

Journal *of* Proceedings

of the

Senate

of

Maryland

2012 Regular Session

Volume III

Compiled and edited by:

Donald G. Hopkins
Journal Clerk

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William B.C. Addison, Jr.
Secretary of the Senate

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2012 SENATE JOURNAL INDEX OF DAYS

<u>Legislative Day</u>	<u>Page</u>	<u>Legislative Day</u>	<u>Page</u>
January 11	1	March 1	1222
January 12	76	March 2	1242
January 13	78	March 5	1281
January 16	86	March 6	1305
January 17	113	March 7	1332
January 18	119	March 8	1371
January 19	156	March 9	1417
January 20	167	March 12	1459
January 24	224	March 13	1549
January 25	227	March 14	1684
January 26	247	March 15	1882
January 27	267	March 16	1885
January 30	299	March 17	2047
January 31	329	March 18	2172
February 1	347	March 19	2242
February 2	394	March 20	2383
February 3	460	March 21	2585
February 7	751	March 22	2665
February 8	757	March 23	2934
February 9	771	March 24	2982
February 10	792	March 25	3010
February 13	821	March 26	3069
February 14	843	March 27	3110
February 15	858	March 28	3196
February 16	888	March 29	3224
February 17	921	March 30	3345
February 20	964	March 31	3467
February 21	1001	April 1	3597
February 22	1017	April 2	3783
February 23	1085	April 3	3839
February 24	1097	April 4	3882
February 27	1147	April 5	3920
February 28	1185	April 6	3945
February 29	1198		

**Annapolis, Maryland
Friday, March 16, 2012
11:00 A.M. Session**

The Senate met at 11:15 A.M.

Prayer by Reverend Chris Holmes, Superintendent of the Annapolis District of the United Methodist Church, guest of Senator Reilly.

(See Exhibit A of Appendix III)

The Journal of March 15, 2012 was read and approved.

On motion of Senator Garagiola it was ordered that Senators Mathias and Muse be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 563)

St. Patrick's Day Celebration, Maryland State Senate Musical Ensemble with Soloist former Senator, the Honorable Tim Ferguson.

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 548 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Jonathan Richards
Violin
in recognition of
your St. Patrick's Day performance for
the Maryland State Senate.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 16th day of March 2012.

Read and ordered journalized.

Senate Resolution No. 549 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Mauricio Betanzo
Cellist
in recognition of
your St. Patrick's Day performance for
the Maryland State Senate.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 16th day of March 2012.

Read and ordered journalized.

MESSAGE FROM THE HOUSE OF DELEGATES**FIRST READING OF HOUSE BILLS****House Bill 16 – Delegate Haddaway–Riccio**

AN ACT concerning

Talbot County – Alcoholic Beverages Violations – Issuance of Citations

FOR the purpose of authorizing certain alcoholic beverages inspectors in Talbot County to issue citations for certain alcoholic beverages violations; and generally relating to the issuance of citations for alcoholic beverages violations by alcoholic beverages inspectors in Talbot County.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–119
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

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

House Bill 51 – Delegates Eckardt, Cane, and Haddaway–Riccio

AN ACT concerning

**Dorchester County – Alcoholic Beverages Licenses – Beer, Wine and Liquor
Licenses – Clubs**

FOR the purpose of updating certain obsolete language by requiring the County Council of Dorchester County to pay a certain alcoholic beverages license fee to the mayor and city council of a city or town under certain circumstances; requiring the County Council of Dorchester County to pay a certain alcoholic beverages license fee to the Finance Department of Dorchester County under certain circumstances; and generally relating to the distribution of Class C beer, wine and liquor license fees paid by organizations in Dorchester County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–301(a)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–301(k)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 56 – Delegates Eckardt, Cane, and Haddaway–Riccio

AN ACT concerning

Dorchester County – Alcoholic Beverages – Hours for Sale

FOR the purpose of altering the hours for sale on a certain day for holders of a certain alcoholic beverages license in Dorchester County; and generally relating to the hours for sale for alcoholic beverages in Dorchester County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 11–510(a)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–510(b)(6)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 58 – Delegates Eckardt, Cane, and Haddaway–Riccio

AN ACT concerning

Dorchester County – Alcohol Awareness Program – Certificate of Completion

FOR the purpose of prohibiting the use of a certificate of completion of a certain alcohol awareness program by certain employees or certain employers at more than one licensed establishment in Dorchester County; and generally relating to the use of a certificate of completion of an alcohol awareness program in Dorchester County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 13–101(a), (b), (c)(1), (d), (e), (f), and (g)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article 2B – Alcoholic Beverages
Section 13–101(h)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 110 – ~~Delegate Barkley~~ Delegates Barkley, Harrison, Hershey, Jameson, Love, and Schulz

AN ACT concerning

**Alcoholic Beverages – ~~Follow-Up~~ Criminal History Records Checks –
Procedures**

FOR the purpose of ~~requiring~~ establishing certain uniform procedures for certain criminal history records checks requested from the Criminal Justice Information System Central Repository (CJIS) by certain local licensing boards; requiring the Central Repository to provide local licensing boards with a revised printed criminal record statement of a license applicant or license holder if information is reported to CJIS the Central Repository after the initial criminal history records check is completed; requiring CJIS the Central Repository to stop providing the local licensing boards with revised printed statements under

certain circumstances; defining a certain term; making certain conforming and stylistic changes; and generally relating to criminal history records checks of alcoholic beverages licensees and license applicants.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 1–102(a)(19)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 10–103(a), (b)(9)(v) and (13), and (c) through (e)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article 2B – Alcoholic Beverages
Section ~~10–103(f)~~ 10–103(a–1)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 204 – Harford County Delegation

AN ACT concerning

Harford County – Alcoholic Beverages Licenses – Residency Requirement for Applicants

FOR the purpose of altering the residency requirement for applicants for alcoholic beverages licenses in Harford County; and generally relating to alcoholic beverages licenses in Harford County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–101(a)(2)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 205 – Harford County Delegation and Delegates Impallaria, James, McComas, McDonough, Norman, and Stifler

AN ACT concerning

Harford County – Alcoholic Beverages – Wine Festival License

FOR the purpose of removing a certain requirement that wine festivals in Harford County be held at a certain time, during certain months, and not conflict with other certain wine festivals; and generally relating to wine festival licenses in Harford County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–309
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 222 – Delegate Beitzel

AN ACT concerning

Garrett County – Alcoholic Beverages – Nudity and Sexual Displays – License Revocation

FOR the purpose of authorizing the Board of License Commissioners in Garrett County to determine whether to revoke the alcoholic beverages license of a licensee if any of certain activities regarding nudity or sexual displays are found to have occurred on the premises or location for which the license was issued; making a stylistic change; and generally relating to alcoholic beverages licenses in Garrett County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 10–405
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 223 – Delegate Beitzel

AN ACT concerning

Garrett County – Alcoholic Beverages – Special Class C Beer, Wine and Liquor License

FOR the purpose of authorizing in Garrett County the holder of a special Class C beer, wine and liquor license to purchase beer and light wine from a wholesale dealer; and generally relating to alcoholic beverages in Garrett County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 7–101(d)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 232 – Delegates Tarrant, Branch, Clippinger, Conaway, Haynes, Mitchell, B. Robinson, Stukes, and Washington

AN ACT concerning

Baltimore City – Alcoholic Beverages License – Repeal of Voter Registration Requirement for Licensees

FOR the purpose of repealing, as to Baltimore City, the requirement that an authorized person of a limited liability company who holds an alcoholic beverages license be a registered voter in the City; and generally relating to alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–101(c)(1)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 248 – Harford County Delegation and Delegates Glass, James, McComas, McDonough, and Norman

AN ACT concerning

Harford County – Alcoholic Beverages Licenses – Class C–3 Club License

FOR the purpose of removing the requirement in Harford County for a country club to maintain a certain number of tennis courts to be eligible for a Class C–3 club

alcoholic beverages license; and generally relating to eligibility for a Class C–3 club alcoholic beverages license in Harford County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–301(n)(6)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 254 – Cecil County Delegation

AN ACT concerning

Cecil County – Alcoholic Beverages – Class BLX Licenses

FOR the purpose of lowering the minimum capital investment for dining room facilities and kitchen equipment required for a restaurant to qualify for a Class BLX on–sale license in Cecil County; and generally relating to alcoholic beverages licenses in Cecil County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(i)(1)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(i)(3)(ii)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 306 – Delegates Haddaway–Ricchio and Eckardt

AN ACT concerning

Talbot County – Alcoholic Beverages – Wineries

FOR the purpose of repealing certain provisions of law that limit the wine sampling privileges of licensed wineries in Talbot County; clarifying that the statewide

wine sampling privileges of licensed wineries apply in Talbot County; and generally relating to alcoholic beverages in Talbot County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 2–204(1) and (2)(v) and 2–205(b)(1), (5)(ii), and (7)(i)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing
Article 2B – Alcoholic Beverages
Section 8–410
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 324 – Cecil County Delegation

AN ACT concerning

Cecil County – Alcoholic Beverages – Class 6 Pub–Brewery Licenses

FOR the purpose of adding Cecil County to the list of jurisdictions in which the holder of a Class 6 pub–brewery license may sell malt beverages for off–premises consumption in sealed refillable containers under certain circumstances; and generally relating to Class 6 pub–brewery licenses in Cecil County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–207(g)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 329 – ~~Delegate Costa~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Video Lottery Facility – Licenses and Hours for Sale and Consumption

FOR the purpose of altering the hours for the sale and consumption of alcoholic beverages at a video lottery facility in Anne Arundel County to match the hours

of operation for a video lottery facility; prohibiting the holder of an entertainment facility license or an entertainment concessionaire license, or an employee of the license holder from knowingly allowing a person to consume alcoholic beverages on the licensed premises of a video lottery facility except during the hours of operation of the facility established by law; providing that a subsidiary of a certain entity may be issued an entertainment facility license; and generally relating to entertainment facility licenses and the hours for the sale and consumption of alcoholic beverages at a video lottery facility in Anne Arundel County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 8–202(a), 11–304(a)(1), and 11–502(a)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–202(k) and 11–304(c)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article 2B – Alcoholic Beverages
Section 11–502(j)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–1A–23(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 504 – Delegate Beitzel

AN ACT concerning

Garrett County – Alcoholic Beverages – Class B Beer Licenses

FOR the purpose of establishing in Garrett County a Class B beer license for certain hotels, motels, inns, and restaurants; authorizing the Board of License Commissioners to issue the license with or without a catering option; specifying the privileges of certain licenses; requiring that to exercise the catering option,

a holder of a license meet certain requirements; specifying certain license fees; authorizing the Board to adopt certain regulations; and generally relating to Class B beer licenses in Garrett County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 3–201(m)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 595 – Delegate Haddaway–Riccio

AN ACT concerning

Alcoholic Beverages – Manufacturer’s Licenses

FOR the purpose of specifying that a holder of a certain alcoholic beverages manufacturer’s license may apply for and obtain certain additional manufacturer’s licenses of the same or of a different class for the same premises or elsewhere; and generally relating to manufacturer’s alcoholic beverages licenses.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–201
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 686 – Montgomery County Delegation

AN ACT concerning

**Montgomery County – City of Takoma Park – Alcoholic Beverages – Class B
On- and Off-Sale License
MC 17–12**

FOR the purpose of adding an off–sale privilege to the Class B beer and light wine license issued for hotels and restaurants in the City of Takoma Park; providing for the termination of this Act; and generally relating to Class B beer and light wine, hotel and restaurant licenses in the City of Takoma Park.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–216(d)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 687 – Montgomery County Delegation

AN ACT concerning

**Montgomery County – Alcoholic Beverages License – Rock Spring Centre
MC 2–12**

FOR the purpose of authorizing the Montgomery County Board of License Commissioners by unanimous vote to approve an application for an alcoholic beverages license for an establishment located in a certain mixed use center in Montgomery County under certain circumstances; specifying that the license authorizes the license holder to keep for sale and sell alcoholic beverages for consumption on the premises only; and generally relating to alcoholic beverages licenses in Montgomery County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–216
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 691 – Montgomery County Delegation

AN ACT concerning

**Montgomery County – Alcoholic Beverages – Special Art Gallery Beer and
Wine License
MC 18–12**

FOR the purpose of authorizing the Montgomery County Board of License Commissioners to issue a special art gallery beer and wine license to nonprofit and for-profit retail businesses that display and sell original artwork by an individual or a group of artists; prohibiting a certain type of business from being issued the license; specifying that a holder of the license may sell or serve beer and wine at retail for on-premises consumption when snacks are served during

certain hours; specifying a license fee; prohibiting the license from being transferred from the location for which the license was originally issued to another location; and generally relating to a special art gallery license in Montgomery County.

BY adding to

Article 2B – Alcoholic Beverages
Section 8–216.4
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 718 – Delegates Hershey, Jacobs, and Smigiel

AN ACT concerning

Queen Anne’s County – Alcoholic Beverages – Micro–Brewery Licenses

FOR the purpose of adding Queen Anne’s County to the list of counties in which a Class 7 micro–brewery license may be issued; adding the county to the list of counties in which the license holder may sell at retail beer brewed under the license for consumption off the licensed premises under certain conditions; and generally relating to alcoholic beverages in Queen Anne’s County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
Section 2–208
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 858 – Delegate Gilchrist

AN ACT concerning

Land Use – Local Historic District Commissions and Historic Preservation Commissions – Alternate Members

FOR the purpose of authorizing a local jurisdiction that creates a historic district commission or historic preservation commission to designate one alternate member for the historic district commission or historic preservation commission to sit on the commission under specified circumstances; authorizing the local jurisdiction to designate a temporary alternate when the alternate member is

absent; 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 appointment of alternate members for historic district commissions and historic preservation commissions.

BY repealing and reenacting, with amendments,
Article 66B – Land Use
Section 8.03(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Land Use
Section 8–201
Annotated Code of Maryland
(As enacted by Chapter ___ (S.B. ___/H.B. ___)(2lr0396) of the Acts of the
General Assembly of 2012)

BY repealing and reenacting, with amendments,
Article – Land Use
Section 8–202
Annotated Code of Maryland
(As enacted by Chapter ___ (S.B. ___/H.B. ___)(2lr0396) of the Acts of the
General Assembly of 2012)

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

House Bill 868 – Delegate Conway

AN ACT concerning

Finance and Procurement – State Treasury – Collateral

FOR the purpose of clarifying the types of collateral that may be used under certain provisions of law to include a certain letter of credit if the letter meets certain requirements of the State Treasurer’s office; correcting a certain reference; and generally relating to letters of credit used as collateral.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–202
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 991 – Delegates Rosenberg and Carr

AN ACT concerning

Task Force to Study the Renovation and Repair Needs of Senior Homeowners

FOR the purpose of requiring the Department of Housing and Community Development, with the assistance of the Department of Aging, the Department of Health and Mental Hygiene, and the Department of Human Resources, to create a task force to study methods for identifying and understanding the renovation and repair needs of low-income and limited-income senior homeowners and identifying resources to assist senior homeowners; requiring the task force to consult with and enlist the participation of certain stakeholders; requiring the Department of Housing and Community Development to report on the findings of the task force 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 creation of a task force to study the renovation and repair needs of low-income and limited-income senior homeowners.

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

House Bill 1050 – Delegates Barkley and Davis

AN ACT concerning

Alcoholic Beverages Licensees – Adult Entertainment – Exception

FOR the purpose of providing that certain prohibitions in certain jurisdictions against alcoholic beverages licensees allowing certain types of adult entertainment do not apply to licensees who are operators of theaters, art centers, or similar establishments that present performances expressing matters of serious literary, artistic, scientific, or political value; altering a prohibition relating to certain adult entertainment activity to remove certain references to touching; altering certain cross-references to clarify that certain references to certain adult entertainment activity; terminating an exemption for certain license holders from a prohibition against certain adult entertainment activity in Prince George's County; and generally relating to alcoholic beverages licensees and adult entertainment.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 10-405, 11-304(e)(3)(i), 12-203, 12-204(d), 20-103.1(a)(2),
20-105.1(a)(3), 20-107(b)(2), 20-107.1(a)(2), 20-108.1(a)(3),
20-108.2(a)(2), 20-110(a)(2), 20-111(a)(2), 20-112(a)(2), and 20-113(a)(2)

Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 12–204(a)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing
Chapter 262 of the Acts of the General Assembly of 2005
Section 2

BY repealing and reenacting, with amendments,
Chapter 262 of the Acts of the General Assembly of 2005
Section 3

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

House Bill 1126 – Delegates Schulz, Hogan, ~~and Stifler~~ Stifler, Barkley, Hershey, Hucker, Impallaria, Jameson, Love, and Olszewski

AN ACT concerning

Alcoholic Beverages – Farm Brewery Manufacturer’s License

FOR the purpose of creating a Class 8 farm brewery manufacturer’s license; specifying a certain annual fee for the license; authorizing a licensee to sell and deliver beer manufactured in a facility on the licensed farm or in another facility to certain persons; requiring that the beer be manufactured in a certain manner; requiring that a farm brewery be located only at the place stated on the license; providing that a licensee may exercise the privileges of the license, notwithstanding local law; specifying the privileges that may be exercised by a licensee, including providing samples of beer, selling certain foods, storing beer, brewing beer, bottling beer, or contracting for a certain number of barrels of beer each calendar year; specifying the times during which a licensee may exercise the privileges of the license; specifying the days of operation for a licensee; prohibiting a licensee from selling or allowing to be consumed at a certain location certain alcoholic beverages other than the beer produced by the licensee under this Act; specifying that certain provisions of law apply to a licensee; authorizing a licensee to sponsor a certain multibrewery activity at the licensed farm under certain conditions; specifying the privileges that a licensee may exercise at a multibrewery activity and the times that the activity may be held; authorizing the Office of the Comptroller to issue a special brewery promotional event permit to a licensee under certain conditions; specifying the privileges that may be exercised by the licensee at the special brewery

promotional event; requiring that the beer at the special brewery promotional event be sold by the glass and for consumption on the premises only; and generally relating to Class 8 farm brewery licenses.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–201(a)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article 2B – Alcoholic Beverages
Section 2–209
Annotated Code of Maryland
(2011 Replacement Volume)

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 12 – Delegate Glenn

AN ACT concerning

Baltimore City – 45th Legislative District – Liquor Stores – Premises Near Places of Worship or Schools

FOR the purpose of increasing the distance that liquor stores in the 45th Legislative District in Baltimore City are required to be from places of worship or schools; providing for the application of this Act; and generally relating to the distance that liquor stores are required to be from places of worship or schools in the 45th Legislative District in Baltimore City.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–204.3
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 13 – Delegate Glenn

AN ACT concerning

**Baltimore City – 45th Legislative District – Alcoholic Beverages – Landlords –
Licensed Premises**

FOR the purpose of making it a misdemeanor in the 45th Legislative District in Baltimore City for a landlord to rent out a premises to be used for the sale of alcoholic beverages by a holder of a Class A alcoholic beverages license if the landlord knows or has reason to know that the use would violate a certain minimum distance requirement between a licensed premises and a place of worship or school; providing for the application of this Act; providing a penalty; and generally relating to the sale of alcoholic beverages in the 45th Legislative District in Baltimore City.

BY adding to

Article 2B – Alcoholic Beverages
Section 16–509.1
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 171 – St. Mary’s County Delegation

AN ACT concerning

**St. Mary’s County and Dorchester County – Winery Special Event Permits –
Farmers’ Markets**

FOR the purpose of authorizing the Office of the Comptroller to issue ~~a~~ winery special event ~~permit~~ permits to ~~a~~ Class 4 Maryland limited ~~winery~~ wineries in St. Mary’s County and Dorchester County for unlimited use for a certain amount of time each week at certain farmers’ markets in St. Mary’s County and Dorchester County; and generally relating to the issuance of ~~a~~ winery special event ~~permit~~ permits for use at ~~a~~ farmers’ ~~market~~ markets in St. Mary’s County and Dorchester County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
Section 2–101(u)(1)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to

Article 2B – Alcoholic Beverages
Section 2–101(u)(12) and (13)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 174 – Delegate George

AN ACT concerning

Local Government Self-Insurance Funds – Investment Guidelines

FOR the purpose of altering the definition of “public funds”, as it relates to certain local government investment guidelines, to exclude certain funds held by certain local governments for self-insurance purposes; and generally relating to public funds subject to local government investment guidelines.

BY repealing and reenacting, without amendments,
Article 95 – Treasurer
Section 22F(a)(1) and (6)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article 95 – Treasurer
Section 22F(a)(7)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 175 – ~~Delegates Cluster, Aumann, Boteler, Bromwell, Burns, Cardin, Frank, Impallaria, Kaeh, Lafferty, McDonough, Minnick, Morhaim, Stein, Szeliga, and Weir~~ Baltimore County Delegation

AN ACT concerning

Baltimore County Revenue Authority – Public Ethics Law

FOR the purpose of altering the provisions of the Maryland Public Ethics Law to include each member and ~~employee~~ the chief executive of the Baltimore County Revenue Authority in the definition of “local official” for all purposes of the Baltimore County Public Ethics Law; and generally relating to public ethics laws and the Baltimore County Revenue Authority.

BY repealing and reenacting, without amendments,
 Article – State Government
 Section 15–803
 Annotated Code of Maryland
 (2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
 Article – State Government
 Section 15–807(b)
 Annotated Code of Maryland
 (2009 Replacement Volume and 2011 Supplement)

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

House Bill 211 – Delegates Ivey, Vaughn, Griffith, Afzali, Alston, Anderson, Arora, Barkley, Barnes, Barve, Beidle, Beitzel, Bohanan, Branch, Braveboy, Burns, Cane, Carr, Carter, Clagett, Clippinger, Cullison, Davis, DeBoy, Feldman, Frick, Frush, Gaines, George, Gilchrist, Glenn, Gutierrez, Guzzone, Haddaway–Ricchio, Harrison, Haynes, Healey, Hershey, Hixson, Holmes, Huckler, James, Jameson, Jones, Kaiser, A. Kelly, Kramer, Lafferty, Lee, Luedtke, Malone, McConkey, McIntosh, A. Miller, Minnick, Mitchell, Mizeur, Morhaim, Murphy, Myers, Nathan–Pulliam, Niemann, Oaks, Olszewski, Pena–Melnyk, Pendergrass, Proctor, Reznik, S. Robinson, Rosenberg, Ross, Rudolph, Schuh, Schulz, Simmons, Smigiel, Stein, Stukes, Summers, Tarrant, V. Turner, Walker, Washington, Wilson, Wood, ~~and Zucker~~ Zucker, and Norman

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Elected Officials – Removal from Office – Crimes

FOR the purpose of requiring that an elected official of the State or of a county or municipal corporation who is found guilty of a felony or certain misdemeanors be suspended and, under certain circumstances, removed from office by operation of law; requiring that an elected official of the State or of a county or municipal corporation who ~~is convicted of or~~ enters a certain plea relating to a felony or certain misdemeanors be removed from office by operation of law; ~~repealing the provision of law that requires an elected official to be suspended from office by operation of law under certain circumstances~~; making stylistic changes; 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 XV – Miscellaneous
Section 2

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

House Bill 435 – Delegate Beidle

AN ACT concerning

Vehicle Laws – Salvage – Defective, Lost, or Destroyed Certificates of Title

FOR the purpose of authorizing an application for a salvage certificate submitted by an insurance company to be accompanied by a certain affidavit of ownership and certain evidence of final payment instead of a certificate of title if the certificate of title is defective, lost, or destroyed; and generally relating to required documentation in an application for a salvage certificate.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–506(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 476 – Delegates Hammen, McHale, and Clippinger (By Request – Baltimore City Administration) and Delegates Anderson, Branch, Conaway, Glenn, Haynes, McIntosh, Mitchell, Oaks, B. Robinson, Rosenberg, Stukes, Tarrant, and Washington

AN ACT concerning

Baltimore City – Vehicle Height Monitoring Systems

FOR the purpose of authorizing and establishing requirements for the use of certain vehicle height monitoring systems in Baltimore City to enforce certain State and local laws restricting ~~vehicle height~~ the presence of certain vehicles during certain times; establishing that a ~~vehicle height~~ the presence of certain vehicles during certain times monitoring system may be used under this Act only if its use is authorized by an ordinance adopted by the Baltimore City Council; requiring Baltimore City to conduct a certain analysis and obtain a certain approval before it places a vehicle height monitoring system at a particular location; requiring Baltimore City to take certain steps related to notice before activating a vehicle height monitoring system; providing that certain persons recorded by a vehicle height monitoring system while operating a motor vehicle or a combination of vehicles in violation of a State or local law restricting

~~vehicle height~~ the presence of certain vehicles during certain times are subject to certain penalties; establishing a certain maximum ~~fine~~ fin ~~for a violation~~ violations of law enforced by means of a vehicle height monitoring system under this Act; requiring the District Court to prescribe a certain citation form and a civil penalty to be indicated on the citation; requiring the Baltimore City Police Department or the Baltimore City Department of Transportation to mail a citation to the owner of a motor vehicle recorded by a vehicle height monitoring system under certain circumstances; requiring a citation to include certain information; ~~authorizing~~ requiring the sending of a warning instead of a citation for a first violation under this Act; requiring a citation to be mailed within certain a period of time; authorizing a person who receives a citation under this Act to pay the civil penalty in a certain manner or to elect to stand trial in the District Court; providing for the admissibility and use of certain evidence; authorizing a person receiving citations to have a certain vehicle height monitoring system operator be present and testify at trial; establishing the standard of proof in a trial for a violation of law enforced by a vehicle height monitoring system under this Act; establishing defenses that the District Court may consider; requiring a person to submit a certain proof in order to demonstrate a certain defense; prohibiting imposition of liability under this Act from being considered for certain purposes; requiring the Chief Judge of the District Court, in consultation with the Baltimore City Police Department, to adopt certain procedures; requiring the Baltimore City Police Department or the Baltimore City Department of Transportation, or a designated contractor, to administer citations issued under this Act in coordination with the District Court; prohibiting the fee of a contractor who operates a vehicle height monitoring system on behalf of Baltimore City to be contingent on the number of citations issued or paid; modifying the jurisdiction of the District Court to include certain proceedings; providing for the handling of certain court costs and penalties; prohibiting the custodian of recorded images produced by a vehicle height monitoring system from allowing inspection of the recorded images, subject to certain exceptions; restricting and providing for the use of certain revenues generated by this Act; defining certain terms; making a stylistic change; and generally relating to imposing liability on certain owners of motor vehicles recorded while being operated in violation of a State or local law ~~restricting vehicle height~~ the presence of certain vehicles during certain times.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4-401(13), 7-301(a), 7-302(e), and 10-311
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 11-215(e) and 11-318(e)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–616(o)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Transportation
Section 24–111.3
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 26–401
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 537 – Delegates Jones, Clagett, Cullison, Donoghue, Gaines, Glenn, Gutierrez, Guzzone, Haynes, Healey, Hixson, Huckler, Mizeur, Nathan–Pulliam, Reznik, B. Robinson, V. Turner, Valderrama, and Washington

AN ACT concerning

State Personnel – Collective Bargaining – Applicability

FOR the purpose of providing certain collective bargaining rights to certain State employees; specifying the responsibilities of the State Labor Relations Board in administering and enforcing certain provisions of law relating to the collective bargaining rights of certain State employees; requiring the State Labor Relations Board at the request of a certain exclusive representative to create determine certain bargaining units for certain State employees, accrete certain State employees into certain bargaining units, and hold a self-determination election for certain accreted employees; and generally relating to the collective bargaining rights of State employees.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 3–101(b), 3–102, and 3–205
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 544 – Delegate Malone

AN ACT concerning

Vehicle Laws – Motor Carriers – Application of Federal Safety Regulations

FOR the purpose of requiring that motor carrier safety regulations adopted jointly by the Motor Vehicle Administration and the Department of State Police duplicate or be consistent with certain federal regulations; clarifying the scope of certain State motor carrier safety regulations; and generally relating to the application of motor carrier safety regulations.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 25–111(f)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 575 – Delegates Gutierrez, Bobo, Conway, Guzzone, Howard, Proctor, and Serafini

AN ACT concerning

Local Government Investment Pool – Authorized Participants

FOR the purpose of ~~renaming the Local Government Investment Pool to be the Investment Pool~~; expanding the list of participants that may place certain funds in the Local Government Investment Pool to include certain units of State government or certain entities created by the State in addition to certain local governmental entities; making stylistic changes; defining certain terms; and generally relating to ~~investment pools~~ the Local Government Investment Pool.

BY repealing and reenacting, with amendments,
Article 95 – Treasurer
Section 22G
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 650 – Delegate Waldstreicher (By Request – Task Force on Prisoner Reentry) and Delegates Anderson, Barnes, Carter, Clippinger, Davis, Gaines, Haynes, Hough, Ivey, McIntosh, Mitchell, Pena–Melnik,

Proctor, Rosenberg, Ross, Simmons, V. Turner, Valderrama, and Washington

AN ACT concerning

Correctional Services – Diminution Credits – Educational Accomplishment

FOR the purpose of authorizing, with certain exceptions, a certain inmate to receive a certain deduction from the inmate's term of confinement for earning a certain diploma, degree, certification, or certificate of completion; requiring the Commissioner of Correction to adopt certain regulations; and generally relating to the terms of confinement of inmates.

BY adding to

Article – Correctional Services

Section 3-706.1

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

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

House Bill 678 – Delegates Niemann and McMillan

AN ACT concerning

Real Property – Manufactured Homes – ~~Conversion~~ Affixation to and Severance from Real Property

FOR the purpose of providing for the ~~conversion~~ affixation of a manufactured home to real property under certain circumstances; requiring a certain affidavit of ~~conversion~~ affixation to contain or be accompanied by certain information, documentation, and statements; requiring an affidavit of ~~conversion~~ affixation to be recorded under certain circumstances; providing that an affidavit of affixation is not necessary to convey or encumber a manufactured home; providing that the property tax status of a manufactured home shall be governed by certain provisions of law; providing that a manufactured home shall be converted to real property under certain circumstances; providing that a recorded affidavit of conversion has no legal effect under certain circumstances the recordation of an affidavit of affixation does not represent a sale or transfer of real property for certain purposes; requiring the owner of certain property to send a certified copy of an affidavit of affixation and any attachments to the Motor Vehicle Administration at a certain time; requiring the Administration to record the affidavit and attachments in its records; requiring the Administration to make certain records available to certain individuals; requiring the owner of a manufactured home that is to be severed from real property to file an affidavit of severance under certain circumstances; requiring an affidavit of severance to contain certain information and

statements; requiring an affidavit of severance to be recorded under certain circumstances; requiring the Administration to accept a certain copy of a certain affidavit of severance for filing and issue a certain certificate of title in a certain manner; requiring a custodian to disclose personal information in the public records of the Administration to certain individuals; requiring the Administration to develop a certain model affidavit; providing for the application of certain provisions of this Act; defining certain terms; and generally relating to manufactured homes and the ~~conversion~~ affixation to and severance from real property.

BY repealing and reenacting, without amendments,

Article – Commercial Law

Section 9–102(a)(54)

Annotated Code of Maryland

(2002 Replacement Volume and 2011 Supplement)

BY adding to

Article – Real Property

Section 8B–101 through 8B–302 to be under the new title “Title 8B.
Manufactured Homes”

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 10–616(p)(5)(xiv) and (xv)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

BY adding to

Article – State Government

Section 10–616(p)(5)(xvi)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 13–101

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

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

House Bill 690 – Montgomery County Delegation

AN ACT concerning

**Damascus – Class H Beer and Light Wine Licenses – Repeal of Prohibition
MC 6–12**

FOR the purpose of repealing the prohibition in Montgomery County on the issuance of Class H beer and light wine licenses in Damascus (12th election district); submitting this Act to a referendum of the qualified voters of the 12th election district; and generally relating to the repeal of the prohibition in Damascus on the issuance of Class H beer and light wine licenses.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–216(a)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–216(f)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 716 – Delegates Hershey, Jacobs, and Smigiel

AN ACT concerning

Alcoholic Beverages – Queen Anne’s County – Beer and Wine Festivals

FOR the purpose of authorizing the Queen Anne’s County Board of License Commissioners to issue a certain number of Beer and Wine Festival (BWF) licenses in the county each year; authorizing the Board to select a certain number of weekends each year for a certain festival; requiring the Board to choose a certain location for a certain festival and to assure that the primary focus of a certain festival is the promotion of certain beer and wine; altering a certain definition; and generally relating to beer and wine festivals in Queen Anne’s County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–311
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 736 – Delegate Beitzel

AN ACT concerning

Garrett County – Animal Control Ordinance – Enabling Authority

FOR the purpose of authorizing the County Commissioners of Garrett County to adopt a certain animal control ordinance; authorizing a certain animal control officer to deliver a certain citation to a person believed to be committing a violation of an animal control ordinance adopted by the county commissioners; establishing the contents of a certain citation; establishing a certain maximum penalty; authorizing the county commissioners to establish certain fines and procedures; authorizing a person who receives a certain citation to elect to stand trial; establishing certain procedures relating to the prosecution and trial of a person who violates an animal control ordinance; providing that a person who commits a violation of an animal control ordinance is liable for court costs under certain circumstances; making certain conforming changes; and generally relating to the adoption of an animal control ordinance in Garrett County.

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 236A
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 787 – Frederick County Delegation

AN ACT concerning

Frederick County – Alcoholic Beverages – Licensed Restaurants – Removal of Tables and Chairs for Expanded Occupancy

FOR the purpose of authorizing in Frederick County a restaurant for which a Class B beer, wine and liquor license is issued to remove its tables and chairs to accommodate additional patrons at a certain number of special events in a year; requiring that a restaurant that removes its tables and chairs give notice to the Board of License Commissioners not less than a certain time before the event; requiring the removed tables and chairs to be stored in a certain manner; prohibiting a restaurant from allowing entry to more than the maximum number of occupants that the County Fire Marshal allows; and generally relating to restaurants for which an alcoholic beverages license is issued in Frederick County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(a)(1) and (l)(1) and (2)(iii)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article 2B – Alcoholic Beverages
Section 6–201(l)(2)(iv)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 813 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Hyattsville – Arts and Entertainment District –
Licensed Alcoholic Beverages Establishments – Distance from Churches
Places of Worship
PG 308–12**

FOR the purpose of ~~altering the minimum distance required between a licensed alcoholic beverages establishment and a church in the part of the Gateway Arts and Entertainment District located in the City of Hyattsville; specifying the manner in which the distance between a licensed establishment and a church is to be measured~~ allowing in the part of the Gateway Arts and Entertainment District in the City of Hyattsville the use of the front door or main entrance of an establishment for which a certain alcoholic beverages license is issued if the door or entrance is at least a certain distance from a place of worship; making stylistic changes; and generally relating to alcoholic beverages licenses in Prince George’s County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–217(e)(1)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 814 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Alcoholic Beverages Licensee – Retail Delivery to
Consumer – Prohibition
PG 301–12**

FOR the purpose of prohibiting an alcoholic beverages licensee in Prince George’s County from making an off–site retail delivery of alcoholic beverages to the residence of a consumer; providing a certain exception to the prohibition; and generally ~~prohibiting~~ relating to the delivery of alcoholic beverages to the residence of a consumer in Prince George’s County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 12–301
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 919 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Issuance, Transfer, and Renewal of Alcoholic
Beverages Licenses – Payment of Taxes
PG 302–12**

FOR the purpose of prohibiting the Board of License Commissioners for Prince George’s County from issuing or renewing a license unless the Board is provided verification that certain undisputed taxes have been paid or that payment has been provided for; authorizing the Board to condition the issuance of a license for which a transfer has been approved on verification that certain undisputed taxes have been paid or that payment has been provided for; specifying that certain requirements concerning verification of undisputed taxes apply to the principals or owners of certain entities ~~and the immediate relatives of the principals and owners~~; and generally relating to alcoholic beverages licenses in Prince George’s County.

BY adding to
Article 2B – Alcoholic Beverages
Section 10–202(i–1) and 10–301(f–1)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 936 – Delegate Frush (Chair, Task Force on the Establishment of a Statewide Spay/Neuter Fund) and Delegates Healey, Kach, Kaiser, A. Kelly, B. Robinson, and Sophocleus

AN ACT concerning

Task Force on the Establishment of a Statewide Spay/Neuter Fund – Sunset Extension

FOR the purpose of altering the date by which the Task Force on the Establishment of a Statewide Spay/Neuter Fund is required to report its findings and legislative recommendations to the Governor and certain committees of the General Assembly; extending the termination date of the Task Force; and generally relating to the Task Force on the Establishment of a Statewide Spay/Neuter Fund.

BY repealing and reenacting, with amendments,
Chapter 266 of the Acts of the General Assembly of 2011
Section 1 and 2

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

House Bill 962 – Delegate Anderson (By Request – Baltimore City Administration) and Delegates Branch, Conaway, Glenn, Oaks, B. Robinson, and Tarrant

AN ACT concerning

Baltimore City – Alcoholic Beverages – Video Lottery Facility and Video Lottery Concessionaire Licenses

FOR the purpose of creating in Baltimore City a Class BWL–VLF (video lottery facility) beer, wine and liquor license and a Class BWL–VLC (concessionaire) beer, wine and liquor license; exempting the video lottery facility license and the concessionaire license from certain fees; specifying that the Board of Liquor License Commissioners may issue a video lottery facility license for a video lottery facility that contains one or more food service facilities, bars, or lounges; specifying that a video lottery facility license may be issued to an individual or entity that meets certain requirements; providing that an applicant for the license need not meet a location, voting, or residency requirement; providing that the video lottery facility license authorizes the licensee to sell beer, wine, and liquor by the drink and by the bottle on the premises of the video lottery facility, for consumption anywhere in the facility or on grounds controlled by the licensee as defined in the video lottery facility license; authorizing the Board to issue a concessionaire license to one or more concessionaires operating in a

video lottery facility; authorizing a concessionaire licensee to sell beer, wine, and liquor on the premises of the concessionaire for consumption anywhere in the video lottery facility or on grounds controlled by the video lottery facility licensee as defined in the video lottery facility license; specifying certain fees; specifying that an off-sale privilege is not conferred by a video lottery facility license or a concessionaire license; authorizing that beer, wine, and liquor purchased under a video lottery facility license or a concessionaire license may be taken anywhere in a video lottery facility or on grounds controlled by the video lottery licensee; specifying that a video lottery facility license and a concessionaire license authorize the playing of music and dancing; specifying certain days and hours of sale for the video lottery facility and concessionaire licenses; specifying that video lottery facility and concessionaire licenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with this Act; providing for the application to certain persons of certain penalties and sanctions for violations occurring on certain premises; defining certain terms; and generally relating to alcoholic beverages and video lottery facilities in Baltimore City.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(d)(6)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article 2B – Alcoholic Beverages
Section 6–201(d–1)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 1046 – Howard County Delegation

AN ACT concerning

Howard County – Alcoholic Beverages Sales – Golf Courses Ho. Co. 7–12

FOR the purpose of altering the starting time for selling beer, wine, and liquor at certain golf courses in Howard County that hold a certain license; and generally relating to alcoholic beverages in Howard County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–514(a)(3)

Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 1062 – Delegates Hershey, Jacobs, and Smigiel

AN ACT concerning

Queen Anne’s County – Beer, Wine and Liquor Tasting License

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

BY renumbering

Article 2B – Alcoholic Beverages
Section 8–410.2 and 8–410.3, respectively
to be Section 8–410.3 and 8–410.4, respectively
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to

Article 2B – Alcoholic Beverages
Section 8–410.2
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 1063 – Delegates Hershey, Jacobs, and Smigiel

AN ACT concerning

Queen Anne’s County – Alcoholic Beverages – Inspectors

FOR the purpose of repealing a requirement that the alcoholic beverages inspector that the Board of License Commissioners of Queen Anne’s County is required to appoint be a full–time inspector; and generally relating to alcoholic beverages inspectors in Queen Anne’s County.

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

Section 15–112(a)(3)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–112(s)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 1319 – Delegates Tarrant, Conaway, and B. Robinson

AN ACT concerning

Baltimore City – Alcoholic Beverages – Zoo License

FOR the purpose of creating a Class BWL–MZ license for use at a zoo in a certain location in Baltimore City; specifying that the license may be used to sell beer, wine, and liquor for consumption only on the land and in the facilities used by the zoo; requiring an applicant who has another alcoholic beverages license to exchange that license for a Class BWL–MZ license; requiring the Board of Liquor License Commissioners for Baltimore City to take a certain action; authorizing the licensee to designate an agent for a certain purpose; specifying that the agent shall be considered the vendor for a certain purpose; authorizing the sale of beer, wine, and liquor at multiple locations under certain circumstances; providing the hours of sale and the annual fee for the license; authorizing the Board to adopt certain regulations; and generally relating to a Class BWL–MZ license for use at a zoo in Baltimore City.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 9–204.1(a)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article 2B – Alcoholic Beverages
Section 9–204.1(h)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 1391 – Delegates Conway, Bates, Beitzel, Bohanan, Busch, Clagett, DeBoy, Eckardt, Gaines, Griffith, Gutierrez, Guzzone, Hixson, Jones, Malone, McConkey, McIntosh, Mizeur, Proctor, Sophocleus, Stocksdales, Washington, Wood, ~~and Zucker~~ Zucker, Aumann, Glenn, Haynes, James, and Szeliga

AN ACT concerning

Public School Construction Program – Maryland School for the Blind

FOR the purpose of making the Maryland School for the Blind eligible for certain school construction funding under the Public School Construction Program for certain fiscal years, notwithstanding a certain provision of law and subject to certain regulations; requiring the Board of Public Works to adopt certain regulations; prohibiting the amount of funds allocated to the Maryland School for the Blind from being used in determining the total amount of funds allocated for certain projects in Baltimore City and Baltimore County; specifying that this Act may not preclude the Maryland School for the Blind from receiving and using certain funds allocated to it in the State’s capital budget; and generally relating to including the Maryland School for the Blind in the Public School Construction Program.

BY adding to

Article – Education

Section 8–319

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

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

LAI D O V E R B I L L S

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 605 – Senator Kelley

AN ACT concerning

Education – Children in State–Supervised Care – Geographical Attendance Area

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

SB0605/734834/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 605

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Children” in line 2 down through “Area” in line 3 and substitute “Domicile Requirements for Attendance – Exception”; strike beginning with “authorizing” in line 4 down through “factors;” in line 8; in line 9, after “a” insert “certain”; strike beginning with the first “the” in line 9 down through “agency” in line 10; strike beginning with the comma in line 11 down through the comma in line 12 and substitute “and the Secretary of Juvenile Services each”; strike beginning with “prohibiting” in line 13 down through “term;” in line 18 and substitute “requiring the State Department of Education to adopt certain regulations to implement a certain Act;”; in line 19, strike “in State-supervised care”; strike beginning with “whether” in line 20 down through “school” in line 21 and substitute “the domicile requirements for attendance at that school”; in line 24, strike “4-109,”; and in the same line, strike “, and 8-501”.

On pages 1 and 2, strike beginning with line 27 on page 1 through line 2 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 6 through 27, inclusive.

On page 3, strike in their entirety lines 5 through 31, inclusive; after line 31, insert:

“(II) REGARDLESS OF WHERE THE CHILD IS CURRENTLY DOMICILED, A COUNTY SUPERINTENDENT SHALL ALLOW A CHILD TO REMAIN AT THE SCHOOL THAT THE CHILD IS ATTENDING, IF:

1. THE CHILD IS A CHILD WHO IS:

A. IN THE CUSTODY OF, COMMITTED TO, OR OTHERWISE PLACED BY A LOCAL DEPARTMENT OF SOCIAL SERVICES OR THE DEPARTMENT OF JUVENILE SERVICES; AND

B. SUBJECT TO THE EDUCATIONAL STABILITY PROVISIONS OF THE FEDERAL FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008;

2. THE CHILD IS NOT SUBJECT TO THE EDUCATIONAL STABILITY PROVISIONS OF THE FEDERAL MCKINNEY-VENTO HOMELESS ASSISTANCE ACT, AS AMENDED, AS A CHILD AWAITING FOSTER CARE PLACEMENT AS DEFINED BY THE DEPARTMENT IN REGULATION; AND

3. THE CHILD IS NOT IN ANY OF THE FOLLOWING PLACEMENTS:

A. A DETENTION FACILITY;

B. A FORESTRY CAMP;

C. A TRAINING SCHOOL;

D. A STATE-OWNED AND STATE-OPERATED FACILITY THAT ACCOMMODATES MORE THAN 25 CHILDREN; OR

E. ANY OTHER FACILITY OPERATED PRIMARILY FOR THE DETENTION OF CHILDREN WHO ARE DETERMINED TO BE DELINQUENT;

4. THE LOCAL DEPARTMENT OF SOCIAL SERVICES OR THE DEPARTMENT OF JUVENILE SERVICES DETERMINES, IN CONSULTATION WITH THE LOCAL SCHOOL SYSTEM, THAT IT IS IN THE BEST INTERESTS OF THE CHILD TO CONTINUE AT THAT SCHOOL; AND

5. THE LOCAL DEPARTMENT OF SOCIAL SERVICES OR THE DEPARTMENT OF JUVENILE SERVICES PAYS FOR THE COST OF TRANSPORTING THE CHILD TO AND FROM SCHOOL.

(iii) 1. THE DEPARTMENT OF HUMAN RESOURCES AND THE DEPARTMENT OF JUVENILE SERVICES EACH SHALL ADOPT REGULATIONS

ESTABLISHING FACTORS THAT SHALL BE CONSIDERED IN DETERMINING THE BEST INTERESTS OF A CHILD UNDER THIS SECTION.

2. THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE EDUCATIONAL STABILITY PROVISIONS OF THE FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008.”.

On pages 4 and 5, strike beginning with line 8 on page 4 through line 27 on page 5, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #20

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 337 – Senator Conway

AN ACT concerning

State Board of Nursing – Nurses, Nursing Assistants, Medication Technicians, and Electrologists – Licensure and Certification Requirements

SB0337/904730/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 337

(First Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2, strike beginning with “authorizing” in line 30 on page 1 through “fine;” in line 9 on page 2.

On page 2, strike in their entirety lines 30 through 34, inclusive.

AMENDMENT NO. 2

On page 9, in line 26, after “SECTION;” insert “OR”.

On page 13, in line 10, after “STUDENT” insert “ENROLLED IN A NURSING EDUCATION PROGRAM THAT IS RECOGNIZED BY THE BOARD”; in line 11, strike beginning with the first “FOR” through “10.27.01.11” and substitute “AS A PRECEPTOR”; strike beginning with “UNDER” in line 15 down through “10.27.01.11” in line 16; and in line 17, after “PRACTICE” insert “IN ACCORDANCE WITH THE REQUIREMENTS OF PARAGRAPH (2) OF THIS SUBSECTION”.

On pages 19 and 20, strike in their entirety the lines beginning with line 15 on page 19 through line 25 on page 20, inclusive.

On page 21, strike in their entirety lines 3 through 9, inclusive; in line 10, in each instance, strike the bracket; in the same line, strike “(C)”; in line 15, strike the first set of brackets; in the same line, strike “(D)”; in line 23, in each instance, strike the bracket; in the same line, strike the first comma; and in the same line, strike “, AND (C)”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 689 – Senator Shank

AN ACT concerning

Education – Maryland Advisory Council for Virtual Learning – Establishment

SB0689/314938/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 689

(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 13, strike “15”; in lines 18 and 20, in each instance, strike “ONE MEMBER” and substitute “TWO MEMBERS”; and in line 27, strike “AND”.

On page 3, in line 2, after “PROVIDERS” insert “;

(V) ONE REPRESENTATIVE OF THE BUSINESS COMMUNITY;

(VI) ONE PARENT OF A STUDENT PARTICIPATING IN DIGITAL LEARNING OPPORTUNITIES;

(VII) ONE SCHOOL TEACHER ENGAGED IN DIGITAL INSTRUCTION;

(VIII) ONE MEMBER OF THE BALTIMORE TEACHERS UNION;

(IX) ONE MEMBER OF THE MARYLAND STATE EDUCATION ASSOCIATION; AND

(X) ONE CHARTER SCHOOL ADVOCATE”.

AMENDMENT NO. 2

On page 4, in line 6, after “SHALL” insert “MAKE RECOMMENDATIONS REGARDING”; and strike in their entirety lines 7 through 26, inclusive.

On page 5, in lines 1, 4, 6, 7, 9, 11, 13, 15, 17, 19, 21, 24, and 26, strike “(II)”, “(III)”, “(IV)”, “(V)”, “(VI)”, “(VII)”, “(VIII)”, “(IX)”, “(X)”, “(XI)”, “(XII)”, “(8)”, and “(B)”, respectively, and substitute “(1)”, “(2)”, “(3)”, “(4)”, “(5)”, “(6)”, “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, “(B)”, and “(C)”, respectively; in line 22, strike the semicolon and substitute a period; strike line 23 in its entirety; in line 24, strike “PERFORM” and substitute “THE COUNCIL SHALL PERFORM”; in line 27, after “REPORT” insert “ITS RECOMMENDATIONS”; and in line 28, strike “GENERAL ASSEMBLY” and substitute “HOUSE COMMITTEE ON WAYS AND MEANS AND THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE”.

The preceding 2 amendments were read only.

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

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 769 – Senator Edwards

AN ACT concerning

Garrett County – Animal Control Ordinance – Enabling Authority

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 843 – Senators Pinsky, Ferguson, Madaleno, and Montgomery

AN ACT concerning

Institutions of Postsecondary Education – Fully Online Distance Education Programs – Registration

SB0843/954436/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 843

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Montgomery” and substitute “Montgomery, and Rosapepe”; in line 8, after “time” insert “under certain circumstances”; in line 11, after “circumstances” insert “within a certain period of time”; in line 12, after “circumstances;” insert “requiring the Commission to render a certain decision within a certain period of time;”; in line 22, after “circumstances;” insert “requiring the Commission to submit certain reports to the Governor and the General Assembly;”; in line 28, after “to” insert “a”; and in the same line, strike “exceptions” and substitute “exception”.

On page 2, in line 9, after “System;” insert “providing for the construction of this Act;”.

AMENDMENT NO. 2

On page 3, in lines 13, 20, 22, 27, and 29, in each instance, strike “OR REGISTRATION”; strike beginning with “OR” in line 14 down through “REGISTRATION” in line 15; in line 17, after “(2)” insert “(I)”; in line 18, strike “, and within” and substitute “.

(II) WITHIN;

in line 23, strike “NOT”; in the same line, strike the brackets; strike beginning with “OR” in line 23 down through “RECEIVED” in line 25 and substitute “not”; after line 27, insert:

“(C-1) (1) IF THE COMMISSION BELIEVES THAT AN INSTITUTION OF POSTSECONDARY EDUCATION THAT IS REQUIRED TO REGISTER UNDER § 11-202.2 OF THIS SUBTITLE DOES NOT MEET THE CONDITIONS OR STANDARDS NECESSARY FOR THE ISSUANCE OF THE REGISTRATION, THE COMMISSION SHALL GIVE THE INSTITUTION WRITTEN NOTICE OF THE SPECIFIC DEFICIENCIES WITHIN 6 MONTHS AFTER RECEIPT OF AN APPLICATION FOR REGISTRATION.

(2) (I) WITHIN 20 DAYS AFTER RECEIPT OF A NOTICE OF DEFICIENCIES, THE INSTITUTION MAY REQUEST A HEARING BEFORE THE COMMISSION.

(II) WITHIN 60 DAYS AFTER RECEIPT OF THE REQUEST FOR A HEARING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSION SHALL HOLD A HEARING TO DETERMINE IF THE REGISTRATION SHOULD BE ISSUED.

(3) (I) IF, AFTER 6 MONTHS FROM THE DATE ON WHICH THE APPLICATION FOR REGISTRATION WAS SUBMITTED TO THE COMMISSION, THE INSTITUTION HAS RECEIVED NEITHER A REGISTRATION NOR WRITTEN NOTICE OF DEFICIENCIES UNDER THIS SUBSECTION, THE INSTITUTION MAY REQUEST A HEARING WITHIN 20 DAYS BEFORE THE COMMISSION.

(II) WITHIN 60 DAYS AFTER RECEIPT OF THE REQUEST FOR A HEARING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSION SHALL HOLD A HEARING TO DETERMINE IF THE REGISTRATION SHOULD BE ISSUED.

(4) AFTER A HEARING HELD UNDER THIS SUBSECTION, THE COMMISSION SHALL RENDER A DECISION WITHIN 30 DAYS.”;

and in line 30, after “section” insert “OR THAT IS DENIED A REGISTRATION AFTER A HEARING GRANTED UNDER SUBSECTION (C-1) OF THIS SECTION”.

AMENDMENT NO. 3

On page 4, strike beginning with “NO” in line 16 down through “STATE” in line 17 and substitute “THE COMMISSION HAS DETERMINED THAT THE PORTION OF THE PROGRAM OFFERED AT A LOCATION IN THE STATE, IF ANY, DOES NOT REQUIRE A CERTIFICATE OF APPROVAL FOR THE INSTITUTION TO OPERATE, DO BUSINESS, OR FUNCTION IN THE STATE”; in line 18, strike “PARAGRAPH (2)” and substitute “PARAGRAPHS (2) AND (3)”; in line 21, after “SHALL” insert “FILE AN APPLICATION TO”; in the same line, strike “6” and substitute “3”; and after line 27, insert:

“(3) (I) NOTWITHSTANDING THE REQUIREMENTS OF § 11-202(C-1) OF THIS SUBTITLE, AN INSTITUTION THAT HAS ENROLLED MARYLAND STUDENTS BEFORE OBTAINING REGISTRATION UNDER THIS SECTION MAY CONTINUE TO OPERATE WITHOUT A REGISTRATION WHILE THE COMMISSION CONSIDERS THE INSTITUTION’S APPLICATION, CONDUCTS A HEARING CONCERNING THE INSTITUTION’S APPLICATION, OR PARTICIPATES IN JUDICIAL REVIEW REGARDING AN INSTITUTION’S APPLICATION.

(II) AN INSTITUTION THAT CONTINUES TO OPERATE WITHOUT A REGISTRATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL FURNISH A PERFORMANCE BOND OR OTHER FORM OF FINANCIAL GUARANTEE TO THE STATE IN AN AMOUNT SET BY REGULATION THAT IS IN ADDITION TO AND SEPARATE FROM A PERFORMANCE BOND OR OTHER FORM OF FINANCIAL GUARANTEE REQUIRED UNDER § 11-203 OF THIS SUBTITLE.”

AMENDMENT NO. 4

On page 6, in line 7, after “(1)” insert “(I)”; in line 9, after “CHARGE” insert “FOR A STUDENT WHO HAS COMPLETED LESS THAN 24 CREDITS OF COLLEGE-LEVEL LEARNING FROM AN ACCREDITED INSTITUTION; AND

(II) A PRORATED REFUND METHODOLOGY THAT PROVIDES A REFUND TO ANY STUDENT NOT COVERED BY ITEM (I) OF THIS PARAGRAPH WHO HAS COMPLETED 60% OR LESS OF A COURSE”;

strike beginning with “ACCOUNTS” in line 10 down through “COMPLETED” in line 11 and substitute “PROVIDES A REFUND TO ANY STUDENT WHO HAS COMPLETED 60% OR LESS OF A COURSE”; in line 15, after “BE” insert “:

(I) A FIXED AMOUNT FOR ALL INSTITUTIONS REGARDLESS OF TYPE, LOCATION, OR STUDENT ENROLLMENT; AND

(II)”;

in the same line, strike “SET” and substitute “SET”; and after line 22, insert:

“(G) ON OR BEFORE DECEMBER 1 EACH YEAR, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY:

(1) THE NUMBER OF INSTITUTIONS OF POSTSECONDARY EDUCATION THAT APPLY FOR REGISTRATION UNDER THIS SECTION;

(2) THE TYPE AND SIZE OF THE INSTITUTIONS THAT APPLY;

(3) THE NUMBER OF INSTITUTIONS APPROVED FOR REGISTRATION;

(4) THE NUMBER OF INSTITUTIONS DENIED REGISTRATION; AND

(5) THE NUMBER OF MARYLAND STUDENTS ENROLLED IN INSTITUTIONS REQUIRED TO REGISTER UNDER THIS SECTION.”.

