMPLIED WITH THE NOTICE REQUIREMENTS UNDER THAT SECTION.

~~[(e)] (D)~~ **(1)** If an automotive dismantler and recycler or scrap processor takes title to a vehicle under this section, the automotive dismantler and recycler or scrap processor shall certify this fact to the Administration. The certification shall be made in the form that the Administration requires and sent to the Administration within 5 days after the automotive dismantler and recycler or scrap processor takes title.

(2) THE AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR MAY DISPOSE OF THE VEHICLE AFTER:

(I) TAKING UNENCUMBERED TITLE TO THE VEHICLE UNDER THIS SECTION; AND

(II) RECEIVING NOTICE FROM THE DEPARTMENT OF STATE POLICE UNDER § 15-511 OF THIS SUBTITLE THAT THE VEHICLE IS NOT STOLEN.

15-511.

(a) Each LICENSED automotive dismantler and recycler and each scrap processor shall keep an accurate and complete record of all vehicles acquired in his business.

(b) The [records] RECORD shall contain, for each vehicle acquired:

(1) **THE NAME, ADDRESS, AND CONTACT INFORMATION FOR THE LICENSEE;**

(2) The name and address of the person from whom the vehicle was acquired;

~~[(2)]~~ (3) **THE VEHICLE IDENTIFICATION NUMBER FOR THE VEHICLE;**

(4) The date on which [it] THE VEHICLE was acquired;

~~[(3)]~~ (5) **A STATEMENT OF WHETHER THE VEHICLE IS TO BE DESTROYED, OFFERED FOR SALE, OR OTHERWISE DISPOSED;**

(6) WHETHER THE VEHICLE IS INTENDED FOR EXPORT OUT OF THE COUNTRY;

(7) Documentary evidence acceptable to the Administration of ownership of the vehicle; and

[(4)] (8) Any other information that the Administration requires.

(c) (1) (I) Except as provided in paragraph (3) of this subsection, [within 30 days after an automotive dismantler and recycler or scrap processor acquires title to a vehicle, the] A LICENSED automotive dismantler and recycler or scrap processor shall, [electronically and in a form prescribed by the Administration, notify the] BY THE END OF THE NEXT BUSINESS DAY AFTER THE LICENSEE ACQUIRES A VEHICLE, ELECTRONICALLY TRANSMIT A COPY OF THE REQUIRED RECORD TO:

1. THE Administration or the Administration’s designee [of the acquisition] IN A FORM PRESCRIBED BY THE ADMINISTRATION; AND

2. THE DEPARTMENT OF STATE POLICE OR THE DEPARTMENT’S DESIGNEE IN A FORM PRESCRIBED BY THE DEPARTMENT FOR A STOLEN VEHICLE INSPECTION.

(II) THE DEPARTMENT OF STATE POLICE OR THE DEPARTMENT’S DESIGNEE SHALL:

1. NOTIFY THE LICENSEE OF THE RESULTS OF THE STOLEN VEHICLE INSPECTION AS SOON AS FEASIBLE; AND

2. TAKE POSSESSION OF ANY VEHICLE DETERMINED TO BE STOLEN.

(2) [Immediately after giving the] EXCEPT FOR A LICENSEE THAT IS IN THE PROCESS OF TAKING UNENCUMBERED TITLE TO A VEHICLE UNDER § 15-509(C)(2)(I) OF THIS SUBTITLE, IMMEDIATELY AFTER RECEIVING notice [required] THAT A VEHICLE IS NOT A STOLEN VEHICLE under paragraph (1) of this

subsection, the automotive dismantler and recycler or scrap processor may dispose of the vehicle [for dismantling or scrapping].

(3) Paragraph (1) of this subsection does not apply to a vehicle acquired through a salvage certificate issued by the Administration or by the appropriate government agency of another state.

15-514.

(a) In addition to the other grounds specified in Subtitle 1 of this title for refusal, suspension, or revocation of a license, the Administration may refuse to grant a license under this subtitle to any person and may suspend, revoke, or refuse to renew the license of any person if it finds that the person has violated any applicable rule or regulation of the Department of Health and Mental Hygiene.

(b) THE ADMINISTRATION MAY IMPOSE THE FOLLOWING PENALTIES ON A LICENSED AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR IF A STOLEN VEHICLE THAT WAS NOT REPORTED TO THE DEPARTMENT OF STATE POLICE UNDER § 15-511(C) OF THIS SUBTITLE IS FOUND ON THE PROPERTY OF THE LICENSEE:

(1) FOR A FIRST OFFENSE, A LICENSE SUSPENSION OF 5 DAYS;

(2) FOR A SECOND OFFENSE, A LICENSE SUSPENSION OF 30 DAYS;

AND

(3) FOR A THIRD OR SUBSEQUENT OFFENSE, LICENSE REVOCATION.

(C) As to any person licensed under this subtitle, instead of or in addition to revocation, suspension, or refusal to renew a license under this section, the Administration may order the licensee to pay a fine not exceeding \$1,000 for each violation of this subtitle.”.

AMENDMENT NO. 3

On page 3, in lines 1 and 21, in each instance, strike the bracket; in line 9, after “(b)” insert “**(1)**”; in the same line, strike “Notwithstanding any other provision of this subtitle” and substitute “**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION**”; in

line 11, after “to” insert “ANOTHER PERSON FOR DELIVERY TO”; strike beginning with the second “and” in line 12 down through “subtitle” in line 13; after line 13, insert:

“(2) (I) A PERSON TO WHOM A VEHICLE IS TRANSFERRED FOR DELIVERY TO AN AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR UNDER THIS SUBSECTION SHALL:

1. BY THE END OF THE NEXT BUSINESS DAY AFTER TRANSFER, TRANSMIT ELECTRONICALLY TO THE ADMINISTRATION OR THE ADMINISTRATION’S DESIGNEE THE RECORD OF THE VEHICLE TRANSFER IN A FORM PRESCRIBED BY THE ADMINISTRATION;

2. PERFORM THE NOTIFICATION PROCEDURES REQUIRED FOR POLICE DEPARTMENTS UNDER §§ 25–204 AND 25–205 OF THIS SUBTITLE BEFORE DELIVERING THE VEHICLE; AND

3. BE LIABLE FOR TREBLE DAMAGES FOR FAILURE TO COMPLY WITH THE NOTIFICATION PROCEDURES.

(II) NOTWITHSTANDING § 25–204(B)(4) OF THIS SUBTITLE, AN OWNER OR SECURED PARTY MAY RECLAIM THE VEHICLE WITHIN 30 DAYS AFTER THE DATE OF THE NOTICE, ON PAYMENT OF ALL TOWING, PRESERVATION, AND STORAGE CHARGES RESULTING FROM TAKING OR PLACING THE VEHICLE IN CUSTODY.

(III) 1. A PERSON WHO DELIVERS A VEHICLE TO A LICENSED AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR UNDER THIS SECTION SHALL PROVIDE TO THE LICENSEE FULL DOCUMENTATION OF THE NOTICE PROVIDED UNDER THIS SECTION.

2. AN AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR SHALL KEEP THE NOTICE DOCUMENTATION ON FILE FOR 3 YEARS AND MAKE THE DOCUMENTATION AVAILABLE FOR INSPECTION BY ANY LAW ENFORCEMENT AGENCY.”;

and in line 15, strike “transfers” and substitute “DELIVERS”.

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 573 – Delegates Hubbard, Braveboy, Frush, Pena–Melnyk, and Wood

AN ACT concerning

Fertilizer Use Act of 2011

HB0573/860216/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 573

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Hubbard,” insert “Bobo, and Clagett, and Delegates”; in the same line, strike “and Wood” and substitute “Wood, and Glenn”; in line 3, strike “altering” and substitute “establishing”; in the same line, strike “specialty fertilizer”; in the same line, after “requirements” insert “for specialty fertilizer used on certain turf”; in line 5, after “prohibition;” insert “exempting certain organic fertilizer sold to certain professional fertilizer applicators from a certain prohibition;”; in line 16, strike “specialty”; in line 17, strike “at retail certain specialty” and substitute “certain”; and in line 28, after “terms;” insert “making certain technical changes;”.

On page 2, in line 1, after “6–210(d)” insert “and (e), 6–219(a) and (b)”; in the same line, after “6–222(a)” insert “and (b), 8–801, and 8–803.4”; after line 3, insert:

“BY repealing

Article – Agriculture

Section 8–803.5

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)”;

in line 6, strike “6–225, 6–226, 6–227, and 6–228” and substitute “8–803.5, 8–803.6, 8–803.7, 8–803.8, and 8–803.9”; strike in their entirety lines 28 through 31, inclusive; in line 32, strike the brackets; and in the same line, strike “(G)”.

On page 3, in lines 3 and 5, in each instance, strike the brackets; in lines 3 and 5, strike “(H)” and “(I)”, respectively; after line 7, insert:

“(I) “ENHANCED EFFICIENCY FERTILIZER” MEANS A FERTILIZER PRODUCT THAT INCREASES PLANT UPTAKE AND DECREASES THE POTENTIAL OF NUTRIENT LOSS TO THE ENVIRONMENT, INCLUDING GASEOUS LOSS, LEACHING, OR RUNOFF, WHEN COMPARED TO AN APPROPRIATE REFERENCE FERTILIZER PRODUCT.”;

in lines 11 and 17, in each instance, strike “phosphoric acid (H₃PO₄)” and substitute “PHOSPHATE (P₂O₅)”; in lines 20 and 22, in each instance, strike “phosphoric acid” and substitute “PHOSPHATE”; and strike in their entirety lines 29 through 33, inclusive.

On page 4, in lines 1, 4, 8, 11, and 17, strike “(O)”, “(P)”, “(Q)”, “(R)”, and “(S)”, respectively, and substitute “(N)”, “(O)”, “(P)”, “(Q)”, and “(R)”, respectively; in lines 12, 15, and 16, in each instance, strike “phosphoric acid (H₃PO₄)” and substitute “PHOSPHATE (P₂O₅)”; and strike in their entirety lines 33 through 35, inclusive.

On page 5, in lines 1, 4, and 6, strike “(U)”, “(V)”, and “(W)”, respectively, and substitute “(S)”, “(T)”, and “(V)”, respectively; after line 5, insert:

“(U) (1) “NATURAL ORGANIC FERTILIZER” MEANS A FERTILIZER PRODUCT THAT IS DERIVED FROM EITHER A PLANT OR ANIMAL PRODUCT CONTAINING CARBON, AND ONE OR MORE ELEMENTS, OTHER THAN HYDROGEN OR OXYGEN THAT ARE ESSENTIAL FOR PLANT GROWTH.

(2) “NATURAL ORGANIC FERTILIZER” DOES NOT INCLUDE A FERTILIZER PRODUCT THAT CONTAINS:

(I) SYNTHETIC MATERIALS; OR

(II) MATERIALS THAT ARE CHANGED IN ANY PHYSICAL OR CHEMICAL MANNER FROM THEIR INITIAL STATE, EXCEPT BY PHYSICAL MANIPULATION, INCLUDING DRYING, COOKING, CHOPPING, GRINDING, SHREDDING, OR PELLETING.;

after line 7, insert:

“(W) (1) “ORGANIC FERTILIZER” MEANS A FERTILIZER PRODUCT THAT IS DERIVED FROM EITHER A PLANT OR ANIMAL PRODUCT CONTAINING CARBON AND ONE OR MORE ELEMENTS, OTHER THAN HYDROGEN OR OXYGEN THAT ARE ESSENTIAL FOR PLANT GROWTH.

(2) “ORGANIC FERTILIZER” INCLUDES A FERTILIZER PRODUCT THAT CONTAINS:

(I) SYNTHETIC MATERIALS; OR

(II) MATERIALS THAT ARE CHANGED IN A PHYSICAL OR CHEMICAL MANNER FROM THEIR INITIAL STATE.;

and strike beginning with “MEANS” in line 9 down through “EMPLOYMENT” in line 16 and substitute **“HAS THE MEANING STATED IN § 8-801 OF THIS ARTICLE”**.

On page 6, strike in their entirety lines 23 and 24, inclusive.

AMENDMENT NO. 2

On page 6, in line 26, strike “A” and substitute **“EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A”**; and in the same line, after “contain” insert **“ALL INFORMATION REQUIRED BY SUBSECTION (A) OF THIS SECTION.**

(2) A SPECIALTY FERTILIZER USED ON TURF SHALL BE LABELED TO CONTAIN”.

On page 7, in line 2, after “POTASH;” insert “AND”; in line 3, after “(V)” insert **“1.”**; in line 7, strike “AND” and substitute **“OR”**; in line 8, strike “(VI)” and substitute **“2.”**; in line 11, strike **“(2)”** and substitute **“(3)”**; in the same line, strike “PARAGRAPH (1)” and substitute **“PARAGRAPHS (1) AND (2)”**; after line 14, insert:

“(e) (1) Except as provided in paragraph (2) of this subsection, on or after April 1, 2011, a lawn fertilizer with an available [phosphoric acid (H₃PO₄)] PHOSPHATE (P₂O₅) content greater than 5%:

(i) May not be labeled for use on established lawns or grass;

(ii) May not be labeled with spreader settings; and

(iii) Shall be marked with the words “NOT FOR USE ON ESTABLISHED LAWNS OR GRASS” in at least a three-quarter inch font and in a legible and conspicuous manner on the front side of the container.

(2) This subsection does not apply to seed starter fertilizer for use on newly established lawns or turf.

6-219.

(a) To determine the commercial value to be applied in subsection (b) of this section, the Secretary shall determine and publish annually the values per pound of nitrogen, available [phosphoric acid] PHOSPHATE, soluble potash and other plant nutrients in commercial fertilizers in the State as determined by the Secretary.

(b) If an official analysis of a lot shows that a commercial fertilizer is deficient in a guaranteed primary plant nutrient, that is nitrogen, available [phosphoric acid] PHOSPHATE, and soluble potash, beyond the investigational allowance as established by rule or regulation, the Secretary shall assess against the registrant a penalty of three times the commercial value of the deficiency in the lot analyzed if the deficiency is confirmed in a hearing before him.”;

in lines 19 and 20, in each instance, strike the bracket; in line 20, strike “A”; in lines 20 and 21, strike “at a retail establishment in the State”; after line 27, insert:

“(2) THIS SUBSECTION DOES NOT APPLY TO ORGANIC OR NATURAL ORGANIC FERTILIZER THAT IS SOLD TO A PROFESSIONAL FERTILIZER APPLICATOR.

(b) (1) On or before April 1, 2011, a manufacturer of lawn fertilizer whose products are sold in the State shall reduce by 50% from 2006 levels the amount of

available [phosphoric acid (H₃PO₄)] PHOSPHATE (P₂O₅) resulting from the application of its lawn care products within the State.

(2) The amount of available [phosphoric acid (H₃PO₄)] PHOSPHATE (P₂O₅) resulting from the application within the State of lawn care products sold or distributed by a manufacturer may not exceed an average of 1.5% available [phosphoric acid (H₃PO₄)] PHOSPHATE (P₂O₅) if, prior to April 1, 2010, the manufacturer did not sell or distribute fertilizer in the State intended for use on established lawns or grass.”;

and strike beginning with line 1 on page 8 through line 5 on page 10, inclusive.

AMENDMENT NO. 3

On page 10, after line 5, insert “6-223.”; in line 6, after “ENFORCEMENT” insert “PROVIDED UNDER § 8-803.5(G) OF THIS ARTICLE”; after line 11, insert:

“(C) SUBSECTIONS (A) AND (B) OF THIS SECTION DO NOT EXEMPT A PERSON FROM COMPLYING WITH ANY PROVISION OF, OR ANY REGULATION ADOPTED IN ACCORDANCE WITH, THE ENVIRONMENT ARTICLE.”;

in line 15, strike “6-226.” and substitute “6-224.”; in line 16, strike “ANY” and substitute “EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY”; strike beginning with “CONTAIN” in line 17 down through “CONTAINER” in line 21 and substitute “RESULT IN AN APPLICATION OF MORE THAN 0.7 POUNDS PER 1,000 SQUARE FEET OF WATER-SOLUBLE NITROGEN AND NO MORE THAN 0.9 POUNDS PER 1,000 SQUARE FEET OF TOTAL NITROGEN, AT LEAST 20% OF WHICH SHALL CONSIST OF SLOW-RELEASE NITROGEN, WHEN APPLIED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE CONTAINER”; in line 22, strike “WHEN” and substitute “:

(I) FOR ORGANIC AND NATURAL ORGANIC FERTILIZER SOLD TO A PROFESSIONAL FERTILIZER APPLICATOR; AND

(II) WHEN”;

in lines 24, 27, and 29, strike “(I)”, “1.”, and “2.”, respectively, and substitute “1.”, “A.”, and “B.”, respectively; in line 25, strike “PURSUANT TO” and substitute “IN

ACCORDANCE WITH"; in line 28, strike "~~6-224~~" and substitute "8-803.7"; and in the same line, strike "SUBTITLE" and substitute "ARTICLE".

On page 11, in lines 1 and 5, strike "(II)" and "(III)", respectively, and substitute "2." and "3.", respectively; after line 6, insert:

"(B) AN ENHANCED-EFFICIENCY FERTILIZER LABELED FOR USE ON TURF MAY NOT:

(1) RESULT IN AN APPLICATION OF MORE THAN 2.5 POUNDS PER 1,000 SQUARE FEET OF TOTAL NITROGEN;

(2) RESULT IN AN APPLICATION OF MORE THAN 80% OF THE ANNUAL RECOMMENDED RATE FOR TOTAL NITROGEN ESTABLISHED BY THE UNIVERSITY OF MARYLAND; OR

(3) HAVE A RELEASE RATE OF MORE THAN 0.7 POUNDS PER 1,000 SQUARE FEET OF TOTAL NITROGEN PER MONTH.";

in line 7, strike "(B)" and substitute "(C)"; in the same line, strike "A" and substitute "EXCEPT AS PROVIDED IN SUBSECTIONS (D) AND (E) OF THIS SECTION, A"; in the same line, strike "AT RETAIL"; in line 8, after "FERTILIZER" insert "FOR USE ON TURF"; strike beginning with "CONTAINS" in line 9 down through "TURF" in line 13 and substitute "RESULTS IN AN APPLICATION OF MORE THAN 0.7 POUNDS PER 1,000 SQUARE FEET OF WATER-SOLUBLE NITROGEN AND NO MORE THAN 0.9 POUNDS PER 1,000 SQUARE FEET OF TOTAL NITROGEN, AT LEAST 20% OF WHICH SHALL CONSIST OF SLOW-RELEASE NITROGEN, WHEN APPLIED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE CONTAINER"; in line 19, strike "~~6-224 OF THIS SUBTITLE~~" and substitute "8-803.7 OF THIS ARTICLE"; after line 28, insert:

"(D) A PERSON MAY OFFER TO SELL AN ORGANIC OR NATURAL ORGANIC FERTILIZER CONTAINING PHOSPHORUS TO A PROFESSIONAL FERTILIZER APPLICATOR.