AMENDMENT NO. 5

On page 8, strike in their entirety lines 1 through 6, inclusive; and after line 6, insert:

“2. A. AFTER 3 YEARS OF CLAIMS HISTORY DURING WHICH NO CLAIM AGAINST THE FUND HAS BEEN SUSTAINED ON BEHALF OF A STUDENT PARTICIPATING IN A FULLY ONLINE DISTANCE EDUCATION PROGRAM OFFERED IN THE STATE BY AN INSTITUTION REGISTERED UNDER § 11-202.2 OF THIS SUBTITLE, THE COMMISSION SHALL EXEMPT THAT INSTITUTION FROM THE REQUIREMENT TO CONTRIBUTE TO THE FUND.

B. NOTWITHSTANDING SUBSUBPARAGRAPH A OF THIS SUBSUBPARAGRAPH, AN INSTITUTION SHALL BE REQUIRED TO CONTRIBUTE TO THE FUND FOLLOWING A CLAIM AGAINST THE FUND BEING SUSTAINED ON BEHALF OF A STUDENT PARTICIPATING IN A FULLY ONLINE DISTANCE EDUCATION PROGRAM OFFERED IN THE STATE BY THE INSTITUTION.”

AMENDMENT NO. 6

On page 9, after line 15, insert:

“(E) ON OR BEFORE DECEMBER 1 EACH YEAR, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, REGARDING:

(1) THE NUMBER OF CLAIMS MADE AGAINST EACH GUARANTY FUND ESTABLISHED UNDER THIS SECTION;

(2) THE TYPE, SIZE, AND PROGRAM OF THE INSTITUTIONS AGAINST WHICH THE CLAIMS ARE MADE;

(3) THE NUMBER OF CLAIMS THAT ARE APPROVED AND THE ASSOCIATED PAYOUTS FROM THE FUNDS; AND

(4) THE NUMBER OF CLAIMS THAT ARE DENIED.”

AMENDMENT NO. 7

On page 12, strike beginning with “AND” in line 6 down through “LEVEL” in line 7; after line 9, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act may be construed to affect the ongoing interpretation of § 11–202 of the Education Article and whether instruction through correspondence, noninteractive learning, credit for prior learning, cooperative education activities, practica, internships, externships, apprenticeships, portfolio review, departmental examinations, or challenge examinations requires a certificate of approval to operate, do business, or function in this State.”;

and in line 10, strike “2.” and substitute “3.”.

The preceding 7 amendments were read only.

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

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 869 – Senator Conway

AN ACT concerning

Maryland Building Performance Standards – Hotels – Mandatory Master Control Device

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #21

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 377 – Senator Conway

AN ACT concerning

Alcoholic Beverages – Baltimore City – False Advertising

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 654 – Senator Klausmeier (By Request – Baltimore County Administration)**EMERGENCY BILL**

AN ACT concerning

Baltimore County – Alcoholic Beverages Licenses

SB0654/264837/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 654

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first “of” insert “altering certain minimum percentages of average daily receipts from the sale of food that restaurants must maintain for a certain purpose; prohibiting the Baltimore County Board of Liquor License Commissioners from authorizing the transfer of more than a certain total of certain licenses in existence on a certain date out of a certain election district;”; strike beginning with “Baltimore” in line 3 down through “Commissioners” in line 4 and substitute “Board”; in line 6, strike “a certain limit” and substitute “certain limits”; in line 7, after “transferred” insert “into a single election district”; in the same line, strike “a certain period” and substitute “certain periods”; and in line 25, strike “and” and substitute “; altering the maximum seating capacity for a certain cocktail lounge or bar; altering”.

On page 2, in line 4, after “Act;” insert “providing for the application of certain provisions of this Act;”; in line 9, strike “and” and substitute a comma; in the same line, after “8–204.8” insert “, and 8–204.9”; in line 14, after “Section” insert

“8–204.3(d)(3) and (e), 8–204.4(d), 8–204.5(d).”; and in the same line, after “9–102(b–3B)(1)” insert “and (2)”; and after line 16, insert:

“BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 8–204.3(d)(1) and (2)

Annotated Code of Maryland

(2011 Replacement Volume)”.

AMENDMENT NO. 2

On page 2, after line 24, insert:

“8–204.3.

(d) (1) The Class B (B, W, L) (TCRD) licenses may be issued only for a location within the Towson Commercial Revitalization District, as defined by the Baltimore County Council.

(2) The license shall be used in conjunction with the operation of a restaurant, as defined in this article and in the regulations of the Board of Liquor License Commissioners.

(3) [Except as provided in subsection (e)(2)(ii) of this section, the]THE restaurant operation shall maintain average daily receipts from the sale of food at least [65%]60% of the total daily receipts of the restaurant.

(e) Of the restaurants for which a Class B or Class D license may be transferred and a Class B (B, W, L) (TCRD) may be issued under subsection (b)(1) of this section, the Board of Liquor License Commissioners may require that:

(1) For not more than seven restaurants, applicants for license transfer and issuance demonstrate a minimum capital investment, excluding the costs of the land and building shell, of \$500,000; and

(2) For not more than three restaurants:

(i) Applicants for license transfer and issuance demonstrate a capital investment, excluding the costs of the land and building shell, of not less than \$50,000 or more than \$400,000; AND

(ii) [The restaurant operation maintain average daily receipts from the sale of food of at least 70% of the total daily receipts of the restaurant; and

(iii) The area dedicated to the restaurant operation have:

1. A maximum seating capacity of 100 persons, with the seating capacity in the bar area not exceeding [15%] 25% of the total seating capacity of the restaurant; and

2. A minimum seating capacity of 40 persons.

8-204.4.

(d) The following additional requirements apply to the Class B (HV) restaurant (on-sale) beer, wine and liquor retail license established by this section:

(1) The license may be issued only for a location within the "Hunt Valley Commercial/Mixed Use Focal Point" as designated in the Hunt Valley/Timonium Master Plan, adopted by the Baltimore County Council on October 19, 1998;

(2) The license shall be used in conjunction with the operation of a restaurant, as defined in this article and the regulations of the Board of License Commissioners;

(3) The restaurant operation shall maintain average daily receipts from the sale of the food of at least [70%] 60% of the total daily receipts of the establishment;

(4) The total seating capacity for the area dedicated primarily for the purpose of the consumption of alcoholic beverages may not exceed 25% of the total seating capacity of the establishment; and

(5) Subject to the provisions of subsection (h) of this section, the hours during which the privileges conferred by the license may be exercised may not exceed the hours for which food is offered for sale.

8-204.5.

(d) The following additional requirements apply to a Class B (QG), (MCOM), or (PC) restaurant (on-sale) beer, wine and liquor retail license established by this section:

(1) The license may be issued only for a location within the geographic areas identified in subsection (b)(1) of this section;

(2) The license shall be used in conjunction with the operation of a restaurant, as defined in this article and the regulations of the Board of License Commissioners;

(3) The restaurant operation shall maintain average daily receipts from the sale of the food of at least [70%]60% of the total daily receipts of the establishment;

(4) The total seating capacity for the area dedicated primarily for the purpose of the consumption of alcoholic beverages may not exceed 25% of the total seating capacity of the establishment; and

(5) Subject to the provisions of subsection (h) of this section, the hours during which the privileges conferred by the license may be exercised may not exceed the hours for which food is offered for sale.”.

AMENDMENT NO. 3

On page 2, after line 25, insert:

“(A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.

(B) THE BOARD OF LIQUOR LICENSE COMMISSIONERS MAY NOT AUTHORIZE THE TRANSFER OF MORE THAN A TOTAL OF 25 CLASS B OR CLASS D LICENSES IN EXISTENCE ON MAY 1, 2012, OUT OF ELECTION DISTRICT 15.

8-204.8.”;

and in line 27, after “TO” insert “**§ 8-204.7 OF THIS SUBTITLE AND**”.

On page 4, in line 28, strike “8-204.8.” and substitute “**8-204.9.**”.

AMENDMENT NO. 4

On page 2, in line 28, after “OF” insert “LIQUOR”; and in line 34, after the second “OF” insert “LIQUOR”.

On page 3, strike in their entirety lines 4 through 23, inclusive, and substitute:

“(C) (1) IN ACCORDANCE WITH THIS SUBSECTION, THE BOARD OF LIQUOR LICENSE COMMISSIONERS SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES FROM ELECTION DISTRICT 15 TO ANY OTHER ELECTION DISTRICT IN THE COUNTY; OR

(II) ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES UNDER SUBSECTION (D) OF THIS SECTION.

(2) ON OR BEFORE APRIL 30, 2013, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF FIVE CLASS B OR CLASS D LICENSES; OR

(II) IF FIVE LICENSES ARE NOT TRANSFERRED, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE NUMBER OF LICENSES TRANSFERRED OR ISSUED SINCE MAY 1, 2012, TOTALS FIVE.

(3) ON OR BEFORE APRIL 30, 2014, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, TOTALS AT LEAST 10; OR

(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, EQUALS 10.

(4) ON OR BEFORE APRIL 30, 2015, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, TOTALS AT LEAST 15; OR

(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, EQUALS 15.

(5) ON OR BEFORE APRIL 30, 2016, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, TOTALS AT LEAST 20; OR

(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, EQUALS 20.

(6) ON OR BEFORE APRIL 30, 2017, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES ISSUED OR TRANSFERRED UNDER THIS SUBSECTION SINCE MAY 1, 2012, TOTALS AT LEAST 25; OR

(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES ISSUED OR TRANSFERRED UNDER THIS SUBSECTION SINCE MAY 1, 2012, EQUALS 25.

(7) IN ANY YEAR, IF THE BOARD APPROVES THE TRANSFER OF MORE CLASS B OR CLASS D LICENSES THAN ARE NEEDED TO MEET THE MINIMUM TOTAL REQUIRED FOR THAT YEAR, THE EXCESS WILL BE COUNTED AGAINST THE MINIMUM TOTAL REQUIRED FOR THE NEXT YEAR.

(8) THE DATE A LICENSE IS TRANSFERRED UNDER THIS SUBSECTION IS THE DATE OF FINAL, NONAPPEALABLE APPROVAL OF THE APPLICATION FOR A NEW LICENSE OR FOR LICENSE TRANSFER BY THE BOARD.;

in line 24, after “LICENSE” insert “MAY BE”; strike beginning with “UNDER” in line 25 down through “OF” in line 26 and substitute “ONLY IN COMPLIANCE WITH”; in lines 27 and 32, in each instance, strike “THE” and substitute “A CLASS B SERVICE BAR (SB)”; in line 27, strike “WITH” and substitute “IN”; in line 32, after “SALES” insert “OF BEER AND WINE”; in line 28, after “OF” insert “LIQUOR”; and after line 32, insert:

“(4) A CLASS B SERVICE BAR (SB) LICENSE ALLOWS ALCOHOLIC BEVERAGES TO BE SERVED TO PATRONS ONLY AS PART OF A MEAL.”

On page 4, in lines 1, 5, and 12, strike “(4)”, “(5)”, and “(6)”, respectively, and substitute “(5)(I)”, “(6)”, and “(7)”, respectively; in line 1, strike “THE” and substitute “A CLASS B SERVICE BAR (SB)”; strike beginning with the comma in line 2 down through “TABLE” in line 4 and substitute “.

(II) A CLASS B SERVICE BAR (SB) LICENSE DOES NOT ALLOW SERVICE TO A CUSTOMER WHO IS STANDING OR ACCEPTING DELIVERY OF PURCHASED FOOD OR BEVERAGE ITEMS OTHER THAN WHILE SEATED AT A TABLE;

in line 6, after “LOCATION” insert “OF THE RESTAURANT FOR WHICH A CLASS B SERVICE BAR (SB) LICENSE IS SOUGHT”; in line 9, after “WITH” insert “THE VIEWING OF TELEVISED SPORTING EVENTS OR”; in line 12, after “A” insert “CLASS B OR D”; in the same line, strike “HIS” and substitute “THIS”; in line 13, strike “ISSUED UNDER SUBSECTION (C) OF THIS SECTION AND” and substitute “A CLASS B SERVICE BAR (SB) LICENSE ISSUED UNDER”; after line 15, insert:

“(8) NOT MORE THAN ONE CLASS B SERVICE BAR (SB) LICENSE MAY BE ISSUED IN ANY ONE ELECTION DISTRICT PER YEAR.

“(9) A CLASS B SERVICE BAR (SB) LICENSE MAY NOT BE ISSUED FOR USE ON PREMISES OR A LOCATION FOR WHICH ANY ON-SALE LICENSE HAS BEEN ISSUED WITHIN 2 YEARS BEFORE THE APPLICATION FOR THE CLASS B SERVICE BAR (SB) LICENSE IS FILED.

“(10) ANY PERSON, INCLUDING AN INDIVIDUAL OR SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, UNINCORPORATED ASSOCIATION, AND LIMITED LIABILITY COMPANY, MAY NOT HAVE A DIRECT OR INDIRECT INTEREST AS DEFINED IN § 9-102(B-3B) OF THIS ARTICLE IN MORE THAN ONE CLASS B SERVICE BAR (SB) LICENSE.”;

in lines 23 and 30, in each instance, after “OF” insert “LIQUOR”; and in line 26, after the second “OF” insert “LIQUOR”.

On page 5, in line 4, after “OF” insert “LIQUOR”.

AMENDMENT NO. 5

On page 6, after line 17, insert:

“(2) For an applicant to obtain a license under this subsection:

(i) The applicant shall apply in the regular manner and pay the usual fee; and

(ii) The restaurants for which the licenses are sought shall:

1. Meet the requirements of the rules and regulations of the Board of License Commissioners regarding the availability and issuance of licenses;

2. Meet the definition requirements of “restaurant” established under the regulations of the Board of License Commissioners;

3. Have a minimum seating capacity of 190 persons for dining;

4. Have a cocktail lounge or bar area seating capacity that does not exceed [10%] 25% of the seating capacity for dining; and

5. Have no more than [20%]40% of sales in alcoholic beverages in connection with the business.”;

in line 31, strike “10%” and substitute “25%”; in lines 32 and 33, in each instance, strike the bracket; in line 32, strike “(v)” and substitute “(IV)”; and in the same line, strike “20%” and substitute “40%”.

On page 7, in line 1, strike “(IV)” and substitute “(V)”.

AMENDMENT NO. 6

On page 8, in lines 6 and 13, in each instance, after the second “of” insert “Liquor”; after line 15, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That §§ 8–204.3(d)(3) and (e), 8–204.4(d), 8–204.5(d), and 9–102(b–3B)(2)(ii) and (b–3C)(1), as enacted by Section 1 of this Act, shall be construed to apply retroactively and shall be applied to and interpreted to affect restaurants for which alcoholic beverages licenses have been issued or are sought.”;

and in line 16, strike “4.” and substitute “5.”.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 975 – Senator Pugh

AN ACT concerning

Baltimore City – Alcoholic Beverages – Zoo License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 984 – Senator Conway

AN ACT concerning

Baltimore City – Alcoholic Beverages – Beer, Wine, and Liquor Tasting License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #12

Senator Middleton, Chair, for the Committee on Finance and Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 239 – The President (By Request – Administration) and Senators Garagiola, King, Madaleno, Manno, McFadden, Peters, Pugh, Robey, and Rosapepe

AN ACT concerning

Economic Development – Maryland Technology Development Corporation – Maryland Innovation Initiative

SB0239/607176/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 239

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Rosapepe” and substitute “Rosapepe, Middleton, Klausmeier, and Muse”; in line 7, after “Initiative;” insert “establishing the Maryland Innovation Initiative Fund; providing that the Fund is a certain special, nonlapsing fund; requiring the State Treasurer to hold the Fund separately and to invest the money in the Fund; requiring the Comptroller to account for the Fund;”; in

line 13, after “Maryland” insert “and the Board of Regents of Morgan State University”; in lines 14 and 19, in each instance, strike “Board” and substitute “Boards”; in line 16, after “institution” insert “and Morgan State University”; in line 20, after “information;” insert “providing that a certain requirement that interest and other income be credited to the General Fund does not apply to the Fund;”; in line 27, strike “10–459” and substitute “10–460”.

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

“BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 6–226(a)(1) and (2)(i)

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)”;

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

“BY adding to

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)64

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 29, insert:

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

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

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

in line 17, after “SECTOR” insert “NOT AFFILIATED WITH MARYLAND HIGHER EDUCATION”.

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

(2)”;

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

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

1. JOHNS HOPKINS UNIVERSITY;
2. UNIVERSITY OF MARYLAND, BALTIMORE; AND
3. UNIVERSITY OF MARYLAND, COLLEGE PARK.

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

1. MORGAN STATE UNIVERSITY; AND
2. UNIVERSITY OF MARYLAND BALTIMORE COUNTY.

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

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

On page 5, after line 3, insert:

“10-457.

(A) THERE IS A MARYLAND INNOVATION INITIATIVE FUND.

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

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

“(D) THE FUND CONSISTS OF:”;

in line 7, after “UNIVERSITIES” insert “UNDER § 10-455 OF THIS PART”; in line 9, strike “AND” and substitute:

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

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

“(E) MONEY IN THE FUND MAY BE USED ONLY TO:”;

after line 15, insert:

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

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

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

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

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

On page 6, in line 1, strike “MAY” and substitute “**SHALL**”; after line 14, insert:

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

in line 14, strike “**10-458.**” and substitute “**10-459.**”; in lines 15, 18, and 20, strike “(A)”, “(B)”, and “(C)”, respectively and substitute “**(B)**”, “**(C)**”, and “**(D)**”, respectively.

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

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

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

AMENDMENT NO. 3

On page 11, after line 5, insert:

14-104.1.

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

- (1) 20 OR MORE NEW JOBS IN THE STATE;
- (2) THE AWARD OR COMPLETION OF AT LEAST \$1,000,000 IN EXTERNALLY FUNDED RESEARCH OR OTHER PROJECTS;
- (3) THE ESTABLISHMENT OR RELOCATION OF ONE OR MORE NEW COMPANIES TO BE REGISTERED OR INCORPORATED IN THE STATE AND DOING BUSINESS IN THE STATE;
- (4) THE PRODUCTION OF AT LEAST \$1,000,000 OF ANNUAL GROSS REVENUE;
- (5) THE LICENSING AND POTENTIAL COMMERCIALIZATION OF A PROMISING NEW TECHNOLOGY OR OTHER PRODUCT; OR
- (6) AN ACADEMIC PROGRAM TO MEET WORKFORCE DEMAND IN A DOCUMENTED LABOR SHORTAGE FIELD.

(B) TO PROMOTE THE ECONOMIC INTERESTS OF THE STATE AS MANDATED IN §§ 10-205(A) AND 15-107 OF THIS ARTICLE, THE MORGAN STATE UNIVERSITY SHALL UTILIZE ITS POWERS AS A PUBLIC CORPORATION ESTABLISHED IN § 14-104 OF THIS SUBTITLE TO UNDERTAKE HIGH IMPACT ECONOMIC DEVELOPMENT ACTIVITIES THAT SUPPORT:

- (1) JOB CREATION AND WORKFORCE DEVELOPMENT;
- (2) TECHNOLOGY TRANSFER, COMMERCIALIZATION, AND ENTREPRENEURSHIP; AND
- (3) INCREASED SPONSORED RESEARCH FUNDING AND OTHER REVENUES.

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

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

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

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

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

(I) COMMITTEES OF THE GENERAL ASSEMBLY;

(II) THE BOARD OF PUBLIC WORKS;

(III) THE MARYLAND HISTORIC TRUST;

(IV) THE DEPARTMENT OF PLANNING;

(V) THE DEPARTMENT OF THE ENVIRONMENT; AND

(VI) THE DEPARTMENT OF NATURAL RESOURCES.

(3) THE BOARD OF REGENTS SHALL ADOPT POLICIES AND PROCEDURES TO ENSURE THAT THE NOTICE AND OPPORTUNITY FOR REVIEW

ARE CONDUCTED IN A MANNER THAT PROVIDES A REASONABLE PERIOD TO COMPLETE WHILE NOT IMPAIRING THE INSTITUTION'S CAPACITY FOR THE EXPEDITIOUS AND SUCCESSFUL PURSUIT OF A HIGH IMPACT ECONOMIC DEVELOPMENT ACTIVITY.

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

14-110.

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

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

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

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

(2) NOTWITHSTANDING THE PROVISIONS OF §§ 15-501 THROUGH 15-504 OF THE STATE GOVERNMENT ARTICLE AND SUBJECT TO § 15-523 OF

THE STATE GOVERNMENT ARTICLE, AN OFFICIAL OR EMPLOYEE OF A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY BE A DIRECTOR, OFFICIAL, OR EMPLOYEE OF AN ENTITY INTENDED TO SUPPORT A HIGH IMPACT ECONOMIC DEVELOPMENT ACTIVITY, IF THE INDIVIDUAL'S PARTICIPATION ADVANCES THE INTERESTS OF THE UNIVERSITY.

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

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

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

1. RECOGNITION OF THE ENTITY BY THE BOARD OF REGENTS;
2. AN ANNUAL AUDIT OF THE ENTITY BY AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT; AND
3. ADEQUATE SAFEGUARDS WITH REGARD TO CONFLICTS OF INTEREST, PROPER CONTRACTING PRACTICES, AND OTHER FUNDAMENTAL ETHICAL AND BUSINESS PRACTICE STANDARDS.

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

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

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

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

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

AMENDMENT NO. 4

On page 11, after line 6, insert:

“6-226.

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

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

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

62. Veterans Trust Fund; [and]

63. Transportation Trust Fund; AND

64. MARYLAND INNOVATION INITIATIVE FUND.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance and Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 749 – Senator Middleton

AN ACT concerning

Physicians – Sharing of Information with Maryland Health Care Commission

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 812 – Senator Astle

AN ACT concerning

Insurance – Suspected Fraud – Reporting Requirement

SB0812/977172/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 812

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Reporting Requirement” and substitute “Liability for Reporting or for Furnishing or Receiving Information”; strike beginning with “that” in line 3 down through “persons” in line 6 and substitute “to whom a person may report suspected insurance fraud and not be subject to civil liability; providing that a person is not subject to civil liability for furnishing or receiving information relating to suspected, anticipated, or completed fraudulent insurance acts”; and in lines 6 and 7, strike “making stylistic changes;”.

AMENDMENT NO. 2

On page 1, in line 18, strike “**THIS SECTION APPLIES TO:**”; in lines 19, 20, 21, and 22, in each instance, strike the bracket; in line 19, strike “**INSURERS AND THEIR**”; in lines 20, 21, and 22, in each instance, strike the semicolon; in lines 21 and 22, strike “**(2)**” and “**(3)**”, respectively; in line 21, strike “**AND**”; and in line 22, strike “**PROVIDERS**”.

On page 2, in lines 1, 4, 5, 7, 8, 10, 24, 26, 28, and 34, in each instance, strike the bracket; in lines 1, 5, and 8, strike “**(4)**”, “**(5)**”, and “**(6)**”, respectively; in line 4, strike “**BROKERS;**”; in line 7, strike “**PRODUCERS;**”; in line 10, strike “**COMPANIES AND THEIR EMPLOYEES;**”; strike in their entirety lines 11 through 23, inclusive; in lines 24 and 34, strike “**(C)**” and “**(D)**”, respectively; and in line 35, after “fraud” insert “, OR FURNISHING OR RECEIVING INFORMATION RELATING TO SUSPECTED, ANTICIPATED, OR COMPLETED FRAUDULENT INSURANCE ACTS,”.

On page 3, in line 1, after “made” insert “OR THE INFORMATION WAS FURNISHED”; in the same line, after “to” insert “OR RECEIVED FROM:”

(I);

in line 2, after “authority;” insert:

“(II) THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS OR ITS AGENT, EMPLOYEE, OR DESIGNEE;

“(III) A NOT-FOR-PROFIT ORGANIZATION ESTABLISHED TO DETECT AND PREVENT FRAUDULENT INSURANCE ACTS OR ITS AGENT, EMPLOYEE, OR DESIGNEE;

“(IV) A PERSON THAT CONTRACTS TO PROVIDE SPECIAL INVESTIGATIVE UNIT SERVICES TO AN INSURER; OR

“(V) A PROVIDER OF A RECOGNIZED COMPREHENSIVE DATABASE SYSTEM THAT THE COMMISSIONER APPROVES TO MONITOR ACTIVITIES INVOLVING INSURANCE FRAUD OR AN EMPLOYEE OF THE PROVIDER;”;

in line 3, after “fraud” insert “, OR FURNISHED OR RECEIVED THE INFORMATION,”; and in line 4, after “report” insert “OR FURNISHING OR RECEIVING THE INFORMATION”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #6

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #6
March 15, 2012

District Court, Howard County (District 10)

1. Pamila Junette Brown District 12

Judge of the District Court of Maryland, District 10, Howard County; reappointed to serve a term of ten years from May 6, 2012

Arts Council, Maryland State

2. Kathy O'Dell, Ph.D. District 12
3 N. Beaumont Avenue
Catonsville, MD 21228

Member of the Maryland State Arts Council; appointed to serve a term of three years from July 1, 2012

Chesapeake and Atlantic Coastal Bays, Critical Area Commission for the

3. Caroline D. Gabel District 36
113 Hoffman Lane
Chestertown, MD 21620

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve a term of four years from July 1, 2012

4. Chistopher J. Trumbauer District 30
44 Calvert Street
Annapolis, MD 21401

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve remainder of a term of four years from July 1, 2008 and a term of four years from July 1, 2012

Chiropractic and Massage Therapy Examiners, State Board of

5. Gloria W. Boddie–Epps District 47
914 Cox Avenue
Hyattsville, MD 20783

Member of the State Board of Chiropractic and Massage Therapy Examiners; appointed to serve a term of four years from July 1, 2012

6. Robert G. Frieman, D.C. District 11
2602 Chestnut Woods Court
Reisterstown, MD 21136

Member of the State Board of Chiropractic and Massage Therapy Examiners; appointed to serve a term of four years from July 1, 2012

7. Michael N. Moskowitz, D.C. District 15
14115 Forest Ridge Drive
Potomac, MD 20878

Member of the State Board of Chiropractic and Massage Therapy Examiners; appointed to serve a term of four years from July 1, 2012

Civil Rights, Commission on

8. Norman I. Gelman District 15
7904 Turncrest Drive
Potomac, MD 20854

Member of the Commission on Civil Rights; reappointed to serve a term of six years from July 1, 2009

Clean Energy Center, Board of Directors for Maryland

9. Michele N. Peterson District 30
616 Admiral Court
Annapolis, MD 21401

Member of the Board of Directors for the Maryland Clean Energy Center; appointed to serve remainder of a term to expire June 30, 2011 and for a term of four years from July 1, 2011

Community Services Reimbursement Rate Commission

10. Patsy Baker Blackshear, Ph.D. District 33
2705 Riva Road
Annapolis, MD 21401

Member of the Community Services Reimbursement Rate Commission; appointed to serve a term of three years from October 1, 2011

11. Rebecca L. M. Fuller, Ph.D. District 31
175 Southwood Road
Pasadena, MD 21122

Member of the Community Services Reimbursement Rate Commission; appointed to serve remainder of a term of three years from October 1, 2011

Consumer Council

12. Kenneth Furlough District 12
1102 Sulphur Spring Road
Baltimore, MD 21227

Member of the Consumer Council; appointed to serve remainder of a term of six years from July 1, 2006 and a term of six years from July 1, 2012

Contract Appeals, Maryland State Board of

13. Michael J. Collins District 6
608 Seena Road
Baltimore, MD 21221

Member of the Maryland State Board of Contract Appeals; reappointed to serve a term of five years from February 1, 2012

Correctional Training Commission

14. LaMonte E. Cooke District 36
24837 Langford Road
Chestertown, MD 21620

Member of the Correctional Training Commission; reappointed to serve a term of three years from July 1, 2012

Dental Examiners, State Board of

15. Issie L. Jenkins District 9
12826 Forest Creek Court
Sykesville, MD 21784

Member of the State Board of Dental Examiners; appointed to serve remainder of a term of four years from June 1, 2009

16. Irma S. Simon District 9
2071 Mt. Hebron Drive
Ellicott City, MD 21042

Member of the State Board of Dental Examiners; appointed to serve a term of four years from June 1, 2012

Dietetic Practice, State Board of

17. Concepcion Placiente District 8
9107 Kilbride Road
Nottingham, MD 21236

Member of the State Board of Dietetic Practice; appointed to serve a term of four years from July 1, 2012

Economic Development Commission, Maryland

18. Dheeraj (Raj) Khera District 15
9805 Juniper Hill Road
Rockville, MD 20850

Member of the Maryland Economic Development Commission; appointed to serve a term of three years from July 1, 2011

19. Landon S. King District 11
8502 Huntspring Drive
Lutherville, MD 21093

Member of the Maryland Economic Development Commission; appointed to serve a term of three years from July 1, 2012

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

20. Yolanda Marie Martinez District 42
10370 Pot Spring Road
Lutherville, MD 21093

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

Higher Education Commission, Maryland

21. Brandon Bell District 12
5900 Watch Chain Way, #703
Columbia, MD 21044

Member of the Maryland Higher Education Commission; appointed to serve remainder of a term of five years from July 1, 2007 and a term of five years from July 1, 2012

22. Ian D. MacFarlane District 41
206 Edgevale Road
Baltimore, MD 21210

Member of the Maryland Higher Education Commission; appointed to serve remainder of a term of five years from July 1, 2008

23. Edith J. Patterson, Ed.D. District 28
5001 Preston Lane, P.O. Box 115
Pomfret, MD 20675

Member of the Maryland Higher Education Commission; appointed to serve a term of five years from July 1, 2011

24. John W. Yaeger, Ed.D. District 30
53 College Avenue
Annapolis, MD 21401

Member of the Maryland Higher Education Commission; appointed to serve a term of five years from July 1, 2011

Historical Trust, Board of Trustees of the Maryland

25. Margo Goggin Bailey District 36
116 Washington Avenue
Chestertown, MD 21620

Member of the Board of Trustees of the Maryland Historical Trust; appointed to serve a term of four years from July 1, 2011

26. Charles L. Edson, Esq. District 16
5802 Surrey Street
Chevy Chase, MD 20815

Member of the Board of Trustees of the Maryland Historical Trust; reappointed to serve a term of four years from July 1, 2011

27. Brien J. Poffenberger District 2
P.O. Box 633
Sharpsburg, MD 21782

Member of the Board of Trustees of the Maryland Historical Trust; reappointed to serve a term of four years from July 1, 2011

Morgan State University Board of Regents

28. Charles W. Griffin, Ed.D. District 41
4314 Elderon Avenue
Baltimore, MD 21215

Member of the Morgan State University Board of Regents; reappointed to serve a term of six years from July 1, 2011

Venture Fund Authority, Maryland

29. Andrew E. Jones District 5
8 Hunt Club Court
Phoenix, MD 21131

Member of the Maryland Venture Fund Authority; appointed to serve a term to expire June 30, 2014

Waterworks and Waste Systems Operators, State Board of

30. Joseph L. Haxton District 37
32031 Tuckahoe Avenue
Cordova, MD 21625

Member of the State Board of Waterworks and Waste Systems Operators; reappointed to serve a term of four years from July 1, 2011

Women, Maryland Commission for

31. Deborah A. Risper District 10
8405 Maymeadow Court
Baltimore, MD 21244

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2011

32. Roseanna Vogt District 27
8400 G Street
Chesapeake Beach, MD 20732

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

Statewide Nominees

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

Apprenticeship and Training Council

- S-1. George Patrick Maloney District 33
7 Beach Road
Severna Park, MD 21146

Member of the Apprenticeship and Training Council; reappointed to serve a term of four years from July 1, 2012

- S-2. Robert F. Yeatman, Jr. District 33
5872 Swamp Circle Road, P.O. Box 232
Deale, MD 20751

Member of the Apprenticeship and Training Council; reappointed to serve a term of four years from July 1, 2012

Archaeology, Advisory Committee on

- S-3. William S. Dudley, Ph.D. District 37
9949 Eagle Drive
Easton, MD 21601

Member of the Advisory Committee on Archaeology; reappointed to serve a term of three years from July 1, 2012

- S-4. Thomas Frederick Forhan District 20
7001 Westmoreland Avenue
Takoma Park, MD 20912

Member of the Advisory Committee on Archaeology; reappointed to serve a term of three years from July 1, 2012

Arts Council, Maryland State

- S-5. Eric A. Conway District 7
2 Timberpark Court
Lutherville, MD 21903

Member of the Maryland State Arts Council; reappointed to serve a term of three years from July 1, 2012

Chesapeake and Atlantic Coastal Bays, Critical Area Commission for the

- S–6. Matthew R. Holloway District 37
125 North Division Street
Salisbury, MD 21803

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve a term of four years from July 1, 2012

- S–7. Donald J. Syndor District 37
307 Gay Street
Cambridge, MD 21613

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve a term of four years from July 1, 2012

Civil Rights, Commission on

- S–8. Gary C. Norman, Esq. District 40
4145 Falls Road
Baltimore, MD 21211

Member of the Commission on Civil Rights; reappointed to serve a term of six years from July 1, 2011

Clean Energy Center, Board of Directors for Maryland

- S–9. George Earl Ashton, III District 17
530 Anderson Avenue
Rockville, MD 20850

Member of the Board of Directors for the Maryland Clean Energy Center; reappointed to serve a term of four years from July 1, 2012

- S–10. Jeffrey W. Eckel District 33
481 Old Orchard Circle
Millersville, MD 21108

Member of the Board of Directors for the Maryland Clean Energy Center; reappointed to serve a term of four years from July 1, 2012

Correctional Standards, Commission on

S-11. Robert L. Green District 2
10905 Honeyfield Road
Williamsport, MD 21795

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2012

S-12. Sheree Sample-Hughes District 37
125 North Division Street
Salisbury, MD 21803

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2012

S-13. Jeffrey Washington District 24
10503 Vista Grande Drive
Mitchellville, MD 20721

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2012

Economic Development Commission, Maryland

S-14. Timothy J. Adams District 23
14302 Dunwood Valley Drive
Bowie, MD 20721

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2012

S-15. Kevin M. Johnson District 9
3109 Fox Valley Drive
West Friendship, MD 21794

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2012

S-16. William E. Kirwan, Ph.D. District 11
3112 Old Court Road
Baltimore, MD 21208

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2012

Emergency Number Systems Board

S–17. Bryan C. Ebling District 37
403 Sunrise Avenue, P.O. Box 44
Ridgely, MD 21660

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2012

S–18. Roderick W. Hart District 10
9841 Branchleigh Road
Randallstown, MD 21133

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2012

S–19. Brian Josef District 16
2 Magic Mountain Court
North Bethesda, MD 20852

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2012

S–20. John E. Markey District 4
7113 Flint Court
Middletown, MD 21769

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2012

S–21. Kenneth M. Miller District 30
1414 Harmoney Lane
Annapolis, MD 21409

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2012

S–22. Anthony Myers District 42
603 Sadler Road
Towson, MD 21286

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2012

Environmental Sanitarian Registration, State Board of

S-23. Yvonne S. DeLoatch District 44
200 Presstman Street
Baltimore, MD 21217

Member of the State Board of Environmental Sanitarian Registration; reappointed to serve a term of five years from July 1, 2012

Handgun Permit Review Board

S-24. Seymour R. Goldstein, Esq. District 11
3404 Woodvalley Drive
Baltimore, MD 21208

Member of the Handgun Permit Review Board; reappointed to serve a term of three years from March 27, 2012

Heritage Areas Authority, Maryland

S-25. Robert David Campbell District 20
9510 Garwood Street
Silver Spring, MD 20901

Member of the Maryland Heritage Areas Authority; reappointed to serve a term of four years from October 1, 2012

S-26. Wayne E. Clark District 27
3649 5th Street
North Beach, MD 20714

Member of the Maryland Heritage Areas Authority; reappointed to serve a term of four years from October 1, 2012

S-27. Amy Owsley District 37
304 Elm Avenue
Easton, MD 21601

Member of the Maryland Heritage Areas Authority; reappointed to serve a term of four years from October 1, 2012

S–28. Donna Marie Ware
16 Eastern Avenue
Annapolis, MD 21403

District 30

Member of the Maryland Heritage Areas Authority; reappointed to serve a term of four years from October 1, 2012

Historical Trust, Board of Trustees of the Maryland

S–29. O. James Lighthizer, Esq.
1547 Eton Way
Crofton, MD 21114

District 33

Member of the Board of Trustees of the Maryland Historical Trust; reappointed to serve a term of four years from July 1, 2012

Professional Standards and Teacher Education Board

S–30. Lorraine E. Cornish–Harrison
1812 Hillenwood Road
Baltimore, MD 21239

District 43

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2012

STATUS: QUESTION IS WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATIONS OF THE EXECUTIVE?

The President of the Senate put the following question: “Will the Senate advise and consent to the above nominations of the Executive?”

The above nominations of the Executive were all confirmed by roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 564)

UNFINISHED BUSINESS

SPECIAL ORDERS

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

Senate Bill 649 – Senators Ramirez, Raskin, and Jones–Rodwell

AN ACT concerning

Environment – Asbestos Worker Protection

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

SB0649/884131/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 649

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “fees;” insert “altering the circumstances under which a certain penalty may be composed;”; and strike beginning with “establishing” in line 8 down through “circumstance;” in line 9.

AMENDMENT NO. 2

On page 4, in line 10, strike “willfully”; and strike beginning with the comma in line 16 down through “**VIOLATION**” in line 17.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0649/463723/2

BY: Senator Jacobs

AMENDMENTS TO SENATE BILL 649, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

Strike the Education, Health, and Environmental Affairs Committee Amendments (SB0649/884131/1) in their entirety.

On page 1, in line 2, strike “Protection” and substitute “Accreditation”; strike beginning with “adding” in line 3 down through “removers;” in line 4; strike beginning with “authorizing” in line 6 down through “term;” in line 17; in line 17, strike “protection” and substitute “accreditation”; strike in their entirety lines 18 through 22, inclusive; in line 25, strike “6-402;” and in the same line, strike “, and 6-422”.

On pages 1 and 2, strike in their entirety the lines beginning with line 28 on page 1 through line 10 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 14 through 28, inclusive; and strike beginning with “(1)” in line 30 down through “INDICATED.” in line 31.

On page 3, strike beginning with “(2)” in line 1 down through “(B)” in line 6; in line 10, after “OLD;” insert “AND”; strike beginning with “; AND” in line 18 down through “DEPARTMENT” in line 22; in line 24, strike “AND EXAMINATION;”; in line 26, strike the brackets; and in the same line, strike “(C)”.

AMENDMENT NO. 3

On page 4, in line 4, strike the brackets; in the same line, strike “(D)”; and in line 5, strike “ADMINISTERING THE EXAMINATION”.

On pages 4 through 9, strike in their entirety the lines beginning with line 9 on page 4 through line 5 on page 9, inclusive.

The preceding 3 amendments were read only.

Senator Jacobs moved, duly seconded, to make the Bill and Amendments a Special Order for March 19, 2012.

The motion was adopted.

Senate Bill 616 – Senator Jennings

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Judges – Mandatory Retirement

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Senator Madaleno moved, duly seconded, to make the Bill and Report a Special Order for March 20, 2012.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 565)

RECESS

At 12:18 P.M. on motion of Senator Garagiola, seconded, the Senate recessed until 8:00 P.M. on Legislative Day, March 16, 2012, Calendar Day, Monday, March 19, 2012.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 16, 2012
Calendar Day: Monday, March 19, 2012

At 8:14 P.M. the Senate resumed its session.

Prayer by Senior Pastor Paul Drost, Grace Assembly of God, guest of Senator Jacobs.

(See Exhibit A of Appendix III)

On motion of Senator Garagiola it was ordered that Senator Mathias be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 570)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 586 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Crofton Meadows Elementary School
Anne Arundel County
in recognition of
having won the great honor of being a 2012 Blue Ribbon School. We are very proud of
your achievements. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 19th day of March 2012.

Senate Resolution No. 587 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Woodholme Elementary School

Baltimore County
in recognition of
having won the great honor of being a 2012 Blue Ribbon School. We are very proud of
your achievements. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 19th day of March 2012.

Senate Resolution No. 588 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Ring Factory Elementary School
Harford County
in recognition of
having won the great honor of being a 2012 Blue Ribbon School. We are very proud of
your achievements. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 19th day of March 2012.

Senate Resolution No. 589 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Rachel Carson Elementary School
Montgomery County
in recognition of
having won the great honor of being a 2012 Blue Ribbon School. We are very proud of
your achievements. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 19th day of March 2012.

Senate Resolution No. 590 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Whitehall Elementary School
Prince George's County
in recognition of
having won the great honor of being a 2012 Blue Ribbon School. We are very proud of
your achievements. Congratulations!
The entire membership extends best wishes on

this memorable occasion and directs this resolution
be presented on this 19th day of March 2012.

Senate Resolution No. 591 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Pocomoke Elementary School
Worcester County
in recognition of
having won the great honor of being a 2012 Blue Ribbon School. We are very proud of
your achievements. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 19th day of March 2012.

The preceding resolutions read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 571)

Senate Resolution No. 606 – Senator Ulysses Currie:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Sigma Gamma Rho Sorority, Inc.
Lambda Delta Sigma Chapter
in recognition of
90 years of dedication and commitment to serving the public and making a positive
impact in the community.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 19th day of March 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 572)

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 573)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #37

Senate Bill 168 – Senators Brochin, Forehand, Frosh, Jacobs, Ramirez, Raskin, and Stone

AN ACT concerning

Criminal Procedure – Victim’s Compensation – Temporary Lodging for Domestic Violence Victims

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

Affirmative – 45 Negative – 0 (See Roll Call No. 574)

The Bill was then sent to the House of Delegates.

Senate Bill 314 – Senators Pugh, Benson, Forehand, Garagiola, Gladden, Jones–Rodwell, King, Klausmeier, Manno, Muse, Peters, Rosapepe, and Stone

AN ACT concerning

State Personnel – Traumatic Events – Mental Health Support Services

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

Affirmative – 46 Negative – 0 (See Roll Call No. 575)

The Bill was then sent to the House of Delegates.

Senate Bill 442 – Senator Colburn

AN ACT concerning

Program Open Space – Local Projects – Funding for Development

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

Affirmative – 46 Negative – 0 (See Roll Call No. 576)

The Bill was then sent to the House of Delegates.

Senate Bill 479 – Senator Ferguson

AN ACT concerning

Health Occupations – Physician Assistants – Patient’s Access to Supervising Physician

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

Affirmative – 45 Negative – 0 (See Roll Call No. 577)

The Bill was then sent to the House of Delegates.

Senate Bill 524 – Senators King, Conway, Ferguson, Forehand, Garagiola, Jones–Rodwell, Madaleno, Manno, McFadden, Montgomery, Peters, Pinsky, Pugh, Ramirez, Robey, Rosapepe, and Zirkin

AN ACT concerning

Maryland After–School and Summer Opportunity Fund Program

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

Affirmative – 46 Negative – 0 (See Roll Call No. 578)

The Bill was then sent to the House of Delegates.

Senate Bill 571 – Senators Montgomery, Forehand, Manno, Ramirez, Raskin, and Rosapepe

AN ACT concerning

~~Libraries – Maryland~~ Task Force to Study the Establishment of a Deaf Culture Digital Library

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

Affirmative – 46 Negative – 0 (See Roll Call No. 579)

The Bill was then sent to the House of Delegates.

Senate Bill 656 – Senators Manno, Ramirez, Benson, Colburn, Ferguson, Forehand, King, Klausmeier, Madaleno, Montgomery, and Raskin

AN ACT concerning

Higher Education – Community Colleges – Tuition Waivers – Inclusion of Fees Waiver for Disabled Individuals

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

Affirmative – 45 Negative – 0 (See Roll Call No. 580)

The Bill was then sent to the House of Delegates.

Senate Bill 687 – ~~Senator Madaleno~~ Senators Madaleno and Simonaire

AN ACT concerning

Higher Education – Academic Program Action – Repeal of Application Fees

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

Affirmative – 46 Negative – 0 (See Roll Call No. 581)

The Bill was then sent to the House of Delegates.

Senate Bill 820 – Senators Pipkin, Brinkley, Colburn, Getty, Glassman, Klausmeier, Shank, and Stone

AN ACT concerning

Transportation – Toll, Fee, or Other Charge Increases – ~~Notice and Public Comment~~ Required Procedures

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

Affirmative – 46 Negative – 0 (See Roll Call No. 582)

The Bill was then sent to the House of Delegates.

Senate Bill 867 – ~~Senator Conway~~ Senators Conway, Dyson, Montgomery, Rosapepe, and Simonaire

AN ACT concerning

State Department of Education – Oral Health Education – ~~Certification and~~ Monitoring

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

Affirmative – 46 Negative – 0 (See Roll Call No. 583)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #38

**Senate Bill 127 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Natural Resources)**

AN ACT concerning

Natural Resources – Marine Gathering Permit – Establishment

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

Affirmative – 39 Negative – 4 (See Roll Call No. 584)

The Bill was then sent to the House of Delegates.

**Senate Bill 175 – Senators Raskin, Forehand, Getty, Jacobs, Shank, ~~and Stone~~
Stone, Brochin, Ramirez, ~~and Zirkin~~ Zirkin, and Simonaire**

AN ACT concerning

Crimes – Electronic Communication – Harassment

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

Affirmative – 46 Negative – 0 (See Roll Call No. 585)

The Bill was then sent to the House of Delegates.

Senate Bill 413 – Senators Brochin, Madaleno, and Raskin

AN ACT concerning

**Courts – Service of Process – Increase in Sheriff’s Fees – Distribution to
Rental Allowance Program Fund**

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

Affirmative – 33 Negative – 13 (See Roll Call No. 586)

The Bill was then sent to the House of Delegates.

Senate Bill 496 – ~~Senator Gladden~~ Senators Gladden and Middleton

AN ACT concerning

Criminal Procedure – Unexecuted Warrant, Summons, or Other Criminal Process – Invalidation and Destruction

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

Affirmative – 46 Negative – 0 (See Roll Call No. 587)

The Bill was then sent to the House of Delegates.

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

AN ACT concerning

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

Senator Middleton moved, duly seconded, to make the Bill a Special Order for March 20, 2012.

The motion was adopted.

Senate Bill 643 – Senators Ramirez, Colburn, Kelley, Montgomery, and Muse

AN ACT concerning

Vehicle Laws – ~~Abandoned~~ Stolen Vehicles – Notice

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

Affirmative – 37 Negative – 9 (See Roll Call No. 588)

The Bill was then sent to the House of Delegates.

Senate Bill 659 – Senators Pinsky, Klausmeier, Manno, and Rosapepe

AN ACT concerning

State Procurement – Preference and Disclosure of the Relocation of Jobs to a Foreign Country – Location of the Performance of Services

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

Affirmative – 46 Negative – 0 (See Roll Call No. 589)

The Bill was then sent to the House of Delegates.

Senate Bill 691 – ~~Senator Shank~~ Senators Shank, Frosh, Getty, and Gladden

SECOND PRINTING

AN ACT concerning

Earned Compliance Credit and Reinvestment Act of 2012

Senator Simonaire moved, duly seconded, to make the Bill a Special Order for March 20, 2012.

The motion was adopted.

Senate Bill 745 – ~~Senator Middleton~~ Senators Middleton, Kelley, and Klausmeier

EMERGENCY BILL

AN ACT concerning

Injured Workers' Insurance Fund – Conversion to Chesapeake Employers' Insurance Company

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

Affirmative – 35 Negative – 11 (See Roll Call No. 590)

The Bill was then sent to the House of Delegates.

Senate Bill 797 – ~~Senators Frosh and Gladden~~ Gladden, Forehand, Ramirez, Raskin, Stone, and Zirkin

AN ACT concerning

Courts and Judicial Proceedings – Witnesses – Privileged Communications ~~Between Labor Organization and Member~~ Involving Labor Organizations

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

Affirmative – 34 Negative – 12 (See Roll Call No. 591)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 1 – Delegate Lafferty

AN ACT concerning

Environment – Recycling – Apartment Buildings and Condominiums

FOR the purpose of requiring a county to address the collection and recycling of certain materials by certain property owners ~~or~~, managers, and councils in a certain recycling plan; requiring a county to address, in a certain recycling plan, a method for implementing a reporting requirement for certain recyclable materials under certain circumstances; requiring certain owners ~~or~~, managers, and councils of apartment buildings or condominiums that contain a certain number of dwelling units to provide for recycling for residents on or before a certain date; clarifying that certain provisions of this Act do not affect the authority of a county, municipality, or other local government to enact and enforce certain recycling requirements; clarifying that certain provisions of this Act do not require a county to manage or enforce certain recycling activities within the boundaries of a municipality; ~~requiring certain owners or managers to report annually to a county in accordance with certain requirements beginning on a certain date~~; authorizing a county to require certain property owners, managers, and councils to report to the county on recycling activities; requiring that the recycling required under this Act be done in accordance with certain recycling plans; providing for a civil penalty for a violation of this Act; providing for disbursement of penalties collected under this Act to certain jurisdictions; providing for a delayed effective date for a certain provision of this Act; clarifying that this Act does not preempt or prevail over certain other legislation; and generally relating to recycling ~~by owners or managers of~~ in certain apartment buildings and condominiums.

BY repealing and reenacting, without amendments,

Article – Environment

Section 9–1703(a)

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–1703(b)

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

BY adding to

Article – Environment

Section 9–1711

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

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

House Bill 89 – Delegates Stifler, Burns, Haddaway–Ricchio, Jameson, Love, W. Miller, Minnick, and Schuh

AN ACT concerning

Public Safety – Elevators – Accessibility Lift Mechanic License

FOR the purpose of authorizing the Elevator Safety Review Board to establish certain fees for the application, issuance, and renewal of licenses issued to certain accessibility lift mechanics; requiring the Board to adopt certain regulations to certify a licensed accessibility lift mechanic as an accessibility lift mechanic specialist; establishing that certain persons are not required to obtain certain licenses to conduct certain activities; authorizing an accessibility lift mechanic to provide the services of an accessibility lift mechanic specialist until the Board adopts certain regulations; requiring a person to be licensed by the Board as ~~a~~ an accessibility lift mechanic before providing certain services; establishing requirements for an applicant for ~~a~~ an accessibility lift mechanic license; authorizing a licensed accessibility lift mechanic to provide certain services; authorizing the Board to issue a certain conditional license for a certain period under certain circumstances; providing for a delayed effective date; defining a certain term; and generally relating to accessibility lift mechanics.

~~BY repealing and reenacting, without amendments,
Article – Public Safety
Section 12–801(a)
Annotated Code of Maryland
(2003 Volume and 2011 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Public Safety
Section ~~12–801(e) through (r)~~ 12–801, 12–824, and 12–826(e)
Annotated Code of Maryland
(2003 Volume and 2011 Supplement)

BY adding to
Article – Public Safety
Section ~~12–801(e)~~, 12–826(e) and (g), 12–827(d), and 12–832(e)
Annotated Code of Maryland
(2003 Volume and 2011 Supplement)

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

House Bill 243 – Delegates Nathan–Pulliam, Braveboy, Burns, Conway, Donoghue, Eckardt, Frush, Howard, Hubbard, Jones, A. Kelly, Kipke, Morhaim, Murphy, Pena–Melnik, Tarrant, ~~and V. Turner~~ V. Turner, Cullison, Krebs, Bromwell, Ready, Reznik, Elliott, Hammen, Pendergrass, Kach, McDonough, and Frank

AN ACT concerning

Kathleen A. Mathias Chemotherapy Parity Act of 2012

FOR the purpose of prohibiting insurers, nonprofit health service plans, and health maintenance organizations that provide coverage for certain cancer chemotherapy under certain policies or contracts from imposing certain limits or cost sharing on coverage for orally administered cancer chemotherapy that are less favorable to an insured or enrollee than the limits or cost sharing on coverage for cancer chemotherapy that is administered intravenously or by injection; prohibiting the insurers, nonprofit health service plans, and health maintenance organizations from reclassifying cancer chemotherapy or increasing certain out-of-pocket expenses to achieve certain compliance; ~~prohibiting the insurers, nonprofit health service plans, and health maintenance organizations from increasing an out-of-pocket expense applied to cancer chemotherapy under a health insurance policy or contract or a health maintenance organization contract unless the increase also is applied to certain benefits under the policy or contract;~~ making certain provisions of this Act applicable to health maintenance organizations; defining a certain term; providing for the application of this Act; and generally relating to health insurance coverage for cancer chemotherapy.

BY adding to

Article – Insurance
Section 15–846
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to

Article – Health – General
Section 19–706(l)(l)(l)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 293 – Chair, Economic Matters Committee (By Request – Departmental – Uninsured Employers’ Fund)

AN ACT concerning

Worker's Compensation – Uninsured Employers' Fund

FOR the purpose of requiring the Uninsured Employers' Fund Board to review the administration of the Uninsured Employers' Fund by the Director of the Fund; specifying that the Director shall have immediate supervision and direction over the administration of the Fund; authorizing the Director to employ staff in accordance with the State budget; establishing the Director as the appointing authority for all staff of the Fund; authorizing an employee to appeal a disciplinary action taken by the Director to the Board; making conforming and technical changes; and generally relating to the Uninsured Employers' Fund.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 10–309 through 10–311, 10–314, and 10–316
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

House Bill 334 – Delegates Costa and Kipke

AN ACT concerning

Health Occupations – State Board of Pharmacy – Jurisdiction Over Nonresident Pharmacies

FOR the purpose of ~~specifying the laws or regulations that apply to a nonresident pharmacy if there is a conflict with the provisions of a certain law of this State~~ requiring a nonresident pharmacy to have a pharmacist on staff who is licensed by the State Board of Pharmacy and designated as the pharmacist responsible for providing certain services to certain patients; requiring a nonresident pharmacy to comply with certain ~~laws~~ requirements when dispensing prescription drugs or prescription devices to a patient in this State or otherwise engaging in the practice of pharmacy in this State; requiring that certain toll-free telephone service provided by a nonresident pharmacy facilitate communication between patients in this State and a pharmacist who ~~is licensed in this State~~; ~~repealing a certain requirement relating to confidentiality of prescription records~~ is required to refer certain patients to a certain pharmacist; altering the scope of disciplinary actions to which a nonresident pharmacy is subject; repealing certain limitations on the authority of the State Board of Pharmacy to impose certain fines or take certain disciplinary action against a nonresident pharmacy; clarifying the inspection requirements applicable to a pharmacy in this State and a nonresident pharmacy; requiring a nonresident pharmacy to submit a copy of a certain inspection report on application for and renewal of a pharmacy permit in this State; and generally relating to pharmacy permit requirements for nonresident pharmacies.

~~BY repealing~~

~~Article – Health Occupations
Section 12-403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)~~

~~BY adding to~~

~~Article – Health Occupations
Section 12-403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)~~

BY repealing and reenacting, without amendments,

Article – Health Occupations
Section ~~12-403(d), (e), and (g)~~ 12-403(e) and (g)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations
Section ~~12-403(f)~~ 12-403(d) and (f), 12-409, and 12-604
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 409 – Delegates Pena-Melnyk, Barnes, Braveboy, Burns, Frush, Hubbard, Jameson, Kramer, Lee, Rudolph, Vaughn, and Wilson

AN ACT concerning

Public Service Commission – LED Street Lighting Equipment

FOR the purpose of requiring the Public Service Commission to adopt regulations or to issue orders on or before a certain date to require or allow certain electric companies to offer LED street lighting to certain local governments; defining certain terms; and generally relating to LED street lighting equipment and local governments.

BY adding to

Article – Public Utilities
Section 7-211.1
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 421 – Delegate Feldman

AN ACT concerning

Workers' Compensation – Death Benefits – Determination of Benefits

FOR the purpose of altering the calculation of workers' compensation death benefits for a dependent of a deceased covered employee who died due to an occupational disease; and generally relating to workers' compensation death benefits for dependents of covered employees.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–683.3
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

House Bill 440 – The Speaker (By Request – Administration) and Delegates Reznik, Hammen, Jones, Mizeur, ~~and Rosenberg~~ Rosenberg, Pendergrass, Bromwell, Cullison, Donoghue, Frank, Hubbard, Kach, A. Kelly, Kipke, Krebs, McDonough, Morhaim, Murphy, Nathan–Pulliam, Pena–Melnyk, Ready, and Tarrant

AN ACT concerning

Procurement – Investment Activities in Iran

FOR the purpose of specifying that certain persons shall be considered as engaging in investment activities in Iran under certain circumstances; requiring the Board of Public Works, on or before a certain date, to use certain information to create a list of persons that engage in investment activities in Iran; requiring the Board to update the list at certain times; requiring the Board, within a certain number of days before adding a person to the list, to provide the person with certain notice; prohibiting the Board from adding a person to the list under certain circumstances; ~~requiring a unit to require a certain person to certify that the person is not included on a certain list; requiring a person that is unable to certify that the person does not engage in certain investment activities in Iran to provide a certain description of its investment activities; requiring certain certifications and disclosures to be publicly disclosed; requiring a unit to provide a certain person that may have falsely certified that the person does not engage in certain investment activities with certain notice that the person may submit certain documentation to the unit within a certain time frame; authorizing a unit to determine that a person has submitted a false certification under certain circumstances; establishing certain penalties that~~

~~may be imposed on a person that submits a false certification; prohibiting a unit from awarding a procurement contract to a person that submits a false certification; authorizing a unit to terminate a certain contract with a person that submitted a false certification; providing for the debarment of a certain person under certain circumstances; providing for the application of this Act; requiring the Board to provide a person with an opportunity to comment that the person is not engaged in investment activities in Iran; requiring a public body, on or after a certain date, to require a person that submits a bid or proposal or enters into a contract with the public body to make a certain certification or provide certain information; requiring the public body to submit certain information submitted by certain persons to the Board; requiring a public body to institute certain actions based on a determination of a false certification; requiring a public body to report certain information to the Board and the Attorney General under certain circumstances; authorizing the Attorney General to bring a certain action within a certain time after a certification is made; specifying certain penalties for submitting a false certification, including civil penalties, the termination of certain contracts, and the ineligibility of certain persons to bid on certain contracts under certain circumstances; providing that this Act does not create a private right of action; establishing that this Act preempts certain local laws and regulations; declaring the intent of the General Assembly; requiring the Department of Legislative Services to provide certain written notice concerning this Act to the Attorney General of the United States; making this Act severable; providing for the termination of this Act under certain circumstances; requiring the Board to notify the Department of Legislative Services of a certain event within a certain time period; defining certain terms; and generally relating to persons that engage in investment activities in Iran and the State procurement law.~~

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 11-101(a), (d), ~~(k), and (x)~~ and (k)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Finance and Procurement
Section ~~13-501 through 13-505~~ 17-701 through 17-707 to be under the new
subtitle “Subtitle ~~5, 7.~~ Investment Activities in Iran”, ~~and 16-203(c)~~
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 463 – Delegate Rudolph

AN ACT concerning

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

FOR the purpose of prohibiting a person from preparing or issuing or requiring the preparation or issuance of a certificate of insurance unless the certificate of insurance form has been filed with and approved by the Maryland Insurance Commissioner; providing a certain exception; requiring the Commissioner to disapprove a certificate of insurance form or withdraw approval of a certificate of insurance form under certain circumstances; prohibiting a person from altering or modifying a certificate of insurance; requiring the Commissioner to adopt certain regulations; and generally relating to certificates of insurance and certificate of insurance forms.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 19–116
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 493 – Delegates Simmons and Kramer

AN ACT concerning

Task Force to Study Economic Development and Apprenticeships

FOR the purpose of establishing the Task Force to Study Economic Development and Apprenticeships; providing for the composition, chair, and staffing of the Task Force; establishing the duties of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to 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 Economic Development and Apprenticeships.

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

House Bill 555 – Delegates Zucker, Anderson, Arora, Barkley, Barnes, Barve, Beitzel, Bobo, Bromwell, Burns, Clagett, Clippinger, Cluster, Cullison, DeBoy, Dumais, Frick, Gilchrist, Griffith, Guzzone, Haddaway–Riccio, Healey, Hershey, Howard, Hucker, Impallaria, Jameson, Kaiser, A. Kelly, Lafferty, Lee, Love, Luedtke, McComas, McHale, A. Miller, Minnick, Mitchell, Mizeur, Olszewski, Reznik, B. Robinson,

S. Robinson, Rudolph, Schulz, Simmons, Sophocleus, Szeliga, Tarrant,
V. Turner, Vaughn, Vitale, Waldstreicher, Washington, and Wood

AN ACT concerning

Commercial Law – Security Freezes – Minors and Protected Persons

FOR the purpose of authorizing certain ~~individuals~~ representatives to request a security freeze on the consumer report or a certain record of certain protected consumers who are minor children and certain consumers who are or individuals under guardianship or conservatorship in accordance with certain application procedures; ~~requiring a consumer reporting agency to place a security freeze on certain consumer reports of certain consumers on request of certain individuals and to send certain information to the individuals; authorizing a consumer reporting agency to require certain individuals to confirm a certain request in writing; requiring a consumer reporting agency to create a certain consumer report for a certain consumer under certain circumstances; requiring a consumer reporting agency to place a security freeze for a protected consumer under certain circumstances and within a certain period of time; requiring a consumer reporting agency to create a certain record under certain circumstances; prohibiting a consumer reporting agency from releasing certain information while a security freeze is in place without certain authorization; authorizing a person who requests access to a consumer report of a certain consumer to treat a certain application as incomplete under certain circumstances; providing for the temporary or permanent removal of a security freeze on a consumer report of a certain consumer in accordance with certain procedures; prohibiting the charging of a fee for imposition of a security freeze on the consumer report of a certain consumer under certain circumstances; requiring a certain notice to contain certain information; altering the application of certain provisions of law; defining a certain term; altering a certain definition; making certain stylistic and conforming changes; providing that a certain security freeze remains in effect until a certain request is made or the security freeze is removed in accordance with a certain provision of this Act; providing that a certain protected consumer or representative may request the removal of a certain security freeze by submitting a certain request in a certain manner and under certain circumstances; requiring a consumer reporting agency to remove a certain security freeze within a certain period of time; prohibiting a consumer reporting agency from charging a certain fee except under certain circumstances; allowing a consumer reporting agency to remove a certain security freeze or delete a certain record under certain circumstances; providing that the exclusive remedy for a certain violation shall be a certain complaint filed with the Commissioner of Financial Regulation; defining certain terms; repealing certain obsolete provisions; providing for a delayed effective date; and generally relating to consumer reports and security freezes.~~

BY repealing and reenacting, with amendments,
Article – Commercial Law

Section 14–1212.1
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

BY adding to

Article – Commercial Law
Section 14–1212.2
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

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

House Bill 688 – Delegate Costa

EMERGENCY BILL

AN ACT concerning

State Board of Physicians – Athletic Trainer Advisory Committee – ~~Sunset Extension, Program Evaluation, and Revisions~~ Education, Supervision, and Administration

FOR the purpose of ~~continuing the Athletic Trainer Advisory Committee in accordance with the provisions of the Maryland Program Evaluation Act (Sunset Law) by extending to a certain date the termination provision relating to the statutory and regulatory authority of the Committee; requiring the chair of the Committee to serve in an advisory capacity to the State Board of Physicians and present to the Board a certain annual report; prohibiting certain individuals from providing certain services to the Committee or the Board under certain circumstances; prohibiting certain individuals from being appointed to the Committee under certain circumstances; requiring the Committee to submit a certain annual report to the Board; requiring the Board to consider all recommendations of the Committee, provide a certain explanation to the Committee under certain circumstances, and provide a certain report to the Committee a certain number of times each year; altering the conditions under which the Board is required to waive certain education requirements; altering the date by which certain individuals need to be certified to qualify for the waiver of certain education requirements under certain provisions of law; altering the contents of an evaluation and treatment protocol; authorizing an athletic trainer to accept an outside referral from certain individuals under certain circumstances; authorizing a certain alternate supervising physician to assume a certain role under certain circumstances; prohibiting certain physicians, hospitals, institutions, alternative health systems, and other employers from employing certain individuals unless a certain condition is met; providing penalties for the violation of certain provisions of law; requiring certain physicians and employers to notify the Board within a certain period of time of the termination of an athletic trainer for certain reasons; requiring~~

certain physicians and athletic trainers to notify the Board of the termination of a certain relationship under an evaluation and treatment protocol; requiring certain licensees to notify the Board in writing of certain changes; ~~requiring the Board to disclose the filing of certain charges or certain notice on the Board's Web site; requiring the Board to create and maintain certain profiles on certain licensees that include certain information and a certain statement within a certain period of time under certain circumstances; requiring the Board to forward a certain copy of a licensee's profile under certain circumstances; requiring the Board to maintain a certain Web site relating to licensee profile information; requiring the Board to provide a certain mechanism for certain notification and correction of certain inaccuracies in a licensee's profile;~~ defining certain terms; altering certain definitions; making this Act an emergency measure; and generally relating to the Athletic Trainer Advisory Committee.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 14-5D-01, ~~14-5D-05(e), 14-5D-06,~~ 14-5D-08(d), and 14-5D-11, ~~and~~
~~14-5D-20~~

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 14-5D-05(e), 14-5D-06, and 14-5D-20

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

BY adding to

Article – Health Occupations

Section ~~14-5D-05(f),~~ 14-5D-11.1, 14-5D-11.2, and 14-5D-12.1, ~~and~~
~~14-5D-16.1~~

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

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

House Bill 754 – Delegate Kach

AN ACT concerning

State Board of Dental Examiners – Licenses – Examination Requirements for Dentists and Dental Hygienists

FOR the purpose of requiring certain limited licensees to pass a certain examination before the State Board of Dental Examiners is authorized to issue a certain license; clarifying that the Board or its designee will give a certain examination;

altering certain examination requirements that certain dentists licensed in certain states are required to satisfy to be granted a certain license in this State; altering certain examination requirements that certain dental hygienists licensed in certain states are required to satisfy to be granted a certain license in this State; defining certain terms; and generally relating to the State Board of Dental Examiners, licenses, and examination requirements for dentists and dental hygienists.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 4–303.1(d) and 4–306
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 994 – Delegates Mizeur and Vaughn

AN ACT concerning

Maryland Small Business Resources Workgroup

FOR the purpose of establishing the Maryland Small Business Resources Workgroup; providing for the composition, chair, and staffing of the Workgroup; prohibiting a member of the Workgroup from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Workgroup to study and make recommendations regarding certain matters; requiring the Workgroup 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 Maryland Small Business Resources Workgroup.

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

House Bill 1109 – Delegates Branch and Glenn

AN ACT concerning

Maryland Economic Development Corporation – Bonding Authority and Reporting Requirement

FOR the purpose of authorizing the Maryland Economic Development Corporation to finance certain projects when bonds are payable or guaranteed by certain educational institutions if the Corporation has a certain ownership interest in the property ~~and, the property is leased to the educational institution;~~ a community college, and the property is located in an enterprise zone on or

before a certain date; altering the date the Corporation is required to submit a certain report; defining certain terms; and generally relating to the Maryland Economic Development Corporation.

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–103 and 10–132
Annotated Code of Maryland
(2008 Volume and 2011 Supplement)

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

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 689 – Senator Shank

AN ACT concerning

Education – Maryland Advisory Council for Virtual Learning – Establishment

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

SB0689/314938/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 689

(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 13, strike “15”; in lines 18 and 20, in each instance, strike “ONE MEMBER” and substitute “TWO MEMBERS”; and in line 27, strike “AND”.

On page 3, in line 2, after “PROVIDERS” insert “;

(V) ONE REPRESENTATIVE OF THE BUSINESS COMMUNITY;

(VI) ONE PARENT OF A STUDENT PARTICIPATING IN DIGITAL LEARNING OPPORTUNITIES;

(VII) ONE SCHOOL TEACHER ENGAGED IN DIGITAL INSTRUCTION;

(VIII) ONE MEMBER OF THE BALTIMORE TEACHERS UNION;

(IX) ONE MEMBER OF THE MARYLAND STATE EDUCATION ASSOCIATION; AND

(X) ONE CHARTER SCHOOL ADVOCATE”.

AMENDMENT NO. 2

On page 4, in line 6, after “SHALL” insert “MAKE RECOMMENDATIONS REGARDING”; and strike in their entirety lines 7 through 26, inclusive.

On page 5, in lines 1, 4, 6, 7, 9, 11, 13, 15, 17, 19, 21, 24, and 26, strike “(II)”, “(III)”, “(IV)”, “(V)”, “(VI)”, “(VII)”, “(VIII)”, “(IX)”, “(X)”, “(XI)”, “(XII)”, “(8)”, and “(B)”, respectively, and substitute “(1)”, “(2)”, “(3)”, “(4)”, “(5)”, “(6)”, “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, “(B)”, and “(C)”, respectively; in line 22, strike the semicolon and substitute a period; strike line 23 in its entirety; in line 24, strike “PERFORM” and substitute “THE COUNCIL SHALL PERFORM”; in line 27, after “REPORT” insert “ITS RECOMMENDATIONS”; and in line 28, strike “GENERAL ASSEMBLY” and substitute “HOUSE COMMITTEE ON WAYS AND MEANS AND THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 843 – Senators Pinsky, Ferguson, Madaleno, and Montgomery

AN ACT concerning

Institutions of Postsecondary Education – Fully Online Distance Education Programs – Registration

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (7) AND THE FAVORABLE REPORT.

SB0843/954436/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 843
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Montgomery” and substitute “Montgomery, and Rosapepe”; in line 8, after “time” insert “under certain circumstances”; in line 11, after “circumstances” insert “within a certain period of time”; in line 12, after “circumstances;” insert “requiring the Commission to render a certain decision within a certain period of time;”; in line 22, after “circumstances;” insert “requiring the Commission to submit certain reports to the Governor and the General Assembly;”; in line 28, after “to” insert “a”; and in the same line, strike “exceptions” and substitute “exception”.

On page 2, in line 9, after “System;” insert “providing for the construction of this Act;”.

AMENDMENT NO. 2

On page 3, in lines 13, 20, 22, 27, and 29, in each instance, strike “**OR REGISTRATION**”; strike beginning with “**OR**” in line 14 down through “**REGISTRATION**” in line 15; in line 17, after “(2)” insert “**(I)**”; in line 18, strike “, and within” and substitute “.

(II) WITHIN;

in line 23, strike “**NOT**”; in the same line, strike the brackets; strike beginning with “**OR**” in line 23 down through “**RECEIVED**” in line 25 and substitute “nor”; after line 27, insert:

“(C-1) (1) IF THE COMMISSION BELIEVES THAT AN INSTITUTION OF POSTSECONDARY EDUCATION THAT IS REQUIRED TO REGISTER UNDER § 11-202.2 OF THIS SUBTITLE DOES NOT MEET THE CONDITIONS OR STANDARDS NECESSARY FOR THE ISSUANCE OF THE REGISTRATION, THE COMMISSION SHALL GIVE THE INSTITUTION WRITTEN NOTICE OF THE SPECIFIC

DEFICIENCIES WITHIN 6 MONTHS AFTER RECEIPT OF AN APPLICATION FOR REGISTRATION.

(2) (I) WITHIN 20 DAYS AFTER RECEIPT OF A NOTICE OF DEFICIENCIES, THE INSTITUTION MAY REQUEST A HEARING BEFORE THE COMMISSION.

(II) WITHIN 60 DAYS AFTER RECEIPT OF THE REQUEST FOR A HEARING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSION SHALL HOLD A HEARING TO DETERMINE IF THE REGISTRATION SHOULD BE ISSUED.

(3) (I) IF, AFTER 6 MONTHS FROM THE DATE ON WHICH THE APPLICATION FOR REGISTRATION WAS SUBMITTED TO THE COMMISSION, THE INSTITUTION HAS RECEIVED NEITHER A REGISTRATION NOR WRITTEN NOTICE OF DEFICIENCIES UNDER THIS SUBSECTION, THE INSTITUTION MAY REQUEST A HEARING WITHIN 20 DAYS BEFORE THE COMMISSION.

(II) WITHIN 60 DAYS AFTER RECEIPT OF THE REQUEST FOR A HEARING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSION SHALL HOLD A HEARING TO DETERMINE IF THE REGISTRATION SHOULD BE ISSUED.

(4) AFTER A HEARING HELD UNDER THIS SUBSECTION, THE COMMISSION SHALL RENDER A DECISION WITHIN 30 DAYS.”;

and in line 30, after “section” insert “OR THAT IS DENIED A REGISTRATION AFTER A HEARING GRANTED UNDER SUBSECTION (C-1) OF THIS SECTION”.

AMENDMENT NO. 3

On page 4, strike beginning with “NO” in line 16 down through “STATE” in line 17 and substitute “THE COMMISSION HAS DETERMINED THAT THE PORTION OF THE PROGRAM OFFERED AT A LOCATION IN THE STATE, IF ANY, DOES NOT REQUIRE A CERTIFICATE OF APPROVAL FOR THE INSTITUTION TO OPERATE, DO BUSINESS, OR FUNCTION IN THE STATE”; in line 18, strike “PARAGRAPH (2)” and substitute “PARAGRAPHS (2) AND (3)”; in line 21, after “SHALL” insert “FILE AN”

APPLICATION TO"; in the same line, strike "6" and substitute "3"; and after line 27, insert:

"(3) (I) NOTWITHSTANDING THE REQUIREMENTS OF § 11-202(C-1) OF THIS SUBTITLE, AN INSTITUTION THAT HAS ENROLLED MARYLAND STUDENTS BEFORE OBTAINING REGISTRATION UNDER THIS SECTION MAY CONTINUE TO OPERATE WITHOUT A REGISTRATION WHILE THE COMMISSION CONSIDERS THE INSTITUTION'S APPLICATION, CONDUCTS A HEARING CONCERNING THE INSTITUTION'S APPLICATION, OR PARTICIPATES IN JUDICIAL REVIEW REGARDING AN INSTITUTION'S APPLICATION.

(II) AN INSTITUTION THAT CONTINUES TO OPERATE WITHOUT A REGISTRATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL FURNISH A PERFORMANCE BOND OR OTHER FORM OF FINANCIAL GUARANTEE TO THE STATE IN AN AMOUNT SET BY REGULATION THAT IS IN ADDITION TO AND SEPARATE FROM A PERFORMANCE BOND OR OTHER FORM OF FINANCIAL GUARANTEE REQUIRED UNDER § 11-203 OF THIS SUBTITLE."

AMENDMENT NO. 4

On page 6, in line 7, after "(1)" insert "(I)"; in line 9, after "CHARGE" insert "FOR A STUDENT WHO HAS COMPLETED LESS THAN 24 CREDITS OF COLLEGE-LEVEL LEARNING FROM AN ACCREDITED INSTITUTION; AND

(II) A PRORATED REFUND METHODOLOGY THAT PROVIDES A REFUND TO ANY STUDENT NOT COVERED BY ITEM (I) OF THIS PARAGRAPH WHO HAS COMPLETED 60% OR LESS OF A COURSE";

strike beginning with "ACCOUNTS" in line 10 down through "COMPLETED" in line 11 and substitute "PROVIDES A REFUND TO ANY STUDENT WHO HAS COMPLETED 60% OR LESS OF A COURSE"; in line 15, after "BE" insert ":

(I) A FIXED AMOUNT FOR ALL INSTITUTIONS REGARDLESS OF TYPE, LOCATION, OR STUDENT ENROLLMENT; AND

(II)";

in the same line, strike "SET" and substitute "SET"; and after line 22, insert:

“(G) ON OR BEFORE DECEMBER 1 EACH YEAR, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY:

(1) THE NUMBER OF INSTITUTIONS OF POSTSECONDARY EDUCATION THAT APPLY FOR REGISTRATION UNDER THIS SECTION;

(2) THE TYPE AND SIZE OF THE INSTITUTIONS THAT APPLY;

(3) THE NUMBER OF INSTITUTIONS APPROVED FOR REGISTRATION;

(4) THE NUMBER OF INSTITUTIONS DENIED REGISTRATION; AND

(5) THE NUMBER OF MARYLAND STUDENTS ENROLLED IN INSTITUTIONS REQUIRED TO REGISTER UNDER THIS SECTION.”

AMENDMENT NO. 5

On page 8, strike in their entirety lines 1 through 6, inclusive; and after line 6, insert:

“2. A. AFTER 3 YEARS OF CLAIMS HISTORY DURING WHICH NO CLAIM AGAINST THE FUND HAS BEEN SUSTAINED ON BEHALF OF A STUDENT PARTICIPATING IN A FULLY ONLINE DISTANCE EDUCATION PROGRAM OFFERED IN THE STATE BY AN INSTITUTION REGISTERED UNDER § 11-202.2 OF THIS SUBTITLE, THE COMMISSION SHALL EXEMPT THAT INSTITUTION FROM THE REQUIREMENT TO CONTRIBUTE TO THE FUND.

B. NOTWITHSTANDING SUBSUBPARAGRAPH A OF THIS SUBSUBPARAGRAPH, AN INSTITUTION SHALL BE REQUIRED TO CONTRIBUTE TO THE FUND FOLLOWING A CLAIM AGAINST THE FUND BEING SUSTAINED ON BEHALF OF A STUDENT PARTICIPATING IN A FULLY ONLINE DISTANCE EDUCATION PROGRAM OFFERED IN THE STATE BY THE INSTITUTION.”

AMENDMENT NO. 6

On page 9, after line 15, insert:

“(E) ON OR BEFORE DECEMBER 1 EACH YEAR, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, REGARDING:

(1) THE NUMBER OF CLAIMS MADE AGAINST EACH GUARANTY FUND ESTABLISHED UNDER THIS SECTION;

(2) THE TYPE, SIZE, AND PROGRAM OF THE INSTITUTIONS AGAINST WHICH THE CLAIMS ARE MADE;

(3) THE NUMBER OF CLAIMS THAT ARE APPROVED AND THE ASSOCIATED PAYOUTS FROM THE FUNDS; AND

(4) THE NUMBER OF CLAIMS THAT ARE DENIED.”.

AMENDMENT NO. 7

On page 12, strike beginning with “AND” in line 6 down through “LEVEL” in line 7; after line 9, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act may be construed to affect the ongoing interpretation of § 11-202 of the Education Article and whether instruction through correspondence, noninteractive learning, credit for prior learning, cooperative education activities, practica, internships, externships, apprenticeships, portfolio review, departmental examinations, or challenge examinations requires a certificate of approval to operate, do business, or function in this State.”;

and in line 10, strike “2.” and substitute “3.”.

The preceding 7 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 257 – Senator Colburn

AN ACT concerning

Education – Talbot County – Participation in High School Athletic Programs

SB0257/834934/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 257

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “circumstances;” insert “requiring a student to transfer to a certain school under certain circumstances; providing that a student’s participation in a certain interscholastic athletic activity at other schools may change certain classifications; requiring certain parents or guardians of certain students to provide transportation under certain circumstances to other schools in Talbot County at the expense of the parents or guardians; prohibiting the Talbot County Board of Education from being required to pay for or provide certain transportation for certain students;”.

AMENDMENT NO. 2

On page 2, in line 1, strike “**THE**” and substitute “**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**”; after line 4, insert:

“(2) IF A PUBLIC SECONDARY SCHOOL IS NOT AT CAPACITY, THE STUDENT SHALL TRANSFER TO THE PUBLIC SECONDARY SCHOOL OUTSIDE THE STUDENT’S GEOGRAPHICAL ATTENDANCE AREA IN ORDER TO PARTICIPATE IN THE ATHLETIC ACTIVITY.”;

and in line 6, strike “**DOES NOT**” and substitute “**MAY**”.

AMENDMENT NO. 3

On page 2, after line 9, insert:

“(E) (1) A PARENT OR GUARDIAN OF A STUDENT WHO PARTICIPATES IN AN INTERSCHOLASTIC ACTIVITY AT ANOTHER PUBLIC SECONDARY SCHOOL IN THE COUNTY AS PROVIDED IN SUBSECTION (B) OF THIS SECTION SHALL PROVIDE TRANSPORTATION TO THE OTHER SCHOOL AT THE EXPENSE OF THE PARENT OR GUARDIAN.

(2) THE COUNTY BOARD MAY NOT BE REQUIRED TO PAY FOR OR PROVIDE TRANSPORTATION FOR THE STUDENT TO THE OTHER SCHOOL.”.

The preceding 3 amendments were read only.

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

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 557 – Senator Getty

AN ACT concerning

Education – Maryland Interscholastic Athletic Association – Establishment

SB0557/934830/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 557

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute:

“Open Meetings Act – Public Body – Definition

FOR the purpose of altering the definition of a “public body” for the purposes of the Open Meetings Act to include an entity that is created by a memorandum of understanding or a master agreement to which a majority of the county boards of education and the State Department of Education are signatories; requiring the State Department of Education to report on or before a certain date to

certain committees regarding the activities and decisions of the Maryland Public Secondary Schools Athletic Association; and generally relating to public bodies under the Open Meetings Act.”.

On pages 1 and 2, strike in their entirety the lines beginning with line 3 on page 1 through line 3 on page 2, inclusive.

On page 2, strike in their entirety lines 4 through 14, inclusive, and substitute:

“BY repealing and reenacting, without amendments,
Article – State Government
Section 10–502(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–502(h)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 16, insert:

“Article – State Government

10–502.

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

(h) (1) “Public body” means an entity that:

(i) consists of at least 2 individuals; and

(ii) is created by:

1. the Maryland Constitution;

2. a State statute;

3. a county or municipal charter;

4. A MEMORANDUM OF UNDERSTANDING OR A MASTER AGREEMENT TO WHICH A MAJORITY OF THE COUNTY BOARDS OF EDUCATION AND THE STATE DEPARTMENT OF EDUCATION ARE SIGNATORIES;

[4.] 5. an ordinance;

[5.] 6. a rule, resolution, or bylaw;

[6.] 7. an executive order of the Governor; or

[7.] 8. an executive order of the chief executive authority of a political subdivision of the State.

(2) "Public body" includes:

(i) any multimember board, commission, or committee appointed by the Governor or the chief executive authority of a political subdivision of the State, or appointed by an official who is subject to the policy direction of the Governor or chief executive authority of the political subdivision, if the entity includes in its membership at least 2 individuals not employed by the State or the political subdivision;

(ii) any multimember board, commission, or committee that:

1. is appointed by:

A. an entity in the Executive branch of State government, the members of which are appointed by the Governor, and that otherwise meets the definition of a public body under this subsection; or

B. an official who is subject to the policy direction of an entity described in item A of this item; and

2. includes in its membership at least 2 individuals who are not members of the appointing entity or employed by the State; and

(iii) The Maryland School for the Blind.

(3) “Public body” does not include:

(i) any single member entity;

(ii) any judicial nominating commission;

(iii) any grand jury;

(iv) any petit jury;

(v) the Appalachian States Low Level Radioactive Waste Commission established in § 7–302 of the Environment Article;

(vi) except when a court is exercising rulemaking power, any court established in accordance with Article IV of the Maryland Constitution;

(vii) the Governor’s cabinet, the Governor’s Executive Council as provided in Title 8, Subtitle 1 of this article, or any committee of the Executive Council;

(viii) a local government’s counterpart to the Governor’s cabinet, Executive Council, or any committee of the counterpart of the Executive Council;

(ix) except as provided in paragraph (1) of this subsection, a subcommittee of a public body as defined under paragraph (2)(i) of this subsection;

(x) the governing body of a hospital as defined in § 19–301 of the Health – General Article; and

(xi) a self–insurance pool that is established in accordance with Title 19, Subtitle 6 of the Insurance Article or § 9–404 of the Labor and Employment Article by:

1. a public entity, as defined in § 19–602 of the Insurance Article; or

2. a county or municipal corporation, as defined in § 9-404 of the Labor and Employment Article.”.

On pages 2 through 11, strike in their entirety the lines beginning with line 17 on page 2 through line 23 on page 11 and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 1 in every even-numbered year, the State Department of Education shall report, in accordance with § 2-1246 of the State Government Article, to the House Committee on Ways and Means and the Senate Education, Health, and Environmental Affairs Committee, regarding the activities and decisions of the Maryland Public Secondary Schools Athletic Association.”;

in line 24, strike “4.” and substitute “3.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 576 – Senator Astle

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Video Lottery Facility – Hours for Sale and Consumption

SB0576/414633/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 576

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Facility –” insert “Licenses and”; in line 10, after “law;” insert “providing that a subsidiary of a certain entity may be issued an entertainment facility license;”; and in line 11, after “to” insert “entertainment facility licenses and”.

AMENDMENT NO. 2

On page 2, in line 26, strike “or entity” and substitute “, ENTITY, OR SUBSIDIARY OF AN ENTITY”.

On page 5, in line 19, strike “October” and substitute “June”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 877 – Senator Glassman

AN ACT concerning

Environment – Water Pollution Control – Reporting and Penalties

SB0877/844534/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 877

(First Reading File Bill)

On page 1, in the sponsor line, strike “Senator Glassman” and substitute “Senators Glassman and Simonaire”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 994 – Senator Brinkley

AN ACT concerning

**Environment – Temporary Dewatering Devices and Well Drilling –
Notification to Municipalities**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #16

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 130 – Senators Ferguson and Gladden

AN ACT concerning

**Baltimore City – Nuisance Abatement and Local Code Enforcement –
Community Associations**

SB0130/638079/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 130

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Gladden” and substitute “, Gladden, and Jones–Rodwell”; and in line 8, after “property;” insert “altering the definition of “local code violation” to correct references to certain provisions of the Baltimore City Code;”.

AMENDMENT NO. 2

On page 3, in line 3, strike “AND”; in line 5, after “COMMUNITY” insert “;AND”

3. IN GOOD STANDING WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION”;

and strike in their entirety lines 10 through 17, inclusive, and substitute:

“(I) NUISANCE CONTROL, WASTE CONTROL, AND NOISE REGULATION TITLES OF THE HEALTH CODE OF BALTIMORE CITY;

(II) THE PUBLIC NUISANCE AND NEIGHBORHOOD NUISANCE PROVISIONS UNDER CITY CODE ARTICLE 19, POLICE ORDINANCES;

(III) CITY CODE ARTICLE 23, SANITATION;

(IV) THE BUILDING, FIRE, AND RELATED CODES OF BALTIMORE CITY; OR

(V) THE ZONING CODE OF BALTIMORE CITY.”

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 353 – Senator Forehand

AN ACT concerning

Estates – Small Estate Administration – Eligibility Thresholds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 396 – Senator Forehand

AN ACT concerning

Maryland Uniform Transfers to Minors Act – Orphans’ Court

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 668 – Senators Mathias, Colburn, Middleton, and Pipkin

AN ACT concerning

**Corporations and Associations – Electric Cooperatives – Electronic Notices
and Voting**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 711 – Senator Forehand

AN ACT concerning

Maryland General and Limited Power of Attorney Act

SB0711/518372/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 711

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “specifying” in line 3 down through “a” in line 4 and substitute “clarifying the form of document that may be used to create a certain statutory form”; in line 8, after “authority” insert “to make gifts to certain persons.”; and in line 9, after “plans” insert a comma.

AMENDMENT NO. 2

On page 2, in line 20, strike “(A)”; in line 21, after “SUBTITLE” insert “AS IN EFFECT ON THE DATE THE DOCUMENT IS EXECUTED”; and strike in their entirety lines 23 through 28, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 804 – Senators Brinkley, Colburn, Glassman, Jennings, Robey, and Stone

AN ACT concerning

Human Services – Service Animal Trainers – Nondiscrimination

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 855 – Senator Raskin

AN ACT concerning

Corporations and Associations – Limited Liability Act – Revisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 856 – Senator Raskin

AN ACT concerning

Courts and Judicial Proceedings – Maryland Mediation Confidentiality Act

SB0856/538377/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 856
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Raskin” and substitute “Senators Raskin, Forehand, Getty, Gladden, Jacobs, Ramirez, Shank, and Stone”.

AMENDMENT NO. 2

On page 2, in line 12, after “DISPUTE;” insert “AND”; strike beginning with “HAS” in line 13 down through “(3)” in line 15; and in line 17, strike “(D)” and substitute “(E)”.

AMENDMENT NO. 3

On page 4, in line 5, after “(1)” insert “A PARTY TO A MEDIATION AND ANY PERSON PRESENT OR OTHERWISE PARTICIPATING IN THE MEDIATION AT THE REQUEST OF A PARTY MAY NOT DISCLOSE OR BE COMPELLED TO DISCLOSE MEDIATION COMMUNICATIONS IN ANY JUDICIAL, ADMINISTRATIVE, OR OTHER PROCEEDING; AND

(2)”;

and strike beginning with “; AND” in line 9 down through “PROCEEDING” in line 13.

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 JUDICIAL PROCEEDINGS REPORT #17

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 309 – Senators Klausmeier, Currie, Forehand, Kasemeyer, Kelley, Madaleno, Montgomery, Robey, Shank, and Stone

AN ACT concerning

Mopeds and Motor Scooters – Titling, Registration, Insurance, and Required Use of Protective Headgear

SB0309/538873/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 309
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Stone” and substitute “Stone, and Pugh, Gladden, and Forehand”; in line 2, strike “Registration,”; in line 7, strike “and registered”; strike beginning with “requiring” in line 9 down through “scooters” in line 16 and substitute “requiring an application for a certificate of title for a motor scooter or moped to be submitted electronically; requiring the Administration to issue a permanent decal to the owner of a motor scooter or moped for which a certificate of title is issued; requiring an owner of a motor scooter or moped to display the decal in a certain manner; requiring a decal to display a unique number sequence assigned by the Administration; requiring the Administration to establish a certain fee for the decal and adopt certain regulations; prohibiting a person from operating a motor scooter or moped unless the motor scooter or moped displays the decal in a certain manner; establishing a certain fee for a certificate of title issued for a motor scooter or moped; establishing the criteria for determining the fair market value of a motor scooter or a moped for the purpose of determining the excise tax under certain circumstances; requiring the owner of a motor scooter or moped to certify at the time of titling that the vehicle is covered by a certain security; requiring the operator of a motor scooter or moped to carry evidence of a certain required security when operating the motor scooter or moped”; and strike beginning with “providing” in line 26 down through “scooters;” in line 28 and substitute “requiring the Motor Vehicle Administration to waive certain fees associated with titling a moped or motor scooter for certain individuals under certain circumstances;”.

On page 2, in line 8, strike “13–101.1, 13–402(a)(1), 17–104(a) and (b),”; in line 9, strike “23–101(a),” and substitute “and”; in the same line, strike “, 23–107(a)(1), 23–202(a)(1), and 23–206(a)”; in line 14, strike “11–135, 11–176, 13–403, 13–954,” and substitute “13–102, 13–104(a), 13–106, 13–802, 13–809(a)(1), (2), and (3), and”; in the same line, strike “, 23–101(i)(3), and”; strike line 15 in its entirety; and in line 20, strike “13–939.3” and substitute “17–104.1”.

AMENDMENT NO. 2

On page 3, in line 16, strike “motor”; in line 18, after the second bracket, insert “:

(1)”;

and in line 20, after “ARTICLE” insert “;

(2) A MOPED; AND

(3) A MOTOR SCOOTER”.

AMENDMENT NO. 3

On pages 4 through 7, strike in their entirety the lines beginning with line 18 on page 4 through line 20 on page 7, inclusive, and substitute:

“13–102.

A certificate of title is not required for:

(1) A vehicle owned and used by the United States, unless it is registered in this State;

(2) A new vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration or used as allowed under § 13–621 of this title;

(3) A vehicle used by a manufacturer only for testing;

(4) A vehicle owned by a nonresident of this State and not required by law to be registered in this State;

(5) A vehicle regularly engaged in the interstate transportation of people or property and for which a currently effective certificate of title has been issued in another state;

(6) A vehicle moved only by human or animal power;

(7) A bicycle, EXCEPT FOR A MOPED;

(8) A vehicle in which interest has passed to a secured party on default of the owner;

(9) Farm equipment;

(10) Special mobile equipment;

(11) A self-propelled invalid:

(i) Wheelchair; or

(ii) Tricycle;

(12) A trailer, other than a camping trailer, rated by the manufacturer as having a gross vehicle weight of 2,500 pounds or less; or

(13) An off-highway recreational vehicle purchased before October 1, 2010.

13-104.

(a) (1) The application for a certificate of title of a vehicle shall be made by the owner of the vehicle on the form that the Administration requires.

(2) Notwithstanding any other provision of this title, an application for a certificate of title of an off-highway recreational vehicle, A MOTOR SCOOTER, OR A MOPED shall be made by electronic transmission under § 13-610 of this title.

(3) THE OWNER OF A MOTOR SCOOTER OR MOPED SHALL CERTIFY AT THE TIME OF TITLING THAT THE MOTOR SCOOTER OR MOPED IS COVERED BY THE REQUIRED SECURITY DESCRIBED IN § 17-103 OF THIS ARTICLE.

13-106.

(a) The Administration shall:

(1) File each application for a certificate of title that it receives; and

(2) Issue a certificate of title of the vehicle if:

(i) It finds that the applicant is entitled to the certificate of title; and

(ii) It has received the required fees.

(b) The Administration shall keep a record of all certificates of title that it issues, as follows:

(1) Under a distinctive title number assigned to the vehicle;

(2) Under the vehicle identification number of the vehicle or, if a distinguishing number has been assigned to it, under the distinguishing number; and

(3) Under any other method that the Administration determines.

(c) Upon receipt with the application for a certificate of title, the Administration shall maintain a record of the following documents as a part of its certificate of title records for a motor vehicle:

(1) A notice from a dealer under § 14-1502(f)(1) of the Commercial Law Article;

(2) A notice from a manufacturer or factory branch under § 14-1502(f)(2) of the Commercial Law Article; and

(3) A manufacturer's disclosure form provided to the Administration under § 14-1502(g) of the Commercial Law Article.

(D) (1) THE ADMINISTRATION SHALL ISSUE A PERMANENT DECAL TO THE OWNER OF A MOTOR SCOOTER OR MOPED FOR WHICH A CERTIFICATE OF TITLE IS ISSUED.

(2) AN OWNER OF A MOTOR SCOOTER OR MOPED FOR WHICH A CERTIFICATE OF TITLE IS ISSUED SHALL DISPLAY THE DECAL ON THE VEHICLE AS PRESCRIBED BY THE ADMINISTRATION.

(3) A DECAL SHALL DISPLAY A UNIQUE NUMBER SEQUENCE ASSIGNED BY THE ADMINISTRATION.

(4) THE ADMINISTRATION:

(I) SHALL ESTABLISH A FEE OF \$5 FOR A DECAL; AND

(II) MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

13-802.

(a) Except as provided in subsection (b) of this section and § 13-805 of this subtitle, the fee for each certificate of title issued under this title is \$100.

(b) (1) For fiscal years 2012 through 2014 only, the fee for each certificate of title issued for a rental vehicle is \$50.

(2) THE FEE FOR EACH CERTIFICATE OF TITLE ISSUED FOR A MOTOR SCOOTER OR A MOPED IS \$20.

13-809.

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

(2) “Fair market value” means:

(i) As to the sale of any new or used vehicle by a licensed dealer, the total purchase price, as certified by the dealer;

(ii) Except as provided in item (iv) of this paragraph, as to a used vehicle that is sold by any person other than a licensed dealer and that has a designated model year that is 7 years old or older, the greater of:

1. The total purchase price; or

2. \$640;

(iii) Except as provided in item (iv) of this paragraph, as to any other used vehicle that is sold by any person other than a licensed dealer:

1. The total purchase price, if the total purchase price is less than \$500 below the retail value of the vehicle as shown in a national publication of used car values adopted for use by the Department; or

2. If the total purchase price is \$500 or more below the retail value of the vehicle as shown in a national publication of used car values adopted for use by the Department:

A. The total purchase price, if verified to the satisfaction of the Administration by a notarized bill of sale submitted in accordance with subsection (d)(2) of this section; or

B. The valuation shown in the national publication of used car values, if the Administration finds that the documentation submitted under subsection (d)(2) of this section fails to verify the total purchase price:

(iv) As to a used trailer, A MOTOR SCOOTER, A MOPED, or AN off-highway recreational vehicle that is sold by any person other than a licensed dealer, the greater of:

1. The total purchase price; or

2. \$320; and

(v) In any other case, the valuation shown in a national publication of used car values adopted for use by the Department.

(3) (i) Subject to subparagraph (ii) of this paragraph, “total purchase price” means the price of a vehicle agreed on by the buyer and the seller, including any dealer processing charge, less an allowance for trade-in but with no allowance for other nonmonetary consideration.

(ii) As to a person trading in a nonleased vehicle to enter into a lease for a period of more than 180 consecutive days, “total purchase price” means the retail value of the vehicle as certified by the dealer, including any dealer processing charge, less an allowance for the trade-in of the nonleased vehicle but with no allowance for other nonmonetary consideration.

THE OWNER OF A MOPED OR MOTOR SCOOTER SHALL CARRY EVIDENCE OF THE REQUIRED SECURITY WHEN OPERATING THE MOPED OR MOTOR SCOOTER.”.

AMENDMENT NO. 4

On page 8, in line 18, strike “ESTABLISHED BY THE ADMINISTRATOR” and substitute “PROVIDED UNDER 49 C.F.R § 571.218”.

AMENDMENT NO. 5

On page 10, strike in their entirety lines 4 through 8, inclusive; and strike in their entirety lines 24 through 33, inclusive.

AMENDMENT NO. 6

On page 11, strike in their entirety lines 1 through 5, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That, except for the decal fee established under this Act, the Motor Vehicle Administration shall waive all fees associated with titling a moped or motor scooter for an individual who owned the moped or motor scooter on the effective date of this Act and titles the vehicle on or before October 1, 2013.”;

and in line 6, strike “2.” and substitute “3.”.

The preceding 6 amendments were read only.

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

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 401 – Senators Pugh, Gladden, and Ramirez

AN ACT concerning

Motor Vehicles – Towing Practices and Procedures

SB0401/668379/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 401

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “establishing” in line 3 down through “circumstances;” in line 22; and in line 27, after “lots;” insert “repealing a certain provision exempting abandoned vehicles from the application of certain provisions relating to the towing and removal of vehicles from parking lots;”.

On page 2, strike beginning with “authorizing” in line 1 down through “notice;” in line 2; in line 23, strike “altering a certain definition;”; strike in their entirety lines 25 through 34, inclusive; and in line 37, strike “11–152, 13–506(b), (e), and (f), 13–507(b),”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 41 on page 2 through line 2 on page 3, inclusive.

On page 3, in line 5, strike “13–507(a)(1) and (2) and”.

AMENDMENT NO. 3

On pages 3 through 14 strike in their entirety the lines beginning with line 10 on page 3 through line 2 on page 14, inclusive, and substitute:

“Article – Transportation”.

AMENDMENT NO. 4

On page 16, strike in their entirety lines 30 and 31.

AMENDMENT NO. 5

On page 18, in line 15, strike “**\$300**” and substitute “**\$250**”; and in line 20, strike “**\$1,200**” and substitute “**\$1,000**”.

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 JUDICIAL PROCEEDINGS REPORT #18

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 514 – Senator Shank

AN ACT concerning

Public Safety – Law Enforcement Handgun Disposal – Deceased Officers

SB0514/438378/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 514

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “certain” in line 5 down through “transfer” in line 7 and substitute “the next of kin of the deceased officer under certain circumstances”.

AMENDMENT NO. 2

On page 2, in line 8, strike “(1)”; and strike beginning with the colon in line 10 down through “HANDGUN” in line 16 and substitute “THE NEXT OF KIN OF THE DECEASED OFFICER, IF:

(1) THE REQUIREMENTS OF TITLE 5, SUBTITLE 1 OF THIS ARTICLE RELATING TO FIREARMS APPLICATIONS ARE MET; AND

(2) THE HANDGUN OF THE DECEASED OFFICER IS RENDERED INOPERABLE BEFORE THE TRANSFER OF THE HANDGUN”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 521 – Senators Shank, Brochin, Colburn, Jacobs, and Stone

AN ACT concerning

Justice’s Law

SB0521/898870/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 521

(First Reading File Bill)

On page 2, in lines 23 and 28, in each instance, strike “LIFE IN PRISON” and substitute “40 YEARS”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 562 – Senators Forehand, Colburn, Jacobs, Kelley, King, Klausmeier, Manno, Ramirez, and Stone

AN ACT concerning

Juvenile Sex Crime Victims’ Rights Act

SB0562/618871/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 562

(First Reading File Bill)

On page 1, in the sponsor line, strike “and Stone” and substitute “Stone, Brochin, and Raskin”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 565 – Senators Raskin, Frosh, Gladden, and Miller

AN ACT concerning

Criminal Procedure – Sex Offender Registration Requirements – Kidnapping

SB0565/108170/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 565

(First Reading File Bill)

On page 1, in the sponsor line, strike “and Miller” and substitute “Miller, and Forehand”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 612 – Senators Raskin, Jacobs, Forehand, Getty, Ramirez, Stone, and Zirkin

AN ACT concerning

Criminal Law – First Degree Assault – Strangulation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 799 – Chair, Judicial Proceedings Committee (By Request – Sexual Offender Advisory Board)

AN ACT concerning

Criminal Law – Sex Offenders – Statutory Sex Offense

SB0799/158073/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 799

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “establishing” in line 11 down through “registrants;” in line 12; and strike beginning with “requiring” in line 13 down through “information;” in line 14.

AMENDMENT NO. 2

On page 3, in line 17, after “ACT” insert “**IS AT LEAST 4 YEARS OLDER THAN THE VICTIM BUT LESS THAN 10 YEARS OLDER THAN THE VICTIM, AND**”; and in line 22, after “ACT” insert “**IS AT LEAST 4 YEARS OLDER THAN THE VICTIM BUT LESS THAN 10 YEARS OLDER THAN THE VICTIM, AND**”.

AMENDMENT NO. 3

On page 8, in line 32, after “§ 3–308” insert “**OR § 3–308.1**”.

On page 11, strike beginning with “REGISTRY” in line 20 down through “SECTION” in line 21 and substitute “**SEX OFFENDER REGISTRY UNDER THIS SUBTITLE, BUT WHOSE INFORMATION IS NOT POSTED ON THE PUBLIC REGISTRY WEB SITE AND IS NOT AVAILABLE FOR PUBLIC INSPECTION**”; in line 24, before “SEX” insert “**PUBLIC**”; in the same line, after “REGISTRY” insert “**WEB SITE**”; and strike beginning with “THE” in line 28 down through “YEARS” in line 29 and substitute “**A NONPUBLIC REGISTRANT SHALL REGISTER AS A TIER I SEX OFFENDER UNDER THIS SUBTITLE BUT MAY NOT BE INCLUDED IN THE PUBLIC SEX OFFENDER REGISTRY**”.

On pages 11 and 12, strike in their entirety the lines beginning with line 30 on page 11 through line 2 on page 12, inclusive.

On page 12, strike beginning with “central” in line 9 down through “offenders” in line 10 and substitute “PUBLIC SEX OFFENDER REGISTRY WEB SITE AND A CENTRALIZED NONPUBLIC REGISTRY DATABASE TO BE USED FOR LAW ENFORCEMENT PURPOSES THAT INCLUDES PUBLIC REGISTRANTS, NONPUBLIC REGISTRANTS, AND JUVENILE REGISTRANTS”.

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 BUDGET AND TAXATION REPORT #8

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 40 – Senator Astle

AN ACT concerning

Sales and Use Tax – Machinery and Equipment – Energy Star Windows and Doors

Favorable report adopted.

FLOOR AMENDMENT

SB0040/283526/1

BY: Senator Garagiola

AMENDMENT TO SENATE BILL 40

(First Reading File Bill)

On page 1, in the sponsor line, strike “Senator Astle” and substitute “Senators Astle and Garagiola”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 188 – Senators Shank, Edwards, and Young

AN ACT concerning

Washington County – Distribution of Amounts to Town of Williamsport – Payments in Lieu of Property Taxes on Electricity Generation Facilities

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 265 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Tax Sales – Auctioneer’s Fees

SB0265/199338/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 265

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “bid” insert “for each property sold”.

On page 2, in line 31, after “**BID**” insert “**FOR EACH PROPERTY SOLD**”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 404 – Senators Brinkley, Colburn, Currie, Glassman, King, Kittleman, Klausmeier, Montgomery, Stone, Young, and Zirkin

AN ACT concerning

Sales and Use Tax – Exemption – Home Wheelchair Lifts and Stairlifts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 425 – Harford County Senators

AN ACT concerning

Harford County – Tax Sales – Auctioneer Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 606 – Senator DeGrange

AN ACT concerning

Finance and Procurement – State Treasury – Collateral

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 666 – Carroll County Senators

AN ACT concerning

Carroll County – Property Tax Credit for Housing Units at Independent Living Retirement Communities

SB0666/119830/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 666

(First Reading File Bill)

On page 2, in line 4, after “**ARTICLE;**” insert “AND”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #13

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

Senate Bill 291 – Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Unemployment Insurance – Coverage – Victims of Domestic Violence

SB0291/567572/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 291

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Regulation)” insert “and Senators Garagiola, Kelley, Muse, and Pugh”; and in lines 14 and 20, in each instance, strike “immediate family member” and substitute “spouse, minor child, or parent”.

AMENDMENT NO. 2

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

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

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

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 811 – Senator Astle

AN ACT concerning

Insurance – Fraud Violations – Fines and Administrative Penalties

SB0811/367471/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 811

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Astle” and substitute “Senators Astle, Garagiola, Glassman, Kelley, Klausmeier, Middleton, Pugh, and Muse”; in line 3, after “of” insert “requiring the Fraud Division of the Maryland Insurance Administration to investigate certain allegations and to impose certain penalties”.

under certain circumstances;"; in line 12, after "circumstances;" insert "providing for the effect of this Act;"; and in line 17, after "Section" insert "2-405 and".

AMENDMENT NO. 2

On page 1, after line 22, insert:

"2-405.

The Fraud Division:

(1) has the authority to investigate each person suspected of engaging in insurance fraud;

(2) if appropriate after an investigation:

(i) shall refer suspected cases of insurance fraud to the Office of the Attorney General or appropriate local State's Attorney to prosecute the person criminally for insurance fraud;

(ii) shall notify the appropriate professional licensing board or disciplinary body of evidence of insurance fraud that involves professionals;

(iii) shall notify the appropriate professional licensing board of evidence of gross overutilization of health care services;

(iv) shall notify the Workers' Compensation Commission of suspected cases of insurance fraud referred to the Office of the Attorney General or appropriate local State's Attorney under subparagraph (i) of this paragraph that involve the payment of compensation, fees, or expenses under the Workers' Compensation Law; and

(v) shall assist local and State law enforcement agencies in the prosecution of automobile theft;

(3) shall compile and abstract information that includes the number of confirmed acts of insurance fraud and the type of acts of insurance fraud;

(4) in exercising its authority under this subtitle, shall cooperate with the Department of State Police, Office of the Attorney General, local State's Attorney

in the jurisdiction in which the alleged acts of insurance fraud took place, and appropriate federal and local law enforcement authorities;

(5) shall operate or provide for a toll-free insurance fraud hot line to receive and record information about alleged acts of insurance fraud; [and]

(6) in cooperation with the Office of the Attorney General and Department of State Police, shall conduct public outreach and awareness programs on the costs of insurance fraud to the public; AND

(7) SHALL INVESTIGATE ALLEGATIONS OF CIVIL FRAUD AND, IF APPROPRIATE AFTER INVESTIGATION, IMPOSE ADMINISTRATIVE PENALTIES AND ORDER RESTITUTION IN ACCORDANCE WITH § 27-408 OF THIS ARTICLE.”.

On page 2, in line 32, strike “A PREPONDERANCE OF” and substitute “CLEAR AND CONVINCING”.

On page 3, after line 19, insert:

“(D) THIS SECTION DOES NOT AFFECT AN INSURER’S RIGHT TO TAKE ANY INDEPENDENT ACTION TO SEEK RECOVERY AGAINST A PERSON THAT VIOLATES THIS SUBTITLE.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 853 – Senator Klausmeier

AN ACT concerning

Baltimore County – Public School Employees – Collective Bargaining Units

SB0853/587177/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 853

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike beginning with “establishing” through “employees” and substitute “including a unit of certain supervisory employees among certain units authorized”.

AMENDMENT NO. 2

On page 2, in line 27, after “ARE” insert “ADMINISTRATIVE AND”.

On page 3, in line 7, strike the brackets; in lines 7 and 8, strike “:

(I) THERE”;

in line 8, strike “nonsupervisory”; in the same line, after “units” insert a comma; and in lines 9 and 10, strike “; **AND (II) ONE NONCERTIFICATED**” and substitute “INCLUDING ONE”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES REPORT #8

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1065 – Senator Pipkin

AN ACT concerning

Procurement – Board of Contract Approval – Establishment

The bill was re-referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1069 – Senator Pugh

AN ACT concerning

State Government – Statue of Harriet Tubman

The bill was re-referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1093 – Senator Dyson

AN ACT concerning

Calvert County – County Commissioners – Pensions

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings and the Committee on Budget and Taxation:

Senate Bill 1095 – Senators Gladden and Frosh

EMERGENCY BILL

AN ACT concerning

Child in Need of Supervision Pilot Program – Funding

The bill was re-referred to the Committee on Judicial Proceedings and the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 1096 – Senators Simonaire, Astle, Benson, Brochin, Conway, Currie, Dyson, Edwards, Ferguson, Gladden, Glassman, Jacobs, Jennings, Jones-Rodwell, King, Kittleman, Klausmeier, Madaleno, Montgomery, Peters, Pinsky, Pipkin, Pugh, Raskin, Reilly, Robey, Rosapepe, Shank, Stone, and Young

EMERGENCY BILL

AN ACT concerning

Criminal Law – Aggravated Animal Cruelty – Bait Dogs

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1097 – Senator Reilly

AN ACT concerning

Water Pollution Control and Abatement – Coal Combustion By-Products and Water Pollutants

The bill was re-referred to the Committee on Education, Health, and Environmental Affairs.

SPECIAL ORDERS

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

Senate Bill 320 – Senator Young

AN ACT concerning

Frederick County Board of Education – Membership and Employment

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

Senator Brinkley moved, duly seconded, to make the Bill a Special Order for March 20, 2012.

The motion was rejected by a roll call vote as follows:

Affirmative – 9 Negative – 35 (See Roll Call No. 592)

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

Affirmative – 39 Negative – 7 (See Roll Call No. 593)

The Bill was then sent to the House of Delegates.