(E) A PERSON MAY NOT OFFER TO SELL ENHANCED-EFFICIENCY FERTILIZER FOR USE ON TURF THAT:

(1) RESULTS IN AN APPLICATION OF MORE THAN 2.5 POUNDS PER 1,000 SQUARE FEET OF TOTAL NITROGEN;

(2) RESULTS IN AN APPLICATION OF MORE THAN 80% OF THE ANNUAL RECOMMENDED RATE FOR TOTAL NITROGEN ESTABLISHED BY THE UNIVERSITY OF MARYLAND; OR

(3) HAS A RELEASE RATE OF MORE THAN 0.7 POUNDS PER 1,000 SQUARE FEET OF TOTAL NITROGEN PER MONTH.”;

in line 29, strike “(C)” and substitute “(F)”; in the same line, strike “AT RETAIL”; and on pages 11 through 15, strike beginning with line 31 on page 11 through line 8 on page 15, inclusive.

AMENDMENT NO. 4

On page 15, after line 8, insert:

“8-801.

(a) In this subtitle the following words have the meanings indicated.

(b) “Certified nutrient management consultant” means an individual certified by the Department to prepare a nutrient management plan.

(c) “COMMERCIAL FARM” MEANS A FARM THAT PERFORMS ACTIVITIES RELATED TO THE PRODUCTION AND SALE OF AGRICULTURAL COMMODITIES, INCLUDING ROW CROPS, FRUITS, VEGETABLES, HORTICULTURE, AND SILVACULTURE.

(d) “ENHANCED EFFICIENCY FERTILIZER” HAS THE MEANING STATED IN § 6-201 OF THIS ARTICLE.

(e) “IMPERVIOUS SURFACE” MEANS ANY STRUCTURE, SURFACE, OR IMPROVEMENT THAT REDUCES OR PREVENTS ABSORPTION OF STORMWATER INTO LAND, AND INCLUDES POROUS PAVING, PAVER BLOCKS, GRAVEL,

CRUSHED STONE, DECKS, PATIOS, ELEVATED STRUCTURES, AND OTHER SIMILAR STRUCTURES, SURFACES, OR IMPROVEMENTS.

(F) “NATURAL ORGANIC FERTILIZER” HAS THE MEANING STATED IN § 6–201 OF THIS ARTICLE.

[(c)] (G) “Nutrient management plan” means a plan prepared under this subtitle by a certified nutrient management consultant to manage the amount, placement, timing, and application of animal waste, commercial fertilizer, sludge, or other plant nutrients to prevent pollution by transport of bioavailable nutrients and to maintain productivity.

(H) “ORGANIC FERTILIZER” HAS THE MEANING STATED IN § 6–201 OF THIS ARTICLE.

(I) (1) “PROFESSIONAL FERTILIZER APPLICATOR” MEANS ANY PERSON WHO:

(I) IS CERTIFIED TO APPLY FERTILIZER IN ACCORDANCE WITH § 8–803.4 OF THIS SUBTITLE; AND

(II) APPLIES FERTILIZER FOR HIRE.

(2) “PROFESSIONAL FERTILIZER APPLICATOR” INCLUDES THE OWNER OR MANAGER OF PROPERTY, OR AN EMPLOYEE OF A GOVERNMENT ENTITY WHO APPLIES FERTILIZER WITHIN THE SCOPE OF EMPLOYMENT.

(J) “SLOW–RELEASE NITROGEN” MEANS NITROGEN IN A FORM THAT:

(1) DELAYS ITS AVAILABILITY FOR PLANT UPTAKE AND USE AFTER APPLICATION; OR

(2) EXTENDS ITS AVAILABILITY TO THE PLANT SIGNIFICANTLY LONGER THAN A REFERENCE “RAPIDLY AVAILABLE NUTRIENT” SUCH AS AMMONIUM NITRATE OR UREA, AMMONIUM PHOSPHATE, OR POTASSIUM CHLORIDE.

(K) “SOIL TEST” MEANS A TECHNICAL ANALYSIS OF SOIL CONDUCTED BY A LABORATORY USING STANDARDS RECOMMENDED BY THE UNIVERSITY OF MARYLAND.

(L) “TURF” MEANS LAND, INCLUDING RESIDENTIAL PROPERTY AND PUBLICLY OWNED LAND THAT IS PLANTED IN GRASS, EXCEPT LAND THAT IS USED IN THE SALE AND PRODUCTION OF SOD, AS DEFINED IN § 9-101 OF THIS ARTICLE.

(M) “WATER-SOLUBLE NITROGEN” MEANS NITROGEN THAT IS READILY SOLUBLE IN WATER.

(N) “WATERS OF THE STATE” HAS THE MEANING STATED IN § 5-101 OF THE ENVIRONMENT ARTICLE.

SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Agriculture

8-803.4.

[(a) This section applies to an application of commercial fertilizer, as defined in § 6-201 of this article:

(1) That is performed by:

(i) A person who applies commercial fertilizer for hire; or

(ii) An employee of the owner or manager of the property; and

(2) To:

(i) Ten acres or more annually, whether one or multiple parcels, of property that is not used for agricultural purposes; or

(ii) State property that is not used for agricultural purposes.

(b) A person may apply commercial fertilizer only if the person applies the commercial fertilizer in a manner that is consistent with the recommendations of the University of Maryland Cooperative Extension Service.]

(A) IN THIS SECTION, “FERTILIZER” MEANS A COMMERCIAL FERTILIZER AND SPECIALTY FERTILIZER.

(B) (1) THIS SECTION APPLIES TO A PROFESSIONAL FERTILIZER APPLICATOR WHO APPLIES FERTILIZER TO:

(I) PROPERTY THAT IS NOT USED FOR AGRICULTURAL PURPOSES; AND

(II) STATE PROPERTY THAT IS NOT USED FOR AGRICULTURAL PURPOSES.

(2) THIS SECTION DOES NOT APPLY TO THE APPLICATION OF FERTILIZER ON COMMERCIAL FARMS.

(C) A PROFESSIONAL FERTILIZER APPLICATOR MAY NOT:

(1) APPLY FERTILIZER TO TURF WITHOUT FIRST OBTAINING A FERTILIZER APPLICATION CERTIFICATION, UNLESS THE PERSON IS UNDER THE DIRECT SUPERVISION OF A CERTIFIED PROFESSIONAL FERTILIZER APPLICATOR, IN ACCORDANCE WITH § 8-803.6 OF THIS SUBTITLE; OR

(2) APPLY FERTILIZER INTENDED FOR USE ON TURF ON AN IMPERVIOUS SURFACE.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PROFESSIONAL FERTILIZER APPLICATOR MAY NOT APPLY FERTILIZER CONTAINING PHOSPHORUS OR NITROGEN TO TURF:

(I) BEFORE MARCH 1 OR AFTER NOVEMBER 15 OF ANY CALENDAR YEAR;

(II) ANY TIME THE GROUND IS FROZEN; OR

(III) IN AN AMOUNT THAT IS INCONSISTENT WITH THE ANNUAL RECOMMENDED RATE ESTABLISHED BY THE UNIVERSITY OF MARYLAND.

(2) FROM NOVEMBER 15 THROUGH DECEMBER 1 OF EACH CALENDAR YEAR, A PROFESSIONAL FERTILIZER APPLICATOR MAY APPLY WATER-SOLUBLE NITROGEN TO TURF AT AN APPLICATION RATE OF NO MORE THAN 0.5 POUNDS PER 1,000 SQUARE FEET OF WATER-SOLUBLE NITROGEN.

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PROFESSIONAL FERTILIZER APPLICATOR MAY NOT APPLY FERTILIZER CONTAINING PHOSPHORUS OR NITROGEN TO TURF THAT IS WITHIN 15 FEET OF WATERS OF THE STATE.

(2) WHEN A DROP SPREADER, ROTARY SPREADER WITH A DEFLECTOR, OR TARGETED SPRAY LIQUID IS USED FOR FERTILIZER APPLICATION, THE SETBACK REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE REDUCED TO 10 FEET.

(3) THE ESTABLISHMENT OF SETBACKS FOR FERTILIZER APPLICATION UNDER THIS SUBSECTION DOES NOT PRECLUDE THE ESTABLISHMENT OR APPLICABILITY OF, OR COMPLIANCE WITH, ANY OTHER ENVIRONMENTAL STANDARDS ESTABLISHED UNDER ANY OTHER STATE OR FEDERAL LAW, RULE, OR REGULATION.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PROFESSIONAL FERTILIZER APPLICATOR MAY NOT APPLY FERTILIZER CONTAINING NITROGEN TO TURF:

(I) AT AN APPLICATION RATE OF MORE THAN 0.7 POUNDS PER 1,000 FEET OF WATER-SOLUBLE NITROGEN; AND

(II) AT AN APPLICATION RATE OF MORE THAN 0.9 POUNDS PER 1,000 SQUARE FEET OF TOTAL NITROGEN.

(2) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, A PROFESSIONAL FERTILIZER APPLICATOR MAY APPLY AN ENHANCED EFFICIENCY FERTILIZER:

1. AT AN APPLICATION RATE OF NO MORE THAN 2.5 POUNDS PER 1,000 SQUARE FEET OF NITROGEN; AND

2. THAT HAS A RELEASE RATE OF NO MORE THAN 0.7 POUNDS PER 1,000 SQUARE FEET OF TOTAL NITROGEN PER MONTH.

(II) THE ANNUAL TOTAL APPLICATION RATE OF AN ENHANCED EFFICIENCY FERTILIZER MAY NOT EXCEED 80% OF THE ANNUAL RECOMMENDED RATE FOR TOTAL NITROGEN ESTABLISHED BY THE UNIVERSITY OF MARYLAND.

(III) AN ENHANCED EFFICIENCY FERTILIZER MAY NOT BE APPLIED AFTER NOVEMBER 15 OR BEFORE MARCH 1 OF EACH CALENDAR YEAR.

(G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PROFESSIONAL FERTILIZER APPLICATOR MAY NOT APPLY FERTILIZER CONTAINING PHOSPHORUS TO TURF.

(2) A PROFESSIONAL FERTILIZER APPLICATOR MAY APPLY FERTILIZER CONTAINING PHOSPHORUS TO TURF WHEN:

(I) 1. A SOIL TEST INDICATES A LOW OR MEDIUM LEVEL OF PHOSPHORUS DEFICIENCY; AND

2. THE FERTILIZER IS APPLIED AT A RATE RECOMMENDED BY THE UNIVERSITY OF MARYLAND;

(II) 1. A SOIL TEST INDICATES A LOW OR MEDIUM LEVEL OF PHOSPHORUS; AND

2. AN ORGANIC OR NATURAL ORGANIC FERTILIZER CONTAINING PHOSPHORUS IS APPLIED AT A RATE RECOMMENDED BY THE UNIVERSITY OF MARYLAND; OR

(III) 1. BEGINNING 2015, A SOIL TEST INDICATES A LOW OR MEDIUM LEVEL OF PHOSPHORUS; AND

2. A LOW PHOSPHORUS FERTILIZER, AS DEFINED UNDER § 6-201 OF THIS ARTICLE, THAT IS AN ORGANIC OR NATURAL ORGANIC FERTILIZER IS APPLIED AT A RATE RECOMMENDED BY THE UNIVERSITY OF MARYLAND.

(3) PARAGRAPH (2) OF THIS SUBSECTION DOES NOT AUTHORIZE A PROFESSIONAL FERTILIZER APPLICATOR TO APPLY FERTILIZER CONTAINING PHOSPHORUS WHEN A SOIL TEST INDICATES AN OPTIMUM OR EXCESSIVE LEVEL OF PHOSPHORUS.

[(c)] (H) (1) A person who violates any provision of this section is subject to a civil penalty of not more than \$1,000 for a first violation.

(2) A person who violates any provision of this section is subject to a civil penalty of not more than \$2,000 for each subsequent violation.

(3) Each day a violation occurs under this section is a separate violation.

(4) The total penalties imposed on a person for violations of this section that result from the same set of facts and circumstances may not exceed \$10,000.

[(d)] (I) The penalty imposed on a person under this section shall be assessed with consideration given to:

(1) The willfulness of the violation, the extent to which the existence of the violation was known to the violator but uncorrected by the violator, and the extent to which the violator exercised reasonable care;

(2) Any actual harm to human health or to the environment including injury to or impairment of the use of the waters of the State or the natural resources of the State;

(3) The cost of control;

(4) The nature and degree of injury to or interference with general welfare, health, and property;

(5) The extent to which the location of the violation, including location near areas of human population, creates the potential for harm to the environment or to human health or safety; and

(6) The extent to which the current violation is part of a recurrent pattern of the same or similar type of violation committed by the violator.

[(e)] (J) Penalties collected by the Secretary under this section shall be paid into the General Fund of the State.

(K) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

[8-803.5.

The Department may adopt regulations for agricultural research, education, and demonstration exemptions to this subtitle.]

8-803.5.

(A) IN THIS SECTION, “FERTILIZER” MEANS COMMERCIAL FERTILIZER AND SPECIALTY FERTILIZER.

(B) **(1)** THIS SECTION APPLIES TO A PERSON WHO APPLIES FERTILIZER TO:

(I) PROPERTY THAT IS NOT USED FOR AGRICULTURAL PURPOSES; OR

(II) STATE PROPERTY THAT IS NOT USED FOR AGRICULTURAL PURPOSES.

(2) THIS SECTION DOES NOT APPLY TO THE APPLICATION OF FERTILIZER ON COMMERCIAL FARMS.

(C) A PERSON MAY NOT:

(1) APPLY FERTILIZER INTENDED FOR USE ON TURF TO AN IMPERVIOUS SURFACE; AND

(2) APPLY FERTILIZER CONTAINING PHOSPHORUS OR NITROGEN TO TURF:

(I) BEFORE MARCH 1 OR AFTER NOVEMBER 15 OF ANY CALENDAR YEAR; OR

(II) AT ANY TIME WHEN THE GROUND IS FROZEN.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT APPLY FERTILIZER CONTAINING PHOSPHORUS OR NITROGEN TO TURF THAT IS WITHIN 15 FEET OF WATERS OF THE STATE.

(2) WHEN A DROP SPREADER, ROTARY SPREADER WITH A DEFLECTOR, OR TARGETED SPRAY LIQUID IS USED FOR FERTILIZER APPLICATION, THE SETBACK REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE REDUCED TO 10 FEET.

(3) THE ESTABLISHMENT OF SETBACKS FOR FERTILIZER APPLICATION UNDER THIS SUBSECTION DOES NOT PRECLUDE THE ESTABLISHMENT OR APPLICABILITY OF, OR COMPLIANCE WITH, ANY OTHER ENVIRONMENTAL STANDARDS ESTABLISHED UNDER ANY OTHER STATE OR FEDERAL LAW, RULE, OR REGULATION.

(E) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION:

(1) A PERSON MAY APPLY FERTILIZER TO TURF CONTAINING PHOSPHORUS IF THE PERSON:

(i) DETERMINES THAT THE FERTILIZER IS NECESSARY FOR THE SPECIFIC SOILS AND TARGET VEGETATION IN ACCORDANCE WITH A SOIL TEST PERFORMED NO MORE THAN 3 YEARS BEFORE THE FERTILIZER APPLICATION, PROVIDED THE APPLICATION COMPLIES WITH THE RECOMMENDATIONS ESTABLISHED BY THE UNIVERSITY OF MARYLAND;

(ii) IS ESTABLISHING VEGETATION FOR THE FIRST TIME, SUCH AS AFTER LAND DISTURBANCE, PROVIDED THE APPLICATION COMPLIES WITH THE RECOMMENDATIONS ESTABLISHED BY THE UNIVERSITY OF MARYLAND; OR

(iii) IS REESTABLISHING OR REPAIRING A TURF AREA; AND

(2) A PERSON MAY APPLY FERTILIZER TO TURF IN EXCESS OF THE NITROGEN REQUIREMENTS IN § 6-224 OF THIS ARTICLE, IF THE PERSON IS ESTABLISHING VEGETATION FOR THE FIRST TIME, SUCH AS AFTER LAND DISTURBANCE, PROVIDED THE APPLICATION COMPLIES WITH THE RECOMMENDATIONS OF THE UNIVERSITY OF MARYLAND.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND IN ADDITION TO THE REQUIREMENTS SET FORTH IN THIS SECTION, A PERSON, OTHER THAN A PROFESSIONAL FERTILIZER APPLICATOR, MAY NOT:

(i) APPLY FERTILIZER TO TURF:

1. IN AN AMOUNT THAT IS INCONSISTENT WITH THE ANNUAL RECOMMENDED RATE ESTABLISHED BY THE UNIVERSITY OF MARYLAND; AND

2. THAT CONTAINS NITROGEN THAT IS LESS THAN 20% SLOW RELEASE;

(II) APPLY NITROGEN TO TURF:

1. AT AN APPLICATION RATE OF MORE THAN 0.7 POUNDS PER 1,000 SQUARE FEET OF WATER-SOLUBLE NITROGEN; AND

2. AT AN APPLICATION RATE THAT IS MORE THAN 0.9 POUNDS PER 1,000 SQUARE FEET OF TOTAL NITROGEN; AND

(III) APPLY FERTILIZER TO A GOLF COURSE.

(2) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, A PERSON MAY APPLY AN ENHANCED EFFICIENCY FERTILIZER:

1. AT AN APPLICATION RATE OF NO MORE THAN 2.5 POUNDS PER 1,000 SQUARE FEET OF NITROGEN; AND

2. THAT HAS A RELEASE RATE OF NO MORE THAN 0.7 POUNDS PER 1,000 SQUARE FEET OF NITROGEN PER MONTH.

(II) THE ANNUAL TOTAL APPLICATION RATE OF AN ENHANCED EFFICIENCY FERTILIZER MAY NOT EXCEED 80% OF THE ANNUAL RECOMMENDATION RATE ESTABLISHED BY THE UNIVERSITY OF MARYLAND.