Senate Bill 512 – Senators Frosh, Conway, Forehand, Gladden, Kelley, Madaleno, Manno, Montgomery, Ramirez, Raskin, and Rosapepe

AN ACT concerning

Regulated Firearms – Database – Applications for Dealer’s License – Record Keeping and Reporting Requirements

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

Read the second time and ordered prepared for Third Reading.

Senate Bill 649 – Senators Ramirez, Raskin, and Jones–Rodwell

AN ACT concerning

Environment – Asbestos Worker Protection

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (3) OFFERED FROM THE FLOOR BY SENATOR JACOBS.

FLOOR AMENDMENT

SB0649/463723/2

BY: Senator Jacobs

AMENDMENTS TO SENATE BILL 649, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

Strike the Education, Health, and Environmental Affairs Committee Amendments (SB0649/884131/1) in their entirety.

On page 1, in line 2, strike “Protection” and substitute “Accreditation”; strike beginning with “adding” in line 3 down through “removers;” in line 4; strike beginning with “authorizing” in line 6 down through “term;” in line 17; in line 17, strike “protection” and substitute “accreditation”; strike in their entirety lines 18 through 22, inclusive; in line 25, strike “6–402;” and in the same line, strike “, and 6–422”.

On pages 1 and 2, strike in their entirety the lines beginning with line 28 on page 1 through line 10 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 14 through 28, inclusive; and strike beginning with “(1)” in line 30 down through “INDICATED.” in line 31.

On page 3, strike beginning with “(2)” in line 1 down through “(B)” in line 6; in line 10, after “OLD;” insert “AND”; strike beginning with “; AND” in line 18 down through “DEPARTMENT” in line 22; in line 24, strike “AND EXAMINATION;”; in line 26, strike the brackets; and in the same line, strike “(C)”.

AMENDMENT NO. 3

On page 4, in line 4, strike the brackets; in the same line, strike “(D)”; and in line 5, strike “ADMINISTERING THE EXAMINATION”.

On pages 4 through 9, strike in their entirety the lines beginning with line 9 on page 4 through line 5 on page 9, inclusive.

The preceding 3 amendments were read only.

Senator Jacobs moved, duly seconded, to make the Bill and Amendments a Special Order for March 20, 2012.

The motion was adopted.

CONCURRENCE CALENDAR #1**AMENDED IN THE HOUSE**

Senate Bill 422 – ~~Senator Frosh~~ Senators Frosh and Colburn

EMERGENCY BILL

AN ACT concerning

**Criminal Procedure – ~~Office of the Public Defender – Representation~~
Criminal Defendants – Citations and Appearances**

Senator Frosh moved that the Senate not concur in the House amendments.

SB0422/322216/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 422

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “prohibiting” in line 4 down through “circumstances” in line 9 and substitute “declaring the intention of the General Assembly to monitor certain issues and determine whether modification of this Act is required at a certain time; requiring a police officer to charge a person by citation for certain misdemeanors and local ordinance violations; expanding the authority of a police officer to charge a person by citation to include certain misdemeanors and local ordinance violations; establishing that a police officer may charge a defendant by citation only under certain circumstances; providing that, under certain circumstances, an officer who has grounds to make a warrantless arrest may issue a citation in lieu of making the arrest or make the arrest and subsequently issue a citation in lieu of continued custody; prohibiting certain ex parte communications between a District Court commissioner and a State’s Attorney, an attorney for the defendant, or a law enforcement officer”; in line 12, after “proceeding” insert “or juvenile proceeding”; establishing that a defendant who is denied pretrial release by a District Court commissioner or who remains in custody after a District Court commissioner has determined conditions of release under certain circumstances must be presented to a District Court or a circuit court judge at a certain time”; strike beginning with “repealing” in line 12 down through “proceedings,” in line 16; and strike beginning with “establishing” in line 20 down through “determination,” in line 25.

On page 2, in line 8, strike the first “a”; in the same line, strike “date” and substitute “dates”; requiring certain law enforcement officers to record certain information pertaining to the issuance of certain citations; requiring the Police Training Commission and the Maryland Statistical Analysis Center (MSAC), in consultation with the Administrative Office of the Courts, to develop a certain format for the recording of certain data and to develop certain procedures relating to the compilation and submission of certain data on or before a certain date; requiring the Police Training Commission to develop certain guidelines for certain data collection and a certain model policy relating to citations; requiring the MSAC to analyze certain data based on a methodology developed in conjunction with the Police Training Commission; requiring the MSAC to make certain reports to the General Assembly, the Governor, and law enforcement agencies; requiring law enforcement agencies to adopt certain policies regarding the issuance of certain citations; defining certain

terms; providing for the application of certain provisions of this Act”; strike beginning with “of” in line 8 down through “provision” in line 9 and substitute “of certain provisions”; in line 11, strike “representation by the Office of the Public Defender” and substitute “citations for and appearances by criminal defendants”; strike in their entirety lines 12 through 16, inclusive; in line 19, after “Section” insert “2-607(f) and”; after line 21, insert:

“BY adding to

Article – Criminal Procedure

Section 5-215

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)”;

and in line 29, strike “5-215” and substitute “4-101.1”.

AMENDMENT NO. 2

On page 3, after line 16, insert:

“SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That it is the intent of the General Assembly to continue to monitor the issues relating to representation of indigent defendants and to determine whether modification of this Act is required during the 2015 session of the General Assembly or earlier if an appellate court issues a decision related to the relevant issues in DeWolfe v. Richmond or the Task Force established under Section 3 of this Act issues its report and recommendations.”;

and strike beginning with “1.” in line 17 down through “MARYLAND” in line 18 and substitute “2. AND BE IT FURTHER ENACTED”.

AMENDMENT NO. 3

On pages 3 through 5, strike in their entirety the lines beginning with line 19 on page 3 through line 9 on page 5, inclusive.

On page 5, in line 28, strike “(2)” and substitute “(3)”.

On page 6, in lines 16 and 19, in each instance, strike “OR”; after line 19, insert:

“4. POSSESSION OF AN ELECTRONIC CONTROL DEVICE AFTER CONVICTION OF A DRUG FELONY OR CRIME OF VIOLENCE UNDER § 4-109(B) OF THE CRIMINAL LAW ARTICLE;

5. VIOLATION OF AN OUT-OF-STATE DOMESTIC VIOLENCE ORDER UNDER § 4-508.1 OF THE FAMILY LAW ARTICLE; OR

6. ABUSE OR NEGLECT OF AN ANIMAL UNDER § 10-604 OF THE CRIMINAL LAW ARTICLE; OR”;

in line 21, after “ARTICLE” insert “, IF THE QUANTITY IS LESS THAN 14 GRAMS”;
after line 21, insert:

“(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IN ADDITION TO ANY OTHER LAW ALLOWING A CRIME TO BE CHARGED BY CITATION, A POLICE OFFICER MAY CHARGE BY CITATION FOR A MISDEMEANOR OR LOCAL ORDINANCE VIOLATION FOR WHICH THE MAXIMUM PENALTY OF IMPRISONMENT IS 3 YEARS OR LESS, EXCEPT:

(I) FAILURE TO COMPLY WITH A PEACE ORDER UNDER § 3-1508 OF THE COURTS ARTICLE;

(II) FAILURE TO SURRENDER FOLLOWING FORFEITURE OF BAIL OR RECOGNIZANCE UNDER § 5-211(B)(2) OF THIS ARTICLE;

(III) VIOLATION OF A CONDITION OF PRETRIAL OR POSTTRIAL RELEASE WHILE CHARGED WITH A SEXUAL CRIME AGAINST A MINOR UNDER § 5-213.1 OF THIS ARTICLE;

(IV) SEX OFFENDER REGISTRY VIOLATIONS UNDER § 11-721(B)(1) OF THIS ARTICLE;

(V) CRIMINALLY NEGLIGENT MANSLAUGHTER BY VEHICLE OR VESSEL UNDER § 2-210 OF THE CRIMINAL LAW ARTICLE;

(VI) LIFE-THREATENING INJURY BY MOTOR VEHICLE OR VESSEL WHILE UNDER THE INFLUENCE AND RELATED CRIMES UNDER § 3-211 OF THE CRIMINAL LAW ARTICLE;

(VII) FOURTH DEGREE SEXUAL OFFENSE UNDER § 3-308 OF THE CRIMINAL LAW ARTICLE;

(VIII) SEXUAL CONDUCT BETWEEN CORRECTIONAL OR DEPARTMENT OF JUVENILE SERVICES EMPLOYEE AND INMATE OR CONFINED CHILD UNDER § 3-314 OF THE CRIMINAL LAW ARTICLE;

(IX) THREATENING TO INJURE, KIDNAP, OR KILL A STATE OFFICIAL UNDER § 3-708 OF THE CRIMINAL LAW ARTICLE;

(X) VISUAL SURVEILLANCE WITH PRURIENT INTENT UNDER § 3-902 OF THE CRIMINAL LAW ARTICLE;

(XI) SURREPTITIOUS CAMERA SURVEILLANCE IN PRIVATE RESIDENCE UNDER § 3-903 OF THE CRIMINAL LAW ARTICLE;

(XII) WEARING OR CARRYING A DANGEROUS WEAPON UNDER § 4-101 OF THE CRIMINAL LAW ARTICLE;

(XIII) POSSESSION OF AN ELECTRONIC CONTROL DEVICE AFTER CONVICTION OF A DRUG FELONY OR CRIME OF VIOLENCE UNDER § 4-109(B) OF THE CRIMINAL LAW ARTICLE;

(XIV) WEARING, CARRYING, OR TRANSPORTING A HANDGUN UNDER § 4-203 OF THE CRIMINAL LAW ARTICLE;

(XV) ASSAULT PISTOL VIOLATIONS UNDER § 4-303 OF THE CRIMINAL LAW ARTICLE;

(XVI) CONTROLLED DANGEROUS SUBSTANCE ADMINISTRATION IN CONJUNCTION WITH A VIOLENT CRIME OR SEX OFFENSE UNDER § 5-624 OF THE CRIMINAL LAW ARTICLE;

(XVII) SALE OF DRUG DIFFERENT FROM THAT ORDERED UNDER § 5-702 OF THE CRIMINAL LAW ARTICLE;

(XVIII) SECOND DEGREE MALICIOUS BURNING UNDER § 6-105 OF THE CRIMINAL LAW ARTICLE;

(XIX) FOURTH DEGREE BURGLARY UNDER § 6-205 OF THE CRIMINAL LAW ARTICLE;

(XX) MALICIOUS DESTRUCTION OF PROPERTY VALUED AT \$500 OR MORE UNDER § 6-301 OF THE CRIMINAL LAW ARTICLE;

(XXI) THROWING OBJECT AT AN OCCUPIED VEHICLE UNDER § 6-302 OF THE CRIMINAL LAW ARTICLE;

(XXII) COUNTERFEITING A PRESCRIPTION UNDER § 8-610 OF THE CRIMINAL LAW ARTICLE;

(XXIII) SECOND DEGREE ESCAPE UNDER § 9-405 OF THE CRIMINAL LAW ARTICLE;

(XXIV) SELLING OR EXHIBITING SEXUAL DISPLAYS TO A MINOR UNDER § 11-102, § 11-103, OR § 11-104 OF THE CRIMINAL LAW ARTICLE;

(XXV) DISPLAYING OR ALLOWING A SEXUAL DISPLAY FOR ADVERTISING PURPOSES UNDER § 11-105 OF THE CRIMINAL LAW ARTICLE;

(XXVI) OBSCENE MATTER VIOLATIONS UNDER § 11-202, § 11-203, § 11-204, § 11-205, OR § 11-206 OF THE CRIMINAL LAW ARTICLE;

(XXVII) HIRING A MINOR FOR A PROHIBITED PURPOSE RELATING TO OBSCENE MATTER UNDER § 11-209 OF THE CRIMINAL LAW ARTICLE;

(XXVIII) VIOLATION OF AN OUT-OF-STATE DOMESTIC VIOLENCE ORDER UNDER § 4-508.1 OF THE FAMILY LAW ARTICLE;

(XXIX) VIOLATION OF AN INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER UNDER § 4-509 OF THE FAMILY LAW ARTICLE;

(XXX) DESERTION OF A MINOR CHILD UNDER § 10-203 OR § 10-219 OF THE FAMILY LAW ARTICLE; OR

(XXXI) POSSESSION OF A RIFLE OR SHOTGUN BY A PERSON WITH A MENTAL DISORDER UNDER § 5-205 OF THE PUBLIC SAFETY ARTICLE.”;

and in line 22, strike “(2)” and substitute “(3)”; in the same line, strike “issue a citation to a defendant” and substitute “CHARGE A DEFENDANT BY CITATION”.

On page 7, in line 3, strike “(3)” and substitute “(4)”; and strike beginning with “BEFORE” in line 3 down through “DEFENDANT” in line 11 and substitute “A POLICE OFFICER WHO HAS GROUNDS TO MAKE A WARRANTLESS ARREST FOR AN OFFENSE THAT MAY BE CHARGED BY CITATION UNDER THIS SUBSECTION MAY:

(I) ISSUE A CITATION IN LIEU OF MAKING THE ARREST; OR

(II) MAKE THE ARREST AND SUBSEQUENTLY ISSUE A CITATION IN LIEU OF CONTINUED CUSTODY”.

AMENDMENT NO. 4

On page 8, after line 8, insert:

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

Article – Courts and Judicial Proceedings

2-607.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EX PARTE COMMUNICATIONS BETWEEN A DISTRICT COURT COMMISSIONER AND A STATE’S ATTORNEY, AN ATTORNEY FOR THE DEFENDANT, OR A LAW ENFORCEMENT OFFICER ARE PROHIBITED.

(2) AN EX PARTE COMMUNICATION FOR SCHEDULING, ADMINISTRATIVE, OR EMERGENCY PURPOSES IS ALLOWED, IF:

(I) THE COMMUNICATION DOES NOT ADDRESS SUBSTANTIVE MATTERS;

(II) NO PARTY WILL GAIN A PROCEDURAL, SUBSTANTIVE, OR TACTICAL ADVANTAGE AS A RESULT OF THE COMMUNICATION; AND

(III) THE COMMISSIONER PROMPTLY NOTIFIES THE OTHER PARTIES AND GIVES THEM AN OPPORTUNITY TO RESPOND.

10-922.

A STATEMENT MADE DURING THE COURSE OF AN INITIAL APPEARANCE OF A DEFENDANT BEFORE A DISTRICT COURT COMMISSIONER IN ACCORDANCE WITH MARYLAND RULE 4-213 MAY NOT BE USED AS EVIDENCE AGAINST THE DEFENDANT IN A CRIMINAL PROCEEDING OR JUVENILE PROCEEDING.

Article – Criminal Procedure

5-215.

A DEFENDANT WHO IS DENIED PRETRIAL RELEASE BY A DISTRICT COURT COMMISSIONER OR WHO FOR ANY REASON REMAINS IN CUSTODY AFTER A DISTRICT COURT COMMISSIONER HAS DETERMINED CONDITIONS OF RELEASE UNDER MARYLAND RULE 4-216 SHALL BE PRESENTED TO A DISTRICT COURT JUDGE IMMEDIATELY IF THE COURT IS IN SESSION, OR IF THE COURT IS NOT IN SESSION, AT THE NEXT SESSION OF THE COURT.”

AMENDMENT NO. 5

On page 9, strike in their entirety lines 10 through 28, inclusive; and in line 29, strike “3.” and substitute “4.”.

On page 10, in line 5, after “Governor” insert “of Maryland”.

On page 11, in line 21, after “to” insert “:

(i)”;

after line 23, insert:

“(ii) the District Court commissioner and pretrial release systems; and”;

in line 25, after “improving” insert “:

(i)”;

and in the same line, after “defendants” insert “; and

(ii) the District Court commissioner and pretrial release systems”.

AMENDMENT NO. 6

On page 12, after line 2, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Criminal Procedure

4-101.1.

(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.

(B) THE POLICE TRAINING COMMISSION AND THE MARYLAND STATISTICAL ANALYSIS CENTER, IN CONSULTATION WITH THE ADMINISTRATIVE OFFICE OF THE COURTS, SHALL DEVELOP A FORMAT FOR THE EFFICIENT RECORDING OF DATA REQUIRED TO BE SUBMITTED UNDER SUBSECTION (E) OF THIS SECTION.

(C) ON OR BEFORE DECEMBER 31, 2012, THE POLICE TRAINING COMMISSION, IN CONSULTATION WITH THE MARYLAND STATISTICAL ANALYSIS CENTER, SHALL DEVELOP:

(1) GUIDELINES THAT EACH LAW ENFORCEMENT AGENCY MAY USE AS A MANAGEMENT TOOL TO EVALUATE DATA COLLECTED UNDER SUBSECTION (E) OF THIS SECTION FOR USE IN COUNSELING AND IMPROVED TRAINING; AND

(2) A MODEL POLICY AGAINST THE ISSUANCE OF A CITATION ON THE BASIS OF RACE THAT A LAW ENFORCEMENT AGENCY CAN USE IN DEVELOPING ITS POLICY IN ACCORDANCE WITH SUBSECTION (H) OF THIS SECTION.

(D) THIS SECTION APPLIES TO EACH LAW ENFORCEMENT AGENCY THAT HAS ONE OR MORE LAW ENFORCEMENT OFFICERS.

(E) EACH TIME A LAW ENFORCEMENT OFFICER ISSUES A CITATION IN ACCORDANCE WITH § 4-101 OF THIS SUBTITLE, THAT OFFICER SHALL REPORT THE FOLLOWING INFORMATION ON THE MARYLAND UNIFORM CITATION FORM CONSISTENT WITH THE PROCEDURES DEVELOPED UNDER SUBSECTION (F) OF THIS SECTION USING THE FORMAT DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION:

(1) THE DATE, LOCATION, AND TIME OF THE ISSUANCE OF THE CITATION;

(2) THE OFFENSE CHARGED;

(3) THE GENDER OF THE OFFENDER;

(4) THE DATE OF BIRTH OF THE OFFENDER;

(5) THE STATE AND, IF AVAILABLE, THE COUNTY OF RESIDENCE OF THE OFFENDER; AND

(6) THE RACE OR ETHNICITY OF THE OFFENDER AS:

(I) ASIAN;

(II) BLACK;

(III) HISPANIC;

(IV) WHITE; OR

(V) OTHER.

(F) ON OR BEFORE DECEMBER 31, 2012, THE POLICE TRAINING COMMISSION AND THE MARYLAND STATISTICAL ANALYSIS CENTER, IN

CONSULTATION WITH THE ADMINISTRATIVE OFFICE OF THE COURTS, SHALL DEVELOP A PROCEDURE FOR:

(1) THE COMPILATION OF DATA REQUIRED TO BE COLLECTED UNDER THIS SECTION FOR THE CALENDAR YEAR AS A REPORT IN THE FORMAT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION; AND

(2) THE SUBMISSION OF THE REPORT TO THE MARYLAND STATISTICAL ANALYSIS CENTER NO LATER THAN MARCH 1 OF THE FOLLOWING CALENDAR YEAR BEGINNING ON MARCH 1, 2014.

(G) (1) THE MARYLAND STATISTICAL ANALYSIS CENTER SHALL ANALYZE THE ANNUAL REPORTS SUBMITTED UNDER SUBSECTION (F) 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 BEGINNING ON SEPTEMBER 1, 2014.

(H) (1) A LAW ENFORCEMENT AGENCY SHALL ADOPT A POLICY AGAINST THE ISSUANCE OF A CITATION ON THE BASIS OF RACE 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 ISSUE A CITATION.

(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 UNDER SUBSECTION (E) OF THIS SECTION AND TO REVIEW THE ANNUAL REPORT OF THE MARYLAND STATISTICAL ANALYSIS CENTER FOR PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION.”;

in line 3, strike “4.” and substitute “6.”; in line 4, strike “October 1, 2012” and substitute “January 1, 2013”; after line 4, insert:

“SECTION 7. AND BE IT FURTHER ENACTED, That the obligation of the Office of the Public Defender to provide representation to indigent defendants at bail hearings before District Court or circuit court judges under § 16–204 of the Criminal Procedure Article, as enacted by Section 3 of this Act, applies only to bail hearings occurring on or after May 1, 2012.

SECTION 8. AND BE IT FURTHER ENACTED, That, beginning January 1, 2013, data shall be collected under Section 5 of this Act through December 31, 2017, and the Maryland Statistical Analysis Center shall issue a final report of its findings to the Governor, the General Assembly, in accordance with § 2–1246 of the State Government Article, and each law enforcement agency on or before August 31, 2018.”;

in line 5, strike “5.” and substitute “9.”; in line 9, strike “4” and substitute “6”; in line 10, strike “3” and substitute “4”; in line 11, strike “3” and substitute “4”; and in line 12, after “effect.” insert “Section 5 of this Act shall remain effective until September 1, 2018, and, at the end of August 31, 2018, with no further action required by the General Assembly, Section 5 of this Act shall be abrogated and of no further force and effect.”.

The preceding 6 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0422**

SPONSOR: Sens Frosh and Colburn

SUBJECT: Criminal Procedure – Criminal Defendants – Citations and Appearances

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

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

Senator Frosh, Chairman
Senator Brochin
Senator Raskin.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

INTRODUCTION OF BILLS

Senator Conway moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1098 – Senator Conway

AN ACT concerning

Baltimore City – Construction Debris and Demolition Debris – Recycling Lumber

FOR the purpose of requiring a certain facility to accept for recycling certain construction debris and demolition debris that contain lumber under certain circumstances; prohibiting a certain facility from recycling certain construction debris and demolition debris if the debris contains asbestos; providing for the application of this Act; defining a certain term; and generally relating to recycling construction debris and demolition debris in Baltimore City.

BY adding to

Article – Environment

Section 9–258

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

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

Senator Edwards moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1099 – Senator Edwards

AN ACT concerning

Allegany County – Sheriff’s Office Employees – Labor Organizations

FOR the purpose of authorizing deputies of the Sheriff’s Office of Allegany County to organize and bargain collectively with the Sheriff of Allegany County through a certain labor organization; authorizing the officers and civilian employees of the Sheriff’s Office of Allegany County to organize and bargain collectively with the Sheriff of Allegany County through a certain labor organization; requiring the Sheriff to meet with certain labor organizations and engage in good faith negotiations to reach separate written agreements with certain labor organizations regarding certain matters; making certain conforming changes; and generally relating to the Sheriff’s Office of Allegany County.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–309(b)(7)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

Senator Edwards moved to suspend the rules to allow **Senate Bill 1099** to be referred immediately.

The motion was adopted.

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

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 594)

ADJOURNMENT

At 9:56 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day March 17, 2012, Calendar Day, Tuesday, March 20, 2012.

Annapolis, Maryland
Legislative Day: March 17, 2012
Calendar Day: Tuesday, March 20, 2012
10:00 A.M. Session

The Senate met at 10:05 A.M.

Prayer by Reverend Matthew Schenning, Immanuel Lutheran Church, guest of Senator Getty.

(See Exhibit A of Appendix III)

The Journal of March 16, 2012 was read and approved.

QUORUM CALL

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

(See Roll Call No. 596)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 546 – Senator James N. Robey:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Lexi Wakefield
in recognition of
being named Miss Pre-Teen Maryland International 2011.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 20th day of March 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 597)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #39

Senate Bill 239 – The President (By Request – Administration) and Senators Garagiola, King, Madaleno, Manno, McFadden, Peters, Pugh, Robey, and ~~Rosapepe~~ Rosapepe, Middleton, Klausmeier, and Muse

AN ACT concerning

Economic Development – Maryland Technology Development Corporation – Maryland Innovation Initiative

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

Affirmative – 47 Negative – 0 (See Roll Call No. 598)

The Bill was then sent to the House of Delegates.

Senate Bill 337 – Senator Conway

AN ACT concerning

State Board of Nursing – Nurses, Nursing Assistants, Medication Technicians, and Electrologists – Licensure and Certification Requirements

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

Affirmative – 46 Negative – 0 (See Roll Call No. 599)

The Bill was then sent to the House of Delegates.

Senate Bill 377 – Senator Conway

AN ACT concerning

Alcoholic Beverages – Baltimore City – False Advertising

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

Affirmative – 47 Negative – 0 (See Roll Call No. 600)

The Bill was then sent to the House of Delegates.

Senate Bill 605 – Senator Kelley

AN ACT concerning

**Education – ~~Children in State Supervised Care – Geographical Attendance~~
~~Area Domicile Requirements for Attendance – Exception~~**

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

Affirmative – 47 Negative – 0 (See Roll Call No. 601)

The Bill was then sent to the House of Delegates.

Senate Bill 654 – Senator Klausmeier (By Request – Baltimore County Administration)

EMERGENCY BILL

AN ACT concerning

Baltimore County – Alcoholic Beverages Licenses

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

Affirmative – 47 Negative – 0 (See Roll Call No. 602)

The Bill was then sent to the House of Delegates.

Senate Bill 749 – Senator Middleton

AN ACT concerning

Physicians – Sharing of Information with Maryland Health Care Commission

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

Affirmative – 47 Negative – 0 (See Roll Call No. 603)

The Bill was then sent to the House of Delegates.

Senate Bill 769 – Senator Edwards

AN ACT concerning

Garrett County – Animal Control Ordinance – Enabling Authority

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

Affirmative – 47 Negative – 0 (See Roll Call No. 604)

The Bill was then sent to the House of Delegates.

Senate Bill 812 – Senator Astle

AN ACT concerning

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 605)

The Bill was then sent to the House of Delegates.

Senate Bill 869 – Senator Conway

AN ACT concerning

Maryland Building Performance Standards – Hotels – Mandatory Master Control Device

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

Affirmative – 31 Negative – 16 (See Roll Call No. 606)

The Bill was then sent to the House of Delegates.

Senate Bill 975 – Senator Pugh

AN ACT concerning

Baltimore City – Alcoholic Beverages – Zoo License

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

Affirmative – 47 Negative – 0 (See Roll Call No. 607)

The Bill was then sent to the House of Delegates.

Senate Bill 984 – Senator Conway

AN ACT concerning

Baltimore City – Alcoholic Beverages – Beer, Wine, and Liquor Tasting License

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

Affirmative – 46 Negative – 0 (See Roll Call No. 608)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 177 – Delegates McIntosh, Anderson, Beidle, Clippinger, Glenn, Hammen, Lafferty, Love, Mitchell, Oaks, B. Robinson, Sophocleus, Stein, and Washington

AN ACT concerning

Ground Leases – Registration – Failure to Register

FOR the purpose of prohibiting a ground lease holder from collecting certain ground rent payments, bringing a certain action, or obtaining a certain lien unless the ground lease is registered with the State Department of Assessments and Taxation and the ground lease holder has mailed a certain bill to certain addresses; altering the required contents of certain notices; repealing a certain deadline for registering a ground lease with the Department; repealing certain provisions of law relating to the extinguishment of the reversionary interest of a ground lease holder for failure to register the ground lease before a certain date; requiring the Department to prepare a certain Deed of Redemption that contains certain information; establishing the cost of recording a Deed of Redemption; requiring the clerk to forward a copy of a recorded Deed of Redemption to the Department; making certain conforming changes; establishing that certain ground lease extinguishment certificates are void and have no effect; requiring the Department, on request of a ground lease holder or leasehold tenant, to cause to be filed in the land records of the county in which a certain ground lease extinguishment certificate was filed, a certain notice that the extinguishment has been invalidated by a certain court decision and that the underlying leasehold interest remains in full force and effect; providing for the construction of this Act; and generally relating to ground leases.

BY repealing and reenacting, with amendments,

Article – Real Property

Section 3–102(a), 8–402.3(d) and (e)(3), 8–704, 8–705, 8–709, 8–710, ~~8–711~~, and

14–116.1(d)

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – Real Property

Section 8–402.3(c) and (e)(1), ~~and 8–703~~ 8–703, and 8–711

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

BY repealing

Article – Real Property

Section 8–707, 8–708, and 14–116.1(c)

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

BY adding to

Article – Real Property

Section 8–707, ~~8–710~~, and 14–116.1(c)

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

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

House Bill 281 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Real Property – Exception for Prerequisites to Recording

FOR the purpose of providing that a certain provision of law regarding the transfer of property on the assessment books or records does not apply in St. Mary’s County for a certain deed transferring property to the county when the controller or treasurer of the county has made a certain certification; and generally relating to the recordation of transfer of property in St. Mary’s County.

BY repealing and reenacting, without amendments,

Article – Real Property

Section 3–104(b)

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Real Property

Section 3–104(c)(3)

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

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

House Bill 404 – Delegates Kaiser, Kipke, Cane, Frush, Howard, Jameson, McComas, Reznik, B. Robinson, Schulz, ~~and Summers~~ Summers, Healey, Minnick, Sophocleus, McDonough, Hough, Stocksdale, and Clagett

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 the surviving spouse of a certain disabled veteran; ~~repealing certain provisions that limit the types of veterans who qualify for a scholarship under the Edward T. Conroy Memorial Scholarship Program;~~ and generally relating to eligibility for the Edward T. Conroy Memorial Scholarship Program.

BY repealing and reenacting, with amendments,
Article – Education
Section 18–601(d)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

House Bill 490 – Delegate Stukes

AN ACT concerning

Tax Sales – Payment to Redeem Foreclosed Property

FOR the purpose of authorizing the holder of a tax sale certificate to be reimbursed for certain postage and mailing expenses that are actually incurred if the property is redeemed before an action to foreclose a right of redemption is filed; requiring a certain notice of foreclosure to include language indicating that certain postage and mailing expenses are expenses included in the amount necessary to redeem the property if the property is redeemed before an action to foreclose a right of redemption is filed; and generally relating to tax sales.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 14–833(a–1)(3) and 14–843(a)(3)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 14–843(a)(1), (2), and (4)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

House Bill 694 – Delegates Cardin, George, and Summers

AN ACT concerning

Election Law – Payroll Deductions and Member Contributions – Address of Contributor

FOR the purpose of requiring an employer that collects voluntary contributions from employees through payroll deduction to a campaign finance entity selected by the employer to record the address of each contributor and transfer that information to the campaign finance entity; requiring an employer that collects voluntary contributions from employees through payroll deduction to a campaign finance entity affiliated with an employee membership entity selected by the employee to record the address of each contributor and transfer that information to the employee membership entity; requiring a membership entity that collects voluntary contributions from members to a campaign finance entity affiliated with the membership entity to record the address of each contributor and transfer that information to the affiliated campaign finance entity; and generally relating to requiring employers and membership entities that collect contributions to campaign finance entities to record the address of each contributor and transfer that information to the campaign finance entity.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–241, 13–242, and 13–243
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 791 – Delegates Summers and George

AN ACT concerning

Election Law – Declaration of Intent – Establishment of Campaign Finance Entity

FOR the purpose of prohibiting an individual from filing a certain declaration of intent until the individual establishes a campaign finance entity; and generally relating to requiring the establishment of a campaign finance entity at the time of filing a declaration of intent.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 5–703 and 5–703.1
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–202
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 877 – Delegate Glass

AN ACT concerning

Cecil County – Deer Hunting on Private Property – Sundays

FOR the purpose of authorizing a person in Cecil County to hunt deer on certain Sundays on private property using certain hunting equipment during certain months; and generally relating to hunting on private property on Sundays.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

House Bill 889 – Prince George’s County Delegation and Montgomery County Delegation

AN ACT concerning

Washington Suburban Sanitary Commission – Human Resources PG/MC 103–12

FOR the purpose of repealing a requirement that the Washington Suburban Sanitary Commission submit changes of certain regulations to the Secretary of Budget and Management; repealing a provision stating that failure of the Secretary to act within a certain time period on receipt of a certain regulation constitutes approval; repealing a requirement that the Commission file a certain list of positions and salaries with the Secretary; repealing a requirement that the Commission submit for approval certain position classifications to the Secretary; repealing provisions requiring the Secretary to approve or disapprove certain changes; repealing certain provisions relating to competitive examinations held by the Commission; clarifying that certain honorably discharged veterans shall receive a certain credit in certain competitive selection processes; and generally relating to the human resources practices of the Washington Suburban Sanitary Commission.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 18–105, 18–108, and 18–111
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing
Article – Public Utilities
Section 18–109, 18–110, 18–112, and 18–113
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 890 – Prince George’s County Delegation and Montgomery County Delegation

AN ACT concerning

**Washington Suburban Sanitary Commission – Pipeline Construction –
Contracts
PG/MC 104–12**

FOR the purpose of expanding the definition of a “facilities construction contract” to include the construction of a pipeline in order to authorize the Washington Suburban Sanitary Commission to enter into a certain design/build contract for pipeline construction; repealing a prohibition on the Commission from entering into a design/build contract for a pipeline; and generally relating to the authority of the Washington Suburban Sanitary Commission to enter into construction contracts.

BY repealing and reenacting, without amendments,

Article – Public Utilities
Section 16–101(b) and 20–101(b)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 20–101(d) and 20–104(e)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 906 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Common Ownership Communities – Fee for
~~Mandatory~~ Administrative Hearing Services
PG 401–12**

FOR the purpose of authorizing Prince George’s County, by ordinance, to impose and collect a fee for the provision of ~~mandatory~~ administrative hearing services for the resolution of disputes involving a common ownership community located in the county; authorizing Prince George’s County to include certain provisions in a certain ordinance; defining a certain term; and generally relating to the authority of Prince George’s County to impose and collect a fee for the provision of ~~mandatory~~ administrative hearing services for common ownership communities.

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1601 to be under the new subtitle “Subtitle 16. Prince George’s County ~~Mandatory~~ Administrative Hearing Services”
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 1007 – Delegates George, Cardin, and Summers

AN ACT concerning

Election Law – Campaign Finance Entities – Retention of Records

FOR the purpose of altering record retention requirements applicable to campaign finance entities by requiring that the account books and related records of a campaign finance entity be preserved until the earlier of a certain number of years after the creation of the record or a certain number of years after the campaign finance entity files a final campaign finance report; and generally relating to record retention by campaign finance entities.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–221
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 1052 – Delegates Beitzel and Frush

AN ACT concerning

Natural Resources – Suspension of Hunting Licenses and Privileges Wildlife Poaching Prevention Act

FOR the purpose of ~~authorizing the Department of Natural Resources to suspend for certain periods of time the hunting license or privileges of a person who is convicted of a State or federal hunting violation; requiring the Department to suspend for a certain time period the hunting license or privileges of a person who receives within a certain time period a second conviction for certain hunting violations; authorizing the Department to order that certain persons not obtain a hunting license for a certain time period; repealing certain provisions of law authorizing the Department to impose a certain fine and certain hunting license suspensions for a conviction for certain hunting violations; authorizing a court to suspend the hunting license of a person convicted of a federal hunting violation and the hunting privileges of a person convicted of a State or federal hunting violation; prohibiting a person whose hunting license is suspended from hunting or performing certain hunting activities anywhere in the State; prohibiting a person whose hunting privileges are suspended from hunting, or performing certain activities related to hunting, in the State; authorizing the Department to adopt regulations to implement this Act; clarifying certain language; defining a certain term~~ repealing certain provisions of law that authorize a court to suspend the hunting license or, under certain circumstances, privileges of a person who has been convicted of certain hunting offenses; repealing certain corresponding standards and prohibited acts related to the suspension of a hunting license or hunting privileges; authorizing the Department of Natural Resources, in addition to certain other applicable penalties, to suspend for up to a certain period of time the hunting license or privileges of a person who is convicted of a State or federal hunting violation;

requiring the Department to adopt certain regulations, including regulations that list the criteria for the suspension of a hunting license or the hunting privileges of a person; clarifying that a prohibition against hunting during a period of suspension applies to trapping and pursuing game; establishing certain grounds for the immediate suspension of a hunting license; establishing certain timing and hearing requirements before the suspension of a hunting license or hunting privileges; repealing certain provisions of law authorizing the Department to impose a certain fine and certain hunting license suspensions for a conviction for certain hunting violations; stating the intent of the General Assembly; and generally relating to the suspension of hunting licenses and privileges in the State.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 10–205, 10–423, and 10–1101, and ~~10–1108~~

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

BY repealing

Article – Natural Resources

Section 10–1108

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

BY adding to

Article – Natural Resources

Section 10–1108

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

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

House Bill 1130 – The Speaker (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Land Use – Cross-References and Corrections

FOR the purpose of correcting certain cross-references to the Land Use Article in the Annotated Code of Maryland; correcting certain errors and omissions in and relating to the Land Use Article; adding to a certain list of public general laws that may affect land use in certain local jurisdictions; defining a certain term; clarifying the application of certain provisions; making stylistic changes; providing for the termination of a certain provision of this Act, subject to a

certain contingency; and generally relating to the Land Use Article and cross-references and corrections to it.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–103
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article 23A – Corporations – Municipal
Section 9(c)(2) and 19(o)(4) and (s)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 10J–1
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article 25A – Chartered Counties of Maryland
Section 5(X)(1)(ii) and (BB)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–401(10)(ii), (v), and (xi)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 5–1303(d)(19)
Annotated Code of Maryland
(2008 Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 5–203.1(b)(2)(i), 9–505(a)(1), 9–506(a)(1)(ii), 9–1601(ee), 14–508(a)(9),
and 15–804(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Financial Institutions
Section 13–1014(a)(3)(ii)1., 13–1101(g), and 13–1111(g)(8)(ii)1.
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Land Use
Section 1–204(a) and 8–101(f) through (h)
Annotated Code of Maryland
(As enacted by Chapter _____ (H.B. 1290) of the Acts of the General Assembly of
2012)

BY repealing and reenacting, without amendments,

Article – Land Use
Section 8–101(a)
Annotated Code of Maryland
(As enacted by Chapter _____ (H.B. 1290) of the Acts of the General Assembly of
2012)

BY adding to

Article – Land Use
Section 8–101(f)
Annotated Code of Maryland
(As enacted by Chapter _____ (H.B. 1290) of the Acts of the General Assembly of
2012)

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 5–102.1(d)(2)(i) and (e) and 5–9B–04(b)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 8–1304(b) and 8–1808(d)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utilities
Section 4–209(a) and 21–301(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Real Property
Section 3–108.1(a)(4) and (f)(1) and 4–110

Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 5–706 and 5–7B–01(e)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 15–821(c), 15–830, and 15–835(a)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 7–241(a) and 9–204(a)(3)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

House Bill 1285 – Delegates Summers, Cardin, and George

AN ACT concerning

Election Law – Campaign Finance – Requirements

FOR the purpose of requiring the chairman and treasurer of a campaign finance entity to provide electronic mail addresses of the chairman and treasurer to the State Board of Elections and notify the State Board of a change in the electronic mail addresses by a certain date if the chairman and treasurer consent to receiving certain notice only by electronic mail; requiring the chairman and treasurer of a campaign finance entity to notify the State Board of a change in the residence address of the chairman and treasurer by a certain date; altering the time when the treasurer of a campaign finance entity is required to issue a campaign contribution receipt; authorizing the responsible officers of a campaign finance entity to affirmatively consent to receiving notice of campaign finance reports only by electronic mail; repealing obsolete provisions; and generally relating to requirements of campaign finance law.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–207, 13–222, and 13–321
Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

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

House Bill 1290 – The Speaker (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Land Use

FOR the purpose of adding a new article to the Annotated Code of Maryland, to be designated and known as the “Land Use Article”, to revise, restate, and recodify the laws of the State relating to zoning, planning, subdivision, and other land use mechanisms, including definitions, visions, consistency, requirements for home–rule counties, planning commissions, the comprehensive plan and its required elements, plan development and implementation, zoning powers and procedures, boards of appeals, subdivision powers and procedures, procedures for judicial review of certain actions, street planning and reservation, development mechanisms, transfer of development rights, development rights and responsibilities agreements, inclusionary zoning, historic preservation, single–county provisions, zoning powers and implementation in Baltimore City, and enforcement mechanisms and civil penalties; revising, restating, and recodifying the laws of the State relating to the Maryland–National Capital Park and Planning Commission, including definitions, the organization and powers of the Commission, minority business enterprise utilization, intergovernmental cooperation, employment, merit system, collective bargaining for certain employees, service contracts, property acquisition and management, relocation expenses, park police, budget procedures and requirements, bonding authority for certain purposes, taxes, the Advance Land Acquisition Fund, payment of obligations, the Maryland–Washington Metropolitan District, the Maryland–Washington Regional District, county planning boards, review of public projects, road grades, building codes and permits, annexation, municipal planning and zoning, the regional district plan and related plans, procedures for plan development and implementation, zoning authority and procedures, district councils, nonconforming uses, zoning amendments, boards of appeal, subdivision powers and procedures, procedures for judicial review of certain actions, enforcement actions, and historic grant programs; restating certain single–county provisions on municipal zoning and development rights and responsibilities agreements in Montgomery and Prince George’s counties; restating provisions in Prince George’s County relating to revitalization, agricultural preservation easements, flood control, and recreation; restating certain enforcement provisions; repealing certain obsolete provisions; transferring certain obsolete provisions to the Session laws; defining certain terms; providing for the construction and application of this Act; providing for the continuity of certain units and terms of certain officials;

providing for the continuity of the status of certain transactions, employees, rights, duties, titles, interests, licenses, registrations, certifications, and permits; providing for the termination of certain provisions of this Act; and generally relating to the laws of the State concerning land use.

BY repealing

Article 28 – Maryland–National Capital Park and Planning Commission

Section 2–101 through 2–112, 2–112.1, 2–112.2, 2–113 through 2–117, 2–118(a)(2) through (7) and (b), 2–119, 2–120, 2–120.1, and 2–122 and the title “Title 2. Commission Organization and General Functions”, and the subtitle “Subtitle 1. General Provisions”; 2–201 through 2–204 and the subtitle “Subtitle 2. Payment of Commission Obligations”; 2–301 through 2–304 and the subtitle “Subtitle 3. Minority Business Enterprise Utilization Program”; 3–101 and the title “Title 3. Maryland–Washington Metropolitan District”; 4–101 through 4–104 and 4–105(a) and (c) through (h) and the title “Title 4. Intergovernmental Relations”; 5–101 through 5–105, 5–105.1, 5–106(a) through (c), 5–107 through 5–109, 5–110(b), 5–111 through 5–113, 5–113.1, 5–114, 5–114.1, and 5–115 through 5–118, the title “Title 5. Property; Powers; Recreation Program” and the subtitle “Subtitle 1. Metropolitan District Property and Powers Generally”; 5–201 through 5–507 and the subtitles “Subtitle 2. Prince George’s County Recreation Program”, “Subtitle 3. Prince George’s County and Montgomery County Historic Property Grant Program”, “Subtitle 4. Revitalization and Redevelopment Activities”, and “Subtitle 5. Prince George’s County Agricultural Preservation Easement Program”; 6–101 through 6–111 and the title “Title 6. Fiscal Authority”; 7–101 through 7–107, 7–108(a) through (c), (d)(1), (2)(ii), and (4), and (e), 7–108.1, 7–109 through 7–115, 7–116(a), (b), (c)(2), and (d) through (h), 7–117, 7–117.1, 7–117.2, 7–118 through 7–121, and 7–121.1 and the title “Title 7. Maryland–Washington Regional District”; 8–101 through 8–108, 8–108.1, 8–109, 8–110, 8–110.1, 8–110.2, 8–111, 8–111.1, 8–112, 8–112.1 through 8–112.4, 8–114, 8–115(a), (b), and (d) through (h), 8–115.1, 8–115.2, 8–116 through 8–119, 8–119.1, 8–120 through 8–122, 8–122.1, and 8–123 through 8–129 and the title “Title 8. District Councils for Regional District”; 9–101 (a) through (d) and 9–102 and the title “Title 9. Flood Control”; the article designation “Article 28 – Maryland–National Capital Park and Planning Commission”; and the title designation “Title 1. Park and Planning Commission Continued”

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

BY repealing

Article 66B – Land Use

Section 1.00 through 1.04 and the subtitle “General Provisions”; 2.01 through 2.13 and the subtitle “Zoning in Baltimore City”; 3.01 through 3.10 and the subtitle “Planning Commission Generally”; 4.01 through 4.09 and the subtitle “General Development Regulations and Zoning”; 5.01 through

5.07 and the subtitle “Subdivision Control”; 6.01 through 6.03 and the subtitle “Development in Mapped Streets”; 7.01 through 7.05 and the subtitle “Miscellaneous Provisions”; 8.01 through 8.17 and the subtitle “Historic Area Zoning”; 10.01 and the subtitle “Adequate Public Facilities Ordinances”; 11.01 and the subtitle “Transfer of Development Rights”; 12.01 and the subtitle “Inclusionary Zoning”; 13.01 and the subtitle “Development Rights and Responsibilities Agreements”; 14.01 through 14.04, 14.05(a) through (e), 14.06, 14.06.1, and 14.07 through 14.09 and the subtitle “Miscellaneous Local Provisions”; and the article designation “Article 66B – Land Use”

Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding

New Article – Land Use
Section 1–101 through 27–102, inclusive, and the various titles
Annotated Code of Maryland

BY repealing and reenacting, with amendments,

Article 1 – Rules of Interpretation
Section 25
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments, and transferring

Article 66B – Land Use
Section 14.05(f)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

to be

Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–10B–01 to be under the new subtitle “Subtitle 10B. Charles County
New School Capacity Financing”
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to

Article 2B – Alcoholic Beverages
Section 9–216(g)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments, and transferring to the Session Laws

Article 28 – Maryland–National Capital Park and Planning Commission
Section 1–101 through 1–105, 2–118(a)(1), 2–121, 3–102 through 3–107,
4–105(b), 5–106(d), 5–110(a), 7–108(d)(2)(i) and (3), 7–116(c)(1), 8–113,
8–115(c), and 9–101(e)

Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 257 – Senator Colburn

AN ACT concerning

Education – Talbot County – Participation in High School Athletic Programs

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0257/834934/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 257

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “circumstances;” insert “requiring a student to transfer to a certain school under certain circumstances; providing that a student’s participation in a certain interscholastic athletic activity at other schools may change certain classifications; requiring certain parents or guardians of certain students to provide transportation under certain circumstances to other schools in Talbot County at the expense of the parents or guardians; prohibiting the Talbot County Board of Education from being required to pay for or provide certain transportation for certain students;”.

AMENDMENT NO. 2

On page 2, in line 1, strike “**THE**” and substitute “**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**”; after line 4, insert:

“(2) IF A PUBLIC SECONDARY SCHOOL IS NOT AT CAPACITY, THE STUDENT SHALL TRANSFER TO THE PUBLIC SECONDARY SCHOOL OUTSIDE THE

STUDENT'S GEOGRAPHICAL ATTENDANCE AREA IN ORDER TO PARTICIPATE IN THE ATHLETIC ACTIVITY.”;

and in line 6, strike “DOES NOT” and substitute “MAY”.

AMENDMENT NO. 3

On page 2, after line 9, insert:

“(E) (1) A PARENT OR GUARDIAN OF A STUDENT WHO PARTICIPATES IN AN INTERSCHOLASTIC ACTIVITY AT ANOTHER PUBLIC SECONDARY SCHOOL IN THE COUNTY AS PROVIDED IN SUBSECTION (B) OF THIS SECTION SHALL PROVIDE TRANSPORTATION TO THE OTHER SCHOOL AT THE EXPENSE OF THE PARENT OR GUARDIAN.

(2) THE COUNTY BOARD MAY NOT BE REQUIRED TO PAY FOR OR PROVIDE TRANSPORTATION FOR THE STUDENT TO THE OTHER SCHOOL.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0257/133529/1

BY: Senator Colburn

AMENDMENTS TO SENATE BILL 257, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0257/834934/1), in line 3 of Amendment No. 1, after “may” insert “require the schools”; in the same line, after “change” insert “of”; and in line 4, after “classifications;” insert “requiring a certain school to change a certain classification under certain circumstances;”.

AMENDMENT NO. 2

On page 2 of the bill, in line 5, after “(D)” insert “(1)”; in line 7, strike “CHANGE THE” and substitute “REQUIRE THE CHANGE OF”; and in line 9, after “ASSOCIATION” insert “UNDER PARAGRAPH (2) OF THIS SUBSECTION.”

(2) IF THE NUMBER OF STUDENTS REQUIRED TO TRANSFER TO A PUBLIC SECONDARY SCHOOL UNDER SUBSECTION (C)(2) OF THIS SECTION RAISES THE SCHOOL’S OVERALL ENROLLMENT TO A NUMBER ABOVE THE MINIMUM NUMBER REQUIRED FOR THE NEXT CLASSIFICATION UNDER THE REGULATIONS AND POLICIES OF THE MARYLAND PUBLIC SECONDARY SCHOOLS ATHLETIC ASSOCIATION, THE SCHOOL SHALL BE REQUIRED TO CHANGE ITS CLASSIFICATION.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 309 – Senators Klausmeier, Currie, Forehand, Kasemeyer, Kelley, Madaleno, Montgomery, Robey, Shank, and Stone

AN ACT concerning

Mopeds and Motor Scooters – Titling, Registration, Insurance, and Required Use of Protective Headgear

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

SB0309/538873/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 309

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Stone” and substitute “Stone, and Pugh, Gladden, and Forehand”; in line 2, strike “Registration,”; in line 7, strike “and registered”; strike beginning with “requiring” in line 9 down through “scooters” in line 16 and substitute “requiring an application for a certificate of title for a motor scooter or moped to be submitted electronically; requiring the Administration to issue a permanent decal to the owner of a motor scooter or moped for which a certificate of title is issued; requiring an owner of a motor scooter or moped to display the decal in a”

certain manner; requiring a decal to display a unique number sequence assigned by the Administration; requiring the Administration to establish a certain fee for the decal and adopt certain regulations; prohibiting a person from operating a motor scooter or moped unless the motor scooter or moped displays the decal in a certain manner; establishing a certain fee for a certificate of title issued for a motor scooter or moped; establishing the criteria for determining the fair market value of a motor scooter or a moped for the purpose of determining the excise tax under certain circumstances; requiring the owner of a motor scooter or moped to certify at the time of titling that the vehicle is covered by a certain security; requiring the operator of a motor scooter or moped to carry evidence of a certain required security when operating the motor scooter or moped"; and strike beginning with "providing" in line 26 down through "scooters;" in line 28 and substitute "requiring the Motor Vehicle Administration to waive certain fees associated with titling a moped or motor scooter for certain individuals under certain circumstances;"

On page 2, in line 8, strike "13-101.1, 13-402(a)(1), 17-104(a) and (b),"; in line 9, strike "23-101(a)," and substitute "and"; in the same line, strike ", 23-107(a)(1), 23-202(a)(1), and 23-206(a)"; in line 14, strike "11-135, 11-176, 13-403, 13-954," and substitute "13-102, 13-104(a), 13-106, 13-802, 13-809(a)(1), (2), and (3), and"; in the same line, strike ", 23-101(i)(3), and"; strike line 15 in its entirety; and in line 20, strike "13-939.3" and substitute "17-104.1".

AMENDMENT NO. 2

On page 3, in line 16, strike "motor"; in line 18, after the second bracket, insert ":

(1);

and in line 20, after "ARTICLE" insert ":

(2) A MOPED; AND

(3) A MOTOR SCOOTER".

AMENDMENT NO. 3

On pages 4 through 7, strike in their entirety the lines beginning with line 18 on page 4 through line 20 on page 7, inclusive, and substitute:

"13-102.

A certificate of title is not required for:

- (1) A vehicle owned and used by the United States, unless it is registered in this State;
- (2) A new vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration or used as allowed under § 13–621 of this title;
- (3) A vehicle used by a manufacturer only for testing;
- (4) A vehicle owned by a nonresident of this State and not required by law to be registered in this State;
- (5) A vehicle regularly engaged in the interstate transportation of people or property and for which a currently effective certificate of title has been issued in another state;
- (6) A vehicle moved only by human or animal power;
- (7) A bicycle, EXCEPT FOR A MOPED;
- (8) A vehicle in which interest has passed to a secured party on default of the owner;
- (9) Farm equipment;
- (10) Special mobile equipment;
- (11) A self-propelled invalid:
 - (i) Wheelchair; or
 - (ii) Tricycle;
- (12) A trailer, other than a camping trailer, rated by the manufacturer as having a gross vehicle weight of 2,500 pounds or less; or

(13) An off-highway recreational vehicle purchased before October 1, 2010.

13-104.

(a) (1) The application for a certificate of title of a vehicle shall be made by the owner of the vehicle on the form that the Administration requires.

(2) Notwithstanding any other provision of this title, an application for a certificate of title of an off-highway recreational vehicle, A MOTOR SCOOTER, OR A MOPED shall be made by electronic transmission under § 13-610 of this title.

(3) THE OWNER OF A MOTOR SCOOTER OR MOPED SHALL CERTIFY AT THE TIME OF TITLING THAT THE MOTOR SCOOTER OR MOPED IS COVERED BY THE REQUIRED SECURITY DESCRIBED IN § 17-103 OF THIS ARTICLE.

13-106.

(a) The Administration shall:

(1) File each application for a certificate of title that it receives; and

(2) Issue a certificate of title of the vehicle if:

(i) It finds that the applicant is entitled to the certificate of title; and

(ii) It has received the required fees.

(b) The Administration shall keep a record of all certificates of title that it issues, as follows:

(1) Under a distinctive title number assigned to the vehicle;

(2) Under the vehicle identification number of the vehicle or, if a distinguishing number has been assigned to it, under the distinguishing number; and

(3) Under any other method that the Administration determines.

(c) Upon receipt with the application for a certificate of title, the Administration shall maintain a record of the following documents as a part of its certificate of title records for a motor vehicle:

(1) A notice from a dealer under § 14–1502(f)(1) of the Commercial Law Article;

(2) A notice from a manufacturer or factory branch under § 14–1502(f)(2) of the Commercial Law Article; and

(3) A manufacturer’s disclosure form provided to the Administration under § 14–1502(g) of the Commercial Law Article.

(D) (1) THE ADMINISTRATION SHALL ISSUE A PERMANENT DECAL TO THE OWNER OF A MOTOR SCOOTER OR MOPED FOR WHICH A CERTIFICATE OF TITLE IS ISSUED.

(2) AN OWNER OF A MOTOR SCOOTER OR MOPED FOR WHICH A CERTIFICATE OF TITLE IS ISSUED SHALL DISPLAY THE DECAL ON THE VEHICLE AS PRESCRIBED BY THE ADMINISTRATION.

(3) A DECAL SHALL DISPLAY A UNIQUE NUMBER SEQUENCE ASSIGNED BY THE ADMINISTRATION.

(4) THE ADMINISTRATION:

(I) SHALL ESTABLISH A FEE OF \$5 FOR A DECAL; AND

(II) MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

13–802.

(a) Except as provided in subsection (b) of this section and § 13–805 of this subtitle, the fee for each certificate of title issued under this title is \$100.

(b) (1) For fiscal years 2012 through 2014 only, the fee for each certificate of title issued for a rental vehicle is \$50.

(2) THE FEE FOR EACH CERTIFICATE OF TITLE ISSUED FOR A MOTOR SCOOTER OR A MOPED IS \$20.

13-809.

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

(2) "Fair market value" means:

(i) As to the sale of any new or used vehicle by a licensed dealer, the total purchase price, as certified by the dealer;

(ii) Except as provided in item (iv) of this paragraph, as to a used vehicle that is sold by any person other than a licensed dealer and that has a designated model year that is 7 years old or older, the greater of:

1. The total purchase price; or

2. \$640;

(iii) Except as provided in item (iv) of this paragraph, as to any other used vehicle that is sold by any person other than a licensed dealer:

1. The total purchase price, if the total purchase price is less than \$500 below the retail value of the vehicle as shown in a national publication of used car values adopted for use by the Department; or

2. If the total purchase price is \$500 or more below the retail value of the vehicle as shown in a national publication of used car values adopted for use by the Department:

A. The total purchase price, if verified to the satisfaction of the Administration by a notarized bill of sale submitted in accordance with subsection (d)(2) of this section; or

B. The valuation shown in the national publication of used car values, if the Administration finds that the documentation submitted under subsection (d)(2) of this section fails to verify the total purchase price:

(iv) As to a used trailer, A MOTOR SCOOTER, A MOPED, or AN off-highway recreational vehicle that is sold by any person other than a licensed dealer, the greater of:

1. The total purchase price; or

2. \$320; and

(v) In any other case, the valuation shown in a national publication of used car values adopted for use by the Department.