(III) ENHANCED EFFICIENCY FERTILIZERS MAY NOT BE APPLIED AFTER NOVEMBER 15 OR BEFORE MARCH 1 OF EACH CALENDAR YEAR.

(G) A COUNTY OR MUNICIPALITY MAY ENFORCE THIS SECTION.

(H) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Agriculture

8-803.6.

(A) (1) THE DEPARTMENT SHALL, IN CONSULTATION WITH THE UNIVERSITY OF MARYLAND, ESTABLISH A PROGRAM TO CERTIFY PROFESSIONAL FERTILIZER APPLICATORS.

(2) THE CERTIFICATION PROGRAM SHALL PROVIDE PROFESSIONAL FERTILIZER APPLICATORS WITH TRAINING AND EDUCATION IN THE FOLLOWING SUBJECT AREAS:

(I) THE PROPER USE AND CALIBRATION OF FERTILIZER APPLICATION EQUIPMENT;

(II) THE HAZARDS INVOLVED IN, AND THE ENVIRONMENTAL IMPACT OF, APPLYING FERTILIZER, INCLUDING NUTRIENT POLLUTION TO THE WATERS OF THE STATE;

(III) ALL APPLICABLE STATE AND FEDERAL LAWS, RULES, AND REGULATIONS;

(IV) THE CORRECT INTERPRETATION OF FERTILIZER LABELING INFORMATION; AND

(V) THE RECOMMENDATIONS DEVELOPED BY THE UNIVERSITY OF MARYLAND FOR NUTRIENT MANAGEMENT ON TURF, INCLUDING THE APPROPRIATE TIME TO:

1. APPLY FERTILIZER WHEN RAIN IS FORECAST; AND
2. APPLY FERTILIZER WHEN SOILS ARE WET AND THE POTENTIAL FOR FERTILIZER MOVEMENT OFF-SITE EXISTS.

(B) IN ESTABLISHING THE CERTIFICATION PROGRAM, THE DEPARTMENT MAY:

(1) CHARGE REASONABLE FEES, INCLUDING AN ANNUAL RECERTIFICATION FEE, TO COVER COSTS ASSOCIATED WITH THE CERTIFICATION PROGRAM;

(2) REQUIRE CONTINUING EDUCATION OR TRAINING FOR PROFESSIONAL FERTILIZER APPLICATORS;

(3) DESIGNATE ONE OR MORE ENTITIES TO TRAIN, CERTIFY, AND RECERTIFY PROFESSIONAL FERTILIZER APPLICATORS, WHICH MAY CHARGE FEES TO COVER THE REASONABLE COSTS ASSOCIATED WITH THE CERTIFICATION TRAINING AND EDUCATION; AND

(4) RECOGNIZE THE TRAINING PROGRAM OF AN ENTITY EMPLOYING PROFESSIONAL FERTILIZER APPLICATORS IF THE PROGRAM MEETS THE CERTIFICATION AND RECERTIFICATION TRAINING AND EDUCATION STANDARDS ESTABLISHED BY THE DEPARTMENT UNDER THIS SECTION.

(C) THE DEPARTMENT SHALL PUBLISH AND MAINTAIN A LIST OF ALL CERTIFIED PROFESSIONAL FERTILIZER APPLICATORS AND MAKE THE LIST AVAILABLE ON THE DEPARTMENT'S INTERNET WEB SITE.

(D) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

8-803.7.

(A) THE DEPARTMENT, IN CONSULTATION WITH THE UNIVERSITY OF MARYLAND, SHALL DEVELOP A PROGRAM OF PUBLIC EDUCATION THAT SHALL INCLUDE:

(1) THE DISSEMINATION OF INFORMATION REGARDING NUTRIENT POLLUTION;

(2) BEST MANAGEMENT PRACTICES FOR FERTILIZER USE;

(3) SOIL TESTING;

(4) PROPER INTERPRETATION OF FERTILIZER LABEL INSTRUCTIONS; AND

(5) THE PROPER USE AND CALIBRATION OF FERTILIZER APPLICATION EQUIPMENT.

(B) THE UNIVERSITY OF MARYLAND SHALL IDENTIFY LABORATORIES THAT:

(1) FOLLOW THE RECOMMENDED SOIL TESTING PROCEDURES FOR THE MID-ATLANTIC UNITED STATES; AND

(2) PROVIDE A FINAL REPORT TO A REQUESTOR OF SOIL TESTING WITH THE RESULTS OF A SOIL TEST.

(C) THE UNIVERSITY OF MARYLAND SHALL REVIEW ITS FERTILIZER TURF GUIDELINES EVERY 3 YEARS AND REVISE THE GUIDELINES AS NECESSARY, WITH CONSIDERATION OF PLANT NUTRIENT REQUIREMENTS AND PROTECTION OF WATER QUALITY IN THE WATERS OF THE STATE.

8-803.8.

(A) EXCEPT FOR ENFORCEMENT AS AUTHORIZED UNDER § 8-803.5(G) OF THIS SUBTITLE, THE DEPARTMENT HAS THE EXCLUSIVE AUTHORITY TO ESTABLISH STANDARDS REGULATING FERTILIZER AND ITS APPLICATION TO TURF.

(B) A LOCAL GOVERNMENT ENTITY MAY NOT ADOPT LAWS, REGULATIONS, RULES, ORDINANCES, OR STANDARDS REGULATING FERTILIZER AND ITS APPLICATION TO TURF.

(C) SUBSECTIONS (A) AND (B) OF THIS SECTION DO NOT EXEMPT A PERSON FROM COMPLYING WITH ANY PROVISION OF, OR ANY REGULATION ADOPTED IN ACCORDANCE WITH, THE ENVIRONMENT ARTICLE.

SECTION 7. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Agriculture

8-803.9.

THE DEPARTMENT MAY ADOPT REGULATIONS FOR AGRICULTURAL RESEARCH, EDUCATION, AND DEMONSTRATION EXEMPTIONS TO THIS SUBTITLE.”.

AMENDMENT NO. 5

On page 15, in lines 9, 17, 19, and 21, strike “5.”, “6.”, “7.”, and “8.”, respectively, and substitute “8.”, “9.”, “10.”, and “11.”, respectively; in line 17, strike “and 4” and substitute “, 4, and 5”; in line 19, strike “Section 3” and substitute “Sections 3 and 6”; and in line 22, strike “6 and 7” and substitute “9 and 10”.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0573/360615/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 573, AS AMENDED

In the Environmental Matters Committee Amendments (HB0573/860216/1), in Amendment No. 3:

On page 7, in line 1, after “AN” insert “ANNUAL”; and

On page 8, in line 1, after “AN” insert “ANNUAL”.

In the Environmental Matters Committee Amendments, in Amendment No. 4:

On page 13, in line 1, strike "15" and substitute "16";

On page 14, in line 4, after "AN" insert "ANNUAL"; in line 15, strike "PARAGRAPH (2)" and substitute "PARAGRAPHS (2), (4), AND (5)"; in line 18, after "APPLY" insert "ORGANIC OR NATURAL ORGANIC"; and in line 20, after "TEST" insert "PERFORMED NO MORE THAN 3 YEARS BEFORE THE FERTILIZER APPLICATION";

On page 15, in line 2, after "MARYLAND;" insert "OR"; strike beginning with "1." in line 3 down through "(III)" in line 8; in line 8, after "TEST" insert "PERFORMED NO MORE THAN 3 YEARS BEFORE THE FERTILIZER APPLICATION"; and after line 17, insert:

"(4) A PROFESSIONAL FERTILIZER APPLICATOR MAY APPLY FERTILIZER TO TURF CONTAINING PHOSPHORUS IF THE PROFESSIONAL FERTILIZER APPLICATOR:

(I) DETERMINES THAT THE FERTILIZER IS NECESSARY FOR THE SPECIFIC SOILS AND TARGET VEGETATION IN ACCORDANCE WITH A SOIL TEST PERFORMED NO MORE THAN 3 YEARS BEFORE THE FERTILIZER APPLICATION, PROVIDED THE APPLICATION COMPLIES WITH THE RECOMMENDATIONS ESTABLISHED BY THE UNIVERSITY OF MARYLAND;

(II) IS ESTABLISHING VEGETATION FOR THE FIRST TIME, SUCH AS AFTER LAND DISTURBANCE, PROVIDED THE APPLICATION COMPLIES WITH THE RECOMMENDATIONS ESTABLISHED BY THE UNIVERSITY OF MARYLAND; OR

(III) IS REESTABLISHING OR REPAIRING A TURF AREA.

(5) A PROFESSIONAL FERTILIZER APPLICATOR MAY APPLY FERTILIZER TO TURF IN EXCESS OF THE PHOSPHORUS REQUIREMENTS IN § 6-224 OF THIS ARTICLE, IF THE PROFESSIONAL FERTILIZER APPLICATOR IS ESTABLISHING VEGETATION FOR THE FIRST TIME, SUCH AS AFTER LAND

DISTURBANCE, PROVIDED THE APPLICATION COMPLIES WITH THE RECOMMENDATIONS OF THE UNIVERSITY OF MARYLAND.”;

On page 19, in line 14, strike “NITROGEN” and substitute “PHOSPHORUS”; and

On page 20, in line 14, after “AN” insert “ANNUAL”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 625 – Carroll County Delegation

AN ACT concerning

Carroll County – Deer Hunting on Private Property – Sundays

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 751 – Delegates Luedtke, Barkley, Carr, Frick, Kaiser, S. Robinson, Rosenberg, and Waldstreicher

AN ACT concerning

Agriculture – Jane Lawton Farm-to-School Program – Reporting

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 817 – Delegate Mizeur

AN ACT concerning

Environment – Composting**HB0817/250018/1**

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 817

(First Reading File Bill)

On page 2, in line 30, strike “2012” and substitute “2013”.

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 831 – Delegates S. Robinson, Arora, Barkley, Braveboy, Carr, Clippinger, Cullison, Frick, Gilchrist, Holmes, Hucker, A. Kelly, Luedtke, A. Miller, Niemann, Reznik, B. Robinson, Wilson, and Zucker

AN ACT concerning

Agriculture – Invasive Plants – Prevention and Control**HB0831/640213/1**

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 831

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, strike “requiring” and substitute “authorizing”; and in line 17, strike “State’s Attorney” and substitute “Attorney General”.

AMENDMENT NO. 2

On page 7, strike beginning with “**WITH**” in line 17 down through “**BEFORE**” in line 18 and substitute “**A PERSON MAY CONDUCT AN ACTIVITY PROHIBITED UNDER PARAGRAPH (2) OF THIS SUBSECTION IF:**”

(I) THE PERSON RECEIVES APPROVAL FROM THE SECRETARY BEFORE CONDUCTING THE ACTIVITY; AND

(II) THE ACTIVITY IS FOR THE PURPOSE OF;

and in lines 19, 20, 21, and 23, strike “(I)”, “(II)”, “(III)”, and “(IV)”, respectively, and substitute “1.”, “2.”, “3.”, and “4.”, respectively.

AMENDMENT NO. 3

On page 8, in line 5, after “PLANT” insert “IN VIOLATION OF § 9.5-302(A)(2) OF THIS SUBTITLE”; in the same line, strike “SHALL” and substitute “MAY”; strike beginning with “STATE’S” in line 18 down through “RESIDES” in line 19 and substitute “ATTORNEY GENERAL”; and in line 20, strike “STATE’S ATTORNEY” and substitute “ATTORNEY GENERAL”.

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 897 – Delegates Murphy, Cardin, Beidle, Bohanan, Boteler, Frick, Frush, Howard, Hubbard, Jameson, Love, Mizeur, Reznik, V. Turner, Walker, and Wood

AN ACT concerning

Engine Coolant and Antifreeze Bittering Agent Act

HB0897/860416/2

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 897

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Wood” and substitute “Wood, Gilchrist, Glenn, Hogan, Holmes, Jacobs, Lafferty, McComas, McMillan, Niemann, Norman, O’Donnell, Otto, S. Robinson, Stein, Vitale, Weir, and Wilson”; in line 4, after “that” insert “is manufactured after a certain date and”; and in line 8, after the first “Act” insert “, except under certain circumstances”.

AMENDMENT NO. 2

On page 2, in line 1, after “(A)” insert “THIS SECTION APPLIES TO ENGINE COOLANT OR ANTIFREEZE THAT IS MANUFACTURED AFTER JANUARY 1, 2012.

(B)”;

in lines 5, 7, 15, 17, and 27, strike “(B)”, “(A)”, “(A)”, “(C)”, and “(D)”, respectively, and substitute “(C)”, “(B)”, “(B)”, “(D)”, and “(E)”, respectively; in line 14, strike “ARE UNRELATED” and substitute “ARE:

(I) UNRELATED”;

and in line 16, after “SECTION” insert “; OR

(II) RELATED TO GROSS NEGLIGENCE OR WILLFUL OR WANTON MISCONDUCT BY THE PERSON”.

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 #6

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 402 – Delegates Simmons and Kramer

AN ACT concerning

Family Law – Grounds for Absolute Divorce – Time Requirements

HB0402/462915/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 402

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– Time Requirements”; in line 3, strike “certain grounds” and substitute “a certain ground”; in line 5, after the semicolon insert “repealing a certain ground for divorce; making a conforming change;”; and in line 8, after “7–103(a)” insert “and (c)”.

AMENDMENT NO. 2

On page 2, strike beginning with “voluntary” in line 1, down through “(4)” in line 6; in lines 11, 14, 23, and 25, strike “(5)”, “(6)”, “(7)”, and “(8)”, respectively, and substitute “(4)”, “(5)”, “(6)”, and “(7)”, respectively; and after line 27, insert:

“(c) Res judicata with respect to another ground under this section is not a bar to either party obtaining an absolute divorce on the ground of [2-year] 12-MONTH separation.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 510 – Delegates Waldstreicher, Anderson, Carter, Clippinger, Lee, McComas, Niemann, and Wilson

AN ACT concerning

Criminal Law – Peace Orders, Stalking, and Harassment

HB0510/352811/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 510

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Peace Orders, Stalking, and”; in the same line, after “Harassment” insert “– Penalties”; strike beginning with “altering” in line 3 down through “circumstances,” in line 7; in line 8, strike “peace orders and the offenses of stalking and”; strike in their entirety lines 10 through 14, inclusive; and in line 17, strike “3–802 and”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 22 on page 1 through line 13 on page 2, inclusive.

On pages 2 and 3, strike in their entirety the lines beginning with line 15 on page 2 through line 8 on page 3, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 519 – Delegates Arora, Clippinger, Anderson, Carter, Conaway, Dumais, Frick, Lee, Luedtke, Mitchell, Niemann, Simmons, Sophocleus, Summers, Tarrant, Valderrama, Valentino–Smith, and Waldstreicher

AN ACT concerning

Firearms – Knowing Violation of Specified Prohibitions – Penalty

HB0519/502318/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 519

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Knowing”; in the same line, before “Penalty” insert “Ammunition and”; in line 3, after the first “of” insert “repealing a certain prohibition”

against the possession of ammunition solely designed for a regulated firearm by a person who is under a certain age;”; strike beginning with the second “the” in line 3 down through “to” in line 5; in line 11, strike “5-133(d) and”; and in line 16, after “Section” insert “5-133(d) and”.

AMENDMENT NO. 2

On page 2, strike beginning with “or” in line 2 down through “firearm” in line 3; in lines 7 and 18, in each instance, strike “or ammunition solely designed for a regulated firearm”; and in line 24, strike “or ammunition”.

On page 3, in line 5, strike “**§ 5-133(D) 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:

House Bill 653 – Delegate Niemann

AN ACT concerning

Lawyers – Bar Admission Requirement – Exception for Rent Escrow Proceedings

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 666 – Delegates Lee, Barkley, Cane, Conway, Cullison, Dumais, Frick, Frush, Gutierrez, Healey, Hucker, A. Kelly, A. Miller, B. Robinson, and Wilson

AN ACT concerning

Courts – Peace Orders – Penalties

HB0666/692217/1

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 666

(First Reading File Bill)

On page 1, in the sponsor line, strike “and Wilson” and substitute “Wilson, and Waldstreicher”.

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 682 – Delegate K. Kelly

AN ACT concerning

Criminal Procedure – Pretrial Release and Bail Bonds

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 730 – Delegates Simmons, Rosenberg, and Dumais

AN ACT concerning

Public Safety – Regulated Firearms – Mental Disorder

HB0730/242910/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 730

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “Task Force to Study Access of Individuals with Mental Illness to Regulated Firearms”; strike beginning with “altering” in line 3 down through “firearms” in line 10 and substitute

“establishing a Task Force to Study Access of Individuals with Mental Illness to Regulated Firearms; providing for the membership, staffing, and duties of the Task Force; requiring the Governor to appoint the chair of the Task Force; prohibiting a member of the Task Force from receiving certain compensation; authorizing a member of the Task Force to receive reimbursement for certain expenses; requiring the Task Force to report to the Governor and the General Assembly by a certain date; providing for the termination of this Act; and generally relating to the establishment of a Task Force to Study Access of Individuals with Mental Illness to Regulated Firearms”; and strike in their entirety lines 11 through 21, inclusive.

AMENDMENT NO. 2

On page 1, in line 23, strike beginning with “the” through “follows”.

On pages 1 through 3, strike in their entirety the lines beginning with line 24 on page 1 through line 33 on page 3, inclusive, and substitute:

“(a) There is a Task Force to Study Access of Individuals with Mental Illness to Regulated Firearms.

(b) The Task Force consists of the following members:

- (1) the Secretary of State Police, or the Secretary’s designee;
- (2) the Secretary of Health and Mental Hygiene, or the Secretary’s designee;
- (3) the Attorney General, or the Attorney General’s designee;
- (4) the Chief Administrative Law Judge of the Office of Administrative Hearings or the Judge’s designee;
- (5) the Public Defender of Maryland, or the Public Defender’s designee;
- (6) the Director of the Office of Forensic Services in the Department of Health and Mental Hygiene, or the Director’s designee; and
- (7) the following individuals, appointed by the Governor:

(i) one representative of the Maryland Fraternal Order of Police;

(ii) one representative of the Johns Hopkins Center for Gun Policy and Research;

(iii) one representative of the National Rifle Association;

(iv) one representative of the Mental Health Association of Maryland;

(v) one representative of the Maryland Disability Law Center; and

(vi) one representative of the National Alliance on Mental Illness of Maryland.