(3) (i) Subject to subparagraph (ii) of this paragraph, “total purchase price” means the price of a vehicle agreed on by the buyer and the seller, including any dealer processing charge, less an allowance for trade-in but with no allowance for other nonmonetary consideration.

(ii) As to a person trading in a nonleased vehicle to enter into a lease for a period of more than 180 consecutive days, “total purchase price” means the retail value of the vehicle as certified by the dealer, including any dealer processing charge, less an allowance for the trade-in of the nonleased vehicle but with no allowance for other nonmonetary consideration.

17-104.1.

THE OWNER OF A MOPED OR MOTOR SCOOTER SHALL CARRY EVIDENCE OF THE REQUIRED SECURITY WHEN OPERATING THE MOPED OR MOTOR SCOOTER.”.

AMENDMENT NO. 4

On page 8, in line 18, strike “ESTABLISHED BY THE ADMINISTRATOR” and substitute “PROVIDED UNDER 49 C.F.R § 571.218”.

AMENDMENT NO. 5

On page 10, strike in their entirety lines 4 through 8, inclusive; and strike in their entirety lines 24 through 33, inclusive.

AMENDMENT NO. 6

On page 11, strike in their entirety lines 1 through 5, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That, except for the decal fee established under this Act, the Motor Vehicle Administration shall waive all fees associated with titling a moped or motor scooter for an individual who owned the moped or motor scooter on the effective date of this Act and titles the vehicle on or before October 1, 2013.”;

and in line 6, strike “2.” and substitute “3.”.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #23

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 597 – Senator McFadden

AN ACT concerning

Elections – Baltimore City – Election Dates

SB0597/974930/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 597

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “terms” and substitute “term”; and in line 5, after the first “in” insert “a”; and in the same line, strike “years;” and substitute “year; providing for a delayed effective date;”.

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 1 down through “**2016,**” in line 2; in line 4, after “**APRIL**” insert “**IN THE YEAR IN WHICH THE PRESIDENT OF THE UNITED STATES IS ELECTED**”; strike beginning with “; AND” in line 4 down through “**ELECTED**” in line 6; strike beginning with the colon in line 12 down through “**2016,**” in line 13; in line 14, strike the first bracket; in the same line, after “year” insert “**IN WHICH THE PRESIDENT OF THE UNITED STATES IS ELECTED**”; strike beginning with “following” in line 14 down through “**ELECTED**” in line 16; in lines 18 and 19, strike “: (1)”; strike beginning with “; and” in line 19 down through “years” in line 20; and in line 22, strike “October 1, 2012” and substitute “January 1, 2013”.

The preceding 2 amendments were read only.

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

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 763 – Senator Benson

AN ACT concerning

Election Law – Payroll Deductions and Member Contributions – Address of Contributor

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 918 – Senators Ferguson, Benson, Kittleman, and Raskin

AN ACT concerning

Election Law – Campaign Contributors – Occupation and Employer

Senator Glassman moved, duly seconded, to make the Bill and Report a Special Order for March 21, 2012.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 919 – Senators Ferguson and Kittleman

AN ACT concerning

Election Law – Campaign Finance Entities – Retention of Records

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 920 – Senators Raskin, Ferguson, Getty, McFadden, Miller, Ramirez, Robey, and Simonaire

AN ACT concerning

Ethics Online Disclosure Act of 2012

SB0920/574737/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 920

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “regulations;” insert “repealing a requirement that the Court of Appeals or its designee transmit copies of certain statements to the State Ethics Commission;”.

On page 2, after line 2, insert:

“BY repealing

Article – State Government
Section 15–610(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)”.

AMENDMENT NO. 2

On page 7, in line 16, after “OFFICIAL–ELECT” insert “, EXCEPT A STATE OFFICIAL OR STATE OFFICIAL–ELECT WHO FILES A STATEMENT REQUIRED BY § 15–601(B) OR § 15–610 OF THIS SUBTITLE”.

On page 8, after line 10, insert:

“15–610.

[(c) Within 30 days after receiving a statement under this section, the Court of Appeals or its designee shall transmit a copy of the statement to the Ethics Commission.]”.

The preceding 2 amendments were read only.

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

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 1033 – Senator Jennings

AN ACT concerning

Election Law – Campaign Finance – Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 362 – Senators Pugh, Benson, Conway, Currie, Forehand, Garagiola, Jones–Rodwell, Madaleno, McFadden, and Stone

AN ACT concerning

Education – Age for Compulsory Public School Attendance – Exemptions

SB0362/204536/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 362

(First Reading File Bill)

On page 1, in the sponsor line, strike “and Stone” and substitute “Stone, Ferguson, Pinsky, and Rosapepe”.

The preceding amendment was read only.

Senator Kittleman moved, duly seconded, that the Bill and Amendment be laid over under the Rule.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 365 – Senators Garagiola, Astle, Benson, Colburn, Currie, DeGrange, Dyson, Ferguson, Forehand, Frosh, Glassman, Jennings, Kasemeyer, King, Klausmeier, Madaleno, Manno, Mathias, Middleton, Peters, Pipkin, Pugh, Ramirez, Raskin, Robey, Rosapepe, Stone, Young, and Zirkin

AN ACT concerning

Higher Education – Volunteer Firefighters Scholarship

SB0365/304434/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 365

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Volunteer Firefighters” and substitute “The Charles W. Riley Fire and Emergency Medical Services”; in line 3, after “of” insert “repealing a certain fire and emergency medical services tuition reimbursement program and”; in line 3, in lines 12 and 13, and in lines 16 and 17, in each instance, strike “Volunteer Firefighters” and substitute “Charles W. Riley Fire and Emergency Medical Services”; in line 5, strike “prohibiting” and substitute “authorizing”; in line 6, strike “from exceeding” and substitute “awarded to be up to”; in line 16, after “Fund;” insert “requiring a recipient of a certain scholarship to work for at least a certain number of years as a certain firefighter or certain rescue squad member in the State after completion of a certain program; requiring any funds remaining in the Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program after a certain date to be used to fund the Charles W. Riley Fire and Emergency Medical Services Scholarship for a certain academic year; requiring the Office of Student Financial Assistance to provide certain public notice of the establishment of the Charles W. Riley Fire and Emergency Medical Services Scholarship as a replacement for the Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program;”; after line 17, insert:

“BY repealing

Article – Education

Section 18–603

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)”;

and in line 20, strike “18–605” and substitute “18–603”.

AMENDMENT NO. 2

On page 2, in line 1, strike “**18–605.**” and substitute:

“18–603.

(a) There is a Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program under this section.

(b) As provided in the State budget, any career or volunteer firefighter or ambulance or rescue squad member who is a resident of Maryland shall receive partial

or full and complete reimbursement by the Office for tuition costs not to exceed the resident tuition rates at the 4-year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and University of Maryland, Baltimore, with the highest annual expenses for a full-time resident undergraduate, for courses credited toward a degree in fire service technology or emergency medical technology.

(c) (1) The tuition reimbursement application shall be filed with the Office no later than July 1 immediately following the academic year for which tuition reimbursement is sought.

(2) Payment shall be made 1 year after successful completion of each academic year.

(3) Payment may be made only if the applicant is still employed or actively engaged as a career or volunteer firefighter or ambulance or rescue squad member in an organized fire department or ambulance or rescue squad in this State.]

18-603.

AMENDMENT NO. 3

On page 2 in line 2, and on page 3 in lines 7, 10, 14, 17, 20, and 23, in each instance, strike "**VOLUNTEER FIREFIGHTERS**" and substitute "**CHARLES W. RILEY FIRE AND EMERGENCY MEDICAL SERVICES**".

On page 2, in line 12, after "A" insert "**CAREER OR**"; and in line 18, strike "**MAY NOT EXCEED 33.3%**" and substitute:

"(I) FOR A CAREER FIREFIGHTER, MAY BE UP TO 100% OF THE EQUIVALENT ANNUAL TUITION AND MANDATORY FEES OF A RESIDENT UNDERGRADUATE STUDENT AT THE 4-YEAR PUBLIC INSTITUTION OF HIGHER EDUCATION WITHIN THE UNIVERSITY SYSTEM OF MARYLAND, OTHER THAN THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE AND UNIVERSITY OF MARYLAND, BALTIMORE, WITH THE HIGHEST ANNUAL EXPENSES FOR A FULL-TIME RESIDENT UNDERGRADUATE FOR COURSES CREDITED TOWARD A DEGREE IN FIRE SERVICE TECHNOLOGY OR EMERGENCY MEDICAL TECHNOLOGY; AND

(II) FOR A VOLUNTEER FIREFIGHTER, MAY BE UP TO 100%”.

AMENDMENT NO. 4

On page 3, after line 28, insert:

“(I) A RECIPIENT OF A CHARLES W. RILEY FIRE AND EMERGENCY MEDICAL SERVICES SCHOLARSHIP SHALL WORK FOR AT LEAST 1 YEAR AS A VOLUNTEER OR CAREER FIREFIGHTER OR AMBULANCE OR RESCUE SQUAD MEMBER IN AN ORGANIZED FIRE DEPARTMENT OR AMBULANCE OR RESCUE SQUAD IN THE STATE AFTER COMPLETION OF AN ELIGIBLE PROGRAM IN AN ELIGIBLE INSTITUTION.”.

AMENDMENT NO. 5

On page 3, after line 28, insert:

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

(a) Any funds remaining in the Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program after June 30, 2013, shall be used to fund the Charles W. Riley Fire and Emergency Medical Services Scholarship, as enacted by Section 1 of this Act, for the 2013–2014 academic year; and

(b) The Office of Student Financial Assistance shall provide the public with notice of the establishment of the Charles W. Riley Fire and Emergency Medical Services Scholarship as a replacement for the Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program, including posting information on the Office of Student Financial Assistance Web site and conducting outreach activities to fire departments and ambulance and rescue squads in the State.”;

and in line 29, strike “2.” and substitute “3.”.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 674 – Senator Rosapepe

EMERGENCY BILL

AN ACT concerning

Primary and Secondary Education – Online Courses – Local Approval and Reporting Requirements

SB0674/124231/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 674

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Courses” insert “and Services”; strike beginning with “Local” in line 2 down through “Requirements” in line 3 and substitute “Development and Procurement”; strike beginning with “authorizing” in line 4 down through “Education” in line 8 and substitute “authorizing certain county boards of education to request that the State Department of Education develop and procure certain online courses and services; requiring the Department to determine within a certain period of time whether a certain delegation will be made; requiring the Department to develop and procure certain courses and services within a certain period of time under certain circumstances; authorizing the Department to delegate certain authority to certain county boards under certain circumstances; authorizing certain county boards to set certain fees under certain circumstances; requiring certain county boards to remit certain fees to the Department under certain circumstances; requiring certain county boards to request certain approval from the Department under certain circumstances; requiring the Department to approve or deny certain requests within a certain period of time; authorizing the State Board of Education to set reasonable fees for the costs incurred by the Department for processing approvals for online courses and services; requiring the Department to ensure that certain courses and services require certain access for certain students”; and in line 10, strike “by county boards of education”.

AMENDMENT NO. 2

On page 2, in line 6, after “(1)” insert “(I) A COUNTY BOARD MAY REQUEST THAT THE DEPARTMENT DEVELOP AND PROCURE ONLINE COURSES AND SERVICES UNDER PARAGRAPH (2) OF THIS SUBSECTION.”

(II) WITHIN 15 DAYS AFTER THE RECEIPT OF A REQUEST UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEPARTMENT SHALL DETERMINE WHETHER THE DEVELOPMENT AND PROCUREMENT OF THE ONLINE COURSES AND SERVICES SHALL BE DELEGATED TO A COUNTY BOARD UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION.

(III) IF THE DEPARTMENT DOES NOT DELEGATE THE DEVELOPMENT AND PROCUREMENT OF THE ONLINE COURSES AND SERVICES TO A COUNTY BOARD, THE DEPARTMENT SHALL DEVELOP AND PROCURE ONLINE COURSES AND SERVICES UNDER PARAGRAPH (2) OF THIS SUBSECTION WITHIN 120 DAYS AFTER THE RECEIPT OF A REQUEST MADE BY A COUNTY BOARD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(2) (I);

strike beginning with “EXCEPT” in line 6 down through “Superintendent” in line 7 and substitute “SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH”; in lines 9, 10, 11, and 14, strike “(I)”, “(II)”, “(III)”, and “(IV)”, respectively, and substitute “1.”, “2.”, “3.”, and “4.”, respectively; strike in their entirety lines 16 through 23, inclusive; and after line 23, insert:

“(II) SUBJECT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH, THE DEPARTMENT MAY DELEGATE THE AUTHORITY TO DEVELOP AND PROCURE ONLINE COURSES AND SERVICES TO A COUNTY BOARD.

(III) IF THE DEPARTMENT DELEGATES THE AUTHORITY TO DEVELOP AND PROCURE ONLINE COURSES AND SERVICES TO A COUNTY BOARD, THE COUNTY BOARD MAY SET REASONABLE FEES FOR:

1. ONLINE COURSES AND SERVICES; AND
2. PROCESSING THE PROCUREMENT OF ONLINE COURSES AND SERVICES.

(IV) A COUNTY BOARD SHALL REMIT 15% OF THE FEES COLLECTED UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH TO THE DEPARTMENT.

(V) THE DEPARTMENT SHALL APPROVE OR DENY THE DEVELOPMENT AND PROCUREMENT OF ONLINE COURSES AND SERVICES BY A COUNTY BOARD.

(VI) 1. A COUNTY BOARD SHALL REQUEST APPROVAL FROM THE DEPARTMENT WHEN THE COUNTY BOARD HAS COMPLETED THE DEVELOPMENT AND INTENDED PROCUREMENT OF ONLINE COURSES AND SERVICES.

2. WITHIN 45 DAYS AFTER A REQUEST UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE DEPARTMENT SHALL APPROVE OR DENY THE DEVELOPMENT AND INTENDED PROCUREMENT.”.

AMENDMENT NO. 3

On page 2, in line 25, strike “ONLINE” and substitute “:

(I) ONLINE”;

in line 26, after “services” insert “;AND

(II) PROCESSING APPROVALS FOR ONLINE COURSES AND SERVICES”;

On page 3, after line 13, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the State Department of Education shall:

(1) ensure that online courses and services developed and the specifications used in all grants and procurement contracts for online courses and services require access for students with disabilities, including blindness, in accordance with the technical standards for electronic and information technology

issued under subsection (A)(2) of Section 508 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794(A)(2) or any other appropriate accessibility standard; and

(2) establish a means for ensuring that online courses and services that fail to meet the requirements of paragraph (1) of this section are prohibited from use.”;

and in line 14, strike “2.” and substitute “3.”.

The preceding 3 amendments were read only.

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

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #25

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 180 – Senators Pugh, Benson, Forehand, King, Klausmeier, Madaleno, Manno, Middleton, Montgomery, Raskin, and Young

AN ACT concerning

Health Occupations – State Board of Naturopathic Medicine

SB0180/854033/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 180

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 29, after “reasons;” insert “requiring certain individuals to complete and submit to the Board a certain written attestation before practicing naturopathic medicine in the State; requiring the Board to maintain certain written attestations and make them available to the State Board of Physicians under certain circumstances; requiring certain individuals under certain circumstances to submit a new written attestation to the Board;”.”

On page 3, in line 17, after “terms;” insert “providing for the construction of a certain provision of this Act; providing for the effective dates of this Act;”.

On page 4, after line 3, insert:

“BY repealing

Article – Health Occupations

Section 7.5–302

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

(As enacted by Section 2 of this Act)”.”.

AMENDMENT NO. 2

On page 12, after line 19, insert:

“7.5–302.

(A) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE ABILITY OF A LICENSED NATUROPATHIC PHYSICIAN TO RECEIVE REFERRALS FROM OR MAKE REFERRALS TO A PHYSICIAN LICENSED UNDER TITLE 14 OF THIS ARTICLE WITH WHOM THE LICENSED NATUROPATHIC PHYSICIAN DOES NOT HAVE A COLLABORATION AND CONSULTATION AGREEMENT.

(B) IN ADDITION TO THE REQUIREMENTS OF § 7.5–301 OF THIS SUBTITLE, BEFORE AN INDIVIDUAL MAY PRACTICE NATUROPATHIC MEDICINE IN THE STATE, THE INDIVIDUAL SHALL COMPLETE AND SUBMIT TO THE BOARD A BOARD-APPROVED WRITTEN ATTESTATION THAT:

(1) STATES THAT THE INDIVIDUAL HAS A COLLABORATION AND CONSULTATION AGREEMENT WITH A PHYSICIAN LICENSED UNDER TITLE 14 OF THIS ARTICLE;

(2) INCLUDES THE NAME AND LICENSE NUMBER OF THE PHYSICIAN WITH WHOM THE INDIVIDUAL HAS A COLLABORATION AND CONSULTATION AGREEMENT;

(3) STATES THAT THE INDIVIDUAL WILL REFER PATIENTS TO AND CONSULT WITH PHYSICIANS AND OTHER HEALTH CARE PROVIDERS LICENSED OR CERTIFIED UNDER THIS ARTICLE AS NEEDED; AND

(4) STATES THAT THE INDIVIDUAL WILL REQUIRE PATIENTS TO SIGN A CONSENT FORM THAT STATES THAT THE INDIVIDUAL'S PRACTICE OF MEDICINE IS LIMITED TO THE SCOPE OF PRACTICE IDENTIFIED IN § 7.5-306 OF THIS SUBTITLE.

(C) THE BOARD SHALL:

(1) MAINTAIN THE WRITTEN ATTESTATIONS SUBMITTED TO THE BOARD UNDER SUBSECTION (B) OF THIS SECTION; AND

(2) MAKE THE WRITTEN ATTESTATIONS SUBMITTED TO THE BOARD UNDER SUBSECTION (B) OF THIS SECTION AVAILABLE TO THE STATE BOARD OF PHYSICIANS ON THE REQUEST OF THE STATE BOARD OF PHYSICIANS.

(D) IF AN INDIVIDUAL WHO SUBMITTED A WRITTEN ATTESTATION TO THE BOARD UNDER SUBSECTION (B) OF THIS SECTION TERMINATES OR CHANGES THE COLLABORATION AND CONSULTATION AGREEMENT THAT WAS REFERENCED IN THE ATTESTATION, THE INDIVIDUAL IMMEDIATELY SHALL SUBMIT, BY MAIL OR FACSIMILE, A NEW WRITTEN ATTESTATION TO THE BOARD.;

in line 20, strike “7.5-302.” and substitute “7.5-303.”; and in line 25, strike “§ 7.5-304” and substitute “§ 7.5-305”.

On page 13, in lines 17 and 32, strike “7.5-303.” and “7.5-304.”, respectively, and substitute “7.5-304.” and “7.5-305.”, respectively; and in line 24, strike “§ 7.5-304” and substitute “§ 7.5-305”.

On page 14, in line 6, strike “§ 7.5-303” and substitute “§ 7.5-304”; and in lines 20 and 23, strike “7.5-305.” and “7.5-306.”, respectively, and substitute “7.5-306.” and “7.5-307.”, respectively.

On page 15, in line 13, after “EXERCISE” insert “FOR THE PURPOSE OF PROVIDING PRIMARY CARE SERVICES”; and in line 14, after “DEVICES” insert “FOR THE PURPOSE OF PROVIDING PRIMARY CARE SERVICES”.

On page 17, in lines 3 and 21, strike “7.5-307.” and “7.5-308.”, respectively, and substitute “7.5-308.” and “7.5-309.”, respectively.

On page 18, in line 11, strike “§ 7.5-307” and substitute “§ 7.5-308”; and in line 18, strike “7.5-309.” and substitute “7.5-310.”.

On page 27, after line 29, insert:

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

Article – Health Occupations

[7.5-302.

(a) This section may not be construed to limit the ability of a licensed naturopathic physician to receive referrals from or make referrals to a physician licensed under Title 14 of this article with whom the licensed naturopathic physician does not have a collaboration and consultation agreement.

(b) In addition to the requirements of § 7.5-301 of this subtitle, before an individual may practice naturopathic medicine in the State, the individual shall complete and submit to the Board a Board-approved written attestation that:

(1) States that the individual has a collaboration and consultation agreement with a physician licensed under Title 14 of this article;

(2) Includes the name and license number of the physician with whom the individual has a collaboration and consultation agreement;

(3) States that the individual will refer patients to and consult with physicians and other health care providers licensed or certified under this article as needed; and

(4) States that the individual will require patients to sign a consent form that states that the individual’s practice of medicine is limited to the scope of practice identified in § 7.5–306 of this subtitle.

(c) The Board shall:

(1) Maintain the written attestations submitted to the Board under subsection (b) of this section; and

(2) Make the written attestations submitted to the Board under subsection (b) of this section available to the State Board of Physicians on the request of the State Board of Physicians.

(d) If an individual who submitted a written attestation to the Board under subsection (b) of this section terminates or changes the collaboration and consultation agreement that was referenced in the attestation, the individual immediately shall submit, by mail or facsimile, a new written attestation to the Board.】;

and in line 30, strike “3.” and substitute “4.”.

On page 28, in lines 4 and 7, strike “4.” and “5.”, respectively, and substitute “5.” and “6.”, respectively; after line 12, insert:

“SECTION 7. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect October 1, 2015.”;

in line 13, strike “6.” and substitute “8.”; and in the same line, after “That” insert “, except as provided in Section 7 of this Act.”.

The preceding 2 amendments were read only.

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

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 235 – The President (By Request – Administration) and Senators Garagiola, King, Madaleno, and Manno

AN ACT concerning

Procurement – Investment Activities in Iran

SB0235/874633/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 235

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Manno” and substitute “Manno, Rosapepe, and Benson”; in line 3, after the first “of” insert “specifying that certain persons shall be considered as engaging in investment activities in Iran under certain circumstances;”; strike beginning with “requiring” in line 8 down through “Act;” in line 23 and substitute “requiring the Board to provide a person with an opportunity to comment that the person is not engaged in investment activities in Iran; requiring a public body, on or after a certain date, to require a person that submits a bid or proposal or enters into a contract with the public body to make a certain certification or provide certain information; requiring the public body to submit certain information submitted by certain persons to the Board; requiring a public body to institute certain actions based on a determination of a false certification; requiring a public body to report certain information to the Board and the Attorney General under certain circumstances; authorizing the Attorney General to bring a certain action within a certain time after a certification is made; specifying certain penalties for submitting a false certification, including civil penalties, the termination of certain contracts, and the ineligibility of certain persons to bid on certain contracts under certain circumstances; providing that this Act does not create a private right of action;”; in line 24, after “laws” insert “and regulations; declaring the intent of the General Assembly; requiring the Department of Legislative Services to provide certain written notice concerning this Act to the Attorney General of the United States; making this Act severable; providing for the termination of this Act under certain circumstances; requiring the Board to notify the Department of Legislative Services of a certain event within a certain time period”; and in line 28, strike “(k), and (x)” and substitute “and (k)”.

On page 2, in line 4, strike “13–501 through 13–505” and substitute “17–701 through 17–707”; in the same line, strike “5.” and substitute “7.”; and in line 5, strike “; and 16–203(e)”.

AMENDMENT NO. 2

On pages 3 through 8, strike beginning with line 11 on page 3 through line 15 on page 8, inclusive, and substitute:

“SUBTITLE 7. INVESTMENT ACTIVITIES IN IRAN.17-701.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “ENERGY SECTOR OF IRAN” MEANS ACTIVITIES TO DEVELOP PETROLEUM OR NATURAL GAS RESOURCES OR NUCLEAR POWER IN IRAN.

(C) “FINANCIAL INSTITUTION” HAS THE MEANING STATED IN SECTION 14 OF THE IRAN SANCTIONS ACT OF 1996 (PUBLIC LAW 104-172).

(D) “IRAN” INCLUDES THE GOVERNMENT OF IRAN AND ANY AGENCY OR INSTRUMENTALITY OF IRAN.

(E) “PERSON” INCLUDES:

(1) A NATURAL PERSON, CORPORATION, COMPANY, LIMITED LIABILITY COMPANY, BUSINESS ASSOCIATION, PARTNERSHIP, SOCIETY, TRUST, OR ANY OTHER NONGOVERNMENTAL ENTITY, ORGANIZATION, OR GROUP;

(2) A GOVERNMENTAL ENTITY OR INSTRUMENTALITY OF A GOVERNMENT, INCLUDING A MULTILATERAL DEVELOPMENT INSTITUTION, AS DEFINED BY THE FEDERAL INTERNATIONAL FINANCIAL INSTITUTIONS ACT, 22 U.S.C. 262R(C)(3); OR

(3) ANY PARENT, SUCCESSOR, SUBUNIT, DIRECT OR INDIRECT SUBSIDIARY OF, OR ANY ENTITY UNDER COMMON OWNERSHIP OR CONTROL WITH, AN ENTITY DESCRIBED IN ITEM (1) OR (2) OF THIS SUBSECTION.

(F) “PUBLIC BODY” MEANS:

- (1) THE STATE;
- (2) A COUNTY, MUNICIPAL CORPORATION, OR OTHER POLITICAL SUBDIVISION;
- (3) A PUBLIC INSTRUMENTALITY; OR
- (4) ANY GOVERNMENTAL UNIT AUTHORIZED TO AWARD A CONTRACT.

17-702.

FOR PURPOSES OF THIS SUBTITLE, A PERSON ENGAGES IN INVESTMENT ACTIVITIES IN IRAN IF:

(1) THE PERSON PROVIDES GOODS OR SERVICES OF \$20,000,000 OR MORE IN THE ENERGY SECTOR OF IRAN, INCLUDING A PERSON THAT PROVIDES OIL OR LIQUEFIED NATURAL GAS TANKERS OR PRODUCTS USED TO CONSTRUCT OR MAINTAIN PIPELINES USED TO TRANSPORT OIL OR LIQUEFIED NATURAL GAS FOR THE ENERGY SECTOR OF IRAN; OR

(2) THE PERSON IS A FINANCIAL INSTITUTION THAT EXTENDS \$20,000,000 OR MORE IN CREDIT TO ANOTHER PERSON FOR 45 DAYS OR MORE IF THE PERSON TO WHOM THE CREDIT IS EXTENDED:

(I) WILL USE THE CREDIT TO PROVIDE GOODS OR SERVICES IN THE ENERGY SECTOR OF IRAN AS DESCRIBED IN ITEM (1) OF THIS SECTION; AND

(II) IS, AT THE TIME OF THE EXTENSION OF CREDIT, IDENTIFIED ON A LIST CREATED UNDER § 17-704 OF THIS SUBTITLE AS A PERSON ENGAGING IN INVESTMENT ACTIVITIES IN IRAN.

17-703.

A PERSON THAT, AT THE TIME OF BID OR PROPOSAL FOR A NEW CONTRACT OR RENEWAL OF AN EXISTING CONTRACT, IS IDENTIFIED ON A LIST CREATED BY THE BOARD UNDER § 17-704 OF THIS SUBTITLE AS A PERSON ENGAGING IN INVESTMENT ACTIVITIES IN IRAN IS INELIGIBLE TO, AND MAY NOT BID ON, SUBMIT A PROPOSAL FOR, OR ENTER INTO OR RENEW A CONTRACT WITH A PUBLIC BODY FOR GOODS OR SERVICES.

17-704.

(A) (1) ON OR BEFORE DECEMBER 31, 2012, THE BOARD SHALL USE CREDIBLE INFORMATION AVAILABLE TO THE PUBLIC TO CREATE A LIST OF PERSONS THAT THE BOARD DETERMINES TO BE ENGAGED IN INVESTMENT ACTIVITIES IN IRAN AS DESCRIBED IN § 17-702 OF THIS SUBTITLE.

(2) THE BOARD SHALL UPDATE THE LIST AT LEAST EVERY 180 DAYS.

(3) BEFORE THE BOARD INCLUDES A PERSON ON THE LIST, THE BOARD SHALL PROVIDE THE PERSON WITH 90 DAYS' WRITTEN NOTICE THAT:

(I) THE BOARD INTENDS TO INCLUDE THE PERSON ON THE LIST; AND

(II) INCLUSION ON THE LIST WOULD MAKE THE PERSON INELIGIBLE TO BID ON, SUBMIT A PROPOSAL FOR, OR ENTER INTO OR RENEW A CONTRACT WITH A PUBLIC BODY FOR GOODS OR SERVICES.

(4) THE NOTICE REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION SHALL SPECIFY THAT IF THE PERSON CEASES ENGAGEMENT IN INVESTMENT ACTIVITIES IN IRAN AS DESCRIBED IN § 17-702 OF THIS SUBTITLE, THE PERSON MAY BECOME ELIGIBLE FOR A FUTURE CONTRACT OR CONTRACT RENEWAL WITH A PUBLIC BODY FOR GOODS OR SERVICES ON REMOVAL FROM THE LIST.

(B) (1) THE BOARD SHALL PROVIDE A PERSON WITH AN OPPORTUNITY TO COMMENT IN WRITING TO THE BOARD THAT THE PERSON IS NOT ENGAGED IN INVESTMENT ACTIVITIES IN IRAN.

(2) IF THE PERSON DEMONSTRATES TO THE BOARD THAT THE PERSON IS NOT ENGAGED IN INVESTMENT ACTIVITIES IN IRAN AS DESCRIBED IN § 17-702 OF THIS SUBTITLE, THE BOARD MAY NOT INCLUDE THE PERSON ON THE LIST.

(C) THE BOARD SHALL REMOVE A PERSON FROM THE LIST IF THE PERSON DEMONSTRATES TO THE BOARD THAT THE PERSON NO LONGER IS ENGAGED IN INVESTMENT ACTIVITIES IN IRAN AS DESCRIBED IN § 17-702 OF THIS SUBTITLE.

(D) THE BOARD SHALL MAKE EVERY REASONABLE EFFORT TO AVOID ERRONEOUSLY INCLUDING A PERSON ON THE LIST.

(E) THE BOARD SHALL PUBLISH THE LIST ON THE INTERNET.

17-705.

(A) ON OR AFTER JANUARY 1, 2013, A PUBLIC BODY SHALL REQUIRE A PERSON THAT SUBMITS A BID OR PROPOSAL TO THE PUBLIC BODY FOR A CONTRACT FOR GOODS OR SERVICES, OR OTHERWISE PROPOSES TO ENTER INTO OR RENEW A CONTRACT FOR GOODS OR SERVICES WITH THE PUBLIC BODY, TO:

(1) CERTIFY AT THE TIME THE BID IS SUBMITTED OR THE CONTRACT IS RENEWED THAT THE PERSON:

(I) IS NOT IDENTIFIED ON THE LIST CREATED BY THE BOARD AS A PERSON ENGAGING IN INVESTMENT ACTIVITIES IN IRAN AS DESCRIBED IN § 17-702 OF THIS SUBTITLE; AND

(II) IS NOT ENGAGING IN INVESTMENT ACTIVITIES IN IRAN AS DESCRIBED IN § 17-702 OF THIS SUBTITLE; OR

(2) IF THE PERSON IS UNABLE TO MAKE THE CERTIFICATION UNDER ITEM (1) OF THIS SUBSECTION, PROVIDE THE PUBLIC BODY, UNDER PENALTY OF PERJURY, A DETAILED DESCRIPTION OF THE PERSON'S INVESTMENT ACTIVITIES IN IRAN.

(B) A PUBLIC BODY SHALL SUBMIT ANY INFORMATION PROVIDED TO THE PUBLIC BODY UNDER SUBSECTION (A)(2) OF THIS SECTION TO THE BOARD.

17-706.

(A) (1) IF A PUBLIC BODY, USING CREDIBLE INFORMATION AVAILABLE TO THE PUBLIC, DETERMINES THAT A PERSON HAS SUBMITTED A FALSE CERTIFICATION UNDER § 17-705(A)(1) OF THIS SUBTITLE, THE PUBLIC BODY SHALL PROVIDE WRITTEN NOTICE TO THE PERSON AND AN OPPORTUNITY FOR THE PERSON TO DEMONSTRATE IN WRITING THAT THE PERSON IS NOT ENGAGED IN INVESTMENT ACTIVITIES IN IRAN.

(2) IF THE PERSON FAILS TO DEMONSTRATE TO THE PUBLIC BODY WITHIN 90 DAYS AFTER THE PUBLIC BODY PROVIDES NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT THE PERSON IS NOT ENGAGED IN INVESTMENT ACTIVITIES IN IRAN, THE PUBLIC BODY SHALL REPORT TO THE BOARD AND THE ATTORNEY GENERAL:

(I) THE NAME OF THE PERSON DETERMINED TO HAVE SUBMITTED A FALSE CERTIFICATION; AND

(II) THE INFORMATION ON WHICH THE PUBLIC BODY MADE ITS DECISION.

(B) (1) THE ATTORNEY GENERAL MAY INSTITUTE AN ACTION AGAINST A PERSON DETERMINED TO HAVE SUBMITTED A FALSE CERTIFICATION UNDER § 17-705(A)(1) OF THIS SUBTITLE.

(2) AN ACTION BROUGHT UNDER THIS SECTION SHALL BE BROUGHT WITHIN 3 YEARS FROM THE DATE THE CERTIFICATION IS MADE.

(C) IF, IN AN ACTION BROUGHT UNDER THIS SECTION, A COURT DETERMINES THAT A PERSON SUBMITTED A FALSE CERTIFICATION:

(1) THE PERSON SHALL PAY ALL REASONABLE COSTS AND FEES INCURRED IN THE CIVIL ACTION, INCLUDING:

(I) ANY COSTS INCURRED BY THE PUBLIC BODY FOR THE INVESTIGATION THAT LED TO THE FINDING OF THE FALSE CERTIFICATION; AND

(II) ALL REASONABLE COSTS AND FEES INCURRED BY THE ATTORNEY GENERAL IN BRINGING THE ACTION;

(2) THE COURT MAY IMPOSE A CIVIL PENALTY EQUAL TO THE GREATER OF \$1,000,000 OR TWICE THE AMOUNT OF THE CONTRACT FOR WHICH THE FALSE CERTIFICATION WAS SUBMITTED;

(3) THE PUBLIC BODY MAY TERMINATE THE CONTRACT FOR WHICH THE FALSE CERTIFICATION WAS SUBMITTED; AND

(4) THE PERSON IS INELIGIBLE TO BID ON A CONTRACT WITH A PUBLIC BODY FOR A PERIOD OF 3 YEARS FROM THE DATE OF THE COURT ORDER.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN UNSUCCESSFUL BIDDER OR ANY OTHER PERSON MAY NOT PROTEST THE AWARD OF A CONTRACT OR CONTRACT RENEWAL ON THE BASIS OF A FALSE CERTIFICATION.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT PROHIBIT A PUBLIC BODY FROM FILING A PROTEST OBJECTING TO THE AWARD OF A CONTRACT OR CONTRACT RENEWAL ON THE BASIS OF A FALSE CERTIFICATION.

(E) THIS SUBTITLE DOES NOT CREATE OR AUTHORIZE A PRIVATE RIGHT OF ACTION.

17-707.

THIS SUBTITLE PREEMPTS ANY LAW, ORDINANCE, RULE, OR REGULATION OF ANY LOCAL GOVERNING BODY INVOLVING PROCUREMENT CONTRACTS FOR GOODS OR SERVICES WITH A PERSON ENGAGED IN INVESTMENT ACTIVITIES IN IRAN.”.

AMENDMENT NO. 3

On page 8, after line 18, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Legislative Services shall submit to the Attorney General of the United States written notice of the requirements of this Act within 30 days after the Act takes effect.

SECTION 4. 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.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) This Act shall remain in effect until:

(1) the Congress or the President of the United States affirmatively and unambiguously declares, by means including, but not limited to, legislation, executive order, or written certification from the President to Congress that Iran is no longer seeking a nuclear weapons capability and no longer supports international terrorism; or

(2) federal law no longer authorizes the states to adopt and enforce provisions of the type authorized in this Act.

(b) The Board of Public Works shall notify the Department of Legislative Services within 5 days after the occurrence of an event described in subsection (a) of this section and, as of the date the event occurred, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”;

and in line 19, strike “3.” and substitute “6.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 868 – Senator Conway

AN ACT concerning

**Residential Child and Youth Care Practitioners – Certification
– Modifications**

SB0868/124031/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 868

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “Board;” insert “requiring, instead of authorizing, the Board to set reasonable fees for certain services;”; and in line 9, strike “certain” and substitute “the”.

AMENDMENT NO. 2

On page 4, in line 2, strike “MAY” and substitute “SHALL”; in the same line, after “for” insert a colon; in the same line, strike “the” and substitute:

“(I) THE”;

in line 3, after “certificates” insert “;

“(II) APPROVING TRAINING PROGRAMS FOR RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONERS;”;

in the same line, strike “its” and substitute:

“(III) ITS”;

and in line 18, after “BLIND” insert “WHO IS A RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER AND HOLDS A CURRENT PARAPROFESSIONAL CERTIFICATE”.

AMENDMENT NO. 3

On page 5, in line 23, after “EXPERIENCE,” insert “TRAINING,”.

The preceding 3 amendments were read only.

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

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 870 – Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)

EMERGENCY BILL

AN ACT concerning

State Board of Physicians – Athletic Trainer Advisory Committee – Sunset Extension, Program Evaluation, and Revisions

SB0870/764236/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 870

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Sunset” in line 2 down through “Revisions” in line 3 and substitute “Education, Supervision, and Administration”; and strike beginning with “continuing” in line 4 down through “requirements;” in line 17 and substitute “altering the date by which certain individuals need to be certified to

qualify for the waiver of certain education requirements under certain provisions of law;”.

On pages 1 and 2, strike beginning with “requiring” in line 29 on page 1 down through “profile;” in line 7 on page 2.

On page 2, in line 12, strike “14-5D-05(e), 14-5D-06;” in the same line, after “14-5D-08(d),” insert “and”; in lines 12 and 13, strike “, and 14-5D-20”; after line 15, insert:

“BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 14-5D-05(e), 14-5D-06, and 14-5D-20

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)”;

and in line 18, strike “14-5D-05(f),” in the same line, after “14-5D-11.2,” insert “and”; and in the same line, strike “, and 14-5D-16.1”.

AMENDMENT NO. 2

On page 3, in line 2, strike the brackets; in the same line, strike “OR”; and strike beginning with the colon in line 25 down through “ARTICLE;” in line 29 and substitute “AN INDIVIDUAL LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED TO PRACTICE A HEALTH OCCUPATION UNDER THIS ARTICLE.”.

On page 4, strike in their entirety lines 1 through 5, inclusive.

AMENDMENT NO. 3

On page 5, in line 24, strike “(1)”; and strike in their entirety lines 26 through 28, inclusive.

On page 6, strike in their entirety lines 1 through 9, inclusive; in line 11, strike “(A)”; in line 23, strike the brackets; strike beginning with “; AND” in line 24 down through “BOARD” in line 25; and strike in their entirety lines 26 through 29, inclusive.

On page 7, strike in their entirety lines 1 and 2; in line 5, strike the brackets; strike beginning with “HAS” in line 5 down through “BY” in line 7; in line 8, strike “OR

ITS SUCCESSOR ORGANIZATION,” and substitute “ON OR BEFORE OCTOBER 1, 2012,”; and in line 13, strike “OR AS PROVIDED IN SUBSECTION (D) OF THIS SECTION”.

AMENDMENT NO. 4

On pages 9 through 11, strike in their entirety the lines beginning with line 25 on page 9 through line 3 on page 11, inclusive.

On page 11, in line 8, strike the brackets; and in the same line, strike “**2023**”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 883 – Senator Jones–Rodwell (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Alcoholic Beverages – Video Lottery Facility and Video Lottery Concessionaire Licenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 897 – Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)

AN ACT concerning

State Board of Physicians – Allied Health Advisory Committees – Sunset Extension and Program Evaluation

SB0897/684135/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 897

(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 4, after the first “the” insert “Athletic Trainer Advisory Committee.”; in line 12, after “14-5C-25,” insert “14-5D-05(e), 14-5D-06, 14-5D-20.”; and in line 18, after “14-5C-18.1,” insert “14-5D-05(f), 14-5D-16.1.”

AMENDMENT NO. 2

On page 12, after line 7, insert:

“14-5D-05.

(e) **(1)** From among its members, the Committee shall elect a chair every 2 years.

(2) THE CHAIR SHALL:

(i) SERVE IN AN ADVISORY CAPACITY TO THE BOARD AS A REPRESENTATIVE OF THE COMMITTEE; AND

(ii) PRESENT TO THE BOARD THE COMMITTEE’S ANNUAL REPORT.

(F) **(1)** AN INDIVIDUAL MAY NOT PROVIDE SERVICES TO THE COMMITTEE OR THE BOARD FOR REMUNERATION UNLESS 3 YEARS HAVE PASSED SINCE THE TERMINATION OF THE INDIVIDUAL’S APPOINTMENT TO THE COMMITTEE.

(2) AN INDIVIDUAL MAY NOT BE APPOINTED TO THE COMMITTEE IF THE INDIVIDUAL IS PROVIDING OR HAS PROVIDED SERVICES TO THE BOARD FOR REMUNERATION WITHIN THE PRECEDING 3 YEARS.

14-5D-06.

(A) In addition to the powers set forth elsewhere in this subtitle, the Committee shall:

- (1) Develop and recommend to the Board regulations to carry out this subtitle;
- (2) Develop and recommend to the Board continuing education requirements for license renewal;
- (3) Provide the Board with recommendations concerning the practice of athletic training;
- (4) Develop and recommend to the Board an evaluation and treatment protocol for use by an athletic trainer and the physician with whom the athletic trainer practices;
- (5) Provide advice and recommendations to the Board on individual evaluation and treatment protocols when requested; [and]
- (6) Keep a record of its proceedings; AND
- (7) SUBMIT AN ANNUAL REPORT TO THE BOARD.

(B) THE BOARD SHALL:

- (1) CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE AND PROVIDE A WRITTEN EXPLANATION OF THE BOARD'S REASONS FOR REJECTING OR MODIFYING THE COMMITTEE'S RECOMMENDATIONS; AND
- (2) PROVIDE TO THE COMMITTEE ONCE A YEAR A REPORT ON THE DISCIPLINARY MATTERS INVOLVING LICENSEES.

14-5D-16.1.

- (A) FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL DENIAL OF LICENSE APPLICATION, THE BOARD SHALL DISCLOSE THE FILING TO THE PUBLIC ON THE BOARD'S WEB SITE.

(B) THE BOARD SHALL CREATE AND MAINTAIN A PUBLIC INDIVIDUAL PROFILE ON EACH LICENSEE THAT INCLUDES THE FOLLOWING INFORMATION:

(1) A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE THAT INCLUDES A COPY OF THE CHARGING DOCUMENT UNTIL THE BOARD HAS TAKEN ACTION UNDER § 14-5D-14 OF THIS SUBTITLE BASED ON THE CHARGES OR HAS RESCINDED THE CHARGES;

(2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE BOARD AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR PERIOD THAT INCLUDES A COPY OF THE PUBLIC ORDER;

(3) A DESCRIPTION IN SUMMARY FORM OF ANY FINAL DISCIPLINARY ACTION TAKEN BY A LICENSING BOARD IN ANY OTHER STATE OR JURISDICTION AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR PERIOD;

(4) A DESCRIPTION OF A CONVICTION OR ENTRY OF A PLEA OF GUILTY OR NOLO CONTENDERE BY THE LICENSEE FOR A CRIME INVOLVING MORAL TURPITUDE REPORTED TO THE BOARD UNDER § 14-5D-14(B) OF THIS SUBTITLE; AND

(5) THE PUBLIC ADDRESS OF THE LICENSEE.

(C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION, THE BOARD SHALL INCLUDE A STATEMENT ON EACH LICENSEE'S PROFILE OF INFORMATION TO BE TAKEN INTO CONSIDERATION BY A CONSUMER WHEN VIEWING A LICENSEE'S PROFILE, INCLUDING A DISCLAIMER STATING THAT A CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING OF GUILT BY THE BOARD.

(D) THE BOARD:

(1) ON RECEIPT OF A WRITTEN REQUEST FOR A LICENSEE'S PROFILE FROM ANY PERSON, SHALL FORWARD A WRITTEN COPY OF THE PROFILE TO THE PERSON; AND

(2) SHALL MAINTAIN A WEB SITE THAT SERVES AS A SINGLE POINT OF ENTRY AT WHICH ALL LICENSEE PROFILE INFORMATION IS AVAILABLE TO THE PUBLIC ON THE INTERNET.

(E) THE BOARD SHALL PROVIDE A MECHANISM FOR THE NOTIFICATION AND PROMPT CORRECTION OF ANY FACTUAL INACCURACIES IN A LICENSEE'S PROFILE.

(F) THE BOARD SHALL INCLUDE INFORMATION RELATING TO CHARGES FILED AGAINST A LICENSEE BY THE BOARD AND A FINAL DISCIPLINARY ACTION TAKEN BY THE BOARD AGAINST A LICENSEE IN THE LICENSEE'S PROFILE WITHIN 10 DAYS AFTER THE CHARGES ARE FILED OR THE ACTION BECOMES FINAL.

14-5D-20.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act and subject to the termination of this title under § 14-702 of this title, this subtitle and all rules and regulations adopted under this subtitle shall terminate and be of no effect after July 1, [2013] 2023.”

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #26**

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 236 – The President (By Request – Administration) and Senators Pinsky, Frosh, Madaleno, Montgomery, and Raskin

AN ACT concerning

Sustainable Growth and Agricultural Preservation Act of 2012

SB0236/774530/2

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 236
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “altering” and substitute “authorizing a local jurisdiction to adopt and certify to the Department of Planning certain growth tier designations; requiring a local jurisdiction under certain circumstances to alter”; in the same line, strike “certain elements that are required in”; in line 4, after “plan;” insert “authorizing a local jurisdiction to submit proposed tier designations to the Department of Planning before certification for certain purposes; establishing certain mandatory and certain discretionary provisions relating to the adoption of certain tiers by certain local jurisdictions; requiring a local jurisdiction to provide documentation to the Department of Planning if the jurisdiction does not adopt a certain tier; requiring growth tiers certified by a local jurisdiction to meet certain criteria;”; in line 6, strike the first “the”; strike beginning with “requiring” in line 9 down through “time” in line 12 and substitute “requiring the Department of Planning to provide certain information to certain State agencies and post certain information on the Department’s Web site”; strike beginning with “requiring” in line 13 down through “circumstances” in line 15 and substitute “prohibiting the Department of the Environment or the Department’s designee from approving a certain residential subdivision until the local jurisdiction adopts certain growth tiers; authorizing the Department or the Department’s designee, if a local jurisdiction has not adopted certain growth tiers, to approve a certain residential subdivision under certain circumstances; authorizing the Department to extend the time period for recordation of a subdivision plat in certain circumstances”; in lines 16 and 17, strike “of the Environment,”; in line 20, after the semicolon, insert “providing for the resolution of conflicting tier designations;”; in line 24, strike “notify” and substitute “provide certain information to”; and strike beginning with “authorizing” in line 25 down through “subdivisions” in line 27 and substitute “requiring the Department of Planning to provide a certain notification to the Department of the Environment”.

On page 2, in line 2, after “date;” insert “authorizing the owner of certain property used for agricultural activities to install certain numbers of on-site sewage disposal systems in accordance with certain requirements; requiring certain on-site sewage disposal systems installed on certain property to be clustered together under

certain circumstances;”; strike beginning with “requiring” in line 4 down through “system;” in line 6; in line 7, after the semicolon insert “establishing certain requirements for the verification by the Department of Planning of a certain yield for zoning; requiring a local jurisdiction to submit to the Department of Planning on or before a certain date a certain definition or description; requiring the Department of Planning to prepare a list of certain definitions and descriptions for publication on certain Web sites on or after a certain date; providing that this Act may not be construed to limit certain authority granted to the Critical Area Commission;”; in line 25, strike the first comma and substitute “and”; in the same line, strike “, 1.04(b)(1)(iv), and 3.05(a)(4)(ii)”; strike in their entirety lines 28 through 32, inclusive; in line 35, strike “1.04(b)(5),”; in the same line, strike the second comma; in the same line, strike “3.05(a)(9)” and substitute “1.06”; and strike line 40 in its entirety and substitute “Section 9–206(a)(3), (d)(1), (g)(1)(iv) and (2), and (j)(1)”.

On page 3, in line 5, strike “, 1–407, 3–103,”; strike in their entirety lines 9 through 14, inclusive; in line 17, after “Section” insert “1–501 through 1–507 to be under the new subtitle “Subtitle 5. Growth Tiers”; and”; and strike in their entirety lines 21 through 26, inclusive.

AMENDMENT NO. 2

On page 5, in line 23, strike “SUBSECTION” and substitute “SECTION”; after line 26, insert:

“(3) “GROWTH TIERS” MEANS THE TIERS ADOPTED BY A LOCAL JURISDICTION IN ACCORDANCE WITH ARTICLE 66B, § 1.05 OF THE CODE.”;

in lines 27 and 31, respectively, strike “(3)” and “(4)”, respectively, and substitute “(4)” and “(5)”, respectively; in line 31, strike “THE” and substitute “:

(1) THE”;

in the same line, after “LAND” insert a colon; and in line 32, strike “INTO” and substitute:

1. INTO”.

On page 6, in line 1, after “DEFINED” insert “OR DESCRIBED AS A MAJOR SUBDIVISION”; in the same line, strike “THE” and substitute “A”; in the same line,

strike “LAW AS A MAJOR SUBDIVISION” and substitute “ORDINANCE OR REGULATION”;

A. THAT IS”;

in line 2, strike the period and substitute “; OR”

B. IF A LOCAL ORDINANCE OR REGULATION DOES NOT DEFINE OR DESCRIBE A MAJOR SUBDIVISION UNDER ITEM A OF THIS ITEM, THAT IS ADOPTED ON OR BEFORE DECEMBER 31, 2012; OR

2. IF A LOCAL JURISDICTION HAS NOT ADOPTED A DEFINITION OR DESCRIPTION OF A MAJOR SUBDIVISION ON OR BEFORE DECEMBER 31, 2012, UNDER ITEM 1 OF THIS ITEM, INTO FIVE OR MORE NEW LOTS, PLATS, BUILDING SITES, OR OTHER DIVISIONS OF LAND; AND

(II) IF THE LOCAL ORDINANCE OR REGULATION HAS TWO DEFINITIONS OR DESCRIPTIONS OF A MAJOR SUBDIVISION UNDER PARAGRAPH (I) OF THIS SUBSECTION, THE DEFINITION OR DESCRIPTION OF A MAJOR SUBDIVISION THAT IS DETERMINED BY THE LOCAL JURISDICTION TO APPLY FOR THE PURPOSES OF THIS SECTION.”;

in lines 3, 7, and 9, respectively, strike “(5)”, “(6)”, and “(7)”, respectively, and substitute “(6)”, “(7)”, and “(8)”, respectively; in line 3, strike “THE” and substitute “:”

(I) THE”;

in the same line, after “LAND” insert a colon; and in line 4, strike “INTO” and substitute:

1. INTO”;

in line 5, after “DEFINED” insert “OR DESCRIBED AS A MINOR SUBDIVISION”; in the same line, strike “THE” and substitute “A”; in the same line, strike “LAW AS A MINOR SUBDIVISION” and substitute “ORDINANCE OR REGULATION”;

A. THAT IS”;

in line 6, strike the period and substitute “; OR”

B. IF A LOCAL ORDINANCE OR REGULATION DOES NOT DEFINE OR DESCRIBE A MINOR SUBDIVISION UNDER ITEM A OF THIS ITEM, ADOPTED ON OR BEFORE DECEMBER 31, 2012, PROVIDED THAT A MINOR SUBDIVISION DEFINED OR DESCRIBED IN THE ADOPTED ORDINANCE OR REGULATION DOES NOT EXCEED SEVEN NEW LOTS, PLATS, BUILDING SITES, OR OTHER DIVISIONS OF LAND; OR

2. IF A LOCAL JURISDICTION HAS NOT ADOPTED A DEFINITION OR DESCRIPTION OF A MINOR SUBDIVISION ON OR BEFORE DECEMBER 31, 2012, UNDER ITEM 1 OF THIS ITEM, INTO FEWER THAN FIVE NEW LOTS, PLATS, BUILDING SITES, OR OTHER DIVISIONS OF LAND; AND

(II) IF THE LOCAL ORDINANCE OR REGULATION HAS TWO DEFINITIONS OR DESCRIPTIONS OF A MINOR SUBDIVISION UNDER ITEM (I) OF THIS PARAGRAPH, THE DEFINITION OR DESCRIPTION OF A MINOR SUBDIVISION THAT IS DETERMINED BY THE LOCAL JURISDICTION TO APPLY FOR THE PURPOSES OF THIS SECTION.”;

after line 14, insert:

“(9) “PUBLIC SEWER” MEANS A COMMUNITY, SHARED, OR MULTIUSE SEWERAGE SYSTEM.”;

in lines 15 and 28, strike “(8)” and “(9)”, respectively, and substitute “(10)” and “(12)”, respectively; and after line 27, insert:

“(11) “STATE AGENCY” MEANS:

(I) THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION;

(II) THE MARYLAND ENVIRONMENTAL TRUST;

(III) THE DEPARTMENT OF NATURAL RESOURCES; OR

(IV) THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION.”.

On page 7, strike beginning with the comma in line 2 down through “AREAS” in line 5; after line 6, insert:

“(III) “SUBDIVISION” DOES NOT INCLUDE A CHANGE IN STREET LINES OR LOT LINES IF THE CHANGE IN THE STREET OR LOT LINES DOES NOT:

1. RESULT IN A NET INCREASE IN THE NUMBER OF LOTS; AND

2. ADVERSELY AFFECT THE SAFETY AND ADEQUACY OF WELL SITES OR SEWAGE DISPOSAL AREAS, AS DETERMINED BY THE SECRETARY OR THE SECRETARY’S DESIGNEE.”;

and strike in their entirety lines 7 through 10, inclusive.

AMENDMENT NO. 3

On page 7, in line 11, strike “THIS SUBSECTION DOES” and substitute “SUBSECTIONS (F) THROUGH (K) AND SUBSECTION (N) OF THIS SECTION APPLY TO RESIDENTIAL SUBDIVISIONS.

(2) SUBSECTIONS (F) THROUGH (K) AND SUBSECTION (N) OF THIS SECTION:

(I) APPLY TO A SUBDIVISION PLAT APPROVAL BY THE DEPARTMENT OR THE DEPARTMENT’S DESIGNEE; AND

(II) DO NOT APPLY TO A SUBDIVISION PLAT APPROVAL BY A LOCAL JURISDICTION.

(3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, SUBSECTIONS (F) THROUGH (K) DO”;

in line 12, after “A” insert “RESIDENTIAL”; in line 21, strike “(2)” and substitute:

“(4) THE DEPARTMENT MAY EXTEND THE DATE FOR RECORDATION OF A SUBDIVISION PLAT UNDER PARAGRAPH (3) OF THIS SUBSECTION BY ONE ADDITIONAL 6-MONTH PERIOD IF THE APPLICANT DEMONSTRATES TO THE DEPARTMENT OR THE DEPARTMENT’S DESIGNEE THAT THE APPLICANT IS UNABLE TO RECORD THE PLAT BECAUSE THE APPLICANT CANNOT PERFORM THE REQUIRED TESTS FOR ADEQUACY OF AN ON-SITE SEWAGE DISPOSAL SYSTEM IN ACCORDANCE WITH THE REGULATIONS ADOPTED BY THE DEPARTMENT.