(c) The Governor shall designate the chair of the Task Force.

(d) The Governor's Office of Crime Control and Prevention shall provide staff for the Task Force.

(e) A member of the Task Force:

(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 adequacy of State laws and policies relating to:

(i) the access of individuals with a history of mental illness to regulated firearms; and

(ii) the access of law enforcement officers to mental health records; and

(2) consider and make recommendations regarding legislative options for:

(i) further limiting the access of individuals with a history of mental illness to regulated firearms; and

(ii) expanding the access of law enforcement officers to certain mental health records.

(g) On or before December 31, 2011, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011. It shall remain effective for a period of 1 year and, at the end of May 31, 2012, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

House Bill 879 – Delegates Sophocleus, Barkley, DeBoy, Frank, McComas, Minnick, Niemann, and Stocksdale

AN ACT concerning

Criminal Law – Counterfeiting – Venue

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 1020 – Delegates Valderrama and Vallario

AN ACT concerning

Criminal Procedure – Sex Offender Registry**HB1020/642617/1**

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1020

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Valderrama” insert “, Stifler.”; in line 7, after “offenders;” insert “requiring the Department of Juvenile Services to maintain a certain registry;”; strike beginning with “altering” in line 7 down through “circumstances;” in line 10; in line 12, strike “Public Safety and Correctional” and substitute “Juvenile”; strike beginning with “Department” in line 13 down through “the” in line 14; and in line 16, after “change;” insert “making conforming changes;”.

AMENDMENT NO. 2

On page 2, in line 20, strike “listing” and substitute “REGISTRY”; in line 21, after “Department” insert “OF JUVENILE SERVICES”; in line 31, strike the third bracket; strike beginning with “person” in line 31 down through “offenders” in line 32 and substitute “JUVENILE REGISTRANT”; in line 33, strike “person” and substitute “JUVENILE REGISTRANT”; and in the same line, strike “listing] **SUBJECT TO**” and substitute “REGISTRY.”.

On page 3, strike in their entirety lines 1 through 14, inclusive; in lines 15 and 22, strike “**(F)**” and “**(G)**”, respectively, and substitute “**(E)**” and “**(F)**”, respectively; in lines 16, 17, 20, and 24, in each instance, after “**DEPARTMENT**” insert “OF JUVENILE SERVICES”; in line 22, strike “**DEPARTMENT, IN CONJUNCTION WITH THE**”; and in line 23, strike the comma.

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 #7**

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

**House Bill 162 – The Speaker (By Request – Administration) and Delegates
Clagett, Arora, Cullison, Dumais, Lee, Mitchell, Niemann, Reznik, Stein,
and Valderrama**

AN ACT concerning

Criminal Law – Child Neglect – Penalties

HB0162/202113/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 162

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– Penalties”; in line 5, after “establishing” insert “the misdemeanor of child neglect and providing”; strike beginning with the second “a” in line 6 down through “Act” in line 9 and substitute “that a sentence imposed under this Act is in addition to a certain other sentence, except under certain circumstances; altering certain procedures relating to the reporting and investigation of child neglect”; and after line 15, insert:

“BY repealing and reenacting, with amendments,

Article – Family Law

Section 5–704, 5–705, and 5–706

Annotated Code of Maryland

(2006 Replacement Volume and 2010 Supplement)”.

AMENDMENT NO. 2

On page 2, in line 3, after “(4)” insert ““MENTAL INJURY” MEANS THE SUBSTANTIAL IMPAIRMENT OF A MINOR’S MENTAL OR PSYCHOLOGICAL ABILITY TO FUNCTION.

(5) (1)”;

in line 4, after “NEEDS” insert “OR MENTAL HEALTH”; and strike beginning with the comma in line 5 down through “SUPERVISION” in line 11 and substitute “THAT

CREATES A SUBSTANTIAL RISK OF HARM TO THE MINOR’S PHYSICAL HEALTH OR A SUBSTANTIAL RISK OF MENTAL INJURY TO THE MINOR.

(II) “NEGLECT” DOES NOT INCLUDE THE FAILURE TO PROVIDE NECESSARY ASSISTANCE AND RESOURCES FOR THE PHYSICAL NEEDS OR MENTAL HEALTH OF A MINOR WHEN THE FAILURE IS DUE SOLELY TO A LACK OF FINANCIAL RESOURCES OR HOMELESSNESS”.

AMENDMENT NO. 3

On page 2, in line 16, strike “(1)”; in line 17, strike “FELONY” and substitute “MISDEMEANOR”; in line 18, strike “10” and substitute “5”; and in the same line, strike “\$10,000” and substitute “\$5,000”.

AMENDMENT NO. 4

On page 2, strike in their entirety lines 20 through 23, inclusive.

AMENDMENT NO. 5

On pages 2 and 3, strike beginning with “(1)” in line 24 on page 2 down through “MINOR” in line 2 on page 3 and substitute “A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE IN ADDITION TO ANY OTHER SENTENCE IMPOSED FOR A CONVICTION ARISING FROM THE SAME FACTS AND CIRCUMSTANCES UNLESS THE EVIDENCE REQUIRED TO PROVE EACH CRIME IS SUBSTANTIALLY IDENTICAL”.

AMENDMENT NO. 6

On page 3, after line 2, insert:

“Family Law

5-704.

(a) Notwithstanding any other provision of law, including any law on privileged communications, each health practitioner, police officer, educator, or human service worker, acting in a professional capacity in this State:

(1) [(i)] who has reason to believe that a child has been subjected to abuse OR NEGLECT, shall notify the local department or the appropriate law enforcement agency[; or

(ii) who has reason to believe that a child has been subjected to neglect, shall notify the local department]; and

(2) if acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, shall immediately notify and give all information required by this section to the head of the institution or the designee of the head.

(b) (1) An individual who notifies the appropriate authorities under subsection (a) of this section shall make:

(i) an oral report, by telephone or direct communication, as soon as possible[:

1.] to the local department or appropriate law enforcement agency [if the person has reason to believe that the child has been subjected to abuse; or

2. to the local department if the person has reason to believe that the child has been subjected to neglect]; and

(ii) a written report:

1. to the local department not later than 48 hours after the contact, examination, attention, or treatment that caused the individual to believe that the child had been subjected to abuse or neglect; and

2. with a copy to the local State's Attorney [if the individual has reason to believe that the child has been subjected to abuse].

(2) (i) An agency to which an oral report of suspected abuse OR NEGLECT is made under paragraph (1) of this subsection shall immediately notify the other agency.

(ii) This paragraph does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements.

(c) Insofar as is reasonably possible, an individual who makes a report under this section shall include in the report the following information:

(1) the name, age, and home address of the child;

(2) the name and home address of the child's parent or other person who is responsible for the child's care;

(3) the whereabouts of the child;

(4) the nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and

(5) any other information that would help to determine:

(i) the cause of the suspected abuse or neglect; and

(ii) the identity of any individual responsible for the abuse or neglect.

5-705.

(a) (1) Except as provided in paragraphs (2) and (3) of this subsection, notwithstanding any other provision of law, including a law on privileged communications, a person in this State other than a health practitioner, police officer, or educator or human service worker who has reason to believe that a child has been subjected to abuse or neglect shall[:

(i) if the person has reason to believe the child has been subjected to abuse,] notify the local department or the appropriate law enforcement agency[; or

(ii) if the person has reason to believe the child has been subjected to neglect, notify the local department].

(2) A person is not required to provide notice under paragraph (1) of this subsection:

(i) in violation of the privilege described under § 9–108 of the Courts Article;

(ii) if the notice would disclose matter communicated in confidence by a client to the client’s attorney or other information relating to the representation of the client; or

(iii) in violation of any constitutional right to assistance of counsel.

(3) A minister of the gospel, clergyman, or priest of an established church of any denomination is not required to provide notice under paragraph (1) of this subsection if the notice would disclose matter in relation to any communication described in § 9–111 of the Courts Article and:

(i) the communication was made to the minister, clergyman, or priest in a professional character in the course of discipline enjoined by the church to which the minister, clergyman, or priest belongs; and

(ii) the minister, clergyman, or priest is bound to maintain the confidentiality of that communication under canon law, church doctrine, or practice.

(b) (1) An agency to which a report of suspected abuse OR NEGLECT is made under subsection (a) of this section shall immediately notify the other agency.

(2) This subsection does not prohibit a local department and an appropriate law enforcement agency from agreeing to cooperative arrangements.

(c) A report made under subsection (a) of this section may be oral or in writing.

(d) (1) To the extent possible, a report made under subsection (a) of this section shall include the information required by § 5–704(c) of this subtitle.

(2) A report made under subsection (a) of this section shall be regarded as a report within the provisions of this subtitle, whether or not the report contains all of the information required by § 5–704(c) of this subtitle.

(a) Promptly after receiving a report of suspected abuse or neglect of a child who lives in this State that is alleged to have occurred in this State[:

(1)], the local department or the appropriate law enforcement agency, or both, if jointly agreed on, shall make a thorough investigation of a report of suspected abuse OR NEGLECT to protect the health, safety, and welfare of the child or children[;
or

(2) the local department shall make a thorough investigation of a report of suspected neglect to protect the health, safety, and welfare of the child or children].

(b) Within 24 hours after receiving a report of suspected physical or sexual abuse of a child who lives in this State that is alleged to have occurred in this State, and within 5 days after receiving a report of suspected neglect or suspected mental injury of a child who lives in this State that is alleged to have occurred in this State, the local department or the appropriate law enforcement agency shall:

(1) see the child;

(2) attempt to have an on-site interview with the child's caretaker;

(3) decide on the safety of the child, wherever the child is, and of other children in the household; and

(4) decide on the safety of other children in the care or custody of the alleged abuser.

(c) The investigation under subsection (b) of this section shall include:

(1) a determination of the nature, extent, and cause of the abuse or neglect, if any;

(2) if mental injury is suspected, an assessment by two of the following:

(i) a licensed physician, as defined in § 14-101 of the Health Occupations Article;

(ii) a licensed psychologist, as defined in § 18–101 of the Health Occupations Article; or

(iii) a licensed social worker, as defined in § 19–101 of the Health Occupations Article; and

(3) if the suspected abuse or neglect is verified:

(i) a determination of the identity of the person or persons responsible for the abuse or neglect;

(ii) a determination of the name, age, and condition of any other child in the household;

(iii) an evaluation of the parents and the home environment;

(iv) a determination of any other pertinent facts or matters; and

(v) a determination of any needed services.

(d) On request by the local department, the local State’s Attorney shall assist in an investigation under subsections (b) and (c) of this section.

(e) The local department, the appropriate law enforcement agencies, the State’s Attorney within each county and Baltimore City, the local department’s office responsible for child care regulation, and the local health officer shall enter into a written agreement that specifies standard operating procedures for the investigation under subsections (b) and (c) of this section and prosecution of reported cases of suspected abuse OR NEGLECT.

(f) (1) The agencies responsible for investigating reported cases of suspected sexual abuse, including the local department, the appropriate law enforcement agencies, and the local State’s Attorney, shall implement a joint investigation procedure for conducting joint investigations of sexual abuse under subsections (b) and (c) of this section.

(2) The joint investigation procedure shall:

(i) include appropriate techniques for expediting validation of sexual abuse complaints;

(ii) include investigation techniques designed to:

1. decrease the potential for physical harm to the child;
and

2. decrease any trauma experienced by the child in the investigation and prosecution of the case; and

(iii) establish an ongoing training program for personnel involved in the investigation or prosecution of sexual abuse cases.

(g) (1) To the extent possible, an investigation under subsections (b) and (c) of this section shall be completed within 10 days after receipt of the first notice of the suspected abuse or neglect by the local department or law enforcement agencies.

(2) An investigation under subsections (b) and (c) of this section which is not completed within 30 days shall be completed within 60 days of receipt of the first notice of the suspected abuse or neglect.

(h) Within 10 days after the local department or law enforcement agency receives the first notice of suspected abuse **OR NEGLECT** of a child who lives in this State that is alleged to have occurred in this State, the local department or law enforcement agency shall report to the local State's Attorney the preliminary findings of the investigation.

(i) Within 5 business days after completion of the investigation of suspected abuse **OR NEGLECT** of a child who lives in this State that is alleged to have occurred in this State, the local department and the appropriate law enforcement agency, if that agency participated in the investigation, shall make a complete written report of its findings to the local State's Attorney.

(j) Promptly after receiving a report of suspected abuse or neglect of a child who lives in this State that is alleged to have occurred outside of this State, the local department shall:

(1) forward the report to the appropriate agency outside of this State that is authorized to receive and investigate reports of suspected abuse or neglect;

(2) cooperate to the extent requested with the out-of-state agency investigating the report; and

(3) if determined appropriate by the local department:

(i) interview the child to assess whether the child is safe; and

(ii) provide services to the child and the child's family."

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 241 – Delegate Anderson (By Request – Baltimore City Administration) and Delegates Conaway, Oaks, B. Robinson, Tarrant, Washington, and Wilson

AN ACT concerning

Criminal Law – Restrictions Against Use and Possession of Firearms

HB0241/632016/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 241

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Administration)” insert “, the Speaker (By Request – Administration),”; in the same line, strike “and Wilson” and substitute “Wilson, Arora, Barkley, Clippinger, Davis, Dumais, Mitchell, Niemann, Reznik, and Waldstreicher”; in line 5, after “unloaded;” insert “altering the predicate crimes and”; in line 7, strike the first “certain”; in the same line, after “person” insert “who was”

previously convicted of a certain crime of violence or drug-related crime”; and strike beginning with “prohibiting” in line 14 down through “exception;” in line 17.

AMENDMENT NO. 2

On page 3, strike beginning with “§ 5-606,” in line 11 down through “§ 5-609,” in line 12.

On page 4, strike beginning with “§ 5-606,” in line 16 down through “§ 5-609,” in line 17.

AMENDMENT NO. 3

On page 4, in line 19, strike “(1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A” and substitute “A”; and in line 21, strike “FOR NOT LESS THAN 5 YEARS AND”.

On pages 4 and 5, strike in their entirety the lines beginning with line 23 on page 4 through line 6 on page 5, inclusive.

On page 5, in line 7, strike “(D)” and substitute “(C)”.

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 255 – Chair, Judiciary Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Adoption – Contact with Adopted Siblings of Minors in Out-of-Home Placement

HB0255/442816/2

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 255

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Adoption” insert “Search, Contact, and Reunion Services”; in the same line, strike “Contact with Adopted”; strike beginning with “requiring” in line 4 down through “purpose;” in line 6; strike beginning with “an” in line 8 down through “worker” in line 9 and substitute “a director of a local department of social services”; strike beginning with “an” in line 10 down through “worker” in line 11 and substitute “a director of a local department of social services”; in line 12, after “services” insert “on behalf of a minor in out-of-home placement”; in the same line, strike “requirements to execute certain written agreements” and substitute “provisions relating to the authority of a confidential intermediary to charge an applicant certain fees”; in line 13, strike “adopted siblings of minors in out-of-home placement” and substitute “adoption search, contact, and reunion services”; and in line 16, strike “5-357.”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 22 on page 1 through line 16 on page 2, inclusive.

AMENDMENT NO. 3

On page 3, in line 15, strike “PUBLIC AGENCY” and substitute “LOCAL DEPARTMENT”; in line 17, strike “IN OUT-OF-HOME PLACEMENT”; and in line 28, strike “AN OUT-OF-HOME PLACEMENT WORKER IN” and substitute “A DIRECTOR OF”.

AMENDMENT NO. 4

On page 4, in line 12, strike “(1)”; in the same line, strike the brackets; strike beginning with “EXCEPT” in line 12 down through “AN” in line 13; strike in their entirety lines 16 and 17; in line 18, strike “The” and substitute “(I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE”; in line 20, strike “(2)” and substitute “(II)”; and after line 21, insert:

“(2) THE CONFIDENTIAL INTERMEDIARY MAY NOT CHARGE A DIRECTOR OF A LOCAL DEPARTMENT WHO APPLIES FOR SEARCH, CONTACT, AND REUNION SERVICES ON BEHALF OF A MINOR IN OUT-OF-HOME PLACEMENT THE FEE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.”.

On page 5, in line 10, strike “(I)”; in the same line, strike the brackets; strike beginning with “EXCEPT” in line 10 down through “IF” in line 11; strike in their entirety lines 15 and 16; in line 17, strike “The” and substitute “1. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE”; in line 20, strike “(ii)” and substitute “2.”; and after line 21, insert:

“(II) THE CONFIDENTIAL INTERMEDIARY MAY NOT CHARGE A DIRECTOR OF A LOCAL DEPARTMENT WHO APPLIES FOR SEARCH, CONTACT, AND REUNION SERVICES ON BEHALF OF A MINOR IN OUT-OF-HOME PLACEMENT THE FEE DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.”.

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 724 – Delegates A. Miller, Dumais, Glenn, Kaiser, Lee, Luedtke, McDermott, Summers, Valderrama, Valentino-Smith, and Wilson

AN ACT concerning

Sexual Offense in the Fourth Degree – Statute of Limitations – Increase

HB0724/852615/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 724

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “committed” insert “, if the victim was a minor at the time of the offense”.

AMENDMENT NO. 2

On page 2, in line 5, strike the brackets; and in the same line, strike “§ 3-308” and substitute “OR, IF THE VICTIM WAS A MINOR AT THE TIME OF THE OFFENSE, § 3-308(B)”.

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 921 – Delegate Simmons

AN ACT concerning

Courts and Judicial Proceedings – Prelitigation Discovery – Insurance Coverage

HB0921/612312/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 921

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the first “a” in line 4 down through “claimant” in line 5 and substitute “certain insurers to disclose to certain claimants under certain circumstances”; in line 9, after the semicolon insert “providing for certain procedures; providing that certain persons are not civilly or criminally liable for disclosure of certain documentation; providing that certain disclosure of certain documentation does not constitute a certain admission or a certain waiver of certain terms, conditions, or rights; providing that certain documentation is not admissible as evidence by reason of a certain disclosure; defining certain terms; providing for the application of this Act;”; and in line 13, after “10-1101” insert “through 10-1105”.

AMENDMENT NO. 2

On page 1, after line 20, insert:

“10-1101.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “BENEFICIARY” MEANS AN INDIVIDUAL WHO MAY BRING AN ACTION FOR WRONGFUL DEATH UNDER TITLE 3, SUBTITLE 9 OF THIS ARTICLE.