(C) (1) SUBSECTIONS (F) THROUGH (K) AND SUBSECTION (N) OF THIS SECTION DO NOT APPLY TO COVENANTS, RESTRICTIONS, CONDITIONS, OR CONSERVATION EASEMENTS THAT WERE CREATED OR ENTERED INTO AT ANY TIME UNDER § 2-118 OF THE REAL PROPERTY ARTICLE FOR THE BENEFIT OF, OR HELD BY, A STATE AGENCY OR A LOCAL JURISDICTION FOR THE PURPOSE OF CONSERVING NATURAL RESOURCES OR AGRICULTURAL LAND.

(2) SUBSECTIONS (F) THROUGH (K) OF THIS SECTION MAY NOT BE CONSTRUED AS GRANTING ANY ADDITIONAL RIGHTS IN COVENANTS, RESTRICTIONS, CONDITIONS, OR CONSERVATION EASEMENTS THAT WERE CREATED OR ENTERED INTO AT ANY TIME UNDER § 2-118 OF THE REAL PROPERTY ARTICLE FOR THE BENEFIT OF, OR HELD BY, A STATE AGENCY OR A LOCAL JURISDICTION FOR THE PURPOSE OF CONSERVING NATURAL RESOURCES OR AGRICULTURAL LAND.

(D) SUBSECTIONS (F) THROUGH (K) AND SUBSECTION (N) OF THIS SECTION DO NOT:

(1) AFFECT A LOCAL TRANSFER OF DEVELOPMENT RIGHTS PROGRAM AUTHORIZED UNDER ARTICLE 25A, § 5(X), ARTICLE 28, § 8-101, OR ARTICLE 66B, § 11.01 OF THE CODE; OR

(2) DIMINISH THE LOCAL DEVELOPMENT RIGHTS TRANSFERRED IN THESE TRANSFER OF DEVELOPMENT RIGHTS PROGRAMS.

(E) SUBSECTIONS (F) THROUGH (K) AND SUBSECTION (N) OF THIS SECTION MAY NOT BE CONSTRUED AS PROHIBITING A LOCAL JURISDICTION FROM ALTERING THE DEFINITION OR DESCRIPTION OF A MAJOR OR MINOR SUBDIVISION IN A LOCAL ORDINANCE OR REGULATION FOR LOCAL ZONING OR DEVELOPMENT PURPOSES.

(F) ON OR AFTER DECEMBER 31, 2012, THE DEPARTMENT OR THE DEPARTMENT'S DESIGNEE:

(1) MAY NOT APPROVE A MAJOR RESIDENTIAL SUBDIVISION SERVED BY ON-SITE SEWAGE DISPOSAL SYSTEMS, COMMUNITY SEWERAGE SYSTEMS, OR SHARED SYSTEMS UNTIL THE LOCAL JURISDICTION ADOPTS THE GROWTH TIERS IN ACCORDANCE WITH ARTICLE 66B, § 1.05 OF THE CODE; OR

(2) IF THE LOCAL JURISDICTION HAS NOT ADOPTED THE GROWTH TIERS IN ACCORDANCE WITH ARTICLE 66B, § 1.05 OF THE CODE, MAY APPROVE:

(I) A MINOR RESIDENTIAL SUBDIVISION SERVED BY ON-SITE SEWAGE DISPOSAL SYSTEMS IF THE RESIDENTIAL SUBDIVISION OTHERWISE MEETS THE REQUIREMENTS OF THIS TITLE; OR

(II) A MAJOR OR MINOR SUBDIVISION SERVED BY PUBLIC SEWER IN A TIER I AREA.

(G) (1);

and in line 21, strike “(E)(2)” and substitute “(F)(2)”.

On page 8, in lines 3 and 19, in each instance, strike “(C)” and substitute “(H)”; in line 4, strike “UTILIZING” and substitute “SERVED BY”; in line 13, after “PLANNING” insert “IN ACCORDANCE WITH SUBSECTIONS (I) AND (J) OF THIS SECTION”; in the same line, strike “TIER III OR TIER”; in line 14, strike “IV AREA IS” and substitute “GROWTH TIERS ARE”; in the same line, strike the colon and substitute “ARTICLE 66B, § 1.05 OF THE CODE.”; strike in their entirety lines 15 through 18, inclusive, and substitute:

“(2) ANY DELAY IN THE APPROVAL OF A RESIDENTIAL SUBDIVISION PLAT UNDER THIS SUBSECTION MAY NOT BE CONSTRUED AS APPLYING TO ANY DEADLINE FOR APPROVING OR DISAPPROVING A SUBDIVISION PLAT UNDER ARTICLE 28 OF THE CODE, ARTICLE 66B, § 5.04 OF THE CODE, OR A LOCAL ORDINANCE.”;

in line 20, strike “(B)(2)(III)” and substitute “(G)(1)(III)”; in line 22, strike “A” and substitute “AN”; after line 31, insert:

“(I) (1) IF TWO OR MORE LOCAL JURISDICTIONS ADOPT CONFLICTING GROWTH TIER DESIGNATIONS FOR THE SAME AREA, THE DEPARTMENT AND THE DEPARTMENT OF PLANNING SHALL CONFER WITH THE LOCAL JURISDICTIONS TO SEEK RESOLUTION OF THE CONFLICTING DESIGNATIONS.

(2) IF A CONFLICT IN GROWTH TIER DESIGNATIONS IS NOT RESOLVED, THE DEPARTMENT OF PLANNING SHALL RECOMMEND TO THE DEPARTMENT THE PREFERRED LOCAL JURISDICTION DESIGNATIONS AS DETERMINED BY THE DEPARTMENT OF PLANNING BASED ON THE FOLLOWING BEST PLANNING PRACTICES OR FACTORS:

(I) THE COMPREHENSIVE PLAN, INCLUDING THE MUNICIPAL GROWTH ELEMENT, THE WATER RESOURCES ELEMENT, THE LAND USE ELEMENT, AND, IF APPLICABLE, THE PRIORITY PRESERVATION ELEMENT;

(II) GROWTH PROJECTIONS AND DEVELOPMENT CAPACITY;
AND

(III) AVAILABILITY OF INFRASTRUCTURE.”;

in line 32, strike “(D)” and substitute “(J)”; in line 33, after “PLAT” insert “FOR A MAJOR SUBDIVISION IN A TIER III AREA”; and in the same line, strike “(B)” and substitute “(G)(1)(IV)”.

On page 9, in line 2, strike “TIER III OR TIER IV AREA IS” and substitute “GROWTH TIERS ARE”; in line 3, strike “OF A TIER III OR TIER IV AREA” and substitute “FOR THE GROWTH TIERS”; in line 4, strike “§ 1.04 OR § 3.05” and

substitute “§ 1.05”; in line 5, after “**THE**” insert “COMPREHENSIVE PLAN, INCLUDING THE”; in the same line, after “**ELEMENT,**” insert “THE WATER RESOURCES ELEMENT, THE LAND USE ELEMENT, AND, IF APPLICABLE,”; strike beginning with the first comma in line 6 down through “**PLAN**” in line 7; strike in their entirety lines 8 through 22, inclusive; in line 23, strike “**(F)**” and substitute “**(K)**”; in line 27, after “**PLAT**” insert “FOR A MAJOR SUBDIVISION IN A TIER III AREA”; in line 28, strike “**FOR ADVICE UNDER SUBSECTION (D) OF THIS SECTION**”; in line 30, strike “**TIER III OR TIER IV AREA**” and substitute “GROWTH TIER”; and in line 31, strike “**(B)**” and substitute “**(G)**”.

On page 10, strike in their entirety lines 1 and 2, inclusive; in lines 3, 10, and 21, strike “**(H)**”, “**(I)**”, and “**(J)**”, respectively, and substitute “**(L)**”, “**(M)**”, and “**(N)**”, respectively; and in line 10, strike “**(H)**” and substitute “**(L)**”.

AMENDMENT NO. 4

On page 11, in line 5, strike “**AND**”; in line 7, after “**SUBDIVIDED**” insert “;**AND**”

(III) THE SUBDIVISION PLAT IS SUBJECT TO STATE LAW AND LOCAL ORDINANCES AND REGULATIONS;

in line 31, strike “**AND**”; and in line 33, after “**SUBDIVIDED**” insert “;**AND**”

3. THE SUBDIVISION PLAT IS SUBJECT TO STATE LAW AND LOCAL ORDINANCES AND REGULATIONS”.

On page 12, in line 2, after “**PURPOSES**” insert “, INCLUDING A FARM MARKET, AGRICULTURAL PROCESSING FACILITY, OR CREAMERY, AND THE OWNER MAY APPLY FOR APPROVAL OF AN ON-SITE SEWAGE DISPOSAL SYSTEM TO SERVE THE NONRESIDENTIAL AGRICULTURAL PURPOSES”; after line 2, insert:

“(O) (1) IN THIS SUBSECTION, “AGRICULTURAL ACTIVITIES” INCLUDES:

(I) PLOWING, TILLAGE, CROPPING, SEEDING, CULTIVATING, AND HARVESTING FOR THE PRODUCTION OF FOOD AND FIBER PRODUCTS; AND

(II) THE GRAZING OF LIVESTOCK.

(2) THIS SUBSECTION APPLIES ONLY TO LAND THAT IS ZONED FOR AGRICULTURAL USE.

(3) NOTWITHSTANDING ANY OTHER LAW, AN OWNER OF PROPERTY USED FOR AGRICULTURAL ACTIVITIES MAY INSTALL THE FOLLOWING NUMBER OF ON-SITE SEWAGE DISPOSAL SYSTEMS:

(I) THREE ON-SITE SEWAGE DISPOSAL SYSTEMS FOR A PROPERTY THAT IS NO MORE THAN 25 ACRES;

(II) FOUR ON-SITE SEWAGE DISPOSAL SYSTEMS FOR A PROPERTY THAT IS AT LEAST 25 ACRES AND LESS THAN 75 ACRES;

(III) FIVE ON-SITE SEWAGE DISPOSAL SYSTEMS FOR A PROPERTY THAT IS AT LEAST 75 ACRES AND LESS THAN 125 ACRES;

(IV) SIX ON-SITE SEWAGE DISPOSAL SYSTEMS FOR A PROPERTY THAT IS AT LEAST 125 ACRES AND LESS THAN 175 ACRES; AND

(V) SEVEN ON-SITE SEWAGE DISPOSAL SYSTEMS FOR A PROPERTY THAT IS 175 ACRES OR MORE.

(4) EXCEPT FOR AN ON-SITE SEWAGE DISPOSAL SYSTEM THAT SERVES THE MAIN FARM HOUSE ON THE PROPERTY, THE ON-SITE SEWAGE DISPOSAL SYSTEMS SHALL BE CLUSTERED TOGETHER.”;

and in line 27, after “(B)” insert “THIS SECTION MAY NOT BE CONSTRUED AS REQUIRING A LOCAL JURISDICTION TO:

(1) BE A CONTROLLING AUTHORITY; OR

(2) AUTHORIZE OR ALLOW THE USE OF A SHARED FACILITY OR A COMMUNITY SEWERAGE SYSTEM WITHIN THE LOCAL JURISDICTION.

(C)”.

On page 13, strike in their entirety lines 12 through 14, inclusive.

AMENDMENT NO. 5

On page 15, in line 29, after “**(I)**,” insert “AND”; in the same line, strike “, AND”; in line 30, strike “**(M)**”; in the same line, after the second comma insert “AND”; in the same line, strike the third comma and substitute “;”; and strike in its entirety line 31.

On page 16, in line 4, after “**§ 1.05**” insert “(ADOPTION OF GROWTH TIERS);”

(6) § 1.06”;

in lines 5, 6, 7, 9, 10, 12, 13, 14, 15, 16, 17, 18, 20, and 21, strike “**(6)**”, “**(7)**”, “**(8)**”, “**(9)**”, “**(10)**”, “**(11)**”, “**(12)**”, “**(13)**”, “**(14)**”, “**(15)**”, “**(16)**”, “**(17)**”, “**(18)**”, and “**(19)**”, respectively, and substitute “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, “(12)”, “(13)”, “(14)”, “(15)”, “(16)”, “(17)”, “(18)”, “(19)”, and “(20)”, respectively; and strike in its entirety line 24.

On pages 17 through 19, strike in their entirety the lines beginning with line 1 on page 17 through line 18 on page 19, inclusive.

On page 19, after line 19, insert:

“(A) ON OR BEFORE DECEMBER 31, 2012, A LOCAL JURISDICTION MAY CERTIFY TO THE DEPARTMENT OF PLANNING THE MAPPED GROWTH TIERS DESIGNATED BY THE LOCAL JURISDICTION IN ACCORDANCE WITH THIS SECTION.

“(B) BEFORE CERTIFICATION OF THE GROWTH TIERS, A LOCAL JURISDICTION MAY SUBMIT THE PROPOSED TIERS AND ANY RELEVANT INFORMATION TO THE DEPARTMENT OF PLANNING FOR:

(1) TECHNICAL ASSISTANCE, REVIEW, AND COMMENT; AND

(2) THE OPPORTUNITY FOR PUBLIC REVIEW.

(C) ON CERTIFICATION OF THE GROWTH TIERS, THE LOCAL JURISDICTION SHALL PROVIDE TO THE DEPARTMENT OF PLANNING ALL INFORMATION NECESSARY TO DEMONSTRATE THE PRECISE LOCATION OF THE TIERS, INCLUDING, AS APPROPRIATE:

(1) A MAP OF THE AREA SHOWING PLANNING AND ZONING CHARACTERISTICS OF EACH TIER; AND

(2) EXISTING AND PLANNED WATER AND SEWER SERVICES.

(D) THE DEPARTMENT OF PLANNING, AS APPROPRIATE, SHALL PROVIDE TO EACH STATE AGENCY AND POST ON THE DEPARTMENT OF PLANNING'S WEB SITE, COPIES OF MAPS ILLUSTRATING:

(1) GROWTH TIERS CERTIFIED BY LOCAL JURISDICTIONS; AND

(2) ANY COMMENTS BY THE DEPARTMENT OF PLANNING ON THE CERTIFIED TIERS.

(E) (1) SUBJECT TO PARAGRAPHS (2), (3), AND (4) OF THIS SUBSECTION, A LOCAL JURISDICTION THAT CHOOSES TO CERTIFY GROWTH TIERS TO THE DEPARTMENT OF PLANNING IS NOT REQUIRED TO ADOPT ALL OF THE TIERS.

(2) A MUNICIPAL CORPORATION THAT EXERCISES PLANNING AND ZONING AUTHORITY SHALL ADOPT TIER I AND MAY ADOPT TIER II.

(3) A COUNTY SHALL ADOPT TIERS I, III, AND IV, AND MAY ADOPT TIER II.

(4) IF A LOCAL JURISDICTION DOES NOT ADOPT ALL OF THE TIERS AUTHORIZED UNDER THIS SECTION, THE LOCAL JURISDICTION SHALL PROVIDE DOCUMENTATION TO THE DEPARTMENT OF PLANNING OF THE REASONS THE JURISDICTION IS NOT ADOPTING A PARTICULAR TIER.

(F) THE GROWTH TIERS CERTIFIED BY A LOCAL JURISDICTION SHALL MEET THE FOLLOWING CRITERIA:

(1) TIER I AREAS ARE AREAS THAT ARE:

(i) SERVED BY PUBLIC SEWERAGE SYSTEMS AND MAPPED LOCALLY DESIGNATED GROWTH AREAS; OR

(ii) A MUNICIPAL CORPORATION THAT IS A PRIORITY FUNDING AREA THAT IS SERVED BY PUBLIC SEWERAGE SYSTEMS;

(2) TIER II AREAS ARE AREAS THAT ARE:

(i) 1. PLANNED TO BE SERVED BY PUBLIC SEWERAGE SYSTEMS AND IN THE MUNICIPAL GROWTH ELEMENT; OR

2. MAPPED LOCALLY DESIGNATED GROWTH AREAS;
AND

(ii) NEEDED TO SATISFY DEMAND FOR DEVELOPMENT AT DENSITIES CONSISTENT WITH THE LONG-TERM DEVELOPMENT POLICY AFTER CONSIDERATION OF THE CAPACITY OF LAND AREAS AVAILABLE FOR DEVELOPMENT, INCLUDING IN-FILL AND REDEVELOPMENT, WITHIN THE LOCAL JURISDICTION;

(3) TIER III AREAS ARE AREAS THAT ARE:

(i) NOT PLANNED FOR SEWERAGE SERVICE AND NOT DOMINATED BY AGRICULTURAL OR FOREST LAND; AND

(ii) ONE OF THE FOLLOWING:

1. MUNICIPAL CORPORATIONS NOT SERVED BY A PUBLIC SEWERAGE SYSTEM;

2. ESTABLISHED COMMUNITIES PLANNED AND ZONED FOR DEVELOPMENT;

3. RURAL VILLAGES AS DESCRIBED IN § 5-7B-03(F) OF THE STATE FINANCE AND PROCUREMENT ARTICLE; OR

4. MAPPED LOCALLY DESIGNATED GROWTH AREAS;
OR

(III) ADJOINING AND CONTIGUOUS TO ONE OF THE FOLLOWING:

1. MUNICIPAL CORPORATIONS NOT SERVED BY A WASTEWATER TREATMENT PLANT;

2. ESTABLISHED COMMUNITIES PLANNED AND ZONED FOR DEVELOPMENT; OR

3. RURAL VILLAGES AS DESCRIBED IN § 5-7B-03(F) OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(4) TIER IV AREAS ARE AREAS THAT ARE NOT PLANNED FOR SEWERAGE SERVICE AND ARE:

(I) AREAS PLANNED OR ZONED FOR LAND, AGRICULTURAL, OR RESOURCE PROTECTION, PRESERVATION, OR CONSERVATION;

(II) AREAS DOMINATED BY AGRICULTURAL LANDS, FOREST LANDS, OR OTHER NATURAL AREAS; OR

(III) 1. RURAL LEGACY AREAS, PRIORITY PRESERVATION AREAS, OR AREAS MAPPED FOR ECOLOGICAL PRESERVATION BY THE DEPARTMENT OF NATURAL RESOURCES AT THE TIME OF THE ADOPTION OF THE PLAN OR AMENDMENT; OR

2. AREAS MAPPED FOR AGRICULTURAL PRESERVATION BY THE DEPARTMENT OF PLANNING AT THE TIME OF THE ADOPTION OF THE PLAN OR AMENDMENT.

(G) (1) A LOCAL JURISDICTION SHALL STRIVE TO AVOID CREATING A TIER III AREA THAT IS BOUNDED ON ALL SIDES BY LAND IN A TIER IV AREA.

(2) IF AN AREA NOT PLANNED FOR SEWERAGE SERVICE DOES NOT MEET THE DESCRIPTION OF A TIER III OR TIER IV AREA, THEN THE AREA IS A TIER IV AREA.

(H) (1) A LOCAL JURISDICTION THAT CERTIFIES GROWTH TIERS TO THE DEPARTMENT OF PLANNING SHALL INCORPORATE THE TIERS INTO THE LOCAL COMPREHENSIVE PLAN OR AN ELEMENT OF THE PLAN:

(I) WHEN THE LOCAL JURISDICTION CONDUCTS THE 6-YEAR REVIEW OF THE PLAN UNDER §§ 1.04(D) AND 3.05(B) OF THIS ARTICLE; AND

(II) IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(2) IF A LOCAL JURISDICTION DOES NOT INCORPORATE ALL OF THE GROWTH TIERS AUTHORIZED UNDER THIS SECTION INTO THE LOCAL COMPREHENSIVE PLAN OR AN ELEMENT OF THE PLAN, THE LOCAL JURISDICTION SHALL STATE THAT A TIER IS NOT ADOPTED.

1.06.”;

and strike beginning with “MEANS” in line 24 down through “2012” in line 27 and substitute “**HAS THE MEANING STATED IN § 9-206 OF THE ENVIRONMENT ARTICLE**”.

On page 20, in line 6, after “(B)” insert “**THIS SECTION APPLIES ONLY TO A RESIDENTIAL MAJOR SUBDIVISION IN A TIER III AREA SERVED BY:**

- (1) ON-SITE SEWAGE DISPOSAL SYSTEMS;
- (2) A SHARED FACILITY; OR
- (3) A COMMUNITY SEWERAGE SYSTEM.

(C);

in line 6, strike “TIERS FOR” and substitute “THE”; strike beginning with “IN” in line 6 down through “PLAN” in line 7 and substitute “TIERS”; in line 7, strike “§ 1.04” and substitute “§ 1.05”; in line 8, strike “SUBHEADING OR § 3.05 OF THIS”; in line 8, after “SUBDIVISION” insert “IN A TIER III AREA”; in line 10, strike “A” and substitute “THE”; strike beginning with “SERVED” in line 11 down through “FACILITY” in line 14; in lines 15, 21, and 29, strike “(C)”, “(D)”, and “(E)”, respectively, and substitute “(D)”, “(E)”, and “(F)”, respectively; strike beginning with “SERVED” in line 16 down through “FACILITY” in line 17; in line 21, strike the first “THE” and substitute “A RESIDENTIAL”; in line 24, after “THE” insert “RESIDENTIAL”; in the same line, after “SUBDIVISION” insert “UNLESS A LOCAL JURISDICTION’S ADEQUATE PUBLIC FACILITIES ORDINANCE ALREADY REQUIRES A REVIEW OF GOVERNMENT SERVICES”; in line 25, after “THE” insert “POTENTIAL”; in the same line, strike “IMPACT OF” and substitute “ISSUES OR A NATURAL RESOURCES INVENTORY RELATED TO”; in the same line, after “PROPOSED” insert “RESIDENTIAL”; in line 27, strike “ACCORDING TO” and substitute “IF REQUIRED BY”; in line 28, strike “FOR THE” and substitute “AS A RESULT OF THE APPROVAL OF THE”; in line 28, after “PROPOSED” insert “RESIDENTIAL”; and in line 29, after “PROPOSED” insert “RESIDENTIAL”.

On pages 21 through 23, strike in their entirety the lines beginning with line 1 on page 21 through line 15 on page 23, inclusive.

On page 23, strike beginning with “(10)” in line 20 down through “§ 3-103” in line 23 and substitute “(3) “Growth tiers” means the tiers adopted by a local jurisdiction in accordance with [Article 66B, § 1.05 of the Code] TITLE 1, SUBTITLE 5”; after line 24, insert:

“(d) Subsections (f) through (k) and subsection (n) of this section do not:

(1) Affect a local transfer of development rights program authorized under Article 25A, § 5(x) [, Article 28, § 8–101, or Article 66B, § 11.01] of the Code OR TITLE 7, SUBTITLE 2 OR § 22–105 OF THE LAND USE ARTICLE; or”;

in line 25, strike “(b) (2)” and substitute “**(G) (1)**”; in the same line, strike “(e)(2)” and substitute “**(H)(2)**”; in line 26, strike “only”; and in line 27, after “plat” insert “**ONLY**”.

On page 24, in line 1, after “Planning” insert “**IN ACCORDANCE WITH SUBSECTIONS (I) AND (J) OF THIS SECTION**”; in line 2, strike “Tier III or Tier IV area is” and substitute “**GROWTH TIERS ARE**”; in the same line, strike the colon and substitute “[Article 66B, § 1.05 of the Code] **TITLE 1, SUBTITLE 5 OF THE LAND USE ARTICLE**”; strike beginning with “A.” in line 3 down through “applicable” in line 7; after line 7, insert:

“(2) Any delay in the approval of a residential subdivision plat under this section may not be construed as applying to any deadline for approving or disapproving a subdivision plat under [Article 66B, § 5.04 of the Code] ARTICLE 28 OF THE CODE, § 5–201 OF THE LAND USE ARTICLE, or a local ordinance.”;

in line 8, strike “(d)” and substitute “**(J)**”; in the same line, after “plat” insert “**FOR A MAJOR SUBDIVISION IN A TIER III AREA**”; in line 9, strike “(b)” and substitute “**(D)**”; in line 10, strike “Tier III or Tier IV area is” and substitute “**GROWTH TIERS ARE**”; in line 12, strike “a Tier III or Tier IV area” and substitute “**THE TIERS**”; in line 13, strike “§ 1–407 OR § 3–103” and substitute “**TITLE 1, SUBTITLE 5**”; in line 22, after “(M),” insert “**AND**”; in the same line, strike “, AND (R)”; in line 23, after the first comma, insert “**AND**”; in the same line, strike beginning with the second comma through the semicolon and substitute “**);**”; after line 28, insert:

“(8) **TITLE 1, SUBTITLE 5 (GROWTH TIERS);**”;

and in line 29, strike “(8)” and substitute “**(9)**”.

On page 25, in lines 1, 2, 3, 4, 5, 6, 8, 9, 10, 12, and 14, strike “(9)”, “(10)”, “(11)”, “(12)”, “(13)”, “(14)”, “(15)”, “(16)”, “(17)”, “(18)”, and “(19)”, respectively, and substitute “**(10)**”, “**(11)**”, “**(12)**”, “**(13)**”, “**(14)**”, “**(15)**”, “**(16)**”, “**(17)**”, “**(18)**”, “**(19)**”, and “**(20)**”, respectively.

On pages 25 through 30, strike in their entirety the lines beginning with line 17 on page 25 through line 31 on page 30, inclusive.

AMENDMENT NO. 6

On page 30, after line 31, insert:

“SUBTITLE 5. GROWTH TIERS.

1-501.

ON OR BEFORE DECEMBER 31, 2012, A LOCAL JURISDICTION MAY CERTIFY TO THE DEPARTMENT OF PLANNING THE MAPPED GROWTH TIERS DESIGNATED BY THE LOCAL JURISDICTION IN ACCORDANCE WITH THIS SUBTITLE.

1-502.

BEFORE CERTIFICATION OF THE GROWTH TIERS, A LOCAL JURISDICTION MAY SUBMIT THE PROPOSED TIERS AND ANY RELEVANT INFORMATION TO THE DEPARTMENT OF PLANNING FOR:

- (1) TECHNICAL ASSISTANCE, REVIEW, AND COMMENT; AND
- (2) THE OPPORTUNITY FOR PUBLIC REVIEW.

1-503.

ON CERTIFICATION OF THE GROWTH TIERS, THE LOCAL JURISDICTION SHALL PROVIDE TO THE DEPARTMENT OF PLANNING ALL INFORMATION NECESSARY TO DEMONSTRATE THE PRECISE LOCATION OF THE TIERS, INCLUDING, AS APPROPRIATE:

- (1) A MAP OF THE AREA SHOWING PLANNING AND ZONING CHARACTERISTICS OF EACH TIER; AND
- (2) EXISTING AND PLANNED WATER AND SEWER SERVICES.

1-504.

THE DEPARTMENT OF PLANNING, AS APPROPRIATE, SHALL PROVIDE TO EACH STATE AGENCY AND POST ON THE DEPARTMENT OF PLANNING'S WEB SITE, COPIES OF MAPS ILLUSTRATING:

(1) GROWTH TIERS CERTIFIED BY LOCAL JURISDICTIONS; AND

(2) ANY COMMENTS BY THE DEPARTMENT OF PLANNING ON THE CERTIFIED TIERS.

1-505.

(A) SUBJECT TO SUBSECTIONS (B), (C), AND (D) OF THIS SECTION, A LOCAL JURISDICTION THAT CHOOSES TO CERTIFY GROWTH TIERS TO THE DEPARTMENT OF PLANNING IS NOT REQUIRED TO ADOPT ALL OF THE TIERS.

(B) A MUNICIPAL CORPORATION THAT EXERCISES PLANNING AND ZONING AUTHORITY SHALL ADOPT TIER I AND MAY ADOPT TIER II.

(C) A COUNTY SHALL ADOPT TIERS I, III, AND IV, AND MAY ADOPT TIER II.

(D) IF A LOCAL JURISDICTION DOES NOT ADOPT ALL OF THE TIERS AUTHORIZED UNDER THIS SECTION, THE LOCAL JURISDICTION SHALL PROVIDE DOCUMENTATION TO THE DEPARTMENT OF PLANNING OF THE REASONS THE JURISDICTION IS NOT ADOPTING A PARTICULAR TIER.

1-506.

(A) THE GROWTH TIERS CERTIFIED BY A LOCAL JURISDICTION SHALL MEET THE FOLLOWING CRITERIA:

(1) TIER I AREAS ARE AREAS THAT ARE:

(I) SERVED BY PUBLIC SEWERAGE SYSTEMS AND MAPPED LOCALLY DESIGNATED GROWTH AREAS; OR

(II) A MUNICIPAL CORPORATION THAT IS A PRIORITY FUNDING AREA THAT IS SERVED BY PUBLIC SEWERAGE SYSTEMS;

(2) TIER II AREAS ARE AREAS THAT ARE:

(I) 1. PLANNED TO BE SERVED BY PUBLIC SEWERAGE SYSTEMS AND IN THE MUNICIPAL GROWTH ELEMENT; OR

2. MAPPED LOCALLY DESIGNATED GROWTH AREAS;
AND

(II) NEEDED TO SATISFY DEMAND FOR DEVELOPMENT AT DENSITIES CONSISTENT WITH THE LONG-TERM DEVELOPMENT POLICY AFTER CONSIDERATION OF THE CAPACITY OF LAND AREAS AVAILABLE FOR DEVELOPMENT, INCLUDING IN-FILL AND REDEVELOPMENT, WITHIN THE LOCAL JURISDICTION;

(3) TIER III AREAS ARE AREAS THAT ARE:

(I) NOT PLANNED FOR SEWERAGE SERVICE AND NOT DOMINATED BY AGRICULTURAL OR FOREST LAND; AND

(II) ONE OF THE FOLLOWING:

1. MUNICIPAL CORPORATIONS NOT SERVED BY A PUBLIC SEWERAGE SYSTEM;

2. ESTABLISHED COMMUNITIES PLANNED AND ZONED FOR DEVELOPMENT;

3. RURAL VILLAGES AS DESCRIBED IN § 5-7B-03(F) OF THE STATE FINANCE AND PROCUREMENT ARTICLE; OR

4. MAPPED LOCALLY DESIGNATED GROWTH AREAS;

OR

(III) ADJOINING AND CONTIGUOUS TO ONE OF THE FOLLOWING:

1. MUNICIPAL CORPORATIONS NOT SERVED BY A WASTEWATER TREATMENT PLANT;

2. ESTABLISHED COMMUNITIES PLANNED AND ZONED FOR DEVELOPMENT; OR

3. RURAL VILLAGES AS DESCRIBED IN § 5-7B-03(F) OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(4) TIER IV AREAS ARE AREAS THAT ARE NOT PLANNED FOR SEWERAGE SERVICE AND ARE:

(I) AREAS PLANNED OR ZONED FOR LAND, AGRICULTURAL, OR RESOURCE PROTECTION, PRESERVATION, OR CONSERVATION;

(II) AREAS DOMINATED BY AGRICULTURAL LANDS, FOREST LANDS, OR OTHER NATURAL AREAS; OR

(III) RURAL LEGACY AREAS, PRIORITY PRESERVATION AREAS, OR AREAS MAPPED FOR ECOLOGICAL PRESERVATION BY THE DEPARTMENT OF NATURAL RESOURCES AT THE TIME OF THE ADOPTION OF THE PLAN OR AMENDMENT OR AREAS MAPPED FOR AGRICULTURAL PRESERVATION BY THE DEPARTMENT OF PLANNING AT THE TIME OF THE ADOPTION OF THE PLAN OR AMENDMENT.

(B) A LOCAL JURISDICTION SHALL STRIVE TO AVOID CREATING A TIER III AREA THAT IS BOUNDED ON ALL SIDES BY LAND IN A TIER IV AREA.

(C) IF AN AREA NOT PLANNED FOR SEWERAGE SERVICE DOES NOT MEET THE DESCRIPTION OF A TIER III OR TIER IV AREA, THEN THE AREA IS A TIER IV AREA.

1-507.

(A) A LOCAL JURISDICTION THAT CERTIFIES GROWTH TIERS TO THE DEPARTMENT OF PLANNING SHALL INCORPORATE THE TIERS INTO THE DEVELOPMENT REGULATIONS ELEMENT OF THE COMPREHENSIVE PLAN:

(1) WHEN THE LOCAL JURISDICTION CONDUCTS THE 6-YEAR REVIEW OF THE PLAN UNDER §§ 1-416(A) AND 3-301(A) OF THIS ARTICLE; AND

(2) IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(B) IF A LOCAL JURISDICTION DOES NOT INCORPORATE ALL OF THE GROWTH TIERS AUTHORIZED UNDER THIS SECTION INTO THE DEVELOPMENT REGULATIONS ELEMENT OF THE COMPREHENSIVE PLAN, THE LOCAL JURISDICTION SHALL STATE THAT A TIER IS NOT ADOPTED.”.

On page 31, strike beginning with “MEANS” in line 6 down through “2012” in line 9 and substitute “**HAS THE MEANING STATED IN § 9-206 OF THE ENVIRONMENT ARTICLE**”; in line 19, after “(B)” insert “**THIS SECTION APPLIES ONLY TO A RESIDENTIAL MAJOR SUBDIVISION IN A TIER III AREA SERVED BY:**

(1) ON-SITE SEWAGE DISPOSAL SYSTEMS;

(2) A SHARED FACILITY; OR

(3) A COMMUNITY SEWERAGE SYSTEM.

(C)”;

in line 19, strike “TIERS FOR” and substitute “**THE**”; strike beginning with “IN” in line 19 down through “PLAN” in line 20 and substitute “**TIERS**”; in the same line, strike “§ 1-407 OR §” and substitute “**TITLE 1, SUBTITLE 5**”; in line 21, strike “3-103”; in the

same line, after “SUBDIVISION” insert “IN A TIER III AREA”; in line 23, strike “A” and substitute “THE”; strike beginning with “SERVED” in line 23 down through “FACILITY” in line 26; in line 27, strike “(C)” and substitute “(D)”; and strike beginning with “SERVED” in line 28 down through “FACILITY” in line 29.

On page 32, in lines 3 and 11, strike “(D)” and “(E)”, respectively, and substitute “(E)” and “(F)”, respectively; in line 3, strike the first “THE” and substitute “A RESIDENTIAL”; in line 6, after “THE” insert “RESIDENTIAL”; in the same line, after “SUBDIVISION” insert “UNLESS A LOCAL JURISDICTION’S ADEQUATE PUBLIC FACILITIES ORDINANCE ALREADY REQUIRES A REVIEW OF GOVERNMENT SERVICES”; in line 7, after the first “THE” insert “POTENTIAL”; in the same line, strike “IMPACT OF” and substitute “ISSUES OR A NATURAL RESOURCES INVENTORY RELATED TO”; in the same line, after “PROPOSED” insert “RESIDENTIAL”; in line 9, strike “ACCORDING TO” and substitute “IF REQUIRED BY”; in line 10, strike “FOR THE” and substitute “AS A RESULT OF THE APPROVAL OF THE”; in line 10, after “PROPOSED” insert “RESIDENTIAL”; and in line 11, after “PROPOSED” insert “RESIDENTIAL”; in line 21, after “subdivisions” insert “served by on-site septic systems”; in line 26, strike “§§ 1.04 and 3.05” and substitute “§ 1.05”; in the same line, strike “§§ 1-407” and substitute “Title 1, Subtitle 5”; in line 27, strike “and 3-103”; and in line 29, after “plan” insert “under Article 66B, § 1.05 of the Code or Title 1, Subtitle 5 of the Land Use Article”.

AMENDMENT NO. 7

On page 33, after line 3, insert:

“SECTION 6. AND BE IT FURTHER ENACTED, That, if requested by a local jurisdiction to verify the actual overall yield for zoning in a Tier IV area under § 9-206(h) of the Environment Article, the Department of Planning shall:

(a) review the local zoning code, along with any relevant subdivision or development regulations or rules, to help determine the overall development yield;

(b) request, if appropriate, information from the local jurisdiction to help determine the overall yield of development in Tier IV;

(c) examine any additional information that the local jurisdiction provides supporting qualification of the jurisdiction’s zoning districts; and

(d) discuss any discrepancies or questions with the local jurisdiction before determining if the jurisdiction's Tier IV area meets the overall actual yield of one dwelling unit per 25 acres within the Tier IV area.

SECTION 7. AND BE IT FURTHER ENACTED, That:

(a) each local jurisdiction shall submit any definition or description of a major or minor subdivision in the jurisdiction's local ordinance or regulation to the Department of Planning on or before December 31, 2012, in accordance with the provisions of § 9–206 of the Environment Article; and

(b) the Department of Planning shall prepare a list of definitions and descriptions of major and minor subdivisions submitted by local jurisdictions for publication on the Web sites of the Department of Planning and the Department of the Environment on or after December 31, 2012.

SECTION 8. AND BE IT FURTHER ENACTED, That the provisions of this Act may not be construed to limit the authority granted to the Critical Area Commission under Chapter 119 of the Acts of 2008 to adopt regulations under § 8–1806(b) of the Natural Resources Article.”;

and in lines 4, 8, and 9, strike “6.”, “7.”, and “6”, respectively, and substitute “9.”, “10.”, and “9”, respectively.

The preceding 7 amendments were read only.

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

The motion was adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #9

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 32 – Senator Simonaire

AN ACT concerning

Anne Arundel County – Property Tax Payment Deferral – Eligibility

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 244 – Senator Jones–Rodwell (By Request – Baltimore City Administration)

AN ACT concerning

Education – Retiree Health Savings – Maintenance of Effort

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 332 – Senator Edwards

AN ACT concerning

Family Security Trust Fund – Requirement to Transfer Interest to the General Fund – Exemption

SB0332/669731/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 332

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “Fund” insert “, under certain circumstances,”; in line 5, after “Fund;” insert “requiring the State Treasurer, under certain circumstances, to pay certain investment earnings into the General Fund of the State; making a conforming change;”; and after line 7, insert:

“BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 7–4A–03

Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 1, after line 24, insert:

“Article – Health Occupations

7-4A-03.

(a) There is a Family Security Trust Fund.

(b) The Board shall:

(1) Administer the Fund; and

(2) Over a reasonable period of time, build the Fund to a level of [at least] \$1,000,000 and thereafter maintain the Fund at that level.

(c) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(d) (1) The Board shall deposit all money collected to the credit of the Fund with the State Treasurer for placement into a special account.

(2) (i) The State Treasurer may invest or reinvest money in the Fund in the same manner as money in the State Retirement and Pension System.

(ii) The investment earnings shall be:

1. [Credited] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, CREDITED to the Fund; and

2. Available for the same purposes as the money deposited into the Fund.

(3) IF THE LEVEL OF THE FUND EXCEEDS \$1,000,000, THE STATE TREASURER SHALL PAY THE INVESTMENT EARNINGS OF THE FUND INTO THE GENERAL FUND OF THE STATE.

(e) The Fund is not liable for any other expenses or obligations of the Board.

(f) (1) Accounting and financial reports related to the Fund shall be publicly available in a timely manner.

(2) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2-1220 of the State Government Article.

(g) (1) The Board may retain the services of appropriate experts or service providers to advise about, or administer, the Fund.

(2) The costs of the services described in paragraph (1) of this subsection shall be paid out of the Fund.

(h) The Board shall adopt regulations for the administration and claims procedures of the Fund.”.

On page 2, in line 12, after “**FUND**” insert “, **SUBJECT TO § 7-4A-03(D) OF THE HEALTH OCCUPATIONS ARTICLE**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 446 – Senator Colburn

AN ACT concerning

Sales and Use Tax – Sales of Dyed Diesel Fuel

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 467 – Senator Edwards

AN ACT concerning

**Income Tax Credit – Teachers at the Maryland School for the Blind and the
Maryland School for the Deaf****SB0467/159738/1**

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 467

(First Reading File Bill)

On page 1, in the sponsor line, strike “Senator Edwards” and substitute “Senators Edwards, Kasemeyer, Brinkley, Colburn, Currie, DeGrange, King, Manno, McFadden, and Peters”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

**Senate Bill 497 – Senators Jones–Rodwell, Currie, DeGrange, Madaleno,
McFadden, and Robey**

AN ACT concerning

**Employees’ Retirement and Pension Systems – Reemployment of Retirees –
Parole and Probation Employees****SB0497/629832/1**

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 497

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “employees;” insert “requiring the Secretary of Public Safety and Correctional Services to submit a certain report on certain retirees on or”

before a certain date;"; in line 16, after "(x)" insert "and (p)"; and in the same line, after "(viii)" insert "and (p)".

AMENDMENT NO. 2

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

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

On page 2, after line 22, insert:

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

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

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

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

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

On page 3, after line 11, insert:

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

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

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

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

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

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 864 – Senator DeGrange

AN ACT concerning

Gaming – Instant Bingo – Electronic Machines

SB0864/909937/2

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 864

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Instant Bingo –”; in the same line, after “Machines” insert “– Regulation”; in line 11, after “law;” insert “altering the definition of “slot machine” to include a certain machine, apparatus, or device regardless of the manner in which it delivers a game and to exclude certain skills–based amusement devices;”;

in line 13, after “General,” insert “the State Lottery Commission,”; in lines 16, 20, and 24, in each instance, after “certain” insert “electronic”; in line 25, after “fees;” insert “altering the purpose of the Special Fund for Preservation of Cultural Arts in Maryland; requiring that the Fund be used to provide certain supplemental grants for operating and programmatic improvements that strengthen cultural arts organizations in certain ways; altering the process for transferring certain funds from the Fund; specifying that grants from the Fund are supplemental and may not take the place of certain funding for certain organizations; creating the Calvert County Youth Recreational Opportunities Fund; providing for the purpose, administration, type, contents, expenditures, and investments of the Fund; requiring that the Fund be used only for certain projects; specifying that certain money expended from the Fund is not intended to take the place of funding that otherwise would be appropriated for a certain purpose;”; in line 29, strike “Program Open Space” and substitute “the Calvert County Youth Recreational Opportunities Fund”; and in line 30, after “years;” insert “requiring that certain admissions and amusement taxes are to be determined on a certain basis; providing that certain admissions and amusement taxes may be determined on a certain basis;”.

On page 2, in line 5, after “provisions” insert “and requiring that the regulations include certain provisions; repealing certain obsolete provisions of law; making a certain technical correction”; in the same line, after “of” insert “electronic”; in line 9, strike “12–301(3)” and substitute “12–301(2) and (3)”; after line 16, insert:

“BY repealing and reenacting, with amendments,

Article – Economic Development

Section 4–801

Annotated Code of Maryland

(2008 Volume and 2011 Supplement)

BY adding to

Article – Natural Resources

Section 5–1901 to be under the new subtitle “Subtitle 19. Calvert County Youth Recreational Opportunities Fund”

Annotated Code of Maryland

(2005 Replacement Volume and 2011 Supplement)”;

and in line 19, after “2–202” insert “, 4–102,”.

AMENDMENT NO. 2

On page 2, in line 26, after “GENERAL,” insert “THE STATE LOTTERY COMMISSION,”; in line 28, strike the brackets; and in the same line, strike “ARTICLE”.

On page 3, after line 6, insert:

“(2) “slot machine” includes:

(i) a machine, apparatus, or device described in item (1) of this section that also sells, delivers, or awards merchandise, money, or some other tangible thing of value; [and]

(ii) a pinball machine or console machine that pays off in merchandise; AND

(III) A MACHINE, APPARATUS, OR DEVICE DESCRIBED IN ITEM (1) OF THIS SECTION, REGARDLESS OF WHETHER THE MACHINE, APPARATUS, OR DEVICE DELIVERS A GAME THROUGH THE INTERNET OR OFFERS INTERNET OR OTHER SERVICES; AND”;

and in line 28, strike “or”.

On page 4, in line 3, after “legislation” insert “; OR

(VII) IS A SKILLS-BASED AMUSEMENT DEVICE THAT AWARDS PRIZES OF MINIMAL VALUE APPROVED BY THE STATE LOTTERY COMMISSION THROUGH REGULATION”;

in line 10, strike “A” and substitute “AN ELECTRONIC”; in line 16, after “LAWFUL” insert “AND UNLAWFUL”; in line 19, after “LICENSE” insert “ELECTRONIC”; in line 22, after “OF” insert “ELECTRONIC”; and in line 30, after “FOR” insert “ELECTRONIC”.

On page 5, in line 2, strike the first “A” and substitute “AN ELECTRONIC”; in line 4, strike “A” and substitute “AN ELECTRONIC”; in line 6, strike “JULY 1, 2012” and substitute “JANUARY 1, 2013”; in the same line, strike “GAMBLING” and substitute “GAMING”; and after line 22, insert:

“Article – Economic Development4–801.

(a) In this section, “Fund” means the Special Fund for Preservation of Cultural Arts in Maryland.

(b) There is a Special Fund for Preservation of Cultural Arts in Maryland.

(c) The purpose of the Fund is to provide [emergency] SUPPLEMENTAL grants to cultural arts organizations[, including museums, or similar entities] in the State THAT QUALIFY FOR GENERAL OPERATING SUPPORT GRANTS FROM THE MARYLAND STATE ARTS COUNCIL.

(d) The Secretary of Business and Economic Development shall administer the Fund.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(f) The Fund consists of:

(1) revenue distributed to the Fund under [§ 2–202(1)(ii)] § 2–202(A)(1)(II) of the Tax – General Article; and

(2) any other money from any other source accepted for the benefit of the Fund.

(g) [(1) Subject to paragraph (2) of this subsection, the Fund may be used only for preventing the closure, termination, or financial distress of] THE FUND SHALL BE USED TO PROVIDE SUPPLEMENTAL GRANTS FOR OPERATING AND PROGRAMMATIC IMPROVEMENTS THAT STRENGTHEN THE ORGANIZATIONAL CAPACITY AND FINANCIAL STABILITY OF cultural arts organizations[, including

museums, or similar entities] in the State THAT QUALIFY FOR GENERAL OPERATING SUPPORT GRANTS FROM THE MARYLAND STATE ARTS COUNCIL.

[(2) For fiscal year 2011:

(i) \$450,000 from the Fund shall be used to provide a grant to the Baltimore Symphony Orchestra; and

(ii) \$50,000 from the Fund shall be used to provide a grant to the National Philharmonic.]

(h) (1) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the Fund shall be credited to the General Fund of the State.

(i) For each appropriation to the Fund, the Governor may:

(1) include the funds in the State budget subject to appropriation by the General Assembly; or

(2) transfer the funds by budget amendment from the Fund to the expenditure account of the [Department of Business and Economic Development only after the proposed budget amendment has been:

(i) submitted to the Senate Budget and Taxation Committee and the House Appropriations Committee of the General Assembly; and

(ii) approved by the Legislative Policy Committee] MARYLAND STATE ARTS COUNCIL.

(i) [Money expended] SUPPLEMENTAL GRANTS MADE from the Fund [for cultural arts organizations, including museums, or other similar entities is] ARE supplemental to and [is not intended to] MAY NOT take the place of funding that otherwise would be appropriated for [those] QUALIFYING organizations [or similar entities].

Article – Natural Resources

SUBTITLE 19. CALVERT COUNTY YOUTH RECREATIONAL OPPORTUNITIES
FUND.

5-1901.

(A) IN THIS SECTION, “FUND” MEANS THE CALVERT COUNTY YOUTH RECREATIONAL OPPORTUNITIES FUND.

(B) THERE IS A CALVERT COUNTY YOUTH RECREATIONAL OPPORTUNITIES FUND.

(C) THE PURPOSE OF THE FUND IS TO INCREASE YOUTH RECREATIONAL OPPORTUNITIES IN CALVERT COUNTY.

(D) THE SECRETARY SHALL ADMINISTER THE FUND.

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

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

(F) THE FUND CONSISTS OF:

(1) REVENUE DISTRIBUTED TO THE FUND UNDER § 2-202(B)(1)(II) OF THE TAX – GENERAL ARTICLE;

(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;
AND

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

(G) THE FUND MAY BE USED ONLY FOR PROJECTS THAT ARE APPROVED BY THE SECRETARY TO ADVANCE YOUTH RECREATIONAL OPPORTUNITIES IN CALVERT COUNTY AND THAT RECEIVE CONTRIBUTIONS FROM THE COUNTY FOR THE PROJECTS.

(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

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

(J) MONEY EXPENDED FROM THE FUND FOR YOUTH RECREATIONAL OPPORTUNITIES IN CALVERT COUNTY IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR YOUTH RECREATIONAL OPPORTUNITIES IN CALVERT COUNTY.”.

AMENDMENT NO. 3

On page 5, in line 27, strike the brackets; in the same line, strike “SUBSECTIONS”; and in the same line, strike “AND (C)”.

On page 6, strike beginning with “PROGRAM” in line 19 down through “9” in line 20 and substitute “THE CALVERT COUNTY YOUTH RECREATIONAL OPPORTUNITIES FUND UNDER TITLE 5, SUBTITLE 19”; in line 21, strike “LOCAL OPEN SPACE”; in line 22, strike “THE DEPARTMENT OF”; in line 23, strike “AND”; after line 23, insert:

“(2) FOR FISCAL YEARS 2014 THROUGH 2016, FROM:

(I) THE REVENUE ATTRIBUTABLE TO A TAX RATE OF 1.5%:

1. \$100,000 TO THE BOYS AND GIRLS CLUB OF THE TOWN OF NORTH BEACH; AND

2. THE REMAINDER TO THE TOWN OF NORTH BEACH;

(II) THE REVENUE ATTRIBUTABLE TO A TAX RATE OF 2.5% TO THE TOWN OF CHESAPEAKE BEACH; AND

(III) THE REVENUE ATTRIBUTABLE TO A TAX RATE OF 4% TO THE CALVERT COUNTY YOUTH RECREATIONAL OPPORTUNITIES FUND UNDER TITLE 5, SUBTITLE 19 OF THE NATURAL RESOURCES ARTICLE; AND”;

in line 24, strike “**(2)**” and substitute “**(3)**”; in the same line, strike “**2014**” and substitute “**2017**”; in the same line, after “**THEREAFTER**” insert “**, FROM**”; in line 25, strike “**FROM**”; in line 26, strike “**3%**” and substitute “**1.5%**”; and in line 30, strike “**AND**”.

On page 7, in line 1, strike “**5%**” and substitute “**2.5%**”; in line 2, after “**BEACH**” insert “**;AND**”

(III) THE REVENUE ATTRIBUTABLE TO A TAX RATE OF 4% TO THE CALVERT COUNTY BOARD OF EDUCATION FOR SCHOOL RENOVATION AND RENEWAL PROJECTS THAT MAY NOT BE USED TO SUPPLANT COUNTY FUNDS FOR PUBLIC SCHOOL CONSTRUCTION”.

AMENDMENT NO. 4

On pages 7 and 8, strike the lines beginning with line 3 on page 7 through line 14 on page 8, inclusive, and substitute:

“4-102.

(A) IN THIS SECTION, “NET PROCEEDS” MEANS THE TOTAL RECEIPTS FROM THE OPERATION OF AN ELECTRONIC BINGO MACHINE OR ELECTRONIC TIP JAR MACHINE LESS THE AMOUNT OF MONEY WINNINGS OR PRIZES PAID OUT TO PLAYERS.

[(a)](B) A county may impose, by resolution, a tax on:

(1) the gross receipts derived from any admissions and amusement charge in that county; and

(2) an admission in that county for a reduced charge or at no charge to a place if there is a charge for other admissions to the place.

[(b)](C) A municipal corporation may impose, by ordinance or resolution, a tax on:

(1) the gross receipts derived from any admission and amusement charge in that municipal corporation; and

(2) an admission in that municipal corporation for a reduced charge or at no charge to a place if there is a charge for other admissions to the place.

[(c)](D) The Stadium Authority may impose a tax on:

(1) the gross receipts derived from any admissions and amusement charge for an admission to a facility owned or leased by the Stadium Authority; and

(2) an admission for a reduced charge or at no charge to a facility owned or leased by the Stadium Authority if there is a charge for other admissions to the facility.

[(d)](E) [(1) In this subsection, “net proceeds” means the total receipts from the operation of an electronic bingo machine or electronic tip jar machine less the amount of money winnings or prizes paid out to players.

[(2)] A State tax is imposed on the net proceeds derived from any charge for the operation of an electronic bingo machine permitted under a commercial bingo license or an electronic tip jar machine authorized under Title 13 of the Criminal Law Article that is operated for commercial purposes.

(F) (1) THE STATE AND LOCAL ADMISSIONS AND AMUSEMENT TAXES APPLICABLE TO ELECTRONIC INSTANT BINGO SHALL BE DETERMINED ON A TAX-INCLUDED OR SEPARATELY STATED BASIS.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, OTHER STATE AND LOCAL ADMISSIONS AND AMUSEMENT TAXES APPLIED UNDER THIS SECTION MAY BE DETERMINED ON A TAX-INCLUDED OR SEPARATELY STATED BASIS.

On page 9, in line 2, strike “July 1, 2012” and substitute “January 1, 2013”; in line 18, after “Act” insert “:

(1)”;

and in line 20, after “Act” insert “; and

(2) shall include provisions providing for the legal operation of amusement games licensed by Baltimore City and Baltimore County”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0864/253323/1

BY: Senators Dyson and Miller

AMENDMENTS TO SENATE BILL 864

(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 3, after “circumstances;” insert “authorizing a certain qualified organization that offered instant bingo during a certain time and then was required to obtain a commercial license to operate a certain number of instant bingo machines under certain circumstances;”.

AMENDMENT NO. 2

On page 9, after line 11, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That a qualified organization as defined in § 13–201 of the Criminal Law Article that offered instant bingo for a 1–year period as of December 31, 2007, and then was required by local regulation to obtain a commercial license may operate up to 10 electronic instant bingo machines as

long as the qualified organization complies with the requirements of this Act and pays any applicable license taxes.”;

and in lines 12, 17, and 21, strike “4.”, “5.”, and “6.”, respectively, and substitute “5.”, “6.”, and “7.”, respectively.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #14

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

Senate Bill 393 – Senator Middleton

AN ACT concerning

Maryland Medical Assistance Program – Managed Care Organizations – Recipient Participation

SB0393/267979/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 393

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “or enrolling”; and in line 7, after the semicolon insert “providing for a delayed effective date;”.

AMENDMENT NO. 2

On page 2, in line 17, after “WHO” insert “ARE ENROLLED IN A MANAGED CARE ORGANIZATION THAT PARTICIPATES IN A PROGRAM ESTABLISHED UNDER THIS PARAGRAPH AND”; in line 18, strike “OR ENROLLING”; in line 20, strike “OF”; and in line 23, strike “2012” and substitute “2013”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance and Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 452 – Senators Middleton, Astle, Glassman, Klausmeier, and Pipkin

AN ACT concerning

Other Tobacco Products Licenses – Repeal

SB0452/817278/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 452

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Licenses – Repeal” and substitute “– Restrictions on Sale, Distribution, and Shipment – Exemptions”; and in line 3, after the first “of” insert “providing that certain provisions of law relating to the regulation of other tobacco products do not apply to a seller located outside the State when selling, holding for sale, shipping, or delivering certain cigars or pipe tobacco to consumers in the State; providing that certain provisions of law regulating the sale and distribution of other tobacco products do not apply to the order, purchase, sale, or shipment of certain cigars or pipe tobacco by a licensed other tobacco products retailer or licensed tobacconist; and generally relating to the regulation of other tobacco products.”.

On pages 1 and 2, strike beginning with “repealing” in line 3 on page 1 down through “State.” in line 5 on page 2.