(C) “CLAIMANT” MEANS:

(1) A PERSON WHO ALLEGES DAMAGES AS A RESULT OF A VEHICLE ACCIDENT OR AN ATTORNEY WHO REPRESENTS THE PERSON; OR

(2) A PERSONAL REPRESENTATIVE OF THE ESTATE OF A DECEDENT WHO DIED AS A RESULT OF A VEHICLE ACCIDENT OR AN ATTORNEY WHO REPRESENTS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF THE DECEDENT.

(D) “INSURER” INCLUDES A PROPERTY AND CASUALTY INSURER, A SELF-INSURANCE PLAN, OR ANY PERSON REQUIRED TO PROVIDE INDEMNIFICATION FOR A CLAIM FOR WRONGFUL DEATH, PERSONAL INJURY, OR PROPERTY DAMAGE.

(E) “VEHICLE” HAS THE MEANING STATED IN § 11-176 OF THE TRANSPORTATION ARTICLE.”.

AMENDMENT NO. 3

On page 1, in line 21, strike “**10-1101.**” and substitute “**10-1102.**”; in line 22, strike “(A)”; and strike beginning with “WITH” in line 22 down through “CASUALTY” in line 24 and substitute “CONCERNING A VEHICLE ACCIDENT AND PROVIDES THE DOCUMENTATION DESCRIBED IN § 10-1103 OR § 10-1104 OF THIS SUBTITLE WITH AN INSURER, THE CLAIMANT MAY OBTAIN FROM THE”.

On page 2, in line 1, after “OF” insert “LIABILITY”; and strike beginning with the second “ANY” in line 1 down through “BUSINESS” in line 2 and substitute “THE INSURER”.

AMENDMENT NO. 4

On page 2, strike in their entirety lines 6 through 9, inclusive, and substitute:

“10-1103.

(A) THIS SECTION DOES NOT APPLY TO A CLAIM DESCRIBED UNDER § 10-1104 OF THIS SUBTITLE.

(B) A CLAIMANT MAY OBTAIN THE DOCUMENTATION DESCRIBED IN § 10-1102 OF THIS SUBTITLE IF THE CLAIMANT PROVIDES IN WRITING TO THE INSURER:

(1) THE DATE OF THE VEHICLE ACCIDENT;

(2) THE NAME AND LAST KNOWN ADDRESS OF THE ALLEGED TORTFEASOR;

(3) A COPY OF THE VEHICLE ACCIDENT REPORT, IF AVAILABLE;

(4) THE INSURER’S CLAIM NUMBER, IF AVAILABLE;

(5) THE CLAIMANT’S HEALTH CARE BILLS AND DOCUMENTATION OF THE CLAIMANT’S LOSS OF INCOME, IF ANY, RESULTING FROM THE VEHICLE ACCIDENT; AND

(6) THE RECORDS OF HEALTH CARE TREATMENT FOR THE CLAIMANT’S INJURIES CAUSED BY THE VEHICLE ACCIDENT.

(C) IF THE AMOUNT OF THE INCURRED HEALTH CARE BILLS AND LOSS OF INCOME DOCUMENTED BY THE CLAIMANT UNDER THIS SECTION IS AT LEAST \$12,500, THE INSURER SHALL DISCLOSE IN WRITING THE APPLICABLE LIMITS OF COVERAGE IN EACH WRITTEN AGREEMENT UNDER WHICH THE INSURER MAY BE LIABLE.

10-1104.

(A) THIS SECTION APPLIES TO A CLAIM BY THE ESTATE OF AN INDIVIDUAL OR A BENEFICIARY OF THE INDIVIDUAL RESULTING FROM THE DEATH OF THE INDIVIDUAL IN A VEHICLE ACCIDENT.

(B) A CLAIMANT MAY OBTAIN THE DOCUMENTATION DESCRIBED IN § 10-1102 OF THIS SUBTITLE IF THE CLAIMANT PROVIDES IN WRITING TO THE INSURER:

- (1) THE DATE OF THE VEHICLE ACCIDENT;**
- (2) THE NAME AND LAST KNOWN ADDRESS OF THE ALLEGED TORTFEASOR;**
- (3) A COPY OF THE VEHICLE ACCIDENT REPORT, IF AVAILABLE;**
- (4) THE INSURER'S CLAIM NUMBER, IF AVAILABLE;**
- (5) A COPY OF THE DECEDENT'S DEATH CERTIFICATE ISSUED IN THE STATE OR ANOTHER JURISDICTION;**
- (6) A COPY OF THE LETTERS OF ADMINISTRATION ISSUED TO APPOINT THE PERSONAL REPRESENTATIVE OF THE DECEDENT'S ESTATE IN THE STATE OR A SUBSTANTIALLY SIMILAR DOCUMENT ISSUED BY ANOTHER JURISDICTION;**
- (7) THE NAME OF EACH BENEFICIARY OF THE DECEDENT, IF KNOWN;**
- (8) THE RELATIONSHIP TO THE DECEDENT OF EACH KNOWN BENEFICIARY OF THE DECEDENT;**
- (9) THE AMOUNT OF ECONOMIC DAMAGES, IF ANY, CLAIMED BY EACH KNOWN BENEFICIARY OF THE DECEDENT, INCLUDING ANY AMOUNT CLAIMED BASED ON FUTURE LOSS OF EARNINGS OF THE DECEDENT;**

(10) THE HEALTH CARE BILLS FOR HEALTH CARE TREATMENT, IF ANY, OF THE DECEDENT RESULTING FROM THE VEHICLE ACCIDENT;

(11) THE RECORDS OF HEALTH CARE TREATMENT FOR INJURIES TO THE DECEDENT CAUSED BY THE VEHICLE ACCIDENT; AND

(12) DOCUMENTATION OF THE DECEDENT'S PAST LOSS OF INCOME, IF ANY, RESULTING FROM THE VEHICLE ACCIDENT.

10-1105.

(A) AN INSURER SHALL PROVIDE IN WRITING THE DOCUMENTATION DESCRIBED UNDER § 10-1102 OF THIS SUBTITLE WITHIN 30 DAYS AFTER THE DATE OF A REQUEST IN ACCORDANCE WITH § 10-1103 OR § 10-1104 OF THIS SUBTITLE, REGARDLESS OF WHETHER THE INSURER CONTESTS THE APPLICABILITY OF COVERAGE TO A CLAIM.

(B) AN INSURER, AND THE EMPLOYEES AND AGENTS OF AN INSURER, MAY NOT BE CIVILLY OR CRIMINALLY LIABLE FOR THE DISCLOSURE OF DOCUMENTATION REQUIRED UNDER THIS SUBTITLE.

(C) DISCLOSURE OF THE DOCUMENTATION UNDER THIS SUBTITLE DOES NOT CONSTITUTE:

(1) AN ADMISSION THAT A CLAIM IS SUBJECT TO THE APPLICABLE AGREEMENT BETWEEN THE INSURER AND THE ALLEGED TORTFEASOR; OR

(2) A WAIVER OF ANY TERM OR CONDITION OF THE APPLICABLE AGREEMENT BETWEEN THE INSURER AND THE ALLEGED TORTFEASOR OR ANY RIGHT OF THE INSURER, INCLUDING ANY POTENTIAL DEFENSE CONCERNING COVERAGE OR LIABILITY.

(D) DOCUMENTATION DISCLOSED UNDER THIS SUBTITLE IS NOT ADMISSIBLE AS EVIDENCE AT TRIAL BY REASON OF ITS DISCLOSURE UNDER THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claim filed with an insurer, as defined in Section 1 of this Act, before the effective date of this Act.”;

and in line 10, strike “2.” and substitute “3.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

House Bill 1072 – Delegates Conaway, Alston, Anderson, Arora, Branch, Carter, Clagett, Clippinger, Dumais, Frush, Glass, Glenn, Jameson, K. Kelly, Lee, McComas, Mitchell, Norman, Oaks, B. Robinson, Rosenberg, Simmons, Stukes, Summers, Tarrant, Valderrama, Valentino–Smith, Vallario, and Washington

AN ACT concerning

Criminal Law – Salvia Divinorum – Regulations

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 1118 – Delegates Valderrama, Dumais, and Rosenberg

AN ACT concerning

Children in Need of Assistance – Hearings – Written Findings

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 1174 – Delegates Mitchell, Vallario, and Conaway

AN ACT concerning

Correctional Services – Revocation of Parole – Reimposition of Sentence

HB1174/402712/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1174

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Reimposition” insert “Application of Diminution Credits and”; in line 3, after the first “of” insert “altering a provision relating to the effect of parole violation on diminution credits so as to grant discretion to the parole commissioner hearing the parole revocation to apply certain diminution credits toward the inmate’s term of confinement at a certain time;”; and in line 10, after “Section” insert “3-711.”.

AMENDMENT NO. 2

On page 1, after line 15, insert:

“3-711.”

If an inmate is convicted and sentenced to imprisonment for a crime committed while on parole and the parole is revoked, diminution credits that were awarded before the inmate’s release on parole may [not], AT THE DISCRETION OF THE PAROLE COMMISSIONER HEARING THE PAROLE REVOCATION, be applied toward the inmate’s term of confinement on return to the Division.”.

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 #6

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 93 – Delegates Cardin, Rosenberg, Barkley, Bobo, Carr, Frick, Healey, Hixson, Howard, Ivey, Kaiser, Lafferty, Lee, Luedtke, Morhaim, Stein, and F. Turner

AN ACT concerning

Election Law – Independent Expenditures – Reporting

HB0093/335363/2

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 93

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Independent Expenditures” insert “and Electioneering Communications”; strike beginning with “to” in line 3 down through “issues” in line 4 and substitute “; authorizing the State Board of Elections to audit certain independent expenditure reports and certain electioneering communication reports”; in line 5, after “expenditure” insert “or electioneering communication”; in line 6, strike “independent”; in line 7, strike “campaign material that is a public communication” and substitute “certain communications”; in line 8, after “expenditure” insert “or electioneering communication”; in line 9, strike “independent expenditure”; in line 10, strike “independent”; in line 11, strike “campaign material that is a public communication” and substitute “certain communications”; in line 12, after “expenditure” insert “or electioneering communication”; in line 13, after “expenditure” insert “or electioneering communication”; in line 14, after “expenditure” insert “or electioneering communication”; in line 15, after “expenditure” insert “or disbursement for electioneering communications”; in line 16, strike “expenditure;” and substitute “expenditure or disbursement for electioneering communications; requiring that certain costs of creating and disseminating campaign material be considered in making a certain determination under this Act;”; strike beginning with “highest” in line 16 down through “of” in line 17 and substitute “treasurer or other individual designated by”; in line 17, after “expenditure” insert “or electioneering communication”; in line 19, after “expenditure” insert “or electioneering communication”; in line 20, after “expenditure” insert “or electioneering communication”; in line 21, after “expenditures” insert “or electioneering communications”; strike beginning with “any” in line 21 down through “a” in line 24 and substitute “a certain report distributed to certain individuals or post a certain”; in line 24, strike “it” and substitute “the entity”; strike beginning with “to” in line 24

down through “time” in line 26 and substitute “; requiring a person required to file an independent expenditure or electioneering communication report under this Act to keep certain records for a certain period of time”; strike beginning with “the” in line 27 down through “Act;” in line 28 and substitute “a delayed effective date; making the provisions of this Act severable;”; and in line 29, after “expenditures” insert “and electioneering communications”.

On page 2, in line 8, after “1-101(bb)” insert “and 2-102(b)(5)”; and in line 13, after “13-306” insert “and 13-307”.

AMENDMENT NO. 2

On page 2, in line 29, after “(bb)” insert “**(1)**”; strike beginning with “to” in line 29 down through “promote” in line 30 and substitute “**EXPRESSLY ADVOCATING**”; in line 30, after “a” insert “**CLEARLY IDENTIFIED**”; and after line 33, insert:

“(2) FOR PURPOSES OF THIS SUBSECTION, “CLEARLY IDENTIFIED”

MEANS:

(I) THE NAME OF THE CANDIDATE APPEARS;

(II) A PHOTOGRAPH OR DRAWING OF THE CANDIDATE APPEARS; OR

(III) THE IDENTITY OF THE CANDIDATE OR BALLOT ISSUE IS APPARENT BY UNAMBIGUOUS REFERENCE.

2-102.

(b) In exercising its authority under this article and in order to ensure compliance with this article and with any requirements of federal law, the State Board shall:

(5) receive, and in its discretion audit, campaign finance reports, INDEPENDENT EXPENDITURE REPORTS FILED UNDER § 13-306 OF THIS ARTICLE, AND ELECTIONEERING COMMUNICATION REPORTS FILED UNDER § 13-307 OF THIS ARTICLE;”.

On page 3, in line 4, strike “CONTRIBUTION” and substitute “DONATION”; in line 23, strike “BONA FIDE NEWS MEDIA ORGANIZATION” and substitute “BROADCASTING STATION, INCLUDING A CABLE TELEVISION OPERATOR, PROGRAMMER, OR PRODUCER, SATELLITE TELEVISION OR RADIO PROVIDER, WEB SITE, NEWSPAPER, MAGAZINE, OR OTHER PERIODICAL PUBLICATION, INCLUDING ANY INTERNET OR ELECTRONIC PUBLICATION,”; and strike beginning with “A” in line 29 down through the second “THE” in line 30 and substitute “AFTER A”.

On page 4, in line 2, after “COMMUNICATION” insert “, THE PERSON SHALL FILE AN INDEPENDENT EXPENDITURE REPORT AS REQUIRED IN THIS SECTION”; and in line 19, strike “EACH” and substitute “A”.

On page 5, in line 13, strike “CONTRIBUTION” and substitute “DONATION”; and after line 18, insert:

“(G) THE COST OF CREATING AND DISSEMINATING CAMPAIGN MATERIAL, INCLUDING ANY DESIGN AND PRODUCTION COSTS, SHALL BE CONSIDERED IN DETERMINING THE AGGREGATE AMOUNT OF INDEPENDENT EXPENDITURES MADE BY A PERSON FOR CAMPAIGN MATERIAL THAT IS A PUBLIC COMMUNICATION UNDER THIS SECTION.”;

and in lines 19, 24, and 32, strike “(G)”, “(H)”, and “(I)”, respectively, and substitute “(H)”, “(I)”, and “(J)”, respectively.

On page 6, after line 23, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.”.

AMENDMENT NO. 3

On page 6, after line 18, insert:

“(K) (1) A PERSON REQUIRED TO FILE AN INDEPENDENT EXPENDITURE REPORT UNDER THIS SECTION SHALL KEEP DETAILED AND ACCURATE RECORDS OF:

(I) ALL INDEPENDENT EXPENDITURES MADE BY THE PERSON FOR CAMPAIGN MATERIAL THAT IS A PUBLIC COMMUNICATION; AND

(II) ALL DONATIONS RECEIVED BY THE PERSON THAT ARE FOR THE PURPOSE OF FURTHERING INDEPENDENT EXPENDITURES FOR CAMPAIGN MATERIAL THAT IS A PUBLIC COMMUNICATION.

(2) RECORDS REQUIRED TO BE KEPT UNDER THIS SUBSECTION SHALL BE PRESERVED FOR 2 YEARS AFTER THE END OF THE ELECTION CYCLE IN WHICH THE PERSON FILED THE INDEPENDENT EXPENDITURE REPORT TO WHICH THE RECORDS RELATE.”;

and in line 19, strike “(J)” and substitute “(L)”.

AMENDMENT NO. 4

On page 5, in line 19, strike “HIGHEST RANKING OFFICIAL OF” and substitute “TREASURER OR OTHER INDIVIDUAL DESIGNATED BY”.

AMENDMENT NO. 5

On page 5, in line 33, strike “THAT SUBMITS REGULAR,”.

On page 6, strike beginning with “PERIODIC” in line 1 down through “SHALL” in line 2 and substitute “SHALL DO AT LEAST ONE OF THE FOLLOWING, UNLESS NEITHER ARE APPLICABLE TO THE ENTITY”.

On page 6, in line 3, strike “INCLUDE IN EACH” and substitute “IF THE ENTITY SUBMITS”; in the same line, strike “REPORT” and substitute “REPORTS”; in line 4, after “DONORS,” insert “INCLUDE IN EACH REPORT,”; in line 8, strike “AND” and substitute “OR”.

AMENDMENT NO. 6

On page 6, after line 20, insert:

“13-307.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “DONATION” MEANS THE GIFT OR TRANSFER, OR PROMISE OF GIFT OR TRANSFER, OF MONEY OR OTHER THING OF VALUE TO A PERSON THAT IS MADE FOR THE PURPOSE OF FURTHERING ELECTIONEERING COMMUNICATIONS.

(3) (I) “ELECTIONEERING COMMUNICATION” MEANS A BROADCAST, CABLE, OR SATELLITE COMMUNICATION THAT:

1. REFERS TO A CLEARLY IDENTIFIED CANDIDATE OR BALLOT ISSUE;

2. IS MADE WITHIN 60 DAYS OF AN ELECTION DAY ON WHICH THE CANDIDATE OR BALLOT ISSUE IS ON THE BALLOT; AND

3. IS CAPABLE OF BEING RECEIVED BY 50,000 OR MORE INDIVIDUALS IN THE CONSTITUENCY WHERE THE CANDIDATE OR BALLOT ISSUE IS ON THE BALLOT.

(II) “ELECTIONEERING COMMUNICATION” DOES NOT INCLUDE:

1. AN INDEPENDENT EXPENDITURE;

2. A NEWS STORY, A COMMENTARY, OR AN EDITORIAL DISSEMINATED BY A BROADCASTING STATION, INCLUDING A CABLE TELEVISION OPERATOR, PROGRAMMER, OR PRODUCER, OR SATELLITE TELEVISION OR RADIO PROVIDER THAT IS NOT CONTROLLED BY A CANDIDATE OR POLITICAL PARTY;

3. A CANDIDATE DEBATE OR FORUM; OR

4. A COMMUNICATION THAT PROPOSES A COMMERCIAL TRANSACTION.

(III) FOR PURPOSES OF THIS PARAGRAPH, “CLEARLY IDENTIFIED” MEANS:

1. THE NAME OF A CANDIDATE APPEARS;
2. A PHOTOGRAPH OR DRAWING OF A CANDIDATE APPEARS; OR
3. THE IDENTITY OF A CANDIDATE OR BALLOT ISSUE IS APPARENT BY UNAMBIGUOUS REFERENCE.

(4) (I) “PERSON” INCLUDES AN INDIVIDUAL, A PARTNERSHIP, A COMMITTEE, AN ASSOCIATION, A CORPORATION, A LABOR ORGANIZATION, OR ANY OTHER ORGANIZATION OR GROUP OF PERSONS.

(II) “PERSON” DOES NOT INCLUDE A CAMPAIGN FINANCE ENTITY ORGANIZED UNDER SUBTITLE 2, PART II OF THIS TITLE.

(B) AFTER A PERSON MAKES AGGREGATE DISBURSEMENTS OF \$10,000 OR MORE IN AN ELECTION CYCLE FOR ELECTIONEERING COMMUNICATIONS, THE PERSON SHALL FILE AN ELECTIONEERING COMMUNICATION REPORT AS REQUIRED IN THIS SECTION.

(C) (1) IF THE ELECTIONEERING COMMUNICATIONS RELATE TO A CANDIDATE, THE PERSON SHALL FILE AN ELECTIONEERING COMMUNICATION REPORT WITH THE STATE BOARD ON THE NEXT DATE A CAMPAIGN FINANCE ENTITY OF A CANDIDATE IS REQUIRED TO FILE A CAMPAIGN FINANCE REPORT UNDER § 13-309 OF THIS SUBTITLE.

(2) IF THE ELECTIONEERING COMMUNICATIONS RELATE TO A BALLOT ISSUE, THE PERSON SHALL FILE AN ELECTIONEERING COMMUNICATION REPORT WITH THE STATE BOARD ON THE NEXT DATE A BALLOT ISSUE

COMMITTEE IS REQUIRED TO FILE A CAMPAIGN FINANCE REPORT UNDER § 13-309 OF THIS SUBTITLE.

(3) AN ELECTIONEERING COMMUNICATION REPORT FILED UNDER THIS SUBSECTION SHALL INCLUDE THE INFORMATION REQUIRED BY SUBSECTION (E) OF THIS SECTION FOR THE PERIOD FROM THE BEGINNING OF THE ELECTION CYCLE THROUGH THE LAST DAY OF THE REPORTING PERIOD UNDER § 13-312 OF THIS SUBTITLE THAT PRECEDES THE REPORT FILING DATE.

(D) (1) A PERSON WHO FILES AN ELECTIONEERING COMMUNICATION REPORT UNDER SUBSECTION (C) OF THIS SECTION SHALL FILE AN ADDITIONAL ELECTIONEERING COMMUNICATION REPORT FOLLOWING A DATE ON WHICH THE PERSON MAKES AGGREGATE DISBURSEMENTS OF \$10,000 OR MORE FOR ELECTIONEERING COMMUNICATIONS FOLLOWING THE CLOSING DATE OF THE PERSON'S PREVIOUS ELECTIONEERING COMMUNICATION REPORT.

(2) AN ELECTIONEERING COMMUNICATION REPORT UNDER THIS SUBSECTION SHALL:

(I) BE FILED WITH THE STATE BOARD ON THE DATE SPECIFIED IN SUBSECTION (C)(1) AND (2) OF THIS SECTION; AND

(II) INCLUDE THE INFORMATION REQUIRED BY SUBSECTION (E) OF THIS SECTION FOR THE PERIOD FROM THE CLOSING DATE OF THE PREVIOUS ELECTIONEERING COMMUNICATION REPORT THROUGH THE LAST DAY OF THE REPORTING PERIOD UNDER § 13-312 OF THIS SUBTITLE THAT PRECEDES THE REPORT FILING DATE.

(E) AN ELECTIONEERING COMMUNICATION REPORT SHALL INCLUDE THE FOLLOWING INFORMATION:

(1) THE IDENTITY OF THE PERSON MAKING DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS AND OF ANY PERSON EXERCISING DIRECTION OR CONTROL OVER THE ACTIVITIES OF THE PERSON MAKING THE DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS;

(2) THE BUSINESS ADDRESS OF THE PERSON MAKING THE DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS;

(3) THE AMOUNT AND DATE OF EACH DISBURSEMENT FOR ELECTIONEERING COMMUNICATIONS DURING THE PERIOD COVERED BY THE REPORT AND THE PERSON TO WHOM THE DISBURSEMENT WAS MADE;

(4) THE CANDIDATE OR BALLOT ISSUE TO WHICH THE ELECTIONEERING COMMUNICATIONS RELATE;

(5) THE IDENTITY OF EACH PERSON WHO MADE A DONATION TO THE PERSON MAKING THE DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS DURING THE PERIOD COVERED BY THE REPORT.

(F) FOR PURPOSES OF THIS SECTION, A PERSON SHALL BE CONSIDERED TO HAVE MADE A DISBURSEMENT FOR AN ELECTIONEERING COMMUNICATION IF THE PERSON HAS EXECUTED A CONTRACT TO MAKE A DISBURSEMENT FOR AN ELECTIONEERING COMMUNICATION.

(G) THE COST OF CREATING AND DISSEMINATING ELECTIONEERING COMMUNICATIONS, INCLUDING ANY DESIGN AND PRODUCTION COSTS, SHALL BE CONSIDERED IN DETERMINING THE AGGREGATE AMOUNT OF DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS MADE BY A PERSON UNDER THIS SECTION.

(H) THE TREASURER OR OTHER INDIVIDUAL DESIGNATED BY AN ENTITY REQUIRED TO FILE AN ELECTIONEERING COMMUNICATION REPORT UNDER THIS SECTION:

(1) SHALL SIGN EACH ELECTIONEERING COMMUNICATION REPORT; AND

(2) IS RESPONSIBLE FOR FILING ELECTIONEERING COMMUNICATION REPORTS IN FULL AND ACCURATE DETAIL.

(I) (1) AN INDIVIDUAL IS SUBJECT TO THE SANCTIONS THAT APPLY TO THE RESPONSIBLE OFFICERS OF A CAMPAIGN FINANCE ENTITY UNDER PART VII OF THIS SUBTITLE FOR FAILURE TO FILE PROPERLY AN ELECTIONEERING COMMUNICATION REPORT.

(2) THE FAILURE TO PROVIDE ON AN ELECTIONEERING COMMUNICATION REPORT ALL OF THE INFORMATION REQUIRED BY THIS SECTION IS DEEMED A FAILURE TO FILE AND RENDERS THE REPORT OVERDUE AS PROVIDED IN § 13-327(B) OF THIS SUBTITLE.

(J) (1) AN ENTITY REQUIRED TO FILE AN ELECTIONEERING COMMUNICATION REPORT UNDER THIS SECTION SHALL DO AT LEAST ONE OF THE FOLLOWING, UNLESS NEITHER ARE APPLICABLE TO THE ENTITY:

(I) IF THE ENTITY SUBMITS REGULAR, PERIODIC REPORTS TO ITS SHAREHOLDERS, MEMBERS, OR DONORS, INCLUDE IN EACH REPORT IN A CLEAR AND CONSPICUOUS MANNER, THE INFORMATION SPECIFIED IN SUBSECTION (E)(3) THROUGH (5) OF THIS SECTION FOR EACH DISBURSEMENT FOR ELECTIONEERING COMMUNICATIONS MADE DURING THE PERIOD COVERED BY THE REPORT THAT MUST BE INCLUDED IN AN ELECTIONEERING COMMUNICATION REPORT; OR

(II) IF THE ENTITY MAINTAINS AN INTERNET SITE, POST ON THAT INTERNET SITE A HYPERLINK FROM ITS HOMEPAGE TO THE INTERNET SITE WHERE THE ENTITY'S ELECTIONEERING COMMUNICATION REPORT INFORMATION IS PUBLICLY AVAILABLE.

(2) (I) AN ENTITY SHALL POST THE HYPERLINK REQUIRED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION WITHIN 24 HOURS OF THE ENTITY'S ELECTIONEERING COMMUNICATION REPORT INFORMATION BEING MADE PUBLICLY AVAILABLE ON THE INTERNET.

(II) THE HYPERLINK SHALL REMAIN POSTED ON THE ENTITY'S INTERNET SITE UNTIL THE END OF THE ELECTION CYCLE DURING WHICH THE ENTITY FILED AN ELECTIONEERING COMMUNICATION REPORT.

(K) (1) A PERSON REQUIRED TO FILE AN ELECTIONEERING COMMUNICATION REPORT UNDER THIS SECTION SHALL KEEP DETAILED AND ACCURATE RECORDS OF:

(I) ALL DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS MADE BY THE PERSON; AND

(II) ALL DONATIONS RECEIVED BY THE PERSON THAT ARE FOR THE PURPOSE OF FURTHERING ELECTIONEERING COMMUNICATIONS.

(2) RECORDS REQUIRED TO BE KEPT UNDER THIS SUBSECTION SHALL BE PRESERVED UNTIL 2 YEARS AFTER THE END OF THE ELECTION CYCLE IN WHICH THE PERSON FILED THE INDEPENDENT EXPENDITURE REPORT TO WHICH THE RECORDS RELATE.

(L) THE STATE BOARD MAY ADOPT REGULATIONS AS NECESSARY TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.”.

AMENDMENT NO. 7

On page 6, strike in their entirety lines 21 through 23, inclusive; and in line 25, strike “June” and substitute “December”.

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 104 – Chair, Ways and Means Committee (By Request – Departmental – Disabilities)

AN ACT concerning

Higher Education – Community Colleges – Tuition Waiver for Disabled Individuals

HB0104/875667/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 104
(First Reading File Bill)

On page 2, in line 20, strike “(4)” and substitute “(3)”; in line 24, strike “(3)(II)” and substitute “(2)(II)”; and after line 24, insert:

“(4) (I) IN ORDER TO RECEIVE THIS EXEMPTION, AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION AND IS ENROLLED IN A DEGREE OR CERTIFICATE PROGRAM SHALL SUBMIT A TIMELY APPLICATION FOR ANY STATE OR FEDERAL STUDENT FINANCIAL AID, OTHER THAN A STUDENT LOAN, FOR WHICH THE STUDENT MAY QUALIFY.

(II) ANY STUDENT FINANCIAL AID, OTHER THAN A STUDENT LOAN, RECEIVED BY THE STUDENT SHALL BE APPLIED FIRST TO PAY THE STUDENT’S TUITION.

(III) UNDER THIS EXEMPTION, THE WAIVER SHALL APPLY TO THE DIFFERENCE, IF ANY, BETWEEN THE CHARGE FOR TUITION AND THE FINANCIAL AID AWARD, NOT INCLUDING A STUDENT LOAN, THAT THE STUDENT RECEIVES.

(IV) ON REQUEST, THE COMMUNITY COLLEGE SHALL ASSIST ANY INDIVIDUAL REQUIRED TO SUBMIT AN APPLICATION FOR STATE OR FEDERAL STUDENT FINANCIAL AID UNDER THIS PARAGRAPH.”.

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 163 – The Speaker (By Request – Administration) and Delegates
Barve, Hixson, Cardin, Kaiser, Rosenberg, Stein, and F. Turner**

AN ACT concerning

Income Tax – Tax Credit for Electric Vehicle Recharging Equipment

HB0163/765968/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 163

(First Reading File Bill)

On page 1, in the sponsor line, strike “and F. Turner” and substitute “F. Turner, Howard, Luedtke, Glass, George, Ivey, and Stukes”.

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 253 – Chair, Ways and Means Committee (By Request –
Departmental – Comptroller)**

AN ACT concerning

**Motor Fuel Tax – Personal Liability – Corporations, Limited Liability
Companies, and Limited Liability Partnerships**

HB0253/895169/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 253

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Corporations,”; in line 3, strike the comma; in lines 4 and 5, strike “officers of corporations, members” and substitute “persons who”

exercise certain control over the fiscal management”; in line 5, strike “, partners of” and substitute “and”; and in line 6, strike “, and other individuals”.

AMENDMENT NO. 2

On page 2, in lines 29 and 32, in each instance, strike the bracket.

On pages 2 through 4, strike beginning with “**IF**” in line 32 on page 2 down through “**PARTNERSHIPS.**” in line 30 on page 4 and substitute:

“(F) IF A LIMITED LIABILITY COMPANY, OR LIMITED LIABILITY PARTNERSHIP, INCLUDING A LIMITED PARTNERSHIP REGISTERED AS A LIMITED LIABILITY LIMITED PARTNERSHIP, IS REQUIRED TO PAY THE MOTOR FUEL TAX AND INTEREST AND PENALTIES ON THE TAX, PERSONAL LIABILITY FOR THE TAX AND INTEREST AND PENALTIES ON THE TAX EXTENDS TO ANY PERSON WHO EXERCISES DIRECT CONTROL OVER THE FISCAL MANAGEMENT OF THE LIMITED LIABILITY COMPANY OR LIMITED LIABILITY PARTNERSHIP.”

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 499 – Delegates Szeliga and A. Miller

AN ACT concerning

Admissions and Amusement Tax – Exemption – Hot Air Balloons

HB0499/645568/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 499

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “hot air balloon or tethered” and substitute “nontethered”.

AMENDMENT NO. 2

On page 2, in line 2, after the first “A” insert “NONTETHERED”; and strike beginning with “, INCLUDING” in line 2 down through “BALLOON” in line 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 502 – Delegates Barve, Cardin, Carr, Gilchrist, Ivey, A. Miller, Rosenberg, and F. Turner

AN ACT concerning

**Sales and Use Tax – Sale of Electricity Generated by Solar Energy
Equipment – Exemption**

HB0502/305167/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 502

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and F. Turner” and substitute “F. Turner, and Howard”; in line 2, after “Energy” insert “and Residential Wind Energy”; and in line 5, after “equipment” insert “or certain residential wind energy equipment”.

AMENDMENT NO. 2

On page 2, in line 13, after “EQUIPMENT” insert “OR RESIDENTIAL WIND ENERGY EQUIPMENT”; and in line 14, strike “OR FOR SUPPLY TO THE ELECTRIC GRID” and substitute “OWNED BY AN ELIGIBLE CUSTOMER–GENERATOR UNDER § 7–306 OF THE PUBLIC UTILITIES ARTICLE”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

House Bill 558 – Delegates Barve and Branch

AN ACT concerning

Property Tax Credit – Habitat for Humanity

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 632 – Delegates Mizeur, Barkley, Bobo, Carr, Dumais, Frick, Gilchrist, Hixson, Ivey, Lafferty, Luedtke, A. Miller, Murphy, Reznik, Rosenberg, Ross, and F. Turner

AN ACT concerning

Earned Income Credit Information Act

HB0632/555169/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 632

(First Reading File Bill)

On page 1, in the sponsor line, strike “and F. Turner” and substitute “F. Turner, and Howard”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Delegate O’Donnell moved to make the Bill a Special Order for Wednesday.

The motion was adopted.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

**House Bill 671 – The Speaker (By Request – Administration) and Delegates
Barve and O’Donnell**

AN ACT concerning

Federal Military and Overseas Voter Empowerment (MOVE) Act Compliance

HB0671/905260/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 671
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after “board;” insert “requiring the State Board to display the content and arrangement of certain ballots on its Web site for a certain period of time after certification; altering the number of days of public display of the content and arrangement of certain ballots that is required for purposes of determining when specified actions may be taken; altering the date by which a registered voter may seek judicial review of the content and arrangement of certain ballots;”; and in line 15, after “8–201,” insert “8–502(d).”

AMENDMENT NO. 2

On page 2, in line 12, strike “**MONDAY THAT IS 85**” and substitute “**WEDNESDAY THAT IS 83**”.

On page 3, in line 6, strike “**DATE**” and substitute “**DATES**”; in line 7, strike “**§ 5–303 OF THIS TITLE**” and substitute “**§§ 5–303 AND 5–703(C) OF THIS TITLE**”.

On page 4, after line 33, insert:

“8–502.

(d) A candidate who seeks to be placed on the ballot by the petition process specified in subsection (b)(2) of this section shall file the petition, in the form prescribed by the State Board, on the [Monday] **WEDNESDAY** that is [70] **83** days before the day of the election.”

On page 5, in line 18, in each instance, strike the bracket; in the same line, strike “48” and substitute “24”; and strike beginning with “**NO**” in line 18 down through “**TITLE**” in line 19.

On page 6, in lines 5 and 6, in each instance, strike the bracket; in line 5, strike “3” and substitute “2”; strike beginning with “placed” in line 5 down through “display” in line 6 and substitute “**CERTIFIED**”; and strike beginning with “**13**” in line 6 down through “**TITLE**” in line 7.

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 812 – Delegates Kramer, Dumais, Huckler, Luedtke, Reznik, Simmons, Valderrama, and Waldstreicher

AN ACT concerning

Public Schools – Dating Violence – Policy and Disciplinary Standards

HB0812/355169/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 812

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Dumais,” insert “Howard,”; in line 8, after “violence;” insert “altering the date by which each county board is required to submit a certain policy to the State Superintendent of Schools;”.

AMENDMENT NO. 2

On page 6, in line 30, strike “2009” and substitute “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 840 – Chair, Ways and Means Committee (By Request – Departmental – Children, Office for)

AN ACT concerning

Children, Youth, and Families – Services to Children with Special Needs

HB0840/625766/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 840
(First Reading File Bill)

On page 9, strike beginning with “**THE**” in line 3 down through “**MEMBERS**” in line 4 and substitute “**EACH LOCAL CARE TEAM:**

(1) SHALL DETERMINE WHICH OF ITS MEMBERS WILL HAVE RESPONSIBILITY FOR ITS ADMINISTRATIVE FUNCTIONS; AND

(2) IF TWO OR MORE MEMBERS WILL SHARE THE RESPONSIBILITY, SHALL DETERMINE THE ROTATION OF THE ADMINISTRATIVE FUNCTIONS”.

On page 11, in line 6, strike “**OUT-OF-STATE placement**” and substitute “**CARE**”.

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 1067 – Delegates Ivey, Afzali, Glass, Murphy, Rosenberg, Ross, and Walker

AN ACT concerning

Education – Public Charter Schools – Appeals, Policies, and Regulations

HB1067/265461/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1067

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Walker” and substitute “Walker and Howard”; in line 2, strike “Appeals,”; in lines 2, 12, and 16, in each instance, strike the second comma; strike beginning with “requiring” in line 3 down through “Education;” in line 5; in line 12, strike “appeals,”; and in line 16, strike “4–205(c)(3),”.

AMENDMENT NO. 2

On pages 1 and 2, strike beginning with line 22 on page 1 through line 5 on page 2, inclusive.

On page 3, in line 11, strike the brackets; and strike beginning with the colon in line 11 down through “**RENDER**” in line 13.