On page 2, strike in their entirety lines 6 through 16, inclusive; after line 16, insert:

“BY adding to

Article – Business Regulation

Section 16.5–103 to be under the amended subtitle “Subtitle 1. Definitions; General Provisions”

Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)”;

in line 19, strike “16–219” and substitute “16.5–217”; and strike in their entirety lines 22 through 32, inclusive.

AMENDMENT NO. 2

On page 2, strike beginning with “Section(s)” in line 34 down through “That” in line 37; and after line 39, insert:

“Subtitle 1. Definitions; GENERAL PROVISIONS.

16.5–103.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THIS TITLE DOES NOT APPLY TO A SELLER LOCATED OUTSIDE THE STATE WHEN SELLING, HOLDING FOR SALE, SHIPPING, OR DELIVERING PREMIUM CIGARS OR PIPE TOBACCO TO CONSUMERS IN THE STATE.

16.5–217.

(a) This section applies to a person who is engaged in the business of selling or distributing other tobacco products.

(b) (1) THIS SUBSECTION DOES NOT APPLY TO THE ORDER, PURCHASE, SALE, OR SHIPMENT OF PREMIUM CIGARS OR PIPE TOBACCO BY A LICENSED OTHER TOBACCO PRODUCTS RETAILER OR LICENSED TOBACCONIST.

[(1)] (2) Except as provided in paragraph [(2)] (3) of this subsection, a person covered under this section may not:

(i) sell or ship other tobacco products, ordered or purchased by mail or through a computer network, telephonic network, or other electronic network by a consumer or other unlicensed recipient, directly to a consumer or other unlicensed recipient in this State; or

(ii) cause other tobacco products, ordered or purchased by mail or through a computer network, telephonic network, or other electronic network by a

consumer or other unlicensed recipient, to be shipped directly to a consumer or other unlicensed recipient in this State.

[(2)] (3) A licensed other tobacco products retailer or licensed tobacconist may deliver not more than two packages of other tobacco products directly to a consumer if the delivery is made by the licensed other tobacco products retailer or licensed tobacconist or an employee of the licensed other tobacco products retailer or licensed tobacconist.

(c) (1) A licensee who sells or ships other tobacco products in violation of this section or causes other tobacco products to be shipped in violation of this section is:

(i) subject to discipline by the Comptroller under § 16.5–208 of this subtitle; and

(ii) guilty of a felony and on conviction is subject to a fine not exceeding \$50 for each package of other tobacco products transported or imprisonment not exceeding 2 years or both.

(2) A person other than a licensee who sells or ships other tobacco products in violation of this section or causes other tobacco products to be shipped in violation of this section is guilty of a felony and on conviction is subject to a fine not exceeding \$50 for each package of other tobacco products transported or imprisonment not exceeding 2 years or both.”.

On pages 3 through 11, strike in their entirety the lines beginning with line 1 on page 3 through line 5 on page 11, inclusive.

On page 11, in line 6, strike “3.” and substitute “2.”; and in line 7, strike “July” and substitute “June”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0452/113621/1

BY: Senator Madaleno

AMENDMENTS TO SENATE BILL 452, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Finance Committee Amendments (SB0452/817278/1), in line 9 of Amendment No. 1, after “tobacconist;” insert “establishing a direct tobacco shipper’s permit to be issued by the Comptroller; requiring a person to obtain a certain permit before the person may engage in shipping pipe tobacco or premium cigars directly to a consumer in the State; requiring an applicant to submit an application and pay a certain fee; specifying the term of a direct tobacco shipper’s permit; requiring a direct tobacco shipper to perform certain actions; requiring a direct tobacco shipper to meet certain requirements to renew the permit; authorizing the Comptroller to deny a renewal application under certain circumstances; specifying certain requirements for receiving a direct shipment of pipe tobacco or premium cigars; allowing a shipment of pipe tobacco or premium cigars to be ordered or purchased through electronic or other means; authorizing the Comptroller to adopt certain regulations; prohibiting a person without a permit from shipping pipe tobacco or premium cigars directly to consumers in the State; providing that each violation is a separate violation, subject to certain penalties; requiring certain direct tobacco shippers to complete and file with the Comptroller a certain tobacco tax return; defining certain terms; providing for the application of certain provisions of this Act;”; and in line 17, after “Provisions” insert “; and 16.7–101 through 16.7–113 to be under the new title “Title 16.7. Permits for Direct Shippers of Pipe Tobacco or Premium Cigars””.

On page 2 of the bill, after line 32, insert:

“BY adding to

Article – Tax – General

Section 12–204

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)”.

AMENDMENT NO. 2

On page 11 of the bill, after line 5, insert:

TITLE 16.7. PERMITS FOR DIRECT SHIPPERS OF PIPE TOBACCO OR PREMIUM CIGARS.

16.7-101.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "DIRECT TOBACCO SHIPPER" MEANS THE HOLDER OF A DIRECT TOBACCO SHIPPER'S PERMIT ISSUED UNDER THIS TITLE.

(C) "PIPE TOBACCO" HAS THE MEANING STATED IN § 16.5-101 OF THIS ARTICLE.

(D) "PREMIUM CIGARS" HAS THE MEANING STATED IN § 16.5-101 OF THIS ARTICLE.

16.7-102.

THIS TITLE DOES NOT APPLY TO A PERSON LICENSED UNDER TITLE 16 OR TITLE 16.5 OF THIS ARTICLE.

16.7-103.

A PERSON WHO IS NOT LICENSED UNDER TITLE 16 OR TITLE 16.5 OF THIS ARTICLE SHALL BE ISSUED A DIRECT TOBACCO SHIPPER'S PERMIT BY THE COMPTROLLER AS A DIRECT TOBACCO SHIPPER BEFORE THE PERSON MAY ENGAGE IN SHIPPING PIPE TOBACCO OR PREMIUM CIGARS DIRECTLY TO A CONSUMER IN THE STATE.

16.7-104.

(A) AN APPLICANT FOR A DIRECT TOBACCO SHIPPER'S PERMIT SHALL:

(1) SUBMIT TO THE COMPTROLLER A COMPLETED APPLICATION ON A FORM THAT THE COMPTROLLER PROVIDES; AND

(2) PAY A FEE SET BY REGULATIONS ADOPTED BY THE COMPTROLLER FOR INITIAL ISSUANCE OF THE DIRECT TOBACCO SHIPPER'S PERMIT.

(B) THE COMPTROLLER SHALL ISSUE A DIRECT TOBACCO SHIPPER'S PERMIT TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS TITLE FOR THE DIRECT TOBACCO SHIPPER'S PERMIT.

16.7-105.

A DIRECT TOBACCO SHIPPER'S PERMIT ENTITLES THE HOLDER TO SELL PIPE TOBACCO OR PREMIUM CIGARS TO A CONSUMER IN THE STATE BY RECEIVING AND FILLING ORDERS THAT THE CONSUMER TRANSMITS BY ELECTRONIC OR OTHER MEANS.

16.7-106.

THE TERM OF A DIRECT TOBACCO SHIPPER'S PERMIT IS 1 YEAR AND BEGINS ON JULY 1.

16.7-107.

A DIRECT TOBACCO SHIPPER SHALL:

(1) ENSURE THAT ALL PACKAGES CONTAINING PIPE TOBACCO OR PREMIUM CIGARS SHIPPED DIRECTLY TO A CONSUMER IN THE STATE ARE CONSPICUOUSLY LABELED WITH:

(I) THE NAME OF THE DIRECT TOBACCO SHIPPER;

(II) THE NAME AND ADDRESS OF THE CONSUMER WHO IS THE INTENDED RECIPIENT; AND

(III) THE WORDS "CONTAINS PIPE TOBACCO OR PREMIUM CIGARS: SIGNATURE OF PERSON AT LEAST 18 YEARS OF AGE REQUIRED FOR DELIVERY";

(2) REPORT QUARTERLY TO THE COMPTROLLER THE TOTAL AMOUNT OF PIPE TOBACCO OR PREMIUM CIGARS SHIPPED IN THE STATE, THE PRICE CHARGED, AND THE NAME AND ADDRESS OF EACH PURCHASER;

(3) FILE A QUARTERLY TAX RETURN IN ACCORDANCE WITH § 12-204 OF THE TAX – GENERAL ARTICLE;

(4) PAY QUARTERLY TO THE COMPTROLLER ALL TOBACCO TAXES DUE ON SALES TO CONSUMERS IN THE STATE, AND CALCULATE THE TAXES AS IF THE SALE WERE MADE IN THE STATE;

(5) MAINTAIN FOR A PERIOD OF 3 YEARS COMPLETE AND ACCURATE RECORDS OF ALL INFORMATION NEEDED TO VERIFY COMPLIANCE WITH THIS TITLE;

(6) ALLOW THE COMPTROLLER TO PERFORM AN AUDIT OF THE DIRECT TOBACCO SHIPPER'S RECORDS ON REQUEST; AND

(7) CONSENT TO THE JURISDICTION OF THE COMPTROLLER OR OTHER STATE UNIT AND THE STATE COURTS CONCERNING ENFORCEMENT OF THIS SECTION AND ANY RELATED LAW.

16.7-108.

(A) A DIRECT TOBACCO SHIPPER MAY RENEW ITS DIRECT TOBACCO SHIPPER'S PERMIT EACH YEAR IF THE DIRECT TOBACCO SHIPPER:

(1) IS OTHERWISE ENTITLED TO HAVE A DIRECT TOBACCO SHIPPER'S PERMIT;

(2) PROVIDES TO THE COMPTROLLER A COPY OF ITS CURRENT PERMIT; AND

(3) PAYS TO THE COMPTROLLER A RENEWAL FEE SET BY REGULATIONS ADOPTED BY THE COMPTROLLER.

(B) THE COMPTROLLER MAY DENY A RENEWAL APPLICATION OF A DIRECT TOBACCO SHIPPER WHO FAILS TO:

(1) FILE A TAX RETURN REQUIRED UNDER THIS TITLE;

(2) PAY A FEE OR TAX WHEN DUE; OR

(3) AFTER RECEIVING NOTICE, COMPLY WITH A PROVISION OF THIS TITLE OR A REGULATION THAT THE COMPTROLLER ADOPTS UNDER THIS TITLE.

16.7-109.

(A) TO RECEIVE A DIRECT SHIPMENT OF PIPE TOBACCO OR PREMIUM CIGARS, A CONSUMER IN THE STATE SHALL BE AT LEAST 18 YEARS OLD.

(B) A PERSON WHO RECEIVES A SHIPMENT OF PIPE TOBACCO OR PREMIUM CIGARS SHALL USE THE SHIPMENT FOR PERSONAL CONSUMPTION ONLY AND MAY NOT RESELL IT.

16.7-110.

THE COMPTROLLER MAY ADOPT REGULATIONS TO CARRY OUT THIS TITLE.

16.7-111.

A PERSON WITHOUT A DIRECT TOBACCO SHIPPER'S PERMIT MAY NOT SHIP PIPE TOBACCO OR PREMIUM CIGARS DIRECTLY TO CONSUMERS IN THE STATE.

16.7-112.

EACH VIOLATION OF THIS TITLE IS A SEPARATE VIOLATION.

16.7-113.

UNLESS OTHERWISE SPECIFIED IN THIS TITLE, A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 30 DAYS OR BOTH.

Article – Tax – General

12-204.

A DIRECT TOBACCO SHIPPER THAT HOLDS A DIRECT TOBACCO SHIPPER’S PERMIT UNDER TITLE 16.7 OF THE BUSINESS REGULATION ARTICLE SHALL COMPLETE AND FILE WITH THE COMPTROLLER A TOBACCO TAX RETURN AS REQUIRED UNDER REGULATIONS ADOPTED BY THE COMPTROLLER.”.

The preceding 2 amendments were read only.

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

The motion was adopted.

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

Senate Bill 456 – Senator Middleton

AN ACT concerning

Health Insurance – Health Benefit Plan Premium Rate Review

SB0456/837474/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 456

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “at” in line 7 down through “time” in line 14 and substitute “in accordance with certain provisions of law and certain regulations applicable to certain carriers”; in line 16, after “factors” insert “in a certain manner”; in line 19, after “inspection;” insert “authorizing a carrier to request a certain finding by the Commissioner;”; and in line 22, after “not” insert “inadequate, unfairly discriminatory, or”.

On page 2, in line 12, after “14-126(a)” insert “and (b)(3)”.

AMENDMENT NO. 2

On page 5, in line 13, strike “(I)”.

On pages 5 and 6, strike beginning with “AT” in line 15 on page 5 down through “(3)” in line 3 on page 6 and substitute “:

(I) FOR INSURERS, IN ACCORDANCE WITH § 12–203 OF THIS ARTICLE AND REGULATIONS ADOPTED UNDER TITLE 31, SUBTITLE 10 OF THE CODE OF MARYLAND REGULATIONS;

(II) FOR NONPROFIT HEALTH SERVICE PLANS, IN ACCORDANCE WITH § 14–126 OF THIS ARTICLE; AND

(III) FOR HEALTH MAINTENANCE ORGANIZATIONS, IN ACCORDANCE WITH § 19–713 OF THE HEALTH – GENERAL ARTICLE AND REGULATIONS ADOPTED UNDER TITLE 31, SUBTITLE 12 OF THE CODE OF MARYLAND REGULATIONS.

(2)”.

On page 6, in line 6, before “EXCESSIVE” insert “INADEQUATE, UNFAIRLY DISCRIMINATORY, OR”; in line 9, after “CONSIDER” insert “, TO THE EXTENT APPROPRIATE”; strike beginning with the comma in line 12 down through “APPROPRIATE” in line 13; in line 19, strike “(4)” and substitute “(3)”; after line 21, insert:

“(II) A CARRIER MAY REQUEST A FINDING BY THE COMMISSIONER THAT CERTAIN INFORMATION FILED WITH THE COMMISSIONER BE CONSIDERED CONFIDENTIAL COMMERCIAL INFORMATION UNDER § 10–617 (D) OF THE STATE GOVERNMENT ARTICLE AND NOT SUBJECT TO PUBLIC INSPECTION.”;

in line 22, strike “(II)” and substitute “(III)”; in line 29, strike “(C)(3)” and substitute “(C)(2)”; and in line 30, after “NOT” insert “INADEQUATE, UNFAIRLY DISCRIMINATORY, OR”.

On page 7, strike beginning with “ESTABLISHED” in line 1 down through “SECTION” in line 2; in line 4, after “ARE” insert “INADEQUATE, UNFAIRLY DISCRIMINATORY, OR”; in lines 4 and 8, in each instance, strike “(C)(3)” and substitute “(C)(2)”; and in line 8, strike “WAS NOT APPROVED” and substitute “IS INADEQUATE, UNFAIRLY DISCRIMINATORY, OR EXCESSIVE IN RELATION TO BENEFITS”.

On page 8, after line 10, insert:

“(b) (3) (i) The Commissioner shall disapprove or modify the proposed change if:

1. the table of rates appears by statistical analysis and reasonable assumptions to be INADEQUATE, UNFAIRLY DISCRIMINATORY, OR excessive in relation to benefits; or

2. the form contains provisions that are unjust, unfair, inequitable, inadequate, misleading, or deceptive or encourage misrepresentations of the coverage.

(ii) In determining whether to disapprove or modify the form or table of rates, the Commissioner shall consider, TO THE EXTENT APPROPRIATE:

1. past and prospective loss experience within and outside the State;

2. underwriting practice and judgment [to the extent appropriate];

3. a reasonable margin for reserve needs;

4. past and prospective expenses, both countrywide and those specifically applicable to the State; and

5. any other relevant factors within and outside the State.”;

and in line 28, after the comma, insert “That this Act shall apply to all health benefit plan rate filings received by the Maryland Insurance Commissioner on or after the effective date of this Act.”

SECTION 3. AND BE IT FURTHER ENACTED.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 849 – Senator King

AN ACT concerning

Health Insurance – Dental Preventive Care – Coverage for Dental Cleanings

SB0849/967371/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 849

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator King” and substitute “Senators King, Garagiola, Klausmeier, Middleton, and Pugh”; in line 2, strike “for Dental Cleanings”; strike beginning with “dental” in line 4 down through “persons” in line 5 and substitute “and dental plan organizations”; and in line 6, after “met;” insert “prohibiting a carrier from imposing a certain frequency limitation on dental preventive care;”.

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 3 down through “STATE” in line 9 and substitute “AN INSURER, NONPROFIT HEALTH SERVICE PLAN, HEALTH MAINTENANCE ORGANIZATION, OR DENTAL PLAN ORGANIZATION THAT PROVIDES DENTAL BENEFITS ON AN EXPENSE-INCURRED BASIS UNDER POLICIES OR CONTRACTS ISSUED OR DELIVERED IN THE STATE”; in line 10,

strike “(I)”; in line 11, strike “OR” and substitute “ORAL”; in the same line, after “EXAMINATION” insert “, TEETH CLEANING (PROPHYLAXIS), FLUORIDE TREATMENT, OR ROUTINE PREVENTIVE SERVICE”; and strike lines 13 through 28, inclusive, and substitute:

“(B) IF BENEFITS FOR DENTAL PREVENTIVE CARE ARE AVAILABLE AND ALL OTHER REQUIREMENTS FOR THE COVERAGE OF DENTAL PREVENTIVE CARE ARE MET, A CARRIER SHALL PROVIDE COVERAGE FOR DENTAL PREVENTIVE CARE:

(1) AT ANY TIME DURING THE PLAN YEAR FOR A POLICY OR CONTRACT THAT PROVIDES COVERAGE FOR DENTAL PREVENTIVE CARE ONCE DURING THE PLAN YEAR; OR

(2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IN ACCORDANCE WITH ANY FREQUENCY LIMITATION FOR A POLICY OR CONTRACT THAT PROVIDES COVERAGE FOR DENTAL PREVENTIVE CARE MORE THAN ONCE DURING THE PLAN YEAR.

(C) A CARRIER MAY NOT IMPOSE A FREQUENCY LIMITATION ON DENTAL PREVENTIVE CARE THAT REQUIRES THE DENTAL PREVENTIVE CARE TO BE PROVIDED AT AN INTERVAL GREATER THAN 120 DAYS DURING A PLAN YEAR.”.

On page 3, in line 1, strike “(C)” and substitute “(D)”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1003 – Senator Middleton

AN ACT concerning

Life and Health Insurance Guaranty Corporation Act – Revisions

SB1003/607173/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 1003
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Middleton” and substitute “Senators Middleton, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, and Pugh”.

AMENDMENT NO. 2

On page 3, after line 1, insert:

“(C) “ASSOCIATION” MEANS THE CORPORATION OR ANY SIMILAR ORGANIZATION THAT HAS BEEN FORMED IN ANOTHER STATE THAT SERVES THE SAME PURPOSE AS THE CORPORATION FOR THE OTHER STATE.”;

and in lines 2, 5, 7, 8, 13, 15, and 18, strike “(c)”, “(d)”, “(e)”, “(f)”, “(g)”, “(h)”, and “(i)”, respectively, and substitute “**(D)**”, “**(E)**”, “**(F)**”, “**(G)**”, “**(H)**”, “**(I)**”, and “**(J)**”, respectively.

On page 4, in lines 1, 3, 9, 14, and 18, strike “(j)”, “(k)”, “(l)”, “(m)”, and “(N)”, respectively, and substitute “**(K)**”, “**(L)**”, “**(M)**”, “**(N)**”, and “**(O)**”, respectively.

On page 8, strike beginning with “§ [514] **3(40)**” in line 16 down through “**1002(40)**” in line 17 and substitute “**29 U.S.C. § 1002(40)**”.

On page 16, in line 14, strike “DEFINED” and substitute “**INCLUDED**”; in line 17, after “VALUES” insert “**UNDER ITEMS A AND B OF THIS ITEM**”; strike beginning with “IN” in line 28 down through “SUBSECTION” in line 29 and substitute “**FOR THE BENEFITS DESCRIBED IN PARAGRAPH (3)(II)1, 2, AND 3 OF THIS SUBSECTION**”.

On page 19, in line 12, strike “**(E)(3)**” and substitute “**(E)(4)**”.

On page 24, in line 21, strike the brackets; and in line 22, strike “§ **9-407(I)(3)**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

Senate Bill 465 – Senators Frosh, Benson, Conway, Forehand, King, Madaleno, Manno, Montgomery, Pinsky, Raskin, Rosapepe, Stone, and Young

AN ACT concerning

Natural Resources – Shark or Elasmobranch Fins – Prohibition on Possession or Distribution

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Senator Mathias moved, duly seconded, to make the Bill a Special Order for March 21, 2012.

The motion was adopted.

Senate Bill 602 – Senator Dyson

AN ACT concerning

Public Safety – Building Performance Standards – Fire and Life Safety

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

SB0602/604039/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 602

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Fire and Life Safety” and substitute “Automatic Fire Sprinkler Systems”; in line 3, after “jurisdiction” insert “, with a certain exception.”; in line 5, strike “fire and life safety” and substitute “certain automatic fire sprinkler systems”; and in line 7, after “Act;” insert “providing for the application of this Act.”.

AMENDMENT NO. 2

On page 1, in line 24, after “(a)” insert “**(1)**”.

On page 2, in lines 1 and 3, strike “(1)” and “(2)”, respectively, and substitute “**(I)**” and “**(II)**”, respectively; in line 5, strike “**(3)**” and substitute “**(III) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**”; after line 6, insert:

“(2) PARAGRAPH (1)(III) OF THIS SUBSECTION DOES NOT APPLY TO STANDARDS GOVERNING ISSUANCE OF A BUILDING PERMIT FOR A PROPERTY NOT CONNECTED TO AN ELECTRICAL UTILITY.”;

and in line 28, after “**(III)**” insert “**EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**”.

On page 3, after line 5, insert:

“(3) PARAGRAPH (1)(III) OF THIS SUBSECTION DOES NOT APPLY TO STANDARDS GOVERNING ISSUANCE OF A BUILDING PERMIT FOR A PROPERTY NOT CONNECTED TO AN ELECTRICAL UTILITY.”.

AMENDMENT NO. 3

On page 2, in lines 5 and 28, in each instance, strike “**FIRE AND LIFE SAFETY**” and substitute “**THE AUTOMATIC FIRE SPRINKLER SYSTEMS**”; and in the same lines, in each instance, after “**PROVISIONS**” insert “**FOR TOWNHOUSES AND ONE- AND TWO-FAMILY DWELLINGS**”.

AMENDMENT NO. 4

On page 3, in line 21, after “4.” insert “**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 building permit for which an application is submitted before the effective date of this Act.**”.

SECTION 5.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0602/603123/7

BY: Senator Glassman

AMENDMENTS TO SENATE BILL 602, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0602/604039/1), in line 2 of Amendment No. 1, strike “a”; and in line 3, strike “exception” and substitute “exceptions”.

AMENDMENT NO. 2

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments, in lines 6 and 12 of Amendment No. 2, in each instance, after “TO” insert “:”

(I);

and in lines 7 and 13, in each instance, after “UTILITY” insert “; **OR**”

(II) STANDARDS GOVERNING ISSUANCE OF A BUILDING PERMIT FOR A NEW ONE- OR TWO-FAMILY DWELLING CONSTRUCTED ON:

1. A LOT SUBJECT TO A VALID UNEXPIRED PUBLIC WORKS UTILITY AGREEMENT THAT WAS EXECUTED BEFORE MARCH 1, 2011; OR

2. A LOT SERVED BY AN EXISTING WATER SERVICE LINE FROM A WATER MAIN TO THE PROPERTY LINE THAT:

A. IS LESS THAN A NOMINAL 1-INCH SIZE;

B. IS APPROVED AND OWNED BY THE PUBLIC OR PRIVATE WATER SYSTEM THAT OWNS THE MAINS;

C. WAS INSTALLED BEFORE MARCH 1, 2011; AND

D. IS FULLY OPERATIONAL FROM THE PUBLIC OR PRIVATE MAIN TO A CURB STOP OR METER PIT LOCATED AT THE PROPERTY LINE".

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

Affirmative – 22 Negative – 22 (See Roll Call No. 609)

FLOOR AMENDMENT

SB0602/283228/1

BY: Senator Colburn

AMENDMENTS TO SENATE BILL 602, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0602/604039/1), in line 2 of Amendment No. 1, strike "a"; and in line 3 of Amendment No. 1, strike "exception" and substitute "exceptions".

AMENDMENT NO. 2

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments, in lines 5 and 11 of Amendment No. 2, in each instance, after "APPLY" insert ";

(I);

and in lines 7 and 13 of Amendment No. 2, in each instance, after "UTILITY" insert ";

OR

(II) IN THE FOLLOWING COUNTIES:

1. DORCHESTER COUNTY;

2. TALBOT COUNTY; OR

3. WICOMICO COUNTY".

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

Affirmative – 15 Negative – 32 (See Roll Call No. 610)

Senator Colburn moved, duly seconded, to reconsider the favorable report as amended.

The motion was rejected by roll call vote as follows:

Affirmative – 16 Negative – 31 (See Roll Call No. 611)

FLOOR AMENDMENT

SB0602/413826/1

BY: Senator Edwards

AMENDMENTS TO SENATE BILL 602, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike beginning with “providing” in line 5 down through “Act;” in line 7; in line 7, before “and” insert “providing for a delayed effective date;”; and strike in their entirety lines 14 through 19, inclusive.

AMENDMENT NO. 2

In the Education, Health, and Environmental Affairs Committee Amendments (SB0602/604039/1), strike in their entirety Amendment Nos. 2, 3, and 4.

AMENDMENT NO. 3

On pages 1 and 2 of the bill, strike in their entirety the lines beginning with line 23 on page 1 through line 20 on page 2, inclusive.

AMENDMENT NO. 4

On page 2 of the bill, in line 28, after “(III)” insert “EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION;”; in the same line, strike “FIRE AND LIFE SAFETY” and substitute “THE AUTOMATIC FIRE SPRINKLER SYSTEMS”; and in the same line, after “PROVISIONS” insert “FOR TOWNHOUSES AND ONE- AND TWO-FAMILY DWELLINGS”.

On page 3 of the bill, after line 5, insert:

“(3) PARAGRAPH (1)(III) OF THIS SUBSECTION DOES NOT APPLY TO STANDARDS GOVERNING ISSUANCE OF A BUILDING PERMIT FOR A PROPERTY NOT CONNECTED TO AN ELECTRICAL UTILITY.”;

strike in their entirety lines 17 through 20, inclusive, and substitute:

“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 building permit for which an application is submitted before the effective date of this Act.”;

in line 21, strike “4.” and substitute “3.”; in lines 21 and 22, strike “, subject to the provisions of Section 3 of this Act,”; and in line 22, strike “2012” and substitute “2015”.

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

Affirmative – 19 Negative – 28 (See Roll Call No. 612)

Read the second time and ordered prepared for Third Reading.

Senate Bill 616 – Senator Jennings

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Judges – Mandatory Retirement

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report adopted by a roll call vote as follows:

Affirmative – 26 Negative – 20 (See Roll Call No. 613)

FLOOR COMMITTEE AMENDMENT

SB0616/898971/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 616
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 4 down through “judges;” in line 5; and strike in their entirety lines 11 through 13, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 29 on page 2 through line 11 on page 3, inclusive.

The preceding 2 amendments were read and adopted.

Senator Madaleno moved, duly seconded, to make the Bill a Special Order for March 21, 2012.

The motion was adopted.

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

AN ACT concerning

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

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

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

Affirmative – 27 Negative – 17 (See Roll Call No. 614)

The Bill was then sent to the House of Delegates.

MOTION

Senate Bill 602 – Senator Dyson

AN ACT concerning

Public Safety – Building Performance Standards – Fire and Life Safety

STATUS OF BILL: BILL WAS ORDERED PREPARED FOR THIRD READING.

Senator Brinkley moved, duly seconded, to place **Senate Bill 602** back on second reading for the purpose of adding amendments.

The motion was adopted by a roll call vote as follows:

Affirmative – 26 Negative – 20 (See Roll Call No. 615)

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

Senator Glassman moved, duly seconded, to make the Bill a Special Order for March 21, 2012.

The motion was adopted.

SPECIAL ORDERS

Senate Bill 691 – Senator Shank

AN ACT concerning

Earned Compliance Credit and Reinvestment Act of 2012

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

Senator Shank moved, duly seconded, to place **Senate Bill 691** back on second reading for the purpose of adding amendments.

The motion was adopted.

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

FLOOR AMENDMENT

SB0691/913528/1

BY: Senator Shank

AMENDMENTS TO SENATE BILL 691

(Bill as Printed for Third Reading)

AMENDMENT NO. 1

On page 3, in line 11, after “**INCARCERATED**” insert “**, ON PROBATION,**”; and in line 14, after “**INCARCERATED**” insert “**, ON PROBATION,**”.

AMENDMENT NO. 2

On page 3, in line 16, strike “**LAW**” and substitute “**PROCEDURE**”.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 649 – Senators Ramirez, Raskin, and Jones–Rodwell

AN ACT concerning

Environment – Asbestos Worker Protection

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS
(3) OFFERED FROM THE FLOOR BY SENATOR JACOBS.

FLOOR AMENDMENT

SB0649/463723/2

BY: Senator Jacobs

AMENDMENTS TO SENATE BILL 649, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

Strike the Education, Health, and Environmental Affairs Committee Amendments (SB0649/884131/1) in their entirety.

On page 1, in line 2, strike “Protection” and substitute “Accreditation”; strike beginning with “adding” in line 3 down through “removers;” in line 4; strike beginning with “authorizing” in line 6 down through “term;” in line 17; in line 17, strike “protection” and substitute “accreditation”; strike in their entirety lines 18 through 22, inclusive; in line 25, strike “6–402;” and in the same line, strike “, and 6–422”.

On pages 1 and 2, strike in their entirety the lines beginning with line 28 on page 1 through line 10 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 14 through 28, inclusive; and strike beginning with “(1)” in line 30 down through “**INDICATED.**” in line 31.

On page 3, strike beginning with “(2)” in line 1 down through “(B)” in line 6; in line 10, after “OLD;” insert “AND”; strike beginning with “; AND” in line 18 down through “DEPARTMENT” in line 22; in line 24, strike “AND EXAMINATION;”; in line 26, strike the brackets; and in the same line, strike “(C)”.

AMENDMENT NO. 3

On page 4, in line 4, strike the brackets; in the same line, strike “(D)”; and in line 5, strike “ADMINISTERING THE EXAMINATION”.

On pages 4 through 9, strike in their entirety the lines beginning with line 9 on page 4 through line 5 on page 9, inclusive.

The preceding 3 amendments were withdrawn.

FLOOR AMENDMENT

SB0649/753920/1

BY: Senator Jacobs

AMENDMENTS TO SENATE BILL 649, AS AMENDED (First Reading File Bill)

AMENDMENT NO. 1

Strike the Education, Health, and Environmental Affairs Committee Amendments (SB0649/884131/1) in their entirety.

On page 1, in line 2, strike “Protection” and substitute “Accreditation”; strike beginning with “authorizing” in line 6 down through “term;” in line 17 and substitute “altering certain training program requirements for accreditation; defining certain terms;”; in line 17, strike “protection” and substitute “accreditation”; and in line 25, strike “, 6–417, and 6–422” and substitute “and 6–417”.

On pages 1 and 2, strike in their entirety the lines beginning with line 28 on page 1 through line 10 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, in line 27, strike “**STRICTER PENALTIES AND**”; and in the same line, strike “**TESTING ARE**” and substitute “TRAINING IS”.

On page 3, in line 3, strike “TESTING” and substitute “TRAINING”; in line 10, after “OLD;” insert “AND”; in line 13, after “program” insert “PROVIDED BY AN INDEPENDENT TRAINING ORGANIZATION”; strike beginning with “; AND” in line 18 down through “DEPARTMENT” in line 22; and in line 24, strike “AND EXAMINATION,”.

AMENDMENT NO. 3

On page 4, in line 5, strike “ADMINISTERING THE EXAMINATION,”.

On pages 4 through 9, strike in their entirety the lines beginning with line 9 on page 4 through line 5 on page 9, inclusive.

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 9 Negative – 36 (See Roll Call No. 616)

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 617)

ADJOURNMENT

At 1:33 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day March 18, 2012, Calendar Day, Wednesday, March 21, 2012.

Annapolis, Maryland
Legislative Day: March 18, 2012
Calendar Day: Wednesday, March 21, 2012
10:00 A.M. Session

The Senate met at 10:12 A.M.

Prayer by Reverend James R. Seale, Christ Church, St. Peter's Parish, guest of Senator Colburn.

(See Exhibit A of Appendix III)

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

On motion of Senator Garagiola it was ordered that Senator Muse be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 621)

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 622)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #40

Senate Bill 130 – Senators Ferguson ~~and Gladden~~, Gladden, and Jones-Rodwell

AN ACT concerning

**Baltimore City – Nuisance Abatement and Local Code Enforcement –
Community Associations**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 623)

The Bill was then sent to the House of Delegates.

Senate Bill 353 – Senator Forehand

AN ACT concerning

Estates – Small Estate Administration – Eligibility Thresholds

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

Affirmative – 46 Negative – 0 (See Roll Call No. 624)

The Bill was then sent to the House of Delegates.

Senate Bill 396 – Senator Forehand

AN ACT concerning

Maryland Uniform Transfers to Minors Act – Orphans’ Court

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

Affirmative – 46 Negative – 0 (See Roll Call No. 625)

The Bill was then sent to the House of Delegates.

Senate Bill 557 – Senator Getty

AN ACT concerning

~~Education – Maryland Interscholastic Athletic Association – Establishment~~
Open Meetings Act – Public Body – Definition

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

Affirmative – 46 Negative – 0 (See Roll Call No. 626)

The Bill was then sent to the House of Delegates.

Senate Bill 576 – Senator Astle

AN ACT concerning

**Anne Arundel County – Alcoholic Beverages – Video Lottery Facility –
Licenses and Hours for Sale and Consumption**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 627)

The Bill was then sent to the House of Delegates.

Senate Bill 668 – Senators Mathias, Colburn, Middleton, and Pipkin

AN ACT concerning

**Corporations and Associations – Electric Cooperatives – Electronic Notices
and Voting**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 628)

The Bill was then sent to the House of Delegates.

Senate Bill 711 – Senator Forehand

AN ACT concerning

Maryland General and Limited Power of Attorney Act

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

Affirmative – 46 Negative – 0 (See Roll Call No. 629)

The Bill was then sent to the House of Delegates.

**Senate Bill 804 – Senators Brinkley, Colburn, Glassman, Jennings, Robey,
and Stone**

AN ACT concerning

Human Services – Service Animal Trainers – Nondiscrimination

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

Affirmative – 46 Negative – 0 (See Roll Call No. 630)

The Bill was then sent to the House of Delegates.

Senate Bill 855 – Senator Raskin

AN ACT concerning

Corporations and Associations – Limited Liability Act – Revisions

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

Affirmative – 46 Negative – 0 (See Roll Call No. 631)

The Bill was then sent to the House of Delegates.

Senate Bill 856 – ~~Senator Raskin~~ Senators Raskin, Forehand, Getty, Gladden, Jacobs, Ramirez, Shank, and Stone

AN ACT concerning

Courts and Judicial Proceedings – Maryland Mediation Confidentiality Act

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

Affirmative – 46 Negative – 0 (See Roll Call No. 632)

The Bill was then sent to the House of Delegates.

Senate Bill 877 – ~~Senator Glassman~~ Senators Glassman and Simonaire

AN ACT concerning

Environment – Water Pollution Control – Reporting and Penalties

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

Affirmative – 46 Negative – 0 (See Roll Call No. 633)

The Bill was then sent to the House of Delegates.

Senate Bill 994 – Senator Brinkley

AN ACT concerning

Environment – Temporary Dewatering Devices and Well Drilling – Notification to Municipalities

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

Affirmative – 46 Negative – 0 (See Roll Call No. 634)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #41

Senate Bill 401 – Senators Pugh, Gladden, and Ramirez

AN ACT concerning

Motor Vehicles – Towing Practices and Procedures

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

Affirmative – 46 Negative – 0 (See Roll Call No. 635)

The Bill was then sent to the House of Delegates.

Senate Bill 514 – Senator Shank

AN ACT concerning

Public Safety – Law Enforcement Handgun Disposal – Deceased Officers

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

Affirmative – 45 Negative – 0 (See Roll Call No. 636)

The Bill was then sent to the House of Delegates.

Senate Bill 521 – Senators Shank, Brochin, Colburn, Jacobs, and Stone

AN ACT concerning

Justice’s Law

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

Affirmative – 46 Negative – 0 (See Roll Call No. 637)

The Bill was then sent to the House of Delegates.

Senate Bill 562 – Senators Forehand, Colburn, Jacobs, Kelley, King, Klausmeier, Manno, Ramirez, ~~and Stone~~ Stone, Brochin, and Raskin

AN ACT concerning

Juvenile Sex Crime Victims' Rights Act

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

Affirmative – 46 Negative – 0 (See Roll Call No. 638)

The Bill was then sent to the House of Delegates.

Senate Bill 565 – Senators Raskin, Frosh, Gladden, ~~and Miller~~ Miller, and Forehand

AN ACT concerning

Criminal Procedure – Sex Offender Registration Requirements – Kidnapping

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

Affirmative – 46 Negative – 0 (See Roll Call No. 639)

The Bill was then sent to the House of Delegates.

Senate Bill 612 – Senators Raskin, Jacobs, Forehand, Getty, Ramirez, Stone, and Zirkin

AN ACT concerning

Criminal Law – First Degree Assault – Strangulation

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

Affirmative – 46 Negative – 0 (See Roll Call No. 640)

The Bill was then sent to the House of Delegates.

Senate Bill 689 – Senator Shank

AN ACT concerning

Education – Maryland Advisory Council for Virtual Learning – Establishment

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

Affirmative – 46 Negative – 0 (See Roll Call No. 641)

The Bill was then sent to the House of Delegates.

**Senate Bill 799 – Chair, Judicial Proceedings Committee (By Request –
Sexual Offender Advisory Board)**

AN ACT concerning

Criminal Law – Sex Offenders – Statutory Sex Offense

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

Affirmative – 46 Negative – 0 (See Roll Call No. 642)

The Bill was then sent to the House of Delegates.

**Senate Bill 843 – Senators Pinsky, Ferguson, Madaleno, ~~and Montgomery~~
Montgomery, and Rosapepe**

AN ACT concerning

**Institutions of Postsecondary Education – Fully Online Distance Education
Programs – Registration**

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

Affirmative – 43 Negative – 3 (See Roll Call No. 643)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #42

Senate Bill 40 – ~~Senator Astle~~ Senators Astle and Garagiola

AN ACT concerning

**Sales and Use Tax – Machinery and Equipment – Energy Star Windows and
Doors**

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

Affirmative – 45 Negative – 0 (See Roll Call No. 644)

The Bill was then sent to the House of Delegates.

Senate Bill 188 – Senators Shank, Edwards, and Young

AN ACT concerning

**Washington County – Distribution of Amounts to Town of Williamsport –
Payments in Lieu of Property Taxes on Electricity Generation Facilities**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 645)

The Bill was then sent to the House of Delegates.

Senate Bill 265 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Tax Sales – Auctioneer’s Fees

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

Affirmative – 46 Negative – 0 (See Roll Call No. 646)

The Bill was then sent to the House of Delegates.

**Senate Bill 291 – Chair, Finance Committee (By Request – Departmental –
Labor, Licensing and Regulation) and Senators Garagiola, Kelley,
Muse, and Pugh**

AN ACT concerning

Unemployment Insurance – Coverage – Victims of Domestic Violence

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

Affirmative – 46 Negative – 0 (See Roll Call No. 647)

The Bill was then sent to the House of Delegates.

**Senate Bill 404 – Senators Brinkley, Colburn, Currie, Glassman, King,
Kittleman, Klausmeier, Montgomery, Stone, Young, and Zirkin**

AN ACT concerning

Sales and Use Tax – Exemption – Home Wheelchair Lifts and Stairlifts

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

Affirmative – 46 Negative – 0 (See Roll Call No. 648)

The Bill was then sent to the House of Delegates.

Senate Bill 425 – Harford County Senators

AN ACT concerning

Harford County – Tax Sales – Auctioneer Fees

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

Affirmative – 46 Negative – 0 (See Roll Call No. 649)

The Bill was then sent to the House of Delegates.

**Senate Bill 512 – Senators Frosh, Conway, Forehand, Gladden, Kelley,
Madaleno, Manno, Montgomery, Ramirez, Raskin, and Rosapepe**

AN ACT concerning

**Regulated Firearms – Database – Applications for Dealer’s License – Record
Keeping and Reporting Requirements**

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

Affirmative – 26 Negative – 20 (See Roll Call No. 650)

The Bill was then sent to the House of Delegates.

Senate Bill 606 – Senator DeGrange

AN ACT concerning

Finance and Procurement – State Treasury – Collateral

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

Affirmative – 46 Negative – 0 (See Roll Call No. 651)

The Bill was then sent to the House of Delegates.

Senate Bill 666 – Carroll County Senators

AN ACT concerning

Carroll County – Property Tax Credit for Housing Units at Independent Living Retirement Communities

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

Affirmative – 46 Negative – 0 (See Roll Call No. 652)

The Bill was then sent to the House of Delegates.

Senate Bill 811 – ~~Senator Astle~~ Senators Astle, Garagiola, Glassman, Kelley, Klausmeier, Middleton, Pugh, and Muse

AN ACT concerning

Insurance – Fraud Violations – Fines and Administrative Penalties

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

Affirmative – 46 Negative – 0 (See Roll Call No. 653)

The Bill was then sent to the House of Delegates.

Senate Bill 853 – Senator Klausmeier

AN ACT concerning

Baltimore County – Public School Employees – Collective Bargaining Units

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

Affirmative – 46 Negative – 0 (See Roll Call No. 654)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 10 – Delegate Haddaway–Ricchio

AN ACT concerning

Business Occupations – Electrical Inspectors – Master Electrician License Required

FOR the purpose of requiring ~~the State, a county, or a~~ a county or municipal corporation to employ as electrical inspectors only individuals who hold, or have previously held within a certain period of time under certain circumstances, a State license or local license, as applicable, to provide electrical services as a master electrician; providing a certain exception to the requirement; providing for the application of this Act; and generally relating to licensing requirements for electrical inspectors.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 6–101(a), (g), (h), and (k)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 6–313
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 394 – Chair, Health and Government Operations Committee

AN ACT concerning

Office of Cemetery Oversight – Sunset Extension and Program Evaluation

FOR the purpose of continuing the Office of Cemetery Oversight in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to statutory and regulatory authority of the Office; exempting private family cemeteries that do not conduct public sales from certain permitting and registration, perpetual care, and preneed contract requirements of the Maryland Cemetery Act; altering the membership of the Advisory Council on Cemetery Operations; increasing the number of times the Advisory Council is required to convene each year; ~~authorizing the Director of the Office of Cemetery Oversight or the Director's designee to confer with the Advisory Council or with individual members of the Council on complaint processing and resolution~~; requiring the Director of the Office of Cemetery Oversight to include certain information regarding the number of registrants and permit holders in a certain annual report; requiring the Director to provide a copy of certain annual reports to each member of the Advisory Council; requiring the Director, at certain times, to deliver to each member of the Advisory Council certain paperwork; requiring the Advisory Council to respond to issues raised in certain annual reports and develop a plan to study ongoing issues; authorizing a certain registration to be

transferred under certain circumstances; requiring a certain annual report to include certain information on the number of inquiries received by the Office; requiring an applicant for a permit to submit certain documentation to the Director; requiring certain reports to be accompanied by certain statements that include certain information; requiring a certain disclosure to be made in a certain manner; ~~repealing an exemption for certain cemeteries from certain provisions of law relating to perpetual care requirements~~; requiring the Office to provide a report on the implementation of certain recommendations to certain committees of the General Assembly on or before a certain date; requiring the Advisory Council to develop a plan for consumer outreach, study record-keeping practices for cemeteries in a certain manner, and develop a legislative proposal on record-keeping practices; requiring the Director and the Advisory Council to develop certain orientation materials and study the issue of the increasing rate of cremations and its effect on the Office's finances; requiring the Director and a committee formed of members of the Advisory Council to update the Office newsletter and develop a certain plan for updating the newsletter; making stylistic and technical changes; ~~providing for a delayed effective date for certain provisions of this Act~~; and generally relating to the Office of Cemetery Oversight and the operation of cemeteries and burial goods businesses in the State.

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section ~~5–102(a), 5–201(c), 5–204(b), (i), and (l)~~ 5–204(i) and (l), 5–305(b),
5–311(h), 5–404, 5–602(a), ~~5–603(b)~~ 5–606(b), 5–702(a), 5–710(b), 5–801,
and 5–1002

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

BY adding to

Article – Business Regulation

Section 5–204(m) and 5–204.1

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article – Business Regulation~~

~~Section 5–602(a)~~

~~Annotated Code of Maryland~~

~~(2010 Replacement Volume and 2011 Supplement)~~

~~(As enacted by Section 1 of this Act)~~

BY repealing and reenacting, without amendments,

Article – State Government

Section 8–403(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(10)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 1123 – Delegate Mizeur

AN ACT concerning

Environment – Presumptive Impact Areas – ~~Damage Contamination~~ Caused by Gas Wells in Deep Shale Deposits

FOR the purpose of establishing for certain gas well permits a certain presumptive impact area around the gas well; establishing limits on the area and the time period in which a presumptive impact area shall be in effect; requiring the Department of the Environment to consider certain factors in making certain determinations; requiring a permittee to replace a certain water supply ~~and repair certain damage or pay monetary compensation to a certain property owner in a presumptive impact area~~ under certain circumstances; establishing certain conditions under which a certain water supply within a presumptive impact area shall be considered to be replaced adequately by the permittee; ~~establishing a certain condition under which certain property damage within a presumptive impact area shall be considered to be repaired adequately by the permittee; requiring a permittee to pay certain compensation to a certain property owner under certain circumstances;~~ authorizing the permittee to avoid restoration under certain circumstances; prohibiting the Department from requiring a permittee to replace a water supply ~~or repair~~ or compensate an owner ~~for other damage~~ under certain circumstances; ~~requiring~~ authorizing the Department to adopt certain regulations; establishing that a certain presumption of causation does not apply under certain circumstances; providing that a certain presumption of causation applies in certain civil actions; providing that the presumption may be rebutted by clear and convincing evidence; stating certain legislative findings and intent; defining a certain term; providing for the construction of this Act; and generally relating to ~~damage contamination~~ caused by certain activities of gas exploration or production.

BY adding to
Article – Environment
Section 14–110.1 and 14–110.2
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

House Bill 1204 – Delegates Mizeur, Holmes, Bobo, Carr, Frick, Frush, Healey, Hubbard, Hucker, Luedtke, McHale, McIntosh, Morhaim, Niemann, Reznik, B. Robinson, S. Robinson, Stein, F. Turner, and Washington

AN ACT concerning

The Marcellus Shale Safe Drilling Study Fee and Performance Bond Act

FOR the purpose of altering the amount of a certain performance bond; authorizing the Department of the Environment to adopt certain regulations to alter the minimum amount of a certain performance bond; requiring certain owners of a certain gas interest in certain areas of the State to file a certain notice with the Department in accordance with certain requirements; requiring certain owners of a certain gas interest in certain areas of the State to pay to the Department a certain amount of money on or before certain dates under certain circumstances; establishing certain grounds for the denial of a certain permit; requiring the Department to deposit certain funds and penalties in the Oil and Gas Fund; requiring a certain amount of money in the Oil and Gas Fund to be used for a certain study; requiring the Department to make a certain refund under certain circumstances; authorizing the Department to impose a certain administrative penalty under certain circumstances; authorizing the Department to use certain funds for certain purposes; authorizing the Department and the Department of Natural Resources to enter into certain agreements for certain purposes; declaring the intent of the General Assembly; providing for the application of certain provisions of law; making stylistic changes; defining certain terms; altering certain definitions; and generally relating to gas and oil wells and gas interests.

BY repealing and reenacting, with amendments,

Article – Environment

Section 14–102, 14–111(a) and (b), 14–116, 14–117, 14–118, 14–122, and 14–123

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

BY adding to

Article – Environment

Section 14–113.1 and 14–120.1

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

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

**House Bill 1373 – Chair, Environmental Matters Committee (By Request –
Departmental – Labor, Licensing and Regulation)**

AN ACT concerning

Real Property – Foreclosed Property Registry

FOR the purpose of requiring the Department of Labor, Licensing, and Regulation to establish and maintain a Foreclosed Property Registry for certain property; requiring certain foreclosure purchasers to register certain residential property and to pay certain fees under certain circumstances; authorizing the Department to impose a certain civil penalty for a certain violation of this Act; imposing certain limits on access to the Foreclosed Property Registry; establishing that certain fees are nonrefundable; authorizing a local government that takes certain actions related to a residential property on the Registry to charge the cost associated with the action as part of the residential property's property tax assessment; establishing the Foreclosed Property Registry Fund; providing for the purpose and composition of the Fund; requiring the State Treasurer to invest money in the Fund; providing that earnings from the Fund shall be credited to the Fund; exempting the Fund from a certain provision of law requiring interest on State money in special funds to accrue to the General Fund of the State; repealing a certain provision of law authorizing a county or municipal corporation to enact a certain local law relating to notice of a foreclosure on residential property; establishing that only the State may enact a certain law; requiring the Department to report certain information to the General Assembly on or before a certain date; and generally relating to the Foreclosed Property Registry.

BY repealing

Article – Real Property

Section 14–126(c)

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

BY adding to

Article – Real Property

Section 14–126.1

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)62. and 63.

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

BY adding to

Article – State Finance and Procurement
Section 6–226(a)(2)(ii)64.
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

**House Bill 1374 – Chair, Environmental Matters Committee (By Request –
Departmental – Labor, Licensing and Regulation)**

AN ACT concerning

Real Property – Foreclosures and Mediation

FOR the purpose of establishing a certain prefile mediation process between a secured party and a mortgagor or grantor before the commencement of a certain foreclosure action under certain circumstances; providing that a certain mortgagor or grantor is not entitled to participate in a certain postfile mediation except under certain circumstances; establishing certain procedures and notices for participation in a certain prefile mediation; altering certain procedures relating to foreclosure and postfile mediation; providing that certain vacant properties are not subject to certain provisions of law applicable to foreclosures and certain mediation processes if a certain certificate is issued under certain circumstances; authorizing a county or municipal corporation to issue to a secured party a certificate of vacancy or certificate of ~~substantial repair~~ property unfit for human habitation for certain residential properties under certain circumstances; authorizing a record owner or occupant of residential property to challenge a certain determination of vacancy under certain circumstances; requiring and authorizing the Commissioner of Financial Regulation to adopt certain regulations; defining certain terms; making conforming changes; allowing a subtraction modification under the Maryland income tax for income resulting from a foreclosure settlement negotiated by the Attorney General; providing for the validity, under certain circumstances, of a certain order to docket or complaint to foreclose served on a mortgagor or grantor before the effective date of certain regulations; requiring the Commissioner of Financial Regulation to develop a certain description of a certain procedure and a certain form to be served under a certain provision of law; and generally relating to mortgage foreclosures and mediation.

BY repealing and reenacting, with amendments,

Article – Real Property
Section 7–105.1
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to

Article – Real Property

Section 7–105.11
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – Tax – General
Section 10–208(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to

Article – Tax – General
Section 10–208(r)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 597 – Senator McFadden

AN ACT concerning

Elections – Baltimore City – Election Dates

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

SB0597/974930/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 597

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “terms” and substitute “term”; and in line 5, after the first “in” insert “a”; and in the same line, strike “years;” and substitute “year; providing for a delayed effective date;”.

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 1 down through “2016,” in line 2; in line 4, after “APRIL” insert “IN THE YEAR IN WHICH THE PRESIDENT OF THE UNITED STATES IS ELECTED”; strike beginning with “; AND” in line 4 down through “ELECTED” in line 6; strike beginning with the colon in line 12 down through “2016,” in line 13; in line 14, strike the first bracket; in the same line, after “year” insert “IN WHICH THE PRESIDENT OF THE UNITED STATES IS ELECTED”; strike beginning with “following” in line 14 down through “ELECTED” in line 16; in lines 18 and 19, strike “: (1)”; strike beginning with “; and” in line 19 down through “years” in line 20; and in line 22, strike “October 1, 2012” and substitute “January 1, 2013”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

**Senate Bill 920 – Senators Raskin, Ferguson, Getty, McFadden, Miller,
Ramirez, Robey, and Simonaire**

AN ACT concerning

Ethics Online Disclosure Act of 2012

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

SB0920/574737/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 920

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “regulations;” insert “repealing a requirement that the Court of Appeals or its designee transmit copies of certain statements to the State Ethics Commission;”.

On page 2, after line 2, insert:

“BY repealing

Article – State Government

Section 15–610(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)”.

AMENDMENT NO. 2

On page 7, in line 16, after “OFFICIAL–ELECT” insert “, EXCEPT A STATE OFFICIAL OR STATE OFFICIAL–ELECT WHO FILES A STATEMENT REQUIRED BY § 15–601(B) OR § 15–610 OF THIS SUBTITLE”.

On page 8, after line 10, insert:

“15–610.

[(c) Within 30 days after receiving a statement under this section, the Court of Appeals or its designee shall transmit a copy of the statement to the Ethics Commission.]”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0920/713225/1

BY: Senator Kittleman

AMENDMENT TO SENATE BILL 920

(First Reading File Bill)

On page 1, in the sponsor line, strike “and Simonaire” and substitute “Simonaire, and Kittleman”.

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0920/713021/2

BY: Senator Kelley

AMENDMENTS TO SENATE BILL 920

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “that” insert “, except under certain circumstances.”.

AMENDMENT NO. 2

On page 9, in line 12, after “(3)” insert “(I)”; in the same line, strike “THE” and substitute “EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE”; in lines 14 and 16, strike “(I)” and “(II)”, respectively, and substitute “1.” and “2.”, respectively; and after line 17, insert:

“(II) THE GOVERNING BODY OF A COUNTY OR A MUNICIPAL CORPORATION SHALL REQUIRE A LOCAL ELECTED OFFICIAL WHO JOINS A SLATE WITH A CANDIDATE FOR THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 13-209 OF THE ELECTION LAW ARTICLE TO:

1. POST INFORMATION FROM FINANCIAL DISCLOSURE STATEMENTS ON THE INTERNET; AND

2. FILE STATEMENTS ELECTRONICALLY.”.

AMENDMENT NO. 3

On page 10, in line 33, after “(3)” insert “(I)”; in the same line, strike “A” and substitute “EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A”; and in line 34, strike “(I)” and substitute “1.”.

On page 11, in line 1, strike “(II)” and substitute “2.”; and after line 3, insert:

“(II) A SCHOOL BOARD SHALL REQUIRE A MEMBER OF A SCHOOL BOARD WHO JOINS A SLATE WITH A CANDIDATE FOR THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 13-209 OF THE ELECTION LAW ARTICLE TO:

1. POST INFORMATION FROM FINANCIAL DISCLOSURE STATEMENTS ON THE INTERNET; AND

2. FILE STATEMENTS ELECTRONICALLY.”.

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 13 Negative – 33 (See Roll Call No. 655)

FLOOR AMENDMENT

SB0920/433321/1

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 920, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 9, strike “providing that” and substitute “requiring”; in line 10, strike “are not required”; and in line 11, strike “or to require” and substitute “and”.

AMENDMENT NO. 2

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0920/574737/1), in Amendment No. 2, strike beginning with “, **EXCEPT**” in line 1 down through “**SUBTITLE**” in line 3.

AMENDMENT NO. 3

On page 7 of the bill, in line 10, after “copying;” insert “**AND**”; and strike beginning with “**BEGINNING**” in line 11 down through “**(IV)**” in line 22.