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 Joint Resolution 7 – Delegates Cardin, Busch, Hixson, and Rosenberg

A House Joint Resolution concerning

Election Law – Commission to Study Campaign Finance Law

HJ0007/815467/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE JOINT RESOLUTION 7

(First Reading File Joint Resolution)

On page 3, in line 26, strike “2013” and substitute “2012”; in line 27, strike “2012” and substitute “2011”; and in line 28, strike “2013” and substitute “2012”.

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 RULES AND EXECUTIVE NOMINATIONS REPORT #5
CONSENT CALENDAR #5**

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 1255 – Delegates Anderson and Glenn

AN ACT concerning

Police and Court Records – Felony Theft – Expungement

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 Judiciary:

House Bill 1279 – Delegates Carter, Alston, Anderson, and Rosenberg

AN ACT concerning

**Criminal Procedure – Retention of Right to Expungement – Charges Not
Resulting in Conviction**

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 Economic Matters:

House Bill 1323 – Delegates Braveboy and W. Miller

AN ACT concerning

Mortgage Brokers – Finder’s Fee – Prohibition

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1339 – Delegates Braveboy, Barnes, Frush, and Pena–Melnyk

AN ACT concerning

Real Property – Homeowners Associations – Election of Governing Body

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters and the Committee on Environmental Matters:

House Bill 1349 – Delegate Branch

AN ACT concerning

Maryland Community Enhancement Transit–Oriented Development Fund

The Bill was re-referred to the Committee on Economic Matters and the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1350 – Delegate Cane

AN ACT concerning

**Wicomico County – Alcoholic Beverages Licenses – Pub–Breweries and
Micro–Breweries**

The Bill was re-referred to the Committee on Economic Matters.

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 1352 – Delegates Hixson, Branch, Ivey, Kaiser, Luedtke, and Walker

AN ACT concerning

Local School Boards – Authority to Impose a Property Tax

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

Senate Bill 538 – Senators Colburn and Pipkin

AN ACT concerning

Natural Resources – Oyster Sanctuaries – Designation

The Bill was re-referred to the Committee on Environmental Matters.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

House Bill 852 – Delegates Mizeur, Holmes, Beidle, Bobo, Carr, Frick, Frush, Gilchrist, Glenn, Healey, Hubbard, Lafferty, Luedtke, McHale, A. Miller, Niemann, Pena-Melnyk, Reznik, B. Robinson, S. Robinson, Stein, and Wilson

AN ACT concerning

The Marcellus Shale Safe Drilling Act of 2011

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

FLOOR AMENDMENT

HB0852/463225/1

BY: Delegate Beitzel

AMENDMENTS TO HOUSE BILL 852, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

Strike in their entirety the Environmental Matters Committee Amendments (HB0852/680112/1).

AMENDMENT NO. 2

On page 1 of the bill, strike beginning with “prohibiting” in line 3 down through “terms” in line 7 and substitute “requiring the Department of the Environment to conduct a certain study and make certain recommendations relating to the sufficiency for certain purposes of existing State statutes and regulations governing drilling for natural gas in the Marcellus Shale; requiring the Department, on or before a certain date, to report certain recommendations to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee”; and strike in their entirety lines 9 through 18, inclusive.

AMENDMENT NO. 3

On page 1, strike beginning with “the” in line 20 down through “follows:” in the same line and substitute: “:

(a) The Department of the Environment shall study and make recommendations relating to the sufficiency of existing State statutes and regulations governing drilling for natural gas in the Marcellus Shale to protect human health, the environment, and State and local economic interests.

(b) On or before December 31, 2011, the Department of the Environment shall report its recommendations under the study required under subsection (a) of this section to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee, in accordance with § 2–1246 of the State Government Article.”.

AMENDMENT NO. 4

On pages 1 through 4, strike in their entirety the lines beginning with line 21 on page 1 through line 28 on page 4.

The preceding 4 amendments were read only.

Delegate Minnick moved the previous question.

The motion was adopted.

The preceding 4 amendments were read and rejected by a roll call vote as follows:

Affirmative – 46 Negative – 89 (See Roll Call No. 347)

FLOOR AMENDMENT

HB0852/243423/1

BY: Delegate Beitzel

AMENDMENT TO HOUSE BILL 852, AS AMENDED

(First Reading File Bill)

On page 7 of the Environmental Matters Committee Amendments (HB0852/680112/1), in the third line from the bottom of Amendment No. 3, strike "AUGUST 1, 2013" and substitute "JUNE 1, 2012".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 48 Negative – 88 (See Roll Call No. 348)

FLOOR AMENDMENT

HB0852/503825/1

BY: Delegate Beitzel

AMENDMENT TO HOUSE BILL 852, AS AMENDED

(First Reading File Bill)

On page 4 of the Environmental Matters Committee Amendments (HB0852/680112/1), in Amendment No. 3, strike beginning with "SHALL" in line 4 down through "NECESSARY." in line 9 and substitute "CONSISTS OF THE FOLLOWING MEMBERS:

(1) THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY'S DESIGNEE;

(2) THE SECRETARY OF NATURAL RESOURCES, OR THE SECRETARY'S DESIGNEE;

(3) A REPRESENTATIVE OF THE GARRETT COUNTY BOARD OF COUNTY COMMISSIONERS;

(4) A REPRESENTATIVE OF THE ALLEGANY COUNTY BOARD OF COMMISSIONERS;

(5) A REPRESENTATIVE OF THE GARRETT COUNTY DEVELOPMENT CORPORATION;

(6) A REPRESENTATIVE OF THE GARRETT COUNTY CHAMBER OF COMMERCE;

(7) A REPRESENTATIVE OF THE GARRETT COUNTY FARM BUREAU;

(8) A RESIDENT OF GARRETT COUNTY;

(9) A RESIDENT OF ALLEGANY COUNTY;

(10) A RESIDENT OF THE STATE;

(11) A REPRESENTATIVE OF THE CHESAPEAKE BAY FOUNDATION;

(12) A REPRESENTATIVE OF THE SIERRA CLUB;

(13) TWO REPRESENTATIVES OF INDUSTRY; AND

(14) A REPRESENTATIVE OF AN ENVIRONMENTAL PROGRAM AT FROSTBURG STATE UNIVERSITY.”.

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 44 Negative – 89 (See Roll Call No. 349)

FLOOR AMENDMENT

HB0852/253228/1

BY: Delegate Beitzel

AMENDMENTS TO HOUSE BILL 852, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Environmental Matters Committee Amendments (HB0852/680112/1), in lines 2 and 3 of Amendment No. 1, strike “and the Department of Natural Resources jointly”; and in lines 5, 7, and 10, in each instance, strike “and the Department of Natural Resources jointly”.

AMENDMENT NO. 2

On page 4 of the Environmental Matters Committee Amendments, in lines 3 and 4 and 10 and 11 of Amendment No. 3, in each instance, strike “AND THE DEPARTMENT OF NATURAL RESOURCES JOINTLY”; in line 9, strike “THE AGENCIES DETERMINE” and substitute “THAT THE DEPARTMENT DETERMINES ARE”; and in line 15, strike “AND THE DEPARTMENT OF NATURAL RESOURCES JOINTLY”.

On page 7 of the Environmental Matters Committee Amendments, in lines 5 and 6 and 18 and 19 of Amendment No. 3, in each instance, strike “AND THE DEPARTMENT OF NATURAL RESOURCES JOINTLY”; and in line 12, strike “AND THE DEPARTMENT OF NATURAL RESOURCES”.

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 43 Negative – 93 (See Roll Call No. 350)

FLOOR AMENDMENT

HB0852/493126/2

BY: Delegate Beitzel

AMENDMENT TO HOUSE BILL 852, AS AMENDED

On page 9 of the Environmental Matters Committee Amendments (HB0852/680112/1), in line 1 of Amendment No. 3, strike “JULY 1, 2011” and substitute “JULY 1, 2012”; in line 12, strike “AUGUST 1, 2011” and substitute “AUGUST 1, 2012”; in line 15, strike “2011” and substitute “2012”; in line 17, strike “AUGUST 1, 2012” and substitute “AUGUST 1, 2013”; and in line 20, strike “2012” and substitute “2013”.

On page 10 of the Environmental Matters Committee Amendments, in line 3 of Amendment No. 3, strike “2012” and substitute “2013”.

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 45 Negative – 91 (See Roll Call No. 351)

Delegate Beitzel moved to make the Bill a Special Order for Wednesday.

The motion was rejected.

FLOOR AMENDMENT

HB0852/180718/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 852, AS AMENDED

On page 11 of the Environmental Matters Committee Amendments (HB0852/680112/1), in line 6 of Amendment No. 3, strike “30” and substitute “90”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 741 – Delegate Feldman

AN ACT concerning

**Corporations and Real Estate Investment Trusts – Directors and Trustees –
Duties and Immunity from Liability**

STATUS OF BILL: BILL ON 3RD READING.

Delegate Feldman moved to make the Bill a Special Order for Thursday.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 352)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #27

House Bill 31 – Delegates Rosenberg ~~and Cardin~~, Cardin, and Kipke

AN ACT concerning

Voter’s Rights Protection Act of 2011

Read the third time and passed by yeas and nays as follows:

Affirmative – 96 Negative – 44 (See Roll Call No. 353)

The Bill was then sent to the Senate.

House Bill 130 – Delegates Braveboy, Burns, Cane, Carr, Carter, Gaines, Howard, Pena–Melnyk, B. Robinson, Ross, V. Turner, Valderrama, Washington, ~~and Wilson~~ Wilson, and Glenn

AN ACT concerning

Vehicle Laws – Race–Based Traffic Stops

Delegate Cluster moved to make the Bill a Special Order for Wednesday.

The motion was adopted.

House Bill 164 – The Speaker (By Request – Administration) and Delegates Jameson, Cardin, Hucker, and Stein

AN ACT concerning

Electric Companies – ~~Demand Response~~ Pilot Program for Charging Electric Vehicles

Read the third time and passed by yeas and nays as follows:

Affirmative – 126 Negative – 12 (See Roll Call No. 354)

The Bill was then sent to the Senate.

House Bill 179 – Delegate Lafferty

AN ACT concerning

Environment – Recycling – Apartment Buildings and Condominiums

Read the third time and passed by yeas and nays as follows:

Affirmative – 105 Negative – 33 (See Roll Call No. 355)

The Bill was then sent to the Senate.

**House Bill 197 – Chair, Economic Matters Committee (By Request –
Departmental – Labor, Licensing and Regulation)**

AN ACT concerning

Unemployment Insurance Benefits Claims – Appeals – Finality of Order

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 356)

The Bill was then sent to the Senate.

**House Bill 326 – ~~Delegates Lafferty, Aumann, Cardin, Frank, Stein, and Weir~~
Baltimore County Delegation**

AN ACT concerning

Baltimore County – Winery Special Event Permits – Farmers' Markets

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 357)

The Bill was then sent to the Senate.

**House Bill 356 – Delegates Niemann, Barnes, Cane, Carr, Frush, Glenn,
Healey, Holmes, James, McIntosh, S. Robinson, Ross, Stein, Stukes,
Walker, ~~and Wilson~~ Wilson, and Kipke**

AN ACT concerning

Motor Vehicles – Towing Practices and Procedures

Read the third time and passed by yeas and nays as follows:

Affirmative – 130 Negative – 9 (See Roll Call No. 358)

The Bill was then sent to the Senate.

House Bill 404 – Washington County Delegation

AN ACT concerning

Washington County – Alcoholic Beverages – Micro-Breweries

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 359)

The Bill was then sent to the Senate.

House Bill 442 – Delegates Rosenberg, Feldman, and Frick

AN ACT concerning

Consumer Protection – Transparency in Consumer Arbitrations Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 98 Negative – 41 (See Roll Call No. 360)

The Bill was then sent to the Senate.

House Bill 602 – Delegates Summers, Clippinger, Conaway, Cullison, Holmes, Kaiser, Luedtke, A. Miller, B. Robinson, Ross, F. Turner, and Washington

AN ACT concerning

Environment – Recycling ~~Pilot Program at Transit Stations~~ – ~~Transit Stations Study~~

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 5 (See Roll Call No. 361)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #28

House Bill 647 – Delegate Braveboy

AN ACT concerning

**~~Property and Casualty Homeowner's Insurance – Victims of Crimes of
Violence – Discrimination Prohibited~~**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 362)

The Bill was then sent to the Senate.

**House Bill 703 – ~~Delegates Impallaria, Glass, James, McComas, Norman, and
Stifler~~ Harford County Delegation**

AN ACT concerning

**Harford County – Alcoholic Beverages – Continuing Care Facility for Aged –
Beer, Wine and Liquor License**

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 1 (See Roll Call No. 363)

The Bill was then sent to the Senate.

House Bill 728 – Delegate Niemann

AN ACT concerning

**Residential Property – Foreclosure – Required Documents – Timing of
Mediation**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 364)

The Bill was then sent to the Senate.

**House Bill 748 – Chair, Appropriations Committee (By Request –
Departmental – University System of Maryland)**

AN ACT concerning

Academic Facilities Bonding Authority

Read the third time and passed by yeas and nays as follows:

Affirmative – 102 Negative – 38 (See Roll Call No. 365)

The Bill was then sent to the Senate.

House Bill 789 – Delegate Stein

AN ACT concerning

Driver’s License Applications – Cosigner for Minors – Department of Social Services

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 366)

The Bill was then sent to the Senate.

House Bill 826 – Carroll County Delegation

AN ACT concerning

Carroll County – Abatement of Nuisances

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 367)

The Bill was then sent to the Senate.

House Bill 830 – ~~Delegate Impallaria~~ Harford County Delegation

AN ACT concerning

Harford County – Towing and Removing Vehicles – Property Return Agreement

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 368)

The Bill was then sent to the Senate.

House Bill 838 – ~~Delegate Hogan~~ Delegates Hogan and Hucker

AN ACT concerning

Residential Real Property Sales – Property Tax Disclaimer

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 369)

The Bill was then sent to the Senate.

House Bill 842 – Delegates Healey, Gilchrist, Glenn, and Lafferty

AN ACT concerning

**Foreclosed Residential Property – Tenants – Collection of Rent Payments
– Prior Notice**

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 1 (See Roll Call No. 370)

The Bill was then sent to the Senate.

**House Bill 848 – Chair, Environmental Matters Committee (By Request –
Departmental – State Police)**

AN ACT concerning

Department of State Police – Tow Companies

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 371)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #29**House Bill 863 – Delegate Niemann**

AN ACT concerning

Task Force to Study Manufactured Housing

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 1 (See Roll Call No. 372)

The Bill was then sent to the Senate.

House Bill 887 – Delegates Beidle, Alston, Braveboy, Eckardt, George, Holmes, Niemann, and Vitale

AN ACT concerning

Real Property – Condominium – Rescission of Sales Contracts

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 373)

The Bill was then sent to the Senate.

House Bill 947 – Caroline County Delegation

AN ACT concerning

Caroline County – Alcoholic Beverages Act of 2011

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 374)

The Bill was then sent to the Senate.

House Bill 966 – Delegates O’Donnell, Bohanan, and Wood

AN ACT concerning

**Natural Resources – Restricted Waters for Shellfish Harvesting – ~~Method of~~
Testing**

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 375)

The Bill was then sent to the Senate.

House Bill 982 – Delegate Rudolph

AN ACT concerning

**Property and Casualty Insurance – Certificates of Insurance and Certificate
of Insurance Forms**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 376)

The Bill was then sent to the Senate.

House Bill 1030 – Cecil County Delegation

AN ACT concerning

**Cecil County – Alcoholic Beverages – Licensed Establishments – Sunday
Sales Hours**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 377)

The Bill was then sent to the Senate.

House Bill 1047 – Delegate Glenn

AN ACT concerning

**Rental Housing – Tenant Victim of Domestic Violence or Sexual Assault –
Lease Payment Obligation**

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 378)

The Bill was then sent to the Senate.

House Bill 1109 – Delegate Vaughn

AN ACT concerning

Real Property – Rescission of Sales Contracts – Return of Deposits

Read the third time and passed by yeas and nays as follows:

Affirmative – 140 Negative – 0 (See Roll Call No. 379)

The Bill was then sent to the Senate.

**House Bill 1137 – Delegates Healey, Beidle, Frush, Glenn, Holmes, and
Niemann**

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems – ~~Uniform~~ Warning Signs

Read the third time and passed by yeas and nays as follows:

Affirmative – 133 Negative – 5 (See Roll Call No. 380)

The Bill was then sent to the Senate.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 227 – Senators Dyson and Middleton

AN ACT concerning

Charlotte Hall Veterans Home – Gifts and Grants – Authority to Accept and Spend

FOR the purpose of authorizing the Charlotte Hall Veterans Home to accept certain gifts and grants for use at the Home; providing for certain uses and administration of the gifts and grants accepted for use at the Home; requiring the Director of the Veterans Home Program and the Secretary of Veterans Affairs to report each year on the status of the gifts and grants accepted for use at the Home; and generally relating to the authority of the Charlotte Hall Veterans Home to accept and spend certain gifts and grants.

BY adding to

Article – State Government

Section 9–912.1

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 253 – Senator Edwards

AN ACT concerning

Garrett County – Vacancy in Office of County Commissioner – Appointment Process

FOR the purpose of altering the procedures for filling a vacancy in an office of county commissioner in Garrett County by requiring the Governor to use procedures required for other commission counties, subject to the requirement that in Garrett County the nominee or appointee reside in the same commissioner district in which the former county commissioner resided; and generally relating to procedures for filling a vacancy in an office of county commissioner in Garrett County.

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 16
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)
(As enacted by Chapter 699 of the Acts of the General Assembly of 2010)

BY repealing and reenacting, with amendments,
The Public Local Laws of Garrett County
Section 30.02(D)
Article 12 – Public Local Laws of Maryland
(2005 Edition and November 2010 Supplement, as amended)

Read the first time and referred to the Committee on Environmental Matters.

**Senate Bill 291 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Veterans Affairs)**

AN ACT concerning

State Government – Maryland Veterans Commission – Membership

FOR the purpose of altering the membership of the Maryland Veterans Commission; and generally relating to the Maryland Veterans Commission.

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–916
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–917
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 302 – Senator Jones–Rodwell (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Zoning Requirements – Administrative Adjustments

FOR the purpose of ~~clarifying~~ expanding the applicability to Baltimore City of certain provisions related to administrative adjustments to certain zoning requirements; and generally relating to administrative adjustments to zoning requirements in Baltimore City.

BY repealing and reenacting, with amendments,
Article 66B – Land Use
Section 2.13
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, without amendments,
Article 66B – Land Use
Section 4.05(d)
Annotated Code of Maryland
(2010 Replacement Volume)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 392 – Senators Shank, Edwards, and Young

AN ACT concerning

Washington County – Water and Sewer Debt Reduction Fund – Repeal

FOR the purpose of repealing certain provisions of law relating to the Washington County Water and Sewer Debt Reduction Fund; requiring the County Commissioners of Washington County to ensure service of the debt for the Washington County pretreatment facility from the Washington County general fund and revenues generated by the pretreatment facility; prohibiting the County Commissioners from using the costs of debt service for the Washington County pretreatment facility as a factor in the establishment or adjustment of water and sewer rates in the County; and generally relating to the Washington County Water and Sewer Debt Reduction Fund and the debt service for the Washington County pretreatment facility.

BY repealing
The Public Local Laws of Washington County
Section 6–505

Article 22 – Public Local Laws of Maryland
(2007 Edition and October 2010 Supplement, as amended)

BY adding to

The Public Local Laws of Washington County

Section 6–505

Article 22 – Public Local Laws of Maryland

(2007 Edition and October 2010 Supplement, as amended)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 462 – Cecil County Senators

AN ACT concerning

Cecil County – Park Land Regulations

FOR the purpose of authorizing the Board of County Commissioners of Cecil County to adopt, by resolution, comprehensive park land regulations; specifying that the resolution may provide for enforcement of the regulations, including the imposition of certain criminal or civil penalties; and generally relating to authority for the Board of County Commissioners of Cecil County to adopt comprehensive park land regulations.

BY adding to

The Public Local Laws of Cecil County

Section 57–13

Article 8 – Public Local Laws of Maryland

(1989 Edition and November 2010 Supplement, as amended)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 493 – Senator Peters

AN ACT concerning

Prince George’s County Public Schools – Funding Accountability and Transparency Act

FOR the purpose of requiring the Prince George’s County Board of Education to develop and operate a certain Web site that includes certain information about certain payments; specifying certain parameters of the Web site; defining certain terms; and generally relating to the development and operation of a searchable Web site by the Prince George’s County Board of Education.

BY adding to

Article – Education

Section 5–117
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 504 – Senator Rosapepe

AN ACT concerning

**Public Utility Companies – University of Maryland, College Park Bus Service
– Motor Carrier Permit Exemption – Service Expansion and Removal of
Sunset**

FOR the purpose of providing that a motor carrier permit is not required for a shuttle bus service operated by the University of Maryland, College Park for its students that also is used to provide, in exchange for payment by the municipal corporation in which the University of Maryland, College Park operates shuttle bus service, transportation to the residents of the municipal corporation; removing the sunset applicable to a certain motor carrier permit exemption relating to bus service provided by the University of Maryland, College Park; altering certain provisions of law relating to the geographic area in which the University of Maryland, College Park may provide certain bus service and the persons eligible to use the bus service; and generally relating to bus service provided by the University of Maryland, College Park to its students and to the residents of certain municipal corporations.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 9–201
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, without amendments,
Chapter 346 of the Acts of the General Assembly of 2008
Section 2

BY repealing and reenacting, with amendments,
Chapter 346 of the Acts of the General Assembly of 2008
Section 3

BY repealing and reenacting, without amendments,
Chapter 347 of the Acts of the General Assembly of 2008
Section 2

BY repealing and reenacting, with amendments,
Chapter 347 of the Acts of the General Assembly of 2008

Section 3

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 518 – Senator Mathias

AN ACT concerning

Somerset County – Property Tax Credit for Assessment Increases – Extension

FOR the purpose of extending a certain termination provision and altering certain dates of applicability for a local property tax credit for certain real property in Somerset County; and generally relating to a local property tax credit in Somerset County.

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 9–321(b)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Chapter 280 of the Acts of the General Assembly of 2008
Section 2

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 535 – Carroll County Senators

AN ACT concerning

Carroll County – Abatement of Nuisances

FOR the purpose of altering the number of days' advance notice the County Commissioners of Carroll County must give to an owner or occupant of property before removing a certain nuisance or menace; authorizing a property owner or occupant to file an appeal of a certain determination that a nuisance or menace exists to a certain hearing officer or board of appeals within a certain time after receiving notice of the determination under certain circumstances; requiring a hearing officer or board of appeals to hold a certain hearing and issue a certain written decision on the determination of the existence of a nuisance or menace within a certain period of time after receiving an appeal; providing that a decision of a hearing officer or board of appeals that a nuisance or menace to public health or safety exists for certain reasons is final and binding; altering a provision that limits the removal of weeds on certain property to the removal of weeds on land that is within a certain number of feet from the boundary with residential property and that is used for certain purposes; defining certain

terms; making conforming changes; and generally relating to the abatement of nuisances in Carroll County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Carroll County
Section 3–106
Article 7 – Public Local Laws of Maryland
(2004 Edition and July 2010 Supplement, as amended)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 569 – Senator Mathias

EMERGENCY BILL

AN ACT concerning

Somerset County – Smith Island Solid Waste District – Remove Limitation on Fee

FOR the purpose of repealing certain limitations on the amount of the solid waste disposal fee imposed on certain property in the Smith Island Solid Waste District in Somerset County; making this Act an emergency measure; and generally relating to the solid waste removal fee imposed in the Smith Island Solid Waste District in Somerset County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Somerset County
Section 8–201
Article 20 – Public Local Laws of Maryland
(2003 Edition and 2009 Supplement, as amended)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 695 – Senators Pinsky, Conway, ~~and Dyson~~ Dyson, and Ferguson

AN ACT concerning

Higher Education – Regulation of Public, Private Nonprofit, and For-Profit Institutions of Higher Education

FOR the purpose of distinguishing between public, private nonprofit, and for-profit institutions of higher education; ~~prohibiting~~ clarifying that a person is prohibited from engaging in certain unfair or deceptive practices in the offer for sale of course credit or other educational services; authorizing the Maryland Higher Education Commission to create and provide for the operation of ~~a certain guaranty fund~~ certain guaranty funds to be used for certain purposes;

providing that certain guaranty funds are continuing, nonlapsing funds not subject to certain provisions of law; prohibiting unspent portions of the funds from being transferred or reverted to the General Fund; prohibiting certain State money from being used to support the funds; requiring for-profit institutions of higher education to pay a certain fee into ~~the~~ a certain fund; authorizing the Commission to impose certain penalties on certain for-profit institutions of higher education; ~~authorizing the Commission to revoke or suspend the certificate of approval of certain for-profit institutions of higher education under certain circumstances~~ requiring certain institutions of higher education to notify certain students that certain programs have not been recommended for implementation by the Commission under certain circumstances; prohibiting certain institutions of higher education from paying certain financial or other incentives based on certain success to a person or entity engaged in student recruitment or admission activity; authorizing the Commission to require certain reports and data from certain institutions of higher education; prohibiting the Commission from requiring reports on certain matters that concern certain information, data, or documents; authorizing the board of trustees of a community college to submit a request for proposals for the offering of a certain degree program to certain institutions of higher education under certain circumstances; requiring a certain institution of higher education to seek the approval of the Commission before offering a certain degree program; specifying the institutions of higher education at which certain students may use certain financial assistance; requiring certain institutions of higher education to transfer certain information to the Maryland Longitudinal Data System in accordance with certain plans; altering the membership of the Governor's P-20 Leadership Council of Maryland; requiring the Commission to consider incorporating certain institutions of higher education into a certain goal; defining certain terms; making clarifying and stylistic changes; providing for the effective date of this Act; providing for the termination of certain provisions of this Act; and generally relating to the regulation of public, private nonprofit, and for-profit institutions of higher education.

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 13-303

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 10-101, 10-211, 11-105(g) and (k), 11-201, 11-202.1(a), ~~11-203(d)~~ 11-203 (b) and (d), 11-204(c), ~~11-205~~, 11-206(a), (b), and (d), 11-206.1(a), (b), (e)(1), (f)(5), and (i)(3), ~~11-402~~, 11-701, 11-902(b)(4)(iii)3., ~~16-108(a)~~ 16-108(a) and (c), 17-101, 17-105(b) and (d), 18-103, 18-708(a)(3), 18-2201(b), 18-2301(b), 18-2502, 18-2503, 18-2504(c)(1), 21-501(a)(3), ~~and~~ 24-707(b), and 24-801(c)(11)

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

BY adding to

Article – Education

Section 11–402.1, 11–407, and 24–707(c)

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 11–203(d)(3)(ii) and 18–103

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

(As enacted by Section 1 of this Act)

Read the first time and referred to the Committee on Appropriations.

Senate Bill 705 – Senators Klausmeier, Astle, ~~and Pipkin~~ Pipkin, Garagiola, Kittleman, Mathias, and Pugh

AN ACT concerning

Health Insurance – Dental Provider Contracts – Prohibited Provision

FOR the purpose of prohibiting a carrier from including in a dental provider contract a provision that requires a dental provider to provide certain services at a fee set by the carrier; defining a certain term; providing for the application of this Act; and generally relating to dental provider contracts and health insurance carriers.

BY repealing and reenacting, without amendments,

Article – Insurance

Section 15–112.2(a)

Annotated Code of Maryland

(2006 Replacement Volume and 2010 Supplement)

BY adding to

Article – Insurance

Section 15–112.2(g)

Annotated Code of Maryland

(2006 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 731 – Senators Astle, Colburn, DeGrange, Dyson, Edwards, Getty, Glassman, Jacobs, King, Montgomery, Peters, Reilly, Rosapepe, ~~and Stone~~ Stone, Mathias, Middleton, and Muse

AN ACT concerning

Maryland Stem Cell Research Fund – Annual Report and ~~Symposium~~ Related Events

FOR the purpose of requiring the Maryland Technology Development Corporation and the Stem Cell Research Commission to report to the public on the progress of State-funded stem cell research by holding a public symposium on or before a certain date each year; requiring recipients of money from the Maryland Stem Cell Research Fund to present the results of State-funded stem cell research at the symposium; ~~prohibiting requiring~~ requiring the Corporation and the Commission ~~from charging an admission~~ to hold a certain related event if the Corporation and Commission charge a certain fee to State residents attending the symposium; prohibiting the Corporation and Commission from charging more than a minimal fee for State residents to attend a certain related event; authorizing the Corporation and Commission to adjust for inflation the amount of a certain fee that determines whether a certain public event must be held; and generally relating to informing the public about State-funded stem cell research.

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 10-442

Annotated Code of Maryland

(2008 Volume and 2010 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 760 – Senator Brinkley

AN ACT concerning

Frederick County – Property Tax Setoff

FOR the purpose of requiring the governing body of Frederick County to grant a property tax setoff to a municipal corporation in certain minimum amounts for certain taxable years; and generally relating to a property tax setoff in Frederick County.

BY repealing and reenacting, without amendments,

Article – Tax – Property

Section 6-305(a)

Annotated Code of Maryland

(2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 6–305(k)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 767 – Senator Mathias

AN ACT concerning

Somerset County – Private Sale of County Property

FOR the purpose of authorizing the County Commissioners of Somerset County to sell at private sale certain properties to the City of Crisfield under certain terms; requiring certain properties to revert to the County Commissioners under certain circumstances; authorizing the County Commissioners to sell certain property to the American Legion – Stanley Cochrane Post #16 at private sale under certain terms; exempting the sale of certain properties from certain requirements; and generally relating to the sale of specified property by the County Commissioners of Somerset County.

BY adding to
The Public Local Laws of Somerset County
Section 2–414 and 2–415
Article 20 – Public Local Laws of Maryland
(2003 Edition and 2009 Supplement, as amended)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 821 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Winery Special Event Permits – Farmers’ Markets

FOR the purpose of authorizing the issuance of a certain number of additional winery special event permits to certain wineries for use in certain farmers’ markets in Frederick County; prohibiting a holder of a permit from selling wine by the glass; requiring that a certain individual who is certified by an alcohol awareness program be present during the hours when wine may be sold; and generally relating to farmers’ markets in Frederick County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
Section 2–101(u)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 2–101(u)(9)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 854 – Senator Ferguson

AN ACT concerning

Baltimore City – Board of Liquor License Commissioners – Issuance of Licenses

FOR the purpose of ~~eliminating a prohibition against sales for off-premises consumption for certain restaurants to obtain a Class B beer, wine and liquor license in a certain location in Baltimore City; eliminating~~ altering a prohibition against the Board of Liquor License Commissioners for Baltimore City issuing an alcoholic beverages license or transferring a license into certain locations in Baltimore City by authorizing the Board to allow the transfer of a certain license into a certain development in a certain location; and generally relating to the issuance of alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–204.1(f)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 875 – Senator Klausmeier (By Request – Baltimore County Administration)

AN ACT concerning

Alcoholic Beverages – Baltimore County ~~Executive and County Council of Baltimore County~~ – License Fees

FOR the purpose of ~~repealing certain alcoholic beverages license fees in Baltimore County; authorizing the Baltimore County Executive and the County Council of~~

~~Baltimore County to establish alcoholic beverages license fees within Baltimore County; and generally relating to the Baltimore County Executive and the County Council of Baltimore County regulating altering alcoholic beverages license fees within Baltimore County; and generally relating to alcoholic beverages license fees in Baltimore County.~~

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 4–201(a)(2), 5–101(a)(1), 5–201(a)(1), 5–301(a)(1), 5–401(a)(1), 6–101(a)(1), 6–201(a)(1), 6–301(a)(1), 6–401(a)(1), ~~6–702(b)~~, 7–101(b)(1)(i) and (d)(1)(i), 8–204(c), 8–204.1(c), 8–304(a), 8–404(a)(1), ~~8–404.1(a), (b), and (c)~~ and 8–802(a)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 5–101(e), 5–201(e)(1), 5–301(e), 5–401(e)(1), 6–101(e), 6–201(e)(2), 6–301(e), 6–401(e)(2), ~~6–702(g)~~, 7–101(b)(4) and (d)(4)(i), 8–204(e), 8–204.1(e), 8–304(d), 8–404(a)(5), ~~8–404.1(d), 8–601~~, and 8–802(d)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 4–201(b)(8) ~~and 18–105~~

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 905 – Senator Mathias

AN ACT concerning

Worcester County – Berlin – Alcoholic Beverages – Micro–Brewery License

FOR the purpose of allowing a holder of a Class D beer license in the Town of Berlin in Worcester County to be issued a Class 7 micro–brewery license by the Comptroller under certain circumstances; specifying the hours for certain consumer sales; making a stylistic change; and generally relating to micro–breweries in Worcester County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 2–208

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 906 – Senator Mathias

AN ACT concerning

**Worcester County – Department of Liquor Control – Wine and Liquor
Purchasing Option**

FOR the purpose of abolishing the Liquor Control Board for Worcester County and replacing it with the Worcester County Department of Liquor Control; specifying that the Department is a department of the county government; specifying that the Department has certain powers; requiring the Board of County Commissioners to appoint the director of the Department; specifying that the director shall be the chief administrative officer of the Department; authorizing the director of the Department, subject to the approval of the Board of County Commissioners, to purchase or otherwise acquire certain alcoholic beverages and certain other property; specifying a certain maximum amount that a licensee may be charged by the Department for certain alcoholic beverages; repealing the minimum price for certain merchandise that the Department must charge to licensees; authorizing an alcoholic beverages licensee in the county, beginning on a certain date, to elect to purchase wine or liquor from a licensed wholesaler in addition to or instead of from the Department; requiring a licensee to provide written notice within a certain time to the Department; requiring that the notice contain certain information; requiring that the Department issue, to the licensee, a letter of confirmation; requiring that a licensee display the letter conspicuously on the licensed premises; providing that the title to certain property, including appropriations, credits, assets, liabilities, contracts, and obligations of the Liquor Control Board are continued as the title to property of the Department; providing that a person granted certain authorization by the Liquor Control Board is considered by the Department to maintain that authorization; providing for the correction of certain cross-references under certain circumstances; defining certain terms; and generally relating to the Worcester County Department of Liquor Control.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 6–201(y)(1), 6–301(y)(1), 6–401(y)(1), and 8–224(a)

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 6–201(y)(7), 6–301(y)(8), 6–401(y)(2)(vi), 8–224(g), 8–603(d), 15–201(a),
(b)(1), (e)(2), and (j), 15–202, and 15–205(l)

Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing

Article 2B – Alcoholic Beverages
Section 15–201(d)(5), (h)(7), (i)(2), and (l)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY adding to

Article 2B – Alcoholic Beverages
Section 15–201(c)(5) and 15–204(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 917 – Senator Colburn

AN ACT concerning

Wicomico County – Alcoholic Beverages Licenses – Pub–Breweries and Micro–Breweries

FOR the purpose of exempting certain alcoholic beverages businesses in Wicomico County from a certain prohibition against having a financial interest in a premises where alcoholic beverages are sold at retail or in any other business conducted by an alcoholic beverages licensee; altering the number of Class B beer, wine and liquor licenses that a person may hold and still remain eligible to be issued a pub–brewery or micro–brewery license; authorizing a holder of a certain license to be eligible to be issued a micro–brewery license and certain other licenses; and generally relating to alcoholic beverages in Wicomico County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages
Section 12–104(a)(1) and (2) and (b)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
Section 12–104~~(b)(1)~~ and (e)(5)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 926 – Senators Glassman, Jacobs, and Jennings

AN ACT concerning

**Harford County – Alcoholic Beverages – Continuing Care Facility for Aged –
Beer, Wine and Liquor License**

FOR the purpose of establishing a Class CCFA (continuing care facility for the aged) beer, wine and liquor license in Harford County; specifying that the Liquor Control Board may issue a Class CCFA license to certain organizations that provide certain care, are licensed as a certain institution, are certified by a certain department, are exempt from certain taxes, and are located in Harford County; authorizing a Class CCFA license holder to sell alcoholic beverages for consumption on the licensed premises under certain circumstances; setting the annual license fee; providing that certain prohibitions do not apply to this Act; and generally relating to beer, wine and liquor licenses in Harford County.

BY adding to

Article 2B – Alcoholic Beverages

Section 8–213.2

Annotated Code of Maryland

(2005 Replacement Volume and 2010 Supplement)

Read the first time and referred to the Committee on Economic Matters.

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 381)

ADJOURNMENT

At 12:46 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 21, 2011, Calendar Day Wednesday, March 23, 2011.