AMENDMENT NO. 4

On page 9 of the bill, in line 13, strike “**IS NOT REQUIRED TO**” and substitute “**SHALL**”; and in line 15, strike “**OR**” and substitute “**AND**”.

On page 10, in line 33, strike “**IS NOT REQUIRED TO**” and substitute “**SHALL**”; and in line 35, strike “**OR**” and substitute “**AND**”.

The preceding 4 amendments were read only.

Senator Forehand moved, duly seconded, to make the Bill and Amendments a Special Order for March 22, 2012.

The motion was rejected by a roll call vote as follows:

Affirmative – 5 Negative – 38 (See Roll Call No. 656)

Senator Zirkin moved, duly seconded, to make the Bill and Amendments a Special Order for the end of today’s business.

The motion was adopted.

Senate Bill 362 – Senators Pugh, Benson, Conway, Currie, Forehand, Garagiola, Jones–Rodwell, Madaleno, McFadden, and Stone

AN ACT concerning

Education – Age for Compulsory Public School Attendance – Exemptions

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB0362/204536/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 362

(First Reading File Bill)

On page 1, in the sponsor line, strike “and Stone” and substitute “Stone, Ferguson, Pinsky, and Rosapepe”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 674 – Senator Rosapepe

EMERGENCY BILL

AN ACT concerning

Primary and Secondary Education – Online Courses – Local Approval and Reporting Requirements

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0674/124231/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 674

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Courses” insert “and Services”; strike beginning with “Local” in line 2 down through “Requirements” in line 3 and substitute “Development and Procurement”; strike beginning with “authorizing” in line 4 down through “Education” in line 8 and substitute “authorizing certain county boards of education to request that the State Department of Education develop and procure certain online courses and services; requiring the Department to determine within a certain period of time whether a certain delegation will be made; requiring the Department to develop and procure certain courses and services within a certain period of time under certain circumstances; authorizing the Department to delegate certain authority to certain county boards under certain circumstances; authorizing certain county boards to set certain fees under certain circumstances; requiring certain county boards to remit certain fees to the Department under certain circumstances; requiring certain county boards to request certain approval from the Department under certain circumstances; requiring the Department to approve or deny certain requests within a certain period of time; authorizing the State Board of Education to set reasonable fees for the costs incurred by the Department for processing approvals for online courses and services; requiring the Department to ensure that certain courses and services require certain access for certain students”; and in line 10, strike “by county boards of education”.

AMENDMENT NO. 2

On page 2, in line 6, after “(1)” insert “**(I) A COUNTY BOARD MAY REQUEST THAT THE DEPARTMENT DEVELOP AND PROCURE ONLINE COURSES AND SERVICES UNDER PARAGRAPH (2) OF THIS SUBSECTION.**”

(II) WITHIN 15 DAYS AFTER THE RECEIPT OF A REQUEST UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEPARTMENT SHALL DETERMINE WHETHER THE DEVELOPMENT AND PROCUREMENT OF THE ONLINE COURSES AND SERVICES SHALL BE DELEGATED TO A COUNTY BOARD UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION.

(III) IF THE DEPARTMENT DOES NOT DELEGATE THE DEVELOPMENT AND PROCUREMENT OF THE ONLINE COURSES AND SERVICES TO A COUNTY BOARD, THE DEPARTMENT SHALL DEVELOP AND PROCURE ONLINE COURSES AND SERVICES UNDER PARAGRAPH (2) OF THIS SUBSECTION WITHIN 120 DAYS AFTER THE RECEIPT OF A REQUEST MADE BY A COUNTY BOARD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(2) (I)”;

strike beginning with “EXCEPT” in line 6 down through “Superintendent” in line 7 and substitute “SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH”; in lines 9, 10, 11, and 14, strike “(I)”, “(II)”, “(III)”, and “(IV)”, respectively, and substitute “1.”, “2.”, “3.”, and “4.”, respectively; strike in their entirety lines 16 through 23, inclusive; and after line 23, insert:

“(II) SUBJECT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH, THE DEPARTMENT MAY DELEGATE THE AUTHORITY TO DEVELOP AND PROCURE ONLINE COURSES AND SERVICES TO A COUNTY BOARD.

(III) IF THE DEPARTMENT DELEGATES THE AUTHORITY TO DEVELOP AND PROCURE ONLINE COURSES AND SERVICES TO A COUNTY BOARD, THE COUNTY BOARD MAY SET REASONABLE FEES FOR:

1. ONLINE COURSES AND SERVICES; AND
2. PROCESSING THE PROCUREMENT OF ONLINE COURSES AND SERVICES.

(IV) A COUNTY BOARD SHALL REMIT 15% OF THE FEES COLLECTED UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH TO THE DEPARTMENT.

(V) THE DEPARTMENT SHALL APPROVE OR DENY THE DEVELOPMENT AND PROCUREMENT OF ONLINE COURSES AND SERVICES BY A COUNTY BOARD.

(VI) 1. A COUNTY BOARD SHALL REQUEST APPROVAL FROM THE DEPARTMENT WHEN THE COUNTY BOARD HAS COMPLETED THE DEVELOPMENT AND INTENDED PROCUREMENT OF ONLINE COURSES AND SERVICES.

2. WITHIN 45 DAYS AFTER A REQUEST UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE DEPARTMENT SHALL APPROVE OR DENY THE DEVELOPMENT AND INTENDED PROCUREMENT.”.

AMENDMENT NO. 3

On page 2, in line 25, strike “ONLINE” and substitute “:

(I) ONLINE”;

in line 26, after “services” insert “;AND

(II) PROCESSING APPROVALS FOR ONLINE COURSES AND SERVICES”;

On page 3, after line 13, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the State Department of Education shall:

(1) ensure that online courses and services developed and the specifications used in all grants and procurement contracts for online courses and services require access for students with disabilities, including blindness, in accordance with the technical standards for electronic and information technology issued under subsection (A)(2) of Section 508 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794(A)(2) or any other appropriate accessibility standard; and

(2) establish a means for ensuring that online courses and services that fail to meet the requirements of paragraph (1) of this section are prohibited from use.”;

and in line 14, strike “2.” and substitute “3.”.

The preceding 3 committee amendments were withdrawn.

SB0674/124231/2

BY: Education, Health, and Environmental Affairs Committee

SUBSTITUTE AMENDMENTS TO SENATE BILL 674
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Courses” insert “and Services”; strike beginning with “Local” in line 2 down through “Requirements” in line 3 and substitute “Development or Review and Approval”; strike beginning with “authorizing” in line 4 down through “Education” in line 8 and substitute “authorizing certain county boards of education to request that the State Department of Education develop or review and approve certain online courses and services; requiring the Department to determine within a certain period of time whether a certain delegation will be made; requiring the Department to develop or review and approve certain courses and services within a certain period of time under certain circumstances; authorizing the Department to delegate certain authority to certain county boards under certain circumstances; authorizing certain county boards to set certain fees under certain circumstances; requiring certain county boards to remit certain fees to the Department under certain circumstances; requiring certain county boards to request certain approval from the Department under certain circumstances; requiring the Department to approve or deny certain requests within a certain period of time; authorizing the State Board of Education to set reasonable fees for the costs incurred by the Department for the development of online courses or the review and approval of online courses and services; requiring the Department to ensure that certain courses and services require certain access for certain students”; and in line 10, strike “by county boards of education”.

AMENDMENT NO. 2

On page 2, in line 6, after “(1)” insert “**(I) A COUNTY BOARD MAY REQUEST THAT THE DEPARTMENT DEVELOP OR REVIEW AND APPROVE ONLINE COURSES AND SERVICES UNDER PARAGRAPH (2) OF THIS SUBSECTION.**”

(II) WITHIN 15 DAYS AFTER THE RECEIPT OF A REQUEST UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEPARTMENT SHALL DETERMINE WHETHER THE DEVELOPMENT OR REVIEW AND APPROVAL OF THE ONLINE COURSES AND SERVICES SHALL BE DELEGATED TO A COUNTY BOARD UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION.

(III) IF THE DEPARTMENT DOES NOT DELEGATE THE DEVELOPMENT OR REVIEW AND APPROVAL OF THE ONLINE COURSES AND SERVICES TO A COUNTY BOARD, THE DEPARTMENT SHALL DEVELOP OR REVIEW AND APPROVE ONLINE COURSES AND SERVICES UNDER PARAGRAPH (2) OF THIS SUBSECTION WITHIN 120 DAYS AFTER THE RECEIPT OF A REQUEST MADE BY A COUNTY BOARD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(2) (I);

strike beginning with “EXCEPT” in line 6 down through “Superintendent” in line 7 and substitute “SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH”; in lines 9, 10, 11, and 14, strike “(I)”, “(II)”, “(III)”, and “(IV)”, respectively, and substitute “1. A.”, “B.”, “2.”, and “3.”, respectively; in line 9, after “services,” insert “OR”; in line 10, strike “Procure” and substitute “REVIEW AND APPROVE”; strike in their entirety lines 16 through 23, inclusive; and after line 23, insert:

“(II) SUBJECT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH, THE DEPARTMENT MAY DELEGATE THE AUTHORITY TO DEVELOP OR REVIEW AND APPROVE ONLINE COURSES AND SERVICES TO A COUNTY BOARD.

(III) IF THE DEPARTMENT DELEGATES THE AUTHORITY TO DEVELOP OR REVIEW AND APPROVE ONLINE COURSES AND SERVICES TO A COUNTY BOARD, THE COUNTY BOARD MAY IMPOSE REASONABLE FEES TO BE PAID BY THE VENDOR TO COVER THE COST OF REVIEWING AND APPROVING ONLINE COURSES AND SERVICES.

(IV) A COUNTY BOARD SHALL REMIT 15% OF THE FEES COLLECTED UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH TO THE DEPARTMENT.

(V) 1. A COUNTY BOARD SHALL REQUEST APPROVAL OF THE ONLINE COURSE FROM THE DEPARTMENT WHEN THE COUNTY BOARD HAS COMPLETED THE DEVELOPMENT OR REVIEW AND APPROVAL OF ONLINE COURSES AND SERVICES.

2. WITHIN 45 DAYS AFTER A REQUEST UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE DEPARTMENT SHALL APPROVE OR DISAPPROVE THE ONLINE COURSE BASED ON CRITERIA AND GUIDELINES DEVELOPED BY THE DEPARTMENT.”.

AMENDMENT NO. 3

On page 2, in line 25, strike “ONLINE” and substitute “:

(I) DEVELOPING OR REVIEWING ONLINE”;

in line 26, after “services” insert “;AND

(II) PROCESSING APPROVALS FOR ONLINE COURSES AND SERVICES”;

On page 3, after line 13, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the State Department of Education shall:

(1) ensure that online courses and services developed or reviewed and approved include specifications that allow for access by students with disabilities, including blindness, in accordance with the technical standards for electronic and information technology issued under subsection (A)(2) of Section 508 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794(A)(2) or any other appropriate accessibility standard; and

(2) establish a means for ensuring that online courses and services that fail to meet the requirements of paragraph (1) of this section are prohibited from use.”;

and in line 14, strike “2.” and substitute “3.”.

The preceding 3 substitute committee amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

**Senate Bill 180 – Senators Pugh, Benson, Forehand, King, Klausmeier,
Madaleno, Manno, Middleton, Montgomery, Raskin, and Young**

AN ACT concerning

Health Occupations – State Board of Naturopathic Medicine

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

SB0180/854033/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 180

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 29, after “reasons;” insert “requiring certain individuals to complete and submit to the Board a certain written attestation before practicing naturopathic medicine in the State; requiring the Board to maintain certain written attestations and make them available to the State Board of Physicians under certain circumstances; requiring certain individuals under certain circumstances to submit a new written attestation to the Board;”.

On page 3, in line 17, after “terms;” insert “providing for the construction of a certain provision of this Act; providing for the effective dates of this Act;”.

On page 4, after line 3, insert:

“BY repealing

Article – Health Occupations

Section 7.5–302

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

(As enacted by Section 2 of this Act)”.

AMENDMENT NO. 2

On page 12, after line 19, insert:

“7.5–302.

(A) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE ABILITY OF A LICENSED NATUROPATHIC PHYSICIAN TO RECEIVE REFERRALS FROM OR MAKE REFERRALS TO A PHYSICIAN LICENSED UNDER TITLE 14 OF THIS ARTICLE WITH WHOM THE LICENSED NATUROPATHIC PHYSICIAN DOES NOT HAVE A COLLABORATION AND CONSULTATION AGREEMENT.

(B) IN ADDITION TO THE REQUIREMENTS OF § 7.5-301 OF THIS SUBTITLE, BEFORE AN INDIVIDUAL MAY PRACTICE NATUROPATHIC MEDICINE IN THE STATE, THE INDIVIDUAL SHALL COMPLETE AND SUBMIT TO THE BOARD A BOARD-APPROVED WRITTEN ATTESTATION THAT:

(1) STATES THAT THE INDIVIDUAL HAS A COLLABORATION AND CONSULTATION AGREEMENT WITH A PHYSICIAN LICENSED UNDER TITLE 14 OF THIS ARTICLE;

(2) INCLUDES THE NAME AND LICENSE NUMBER OF THE PHYSICIAN WITH WHOM THE INDIVIDUAL HAS A COLLABORATION AND CONSULTATION AGREEMENT;

(3) STATES THAT THE INDIVIDUAL WILL REFER PATIENTS TO AND CONSULT WITH PHYSICIANS AND OTHER HEALTH CARE PROVIDERS LICENSED OR CERTIFIED UNDER THIS ARTICLE AS NEEDED; AND

(4) STATES THAT THE INDIVIDUAL WILL REQUIRE PATIENTS TO SIGN A CONSENT FORM THAT STATES THAT THE INDIVIDUAL'S PRACTICE OF MEDICINE IS LIMITED TO THE SCOPE OF PRACTICE IDENTIFIED IN § 7.5-306 OF THIS SUBTITLE.

(C) THE BOARD SHALL:

(1) MAINTAIN THE WRITTEN ATTESTATIONS SUBMITTED TO THE BOARD UNDER SUBSECTION (B) OF THIS SECTION; AND

(2) MAKE THE WRITTEN ATTESTATIONS SUBMITTED TO THE BOARD UNDER SUBSECTION (B) OF THIS SECTION AVAILABLE TO THE STATE

BOARD OF PHYSICIANS ON THE REQUEST OF THE STATE BOARD OF PHYSICIANS.

(D) IF AN INDIVIDUAL WHO SUBMITTED A WRITTEN ATTESTATION TO THE BOARD UNDER SUBSECTION (B) OF THIS SECTION TERMINATES OR CHANGES THE COLLABORATION AND CONSULTATION AGREEMENT THAT WAS REFERENCED IN THE ATTESTATION, THE INDIVIDUAL IMMEDIATELY SHALL SUBMIT, BY MAIL OR FACSIMILE, A NEW WRITTEN ATTESTATION TO THE BOARD.”;

in line 20, strike “~~7.5-302.~~” and substitute “7.5-303.”; and in line 25, strike “~~§ 7.5-304~~” and substitute “§ 7.5-305”.

On page 13, in lines 17 and 32, strike “~~7.5-303.~~” and “~~7.5-304.~~”, respectively, and substitute “7.5-304.” and “7.5-305.”, respectively; and in line 24, strike “~~§ 7.5-304~~” and substitute “§ 7.5-305”.

On page 14, in line 6, strike “~~§ 7.5-303~~” and substitute “§ 7.5-304”; and in lines 20 and 23, strike “~~7.5-305.~~” and “~~7.5-306.~~”, respectively, and substitute “7.5-306.” and “7.5-307.”, respectively.

On page 15, in line 13, after “EXERCISE” insert “FOR THE PURPOSE OF PROVIDING PRIMARY CARE SERVICES”; and in line 14, after “DEVICES” insert “FOR THE PURPOSE OF PROVIDING PRIMARY CARE SERVICES”.

On page 17, in lines 3 and 21, strike “~~7.5-307.~~” and “~~7.5-308.~~”, respectively, and substitute “7.5-308.” and “7.5-309.”, respectively.

On page 18, in line 11, strike “~~§ 7.5-307~~” and substitute “§ 7.5-308”; and in line 18, strike “~~7.5-309.~~” and substitute “7.5-310.”.

On page 27, after line 29, insert:

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

[7.5–302.

(a) This section may not be construed to limit the ability of a licensed naturopathic physician to receive referrals from or make referrals to a physician licensed under Title 14 of this article with whom the licensed naturopathic physician does not have a collaboration and consultation agreement.

(b) In addition to the requirements of § 7.5–301 of this subtitle, before an individual may practice naturopathic medicine in the State, the individual shall complete and submit to the Board a Board–approved written attestation that:

(1) States that the individual has a collaboration and consultation agreement with a physician licensed under Title 14 of this article;

(2) Includes the name and license number of the physician with whom the individual has a collaboration and consultation agreement;

(3) States that the individual will refer patients to and consult with physicians and other health care providers licensed or certified under this article as needed; and

(4) States that the individual will require patients to sign a consent form that states that the individual’s practice of medicine is limited to the scope of practice identified in § 7.5–306 of this subtitle.

(c) The Board shall:

(1) Maintain the written attestations submitted to the Board under subsection (b) of this section; and

(2) Make the written attestations submitted to the Board under subsection (b) of this section available to the State Board of Physicians on the request of the State Board of Physicians.

(d) If an individual who submitted a written attestation to the Board under subsection (b) of this section terminates or changes the collaboration and consultation agreement that was referenced in the attestation, the individual immediately shall submit, by mail or facsimile, a new written attestation to the Board.];”;

and in line 30, strike “3.” and substitute “4.”.

On page 28, in lines 4 and 7, strike “4.” and “5.”, respectively, and substitute “5.” and “6.”, respectively; after line 12, insert:

“SECTION 7. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect October 1, 2015.”;

in line 13, strike “6.” and substitute “8.”; and in the same line, after “That” insert “, except as provided in Section 7 of this Act.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 868 – Senator Conway

AN ACT concerning

Residential Child and Youth Care Practitioners – Certification – Modifications

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0868/124031/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 868

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “Board;” insert “requiring, instead of authorizing, the Board to set reasonable fees for certain services;”; and in line 9, strike “certain” and substitute “the”.

AMENDMENT NO. 2

On page 4, in line 2, strike “**MAY**” and substitute “**SHALL**”; in the same line, after “for” insert a colon; in the same line, strike “the” and substitute:

“(I) THE”;

in line 3, after “certificates” insert “;

“(II) APPROVING TRAINING PROGRAMS FOR RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONERS;”;

in the same line, strike “its” and substitute:

“(III) ITS”;

and in line 18, after “BLIND” insert “WHO IS A RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER AND HOLDS A CURRENT PARAPROFESSIONAL CERTIFICATE”.

AMENDMENT NO. 3

On page 5, in line 23, after “EXPERIENCE,” insert “TRAINING,”.

The preceding 3 amendments were read only.

Senator Zirkin moved, duly seconded, to make the Bill and Amendments a Special Order for March 22, 2012.

The motion was adopted.

Senate Bill 236 – The President (By Request – Administration) and Senators Pinsky, Frosh, Madaleno, Montgomery, and Raskin

AN ACT concerning

Sustainable Growth and Agricultural Preservation Act of 2012

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (7) AND THE FAVORABLE REPORT.

SB0236/774530/2

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 236
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “altering” and substitute “authorizing a local jurisdiction to adopt and certify to the Department of Planning certain growth tier designations; requiring a local jurisdiction under certain circumstances to alter”; in the same line, strike “certain elements that are required in”; in line 4, after “plan;” insert “authorizing a local jurisdiction to submit proposed tier designations to the Department of Planning before certification for certain purposes; establishing certain mandatory and certain discretionary provisions relating to the adoption of certain tiers by certain local jurisdictions; requiring a local jurisdiction to provide documentation to the Department of Planning if the jurisdiction does not adopt a certain tier; requiring growth tiers certified by a local jurisdiction to meet certain criteria;”; in line 6, strike the first “the”; strike beginning with “requiring” in line 9 down through “time” in line 12 and substitute “requiring the Department of Planning to provide certain information to certain State agencies and post certain information on the Department’s Web site”; strike beginning with “requiring” in line 13 down through “circumstances” in line 15 and substitute “prohibiting the Department of the Environment or the Department’s designee from approving a certain residential subdivision until the local jurisdiction adopts certain growth tiers; authorizing the Department or the Department’s designee, if a local jurisdiction has not adopted certain growth tiers, to approve a certain residential subdivision under certain circumstances; authorizing the Department to extend the time period for recordation of a subdivision plat in certain circumstances”; in lines 16 and 17, strike “of the Environment;”; in line 20, after the semicolon, insert “providing for the resolution of conflicting tier designations;”; in line 24, strike “notify” and substitute “provide certain information to”; and strike beginning with “authorizing” in line 25 down through “subdivisions” in line 27 and substitute “requiring the Department of Planning to provide a certain notification to the Department of the Environment”.

On page 2, in line 2, after “date;” insert “authorizing the owner of certain property used for agricultural activities to install certain numbers of on-site sewage disposal systems in accordance with certain requirements; requiring certain on-site sewage disposal systems installed on certain property to be clustered together under certain circumstances;”; strike beginning with “requiring” in line 4 down through “system;” in line 6; in line 7, after the semicolon insert “establishing certain requirements for the verification by the Department of Planning of a certain yield for zoning; requiring a local jurisdiction to submit to the Department of Planning on or before a certain date a certain definition or description; requiring the Department of Planning to prepare a list of certain definitions and descriptions for publication on”.

certain Web sites on or after a certain date; providing that this Act may not be construed to limit certain authority granted to the Critical Area Commission;"; in line 25, strike the first comma and substitute "and"; in the same line, strike "1.04(b)(1)(iv), and 3.05(a)(4)(ii)"; strike in their entirety lines 28 through 32, inclusive; in line 35, strike "1.04(b)(5)"; in the same line, strike the second comma; in the same line, strike "3.05(a)(9)" and substitute "1.06"; and strike line 40 in its entirety and substitute "Section 9–206(a)(3), (d)(1), (g)(1)(iv) and (2), and (j)(1)".

On page 3, in line 5, strike "1–407, 3–103,"; strike in their entirety lines 9 through 14, inclusive; in line 17, after "Section" insert "1–501 through 1–507 to be under the new subtitle "Subtitle 5. Growth Tiers"; and"; and strike in their entirety lines 21 through 26, inclusive.

AMENDMENT NO. 2

On page 5, in line 23, strike "SUBSECTION" and substitute "SECTION"; after line 26, insert:

"(3) "GROWTH TIERS" MEANS THE TIERS ADOPTED BY A LOCAL JURISDICTION IN ACCORDANCE WITH ARTICLE 66B, § 1.05 OF THE CODE."

in lines 27 and 31, respectively, strike "**(3)**" and "**(4)**", respectively, and substitute "**(4)**" and "**(5)**", respectively; in line 31, strike "THE" and substitute ":

(1) THE;

in the same line, after "LAND" insert a colon; and in line 32, strike "INTO" and substitute:

1. INTO.

On page 6, in line 1, after "DEFINED" insert "OR DESCRIBED AS A MAJOR SUBDIVISION"; in the same line, strike "THE" and substitute "A"; in the same line, strike "LAW AS A MAJOR SUBDIVISION" and substitute "ORDINANCE OR REGULATION:"

A. THAT IS;

in line 2, strike the period and substitute "**; OR**

B. IF A LOCAL ORDINANCE OR REGULATION DOES NOT DEFINE OR DESCRIBE A MAJOR SUBDIVISION UNDER ITEM A OF THIS ITEM, THAT IS ADOPTED ON OR BEFORE DECEMBER 31, 2012; OR

2. IF A LOCAL JURISDICTION HAS NOT ADOPTED A DEFINITION OR DESCRIPTION OF A MAJOR SUBDIVISION ON OR BEFORE DECEMBER 31, 2012, UNDER ITEM 1 OF THIS ITEM, INTO FIVE OR MORE NEW LOTS, PLATS, BUILDING SITES, OR OTHER DIVISIONS OF LAND; AND

(II) IF THE LOCAL ORDINANCE OR REGULATION HAS TWO DEFINITIONS OR DESCRIPTIONS OF A MAJOR SUBDIVISION UNDER PARAGRAPH (I) OF THIS SUBSECTION, THE DEFINITION OR DESCRIPTION OF A MAJOR SUBDIVISION THAT IS DETERMINED BY THE LOCAL JURISDICTION TO APPLY FOR THE PURPOSES OF THIS SECTION.”;

in lines 3, 7, and 9, respectively, strike “(5)”, “(6)”, and “(7)”, respectively, and substitute “(6)”, “(7)”, and “(8)”, respectively; in line 3, strike “THE” and substitute “:

(I) THE”;

in the same line, after “LAND” insert a colon; and in line 4, strike “INTO” and substitute:

“1. INTO”;

in line 5, after “DEFINED” insert “OR DESCRIBED AS A MINOR SUBDIVISION”; in the same line, strike “THE” and substitute “A”; in the same line, strike “LAW AS A MINOR SUBDIVISION” and substitute “ORDINANCE OR REGULATION:

A. THAT IS”;

in line 6, strike the period and substitute “; OR

B. IF A LOCAL ORDINANCE OR REGULATION DOES NOT DEFINE OR DESCRIBE A MINOR SUBDIVISION UNDER ITEM A OF THIS ITEM, ADOPTED ON OR BEFORE DECEMBER 31, 2012, PROVIDED THAT A MINOR

SUBDIVISION DEFINED OR DESCRIBED IN THE ADOPTED ORDINANCE OR REGULATION DOES NOT EXCEED SEVEN NEW LOTS, PLATS, BUILDING SITES, OR OTHER DIVISIONS OF LAND; OR

2. IF A LOCAL JURISDICTION HAS NOT ADOPTED A DEFINITION OR DESCRIPTION OF A MINOR SUBDIVISION ON OR BEFORE DECEMBER 31, 2012, UNDER ITEM 1 OF THIS ITEM, INTO FEWER THAN FIVE NEW LOTS, PLATS, BUILDING SITES, OR OTHER DIVISIONS OF LAND; AND

(II) IF THE LOCAL ORDINANCE OR REGULATION HAS TWO DEFINITIONS OR DESCRIPTIONS OF A MINOR SUBDIVISION UNDER ITEM (I) OF THIS PARAGRAPH, THE DEFINITION OR DESCRIPTION OF A MINOR SUBDIVISION THAT IS DETERMINED BY THE LOCAL JURISDICTION TO APPLY FOR THE PURPOSES OF THIS SECTION.”;

after line 14, insert:

“(9) “PUBLIC SEWER” MEANS A COMMUNITY, SHARED, OR MULTIUSE SEWERAGE SYSTEM.”;

in lines 15 and 28, strike “(8)” and “(9)”, respectively, and substitute “(10)” and “(12)”, respectively; and after line 27, insert:

“(11) “STATE AGENCY” MEANS:

(I) THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION;

(II) THE MARYLAND ENVIRONMENTAL TRUST;

(III) THE DEPARTMENT OF NATURAL RESOURCES; OR

(IV) THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION.”.

On page 7, strike beginning with the comma in line 2 down through “AREAS” in line 5; after line 6, insert:

“(III) “SUBDIVISION” DOES NOT INCLUDE A CHANGE IN STREET LINES OR LOT LINES IF THE CHANGE IN THE STREET OR LOT LINES DOES NOT:

1. RESULT IN A NET INCREASE IN THE NUMBER OF LOTS; AND

2. ADVERSELY AFFECT THE SAFETY AND ADEQUACY OF WELL SITES OR SEWAGE DISPOSAL AREAS, AS DETERMINED BY THE SECRETARY OR THE SECRETARY’S DESIGNEE.”;

and strike in their entirety lines 7 through 10, inclusive.

AMENDMENT NO. 3

On page 7, in line 11, strike “THIS SUBSECTION DOES” and substitute “SUBSECTIONS (F) THROUGH (K) AND SUBSECTION (N) OF THIS SECTION APPLY TO RESIDENTIAL SUBDIVISIONS.

(2) SUBSECTIONS (F) THROUGH (K) AND SUBSECTION (N) OF THIS SECTION:

(I) APPLY TO A SUBDIVISION PLAT APPROVAL BY THE DEPARTMENT OR THE DEPARTMENT’S DESIGNEE; AND

(II) DO NOT APPLY TO A SUBDIVISION PLAT APPROVAL BY A LOCAL JURISDICTION.

(3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, SUBSECTIONS (F) THROUGH (K) DO”;

in line 12, after “A” insert “RESIDENTIAL”; in line 21, strike “(2)” and substitute:

“(4) THE DEPARTMENT MAY EXTEND THE DATE FOR RECORDATION OF A SUBDIVISION PLAT UNDER PARAGRAPH (3) OF THIS SUBSECTION BY ONE ADDITIONAL 6-MONTH PERIOD IF THE APPLICANT DEMONSTRATES TO THE DEPARTMENT OR THE DEPARTMENT’S DESIGNEE THAT

THE APPLICANT IS UNABLE TO RECORD THE PLAT BECAUSE THE APPLICANT CANNOT PERFORM THE REQUIRED TESTS FOR ADEQUACY OF AN ON-SITE SEWAGE DISPOSAL SYSTEM IN ACCORDANCE WITH THE REGULATIONS ADOPTED BY THE DEPARTMENT.

(C) (1) SUBSECTIONS (F) THROUGH (K) AND SUBSECTION (N) OF THIS SECTION DO NOT APPLY TO COVENANTS, RESTRICTIONS, CONDITIONS, OR CONSERVATION EASEMENTS THAT WERE CREATED OR ENTERED INTO AT ANY TIME UNDER § 2-118 OF THE REAL PROPERTY ARTICLE FOR THE BENEFIT OF, OR HELD BY, A STATE AGENCY OR A LOCAL JURISDICTION FOR THE PURPOSE OF CONSERVING NATURAL RESOURCES OR AGRICULTURAL LAND.

(2) SUBSECTIONS (F) THROUGH (K) OF THIS SECTION MAY NOT BE CONSTRUED AS GRANTING ANY ADDITIONAL RIGHTS IN COVENANTS, RESTRICTIONS, CONDITIONS, OR CONSERVATION EASEMENTS THAT WERE CREATED OR ENTERED INTO AT ANY TIME UNDER § 2-118 OF THE REAL PROPERTY ARTICLE FOR THE BENEFIT OF, OR HELD BY, A STATE AGENCY OR A LOCAL JURISDICTION FOR THE PURPOSE OF CONSERVING NATURAL RESOURCES OR AGRICULTURAL LAND.

(D) SUBSECTIONS (F) THROUGH (K) AND SUBSECTION (N) OF THIS SECTION DO NOT:

(1) AFFECT A LOCAL TRANSFER OF DEVELOPMENT RIGHTS PROGRAM AUTHORIZED UNDER ARTICLE 25A, § 5(X), ARTICLE 28, § 8-101, OR ARTICLE 66B, § 11.01 OF THE CODE; OR

(2) DIMINISH THE LOCAL DEVELOPMENT RIGHTS TRANSFERRED IN THESE TRANSFER OF DEVELOPMENT RIGHTS PROGRAMS.

(E) SUBSECTIONS (F) THROUGH (K) AND SUBSECTION (N) OF THIS SECTION MAY NOT BE CONSTRUED AS PROHIBITING A LOCAL JURISDICTION FROM ALTERING THE DEFINITION OR DESCRIPTION OF A MAJOR OR MINOR SUBDIVISION IN A LOCAL ORDINANCE OR REGULATION FOR LOCAL ZONING OR DEVELOPMENT PURPOSES.

(F) ON OR AFTER DECEMBER 31, 2012, THE DEPARTMENT OR THE DEPARTMENT’S DESIGNEE:

(1) MAY NOT APPROVE A MAJOR RESIDENTIAL SUBDIVISION SERVED BY ON-SITE SEWAGE DISPOSAL SYSTEMS, COMMUNITY SEWERAGE SYSTEMS, OR SHARED SYSTEMS UNTIL THE LOCAL JURISDICTION ADOPTS THE GROWTH TIERS IN ACCORDANCE WITH ARTICLE 66B, § 1.05 OF THE CODE; OR

(2) IF THE LOCAL JURISDICTION HAS NOT ADOPTED THE GROWTH TIERS IN ACCORDANCE WITH ARTICLE 66B, § 1.05 OF THE CODE, MAY APPROVE:

(i) A MINOR RESIDENTIAL SUBDIVISION SERVED BY ON-SITE SEWAGE DISPOSAL SYSTEMS IF THE RESIDENTIAL SUBDIVISION OTHERWISE MEETS THE REQUIREMENTS OF THIS TITLE; OR

(ii) A MAJOR OR MINOR SUBDIVISION SERVED BY PUBLIC SEWER IN A TIER I AREA.

(G) (1);

and in line 21, strike “(E)(2)” and substitute “(F)(2)”.

On page 8, in lines 3 and 19, in each instance, strike “(C)” and substitute “(H)”; in line 4, strike “UTILIZING” and substitute “SERVED BY”; in line 13, after “PLANNING” insert “IN ACCORDANCE WITH SUBSECTIONS (I) AND (J) OF THIS SECTION”; in the same line, strike “TIER III OR TIER”; in line 14, strike “IV AREA IS” and substitute “GROWTH TIERS ARE”; in the same line, strike the colon and substitute “ARTICLE 66B, § 1.05 OF THE CODE.”; strike in their entirety lines 15 through 18, inclusive, and substitute:

“(2) ANY DELAY IN THE APPROVAL OF A RESIDENTIAL SUBDIVISION PLAT UNDER THIS SUBSECTION MAY NOT BE CONSTRUED AS APPLYING TO ANY DEADLINE FOR APPROVING OR DISAPPROVING A SUBDIVISION PLAT UNDER ARTICLE 28 OF THE CODE, ARTICLE 66B, § 5.04 OF THE CODE, OR A LOCAL ORDINANCE.”;

in line 20, strike “(B)(2)(III)” and substitute “(G)(1)(III)”; in line 22, strike “A” and substitute “AN”; after line 31, insert:

“(I) (1) IF TWO OR MORE LOCAL JURISDICTIONS ADOPT CONFLICTING GROWTH TIER DESIGNATIONS FOR THE SAME AREA, THE DEPARTMENT AND THE DEPARTMENT OF PLANNING SHALL CONFER WITH THE LOCAL JURISDICTIONS TO SEEK RESOLUTION OF THE CONFLICTING DESIGNATIONS.

(2) IF A CONFLICT IN GROWTH TIER DESIGNATIONS IS NOT RESOLVED, THE DEPARTMENT OF PLANNING SHALL RECOMMEND TO THE DEPARTMENT THE PREFERRED LOCAL JURISDICTION DESIGNATIONS AS DETERMINED BY THE DEPARTMENT OF PLANNING BASED ON THE FOLLOWING BEST PLANNING PRACTICES OR FACTORS:

(I) THE COMPREHENSIVE PLAN, INCLUDING THE MUNICIPAL GROWTH ELEMENT, THE WATER RESOURCES ELEMENT, THE LAND USE ELEMENT, AND, IF APPLICABLE, THE PRIORITY PRESERVATION ELEMENT;

(II) GROWTH PROJECTIONS AND DEVELOPMENT CAPACITY;
AND

(III) AVAILABILITY OF INFRASTRUCTURE.”;

in line 32, strike “(D)” and substitute “(J)”; in line 33, after “PLAT” insert “FOR A MAJOR SUBDIVISION IN A TIER III AREA”; and in the same line, strike “(B)” and substitute “(G)(1)(IV)”.

On page 9, in line 2, strike “TIER III OR TIER IV AREA IS” and substitute “GROWTH TIERS ARE”; in line 3, strike “OF A TIER III OR TIER IV AREA” and substitute “FOR THE GROWTH TIERS”; in line 4, strike “§ 1.04 OR § 3.05” and substitute “§ 1.05”; in line 5, after “THE” insert “COMPREHENSIVE PLAN, INCLUDING THE”; in the same line, after “ELEMENT,” insert “THE WATER RESOURCES ELEMENT, THE LAND USE ELEMENT, AND, IF APPLICABLE,”; strike beginning with the first comma in line 6 down through “PLAN” in line 7; strike in their entirety lines 8 through 22, inclusive; in line 23, strike “(F)” and substitute “(K)”; in line 27, after “PLAT” insert “FOR A MAJOR SUBDIVISION IN A TIER III AREA”; in

line 28, strike “FOR ADVICE UNDER SUBSECTION (D) OF THIS SECTION”; in line 30, strike “TIER III OR TIER IV AREA” and substitute “GROWTH TIER”; and in line 31, strike “(B)” and substitute “(G)”.

On page 10, strike in their entirety lines 1 and 2, inclusive; in lines 3, 10, and 21, strike “(H)”, “(I)”, and “(J)”, respectively, and substitute “(L)”, “(M)”, and “(N)”, respectively; and in line 10, strike “(H)” and substitute “(L)”.

AMENDMENT NO. 4

On page 11, in line 5, strike “AND”; in line 7, after “SUBDIVIDED” insert “; AND”

(III) THE SUBDIVISION PLAT IS SUBJECT TO STATE LAW AND LOCAL ORDINANCES AND REGULATIONS”;

in line 31, strike “AND”; and in line 33, after “SUBDIVIDED” insert “; AND”

3. THE SUBDIVISION PLAT IS SUBJECT TO STATE LAW AND LOCAL ORDINANCES AND REGULATIONS”.

On page 12, in line 2, after “PURPOSES” insert “, INCLUDING A FARM MARKET, AGRICULTURAL PROCESSING FACILITY, OR CREAMERY, AND THE OWNER MAY APPLY FOR APPROVAL OF AN ON-SITE SEWAGE DISPOSAL SYSTEM TO SERVE THE NONRESIDENTIAL AGRICULTURAL PURPOSES”; after line 2, insert:

“(O) (1) IN THIS SUBSECTION, “AGRICULTURAL ACTIVITIES” INCLUDES:

(I) PLOWING, TILLAGE, CROPPING, SEEDING, CULTIVATING, AND HARVESTING FOR THE PRODUCTION OF FOOD AND FIBER PRODUCTS; AND

(II) THE GRAZING OF LIVESTOCK.

(2) THIS SUBSECTION APPLIES ONLY TO LAND THAT IS ZONED FOR AGRICULTURAL USE.

(3) NOTWITHSTANDING ANY OTHER LAW, AN OWNER OF PROPERTY USED FOR AGRICULTURAL ACTIVITIES MAY INSTALL THE FOLLOWING NUMBER OF ON-SITE SEWAGE DISPOSAL SYSTEMS:

(I) THREE ON-SITE SEWAGE DISPOSAL SYSTEMS FOR A PROPERTY THAT IS NO MORE THAN 25 ACRES;

(II) FOUR ON-SITE SEWAGE DISPOSAL SYSTEMS FOR A PROPERTY THAT IS AT LEAST 25 ACRES AND LESS THAN 75 ACRES;

(III) FIVE ON-SITE SEWAGE DISPOSAL SYSTEMS FOR A PROPERTY THAT IS AT LEAST 75 ACRES AND LESS THAN 125 ACRES;

(IV) SIX ON-SITE SEWAGE DISPOSAL SYSTEMS FOR A PROPERTY THAT IS AT LEAST 125 ACRES AND LESS THAN 175 ACRES; AND

(V) SEVEN ON-SITE SEWAGE DISPOSAL SYSTEMS FOR A PROPERTY THAT IS 175 ACRES OR MORE.

(4) EXCEPT FOR AN ON-SITE SEWAGE DISPOSAL SYSTEM THAT SERVES THE MAIN FARM HOUSE ON THE PROPERTY, THE ON-SITE SEWAGE DISPOSAL SYSTEMS SHALL BE CLUSTERED TOGETHER.”;

and in line 27, after “(B)” insert “THIS SECTION MAY NOT BE CONSTRUED AS REQUIRING A LOCAL JURISDICTION TO:

(1) BE A CONTROLLING AUTHORITY; OR

(2) AUTHORIZE OR ALLOW THE USE OF A SHARED FACILITY OR A COMMUNITY SEWERAGE SYSTEM WITHIN THE LOCAL JURISDICTION.

(C)”.

On page 13, strike in their entirety lines 12 through 14, inclusive.

On page 15, in line 29, after “(I),” insert “AND”; in the same line, strike “, AND”; in line 30, strike “(M)”; in the same line, after the second comma insert “AND”; in the same line, strike the third comma and substitute “;”; and strike in its entirety line 31.

On page 16, in line 4, after “§ 1.05” insert “(ADOPTION OF GROWTH TIERS);

(6) § 1.06”;

in lines 5, 6, 7, 9, 10, 12, 13, 14, 15, 16, 17, 18, 20, and 21, strike “(6)”, “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, “(12)”, “(13)”, “(14)”, “(15)”, “(16)”, “(17)”, “(18)”, and “(19)”, respectively, and substitute “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, “(12)”, “(13)”, “(14)”, “(15)”, “(16)”, “(17)”, “(18)”, “(19)”, and “(20)”, respectively; and strike in its entirety line 24.

On pages 17 through 19, strike in their entirety the lines beginning with line 1 on page 17 through line 18 on page 19, inclusive.

On page 19, after line 19, insert:

“(A) ON OR BEFORE DECEMBER 31, 2012, A LOCAL JURISDICTION MAY CERTIFY TO THE DEPARTMENT OF PLANNING THE MAPPED GROWTH TIERS DESIGNATED BY THE LOCAL JURISDICTION IN ACCORDANCE WITH THIS SECTION.

(B) BEFORE CERTIFICATION OF THE GROWTH TIERS, A LOCAL JURISDICTION MAY SUBMIT THE PROPOSED TIERS AND ANY RELEVANT INFORMATION TO THE DEPARTMENT OF PLANNING FOR:

(1) TECHNICAL ASSISTANCE, REVIEW, AND COMMENT; AND

(2) THE OPPORTUNITY FOR PUBLIC REVIEW.

(C) ON CERTIFICATION OF THE GROWTH TIERS, THE LOCAL JURISDICTION SHALL PROVIDE TO THE DEPARTMENT OF PLANNING ALL INFORMATION NECESSARY TO DEMONSTRATE THE PRECISE LOCATION OF THE TIERS, INCLUDING, AS APPROPRIATE:

(1) A MAP OF THE AREA SHOWING PLANNING AND ZONING CHARACTERISTICS OF EACH TIER; AND

(2) EXISTING AND PLANNED WATER AND SEWER SERVICES.

(D) THE DEPARTMENT OF PLANNING, AS APPROPRIATE, SHALL PROVIDE TO EACH STATE AGENCY AND POST ON THE DEPARTMENT OF PLANNING'S WEB SITE, COPIES OF MAPS ILLUSTRATING:

(1) GROWTH TIERS CERTIFIED BY LOCAL JURISDICTIONS; AND

(2) ANY COMMENTS BY THE DEPARTMENT OF PLANNING ON THE CERTIFIED TIERS.

(E) (1) SUBJECT TO PARAGRAPHS (2), (3), AND (4) OF THIS SUBSECTION, A LOCAL JURISDICTION THAT CHOOSES TO CERTIFY GROWTH TIERS TO THE DEPARTMENT OF PLANNING IS NOT REQUIRED TO ADOPT ALL OF THE TIERS.

(2) A MUNICIPAL CORPORATION THAT EXERCISES PLANNING AND ZONING AUTHORITY SHALL ADOPT TIER I AND MAY ADOPT TIER II.

(3) A COUNTY SHALL ADOPT TIERS I, III, AND IV, AND MAY ADOPT TIER II.

(4) IF A LOCAL JURISDICTION DOES NOT ADOPT ALL OF THE TIERS AUTHORIZED UNDER THIS SECTION, THE LOCAL JURISDICTION SHALL PROVIDE DOCUMENTATION TO THE DEPARTMENT OF PLANNING OF THE REASONS THE JURISDICTION IS NOT ADOPTING A PARTICULAR TIER.

(F) THE GROWTH TIERS CERTIFIED BY A LOCAL JURISDICTION SHALL MEET THE FOLLOWING CRITERIA:

(1) TIER I AREAS ARE AREAS THAT ARE:

(I) SERVED BY PUBLIC SEWERAGE SYSTEMS AND MAPPED LOCALLY DESIGNATED GROWTH AREAS; OR

(II) A MUNICIPAL CORPORATION THAT IS A PRIORITY FUNDING AREA THAT IS SERVED BY PUBLIC SEWERAGE SYSTEMS;

(2) TIER II AREAS ARE AREAS THAT ARE:

(I) 1. PLANNED TO BE SERVED BY PUBLIC SEWERAGE SYSTEMS AND IN THE MUNICIPAL GROWTH ELEMENT; OR

2. MAPPED LOCALLY DESIGNATED GROWTH AREAS;

AND

(II) NEEDED TO SATISFY DEMAND FOR DEVELOPMENT AT DENSITIES CONSISTENT WITH THE LONG-TERM DEVELOPMENT POLICY AFTER CONSIDERATION OF THE CAPACITY OF LAND AREAS AVAILABLE FOR DEVELOPMENT, INCLUDING IN-FILL AND REDEVELOPMENT, WITHIN THE LOCAL JURISDICTION;

(3) TIER III AREAS ARE AREAS THAT ARE:

(I) NOT PLANNED FOR SEWERAGE SERVICE AND NOT DOMINATED BY AGRICULTURAL OR FOREST LAND; AND

(II) ONE OF THE FOLLOWING:

1. MUNICIPAL CORPORATIONS NOT SERVED BY A PUBLIC SEWERAGE SYSTEM;

2. ESTABLISHED COMMUNITIES PLANNED AND ZONED FOR DEVELOPMENT;

3. RURAL VILLAGES AS DESCRIBED IN § 5-7B-03(F) OF THE STATE FINANCE AND PROCUREMENT ARTICLE; OR

4. MAPPED LOCALLY DESIGNATED GROWTH AREAS;

OR

(III) ADJOINING AND CONTIGUOUS TO ONE OF THE FOLLOWING:

1. MUNICIPAL CORPORATIONS NOT SERVED BY A WASTEWATER TREATMENT PLANT;

2. ESTABLISHED COMMUNITIES PLANNED AND ZONED FOR DEVELOPMENT; OR

3. RURAL VILLAGES AS DESCRIBED IN § 5-7B-03(F) OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(4) TIER IV AREAS ARE AREAS THAT ARE NOT PLANNED FOR SEWERAGE SERVICE AND ARE:

(I) AREAS PLANNED OR ZONED FOR LAND, AGRICULTURAL, OR RESOURCE PROTECTION, PRESERVATION, OR CONSERVATION;

(II) AREAS DOMINATED BY AGRICULTURAL LANDS, FOREST LANDS, OR OTHER NATURAL AREAS; OR

(III) 1. RURAL LEGACY AREAS, PRIORITY PRESERVATION AREAS, OR AREAS MAPPED FOR ECOLOGICAL PRESERVATION BY THE DEPARTMENT OF NATURAL RESOURCES AT THE TIME OF THE ADOPTION OF THE PLAN OR AMENDMENT; OR

2. AREAS MAPPED FOR AGRICULTURAL PRESERVATION BY THE DEPARTMENT OF PLANNING AT THE TIME OF THE ADOPTION OF THE PLAN OR AMENDMENT.

(G) (1) A LOCAL JURISDICTION SHALL STRIVE TO AVOID CREATING A TIER III AREA THAT IS BOUNDED ON ALL SIDES BY LAND IN A TIER IV AREA.

(2) IF AN AREA NOT PLANNED FOR SEWERAGE SERVICE DOES NOT MEET THE DESCRIPTION OF A TIER III OR TIER IV AREA, THEN THE AREA IS A TIER IV AREA.

(H) (1) A LOCAL JURISDICTION THAT CERTIFIES GROWTH TIERS TO THE DEPARTMENT OF PLANNING SHALL INCORPORATE THE TIERS INTO THE LOCAL COMPREHENSIVE PLAN OR AN ELEMENT OF THE PLAN:

(I) WHEN THE LOCAL JURISDICTION CONDUCTS THE 6-YEAR REVIEW OF THE PLAN UNDER §§ 1.04(D) AND 3.05(B) OF THIS ARTICLE; AND

(II) IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(2) IF A LOCAL JURISDICTION DOES NOT INCORPORATE ALL OF THE GROWTH TIERS AUTHORIZED UNDER THIS SECTION INTO THE LOCAL COMPREHENSIVE PLAN OR AN ELEMENT OF THE PLAN, THE LOCAL JURISDICTION SHALL STATE THAT A TIER IS NOT ADOPTED.

1.06.”;

and strike beginning with “MEANS” in line 24 down through “2012” in line 27 and substitute “**HAS THE MEANING STATED IN § 9-206 OF THE ENVIRONMENT ARTICLE**”.

On page 20, in line 6, after “(B)” insert “**THIS SECTION APPLIES ONLY TO A RESIDENTIAL MAJOR SUBDIVISION IN A TIER III AREA SERVED BY:**

(1) ON-SITE SEWAGE DISPOSAL SYSTEMS;

(2) A SHARED FACILITY; OR

(3) A COMMUNITY SEWERAGE SYSTEM.

(C)”;

in line 6, strike “TIERS FOR” and substitute “THE”; strike beginning with “IN” in line 6 down through “PLAN” in line 7 and substitute “TIERS”; in line 7, strike “§ 1.04” and substitute “§ 1.05”; in line 8, strike “SUBHEADING OR § 3.05 OF THIS”; in line 8, after “SUBDIVISION” insert “IN A TIER III AREA”; in line 10, strike “A” and substitute “THE”; strike beginning with “SERVED” in line 11 down through “FACILITY” in line 14; in lines 15, 21, and 29, strike “(C)”, “(D)”, and “(E)”, respectively, and substitute “(D)”, “(E)”, and “(F)”, respectively; strike beginning with “SERVED” in line 16 down through “FACILITY” in line 17; in line 21, strike the first “THE” and substitute “A RESIDENTIAL”; in line 24, after “THE” insert “RESIDENTIAL”; in the same line, after “SUBDIVISION” insert “UNLESS A LOCAL JURISDICTION’S ADEQUATE PUBLIC FACILITIES ORDINANCE ALREADY REQUIRES A REVIEW OF GOVERNMENT SERVICES”; in line 25, after “THE” insert “POTENTIAL”; in the same line, strike “IMPACT OF” and substitute “ISSUES OR A NATURAL RESOURCES INVENTORY RELATED TO”; in the same line, after “PROPOSED” insert “RESIDENTIAL”; in line 27, strike “ACCORDING TO” and substitute “IF REQUIRED BY”; in line 28, strike “FOR THE” and substitute “AS A RESULT OF THE APPROVAL OF THE”; in line 28, after “PROPOSED” insert “RESIDENTIAL”; and in line 29, after “PROPOSED” insert “RESIDENTIAL”.

On pages 21 through 23, strike in their entirety the lines beginning with line 1 on page 21 through line 15 on page 23, inclusive.

On page 23, strike beginning with “(10)” in line 20 down through “§ 3-103” in line 23 and substitute “(3) “Growth tiers” means the tiers adopted by a local jurisdiction in accordance with [Article 66B, § 1.05 of the Code] TITLE 1, SUBTITLE 5”; after line 24, insert:

“(d) Subsections (f) through (k) and subsection (n) of this section do not:

(1) Affect a local transfer of development rights program authorized under Article 25A, § 5(x) [, Article 28, § 8-101, or Article 66B, § 11.01] of the Code OR TITLE 7, SUBTITLE 2 OR § 22-105 OF THE LAND USE ARTICLE; or”;

in line 25, strike “(b) (2)” and substitute “(G) (1)”; in the same line, strike “(e)(2)” and substitute “(H)(2)”; in line 26, strike “only”; and in line 27, after “plat” insert “ONLY”.

On page 24, in line 1, after “Planning” insert “IN ACCORDANCE WITH SUBSECTIONS (I) AND (J) OF THIS SECTION”; in line 2, strike “Tier III or Tier IV area is” and substitute “GROWTH TIERS ARE”; in the same line, strike the colon and substitute “[Article 66B, § 1.05 of the Code] TITLE 1, SUBTITLE 5 OF THE LAND USE ARTICLE”; strike beginning with “A.” in line 3 down through “applicable” in line 7; after line 7, insert:

“(2) Any delay in the approval of a residential subdivision plat under this section may not be construed as applying to any deadline for approving or disapproving a subdivision plat under [Article 66B, § 5.04 of the Code] ARTICLE 28 OF THE CODE, § 5–201 OF THE LAND USE ARTICLE, or a local ordinance.”;

in line 8, strike “(d)” and substitute “(J)”; in the same line, after “plat” insert “FOR A MAJOR SUBDIVISION IN A TIER III AREA”; in line 9, strike “(b)” and substitute “(D)”; in line 10, strike “Tier III or Tier IV area is” and substitute “GROWTH TIERS ARE”; in line 12, strike “a Tier III or Tier IV area” and substitute “THE TIERS”; in line 13, strike “§ 1–407 OR § 3–103” and substitute “TITLE 1, SUBTITLE 5”; in line 22, after “(M),” insert “AND”; in the same line, strike “, AND (R)”; in line 23, after the first comma, insert “AND”; in the same line, strike beginning with the second comma through the semicolon and substitute “;”; after line 28, insert:

“(8) TITLE 1, SUBTITLE 5 (GROWTH TIERS);”;

and in line 29, strike “(8)” and substitute “(9)”.

On page 25, in lines 1, 2, 3, 4, 5, 6, 8, 9, 10, 12, and 14, strike “(9)”, “(10)”, “(11)”, “(12)”, “(13)”, “(14)”, “(15)”, “(16)”, “(17)”, “(18)”, and “(19)”, respectively, and substitute “(10)”, “(11)”, “(12)”, “(13)”, “(14)”, “(15)”, “(16)”, “(17)”, “(18)”, “(19)”, and “(20)”, respectively.

On pages 25 through 30, strike in their entirety the lines beginning with line 17 on page 25 through line 31 on page 30, inclusive.

AMENDMENT NO. 6

On page 30, after line 31, insert:

“SUBTITLE 5. GROWTH TIERS.

1-501.

ON OR BEFORE DECEMBER 31, 2012, A LOCAL JURISDICTION MAY CERTIFY TO THE DEPARTMENT OF PLANNING THE MAPPED GROWTH TIERS DESIGNATED BY THE LOCAL JURISDICTION IN ACCORDANCE WITH THIS SUBTITLE.

1-502.

BEFORE CERTIFICATION OF THE GROWTH TIERS, A LOCAL JURISDICTION MAY SUBMIT THE PROPOSED TIERS AND ANY RELEVANT INFORMATION TO THE DEPARTMENT OF PLANNING FOR:

- (1) TECHNICAL ASSISTANCE, REVIEW, AND COMMENT; AND
- (2) THE OPPORTUNITY FOR PUBLIC REVIEW.

1-503.

ON CERTIFICATION OF THE GROWTH TIERS, THE LOCAL JURISDICTION SHALL PROVIDE TO THE DEPARTMENT OF PLANNING ALL INFORMATION NECESSARY TO DEMONSTRATE THE PRECISE LOCATION OF THE TIERS, INCLUDING, AS APPROPRIATE:

- (1) A MAP OF THE AREA SHOWING PLANNING AND ZONING CHARACTERISTICS OF EACH TIER; AND
- (2) EXISTING AND PLANNED WATER AND SEWER SERVICES.

1-504.

THE DEPARTMENT OF PLANNING, AS APPROPRIATE, SHALL PROVIDE TO EACH STATE AGENCY AND POST ON THE DEPARTMENT OF PLANNING’S WEB SITE, COPIES OF MAPS ILLUSTRATING:

(1) GROWTH TIERS CERTIFIED BY LOCAL JURISDICTIONS; AND

(2) ANY COMMENTS BY THE DEPARTMENT OF PLANNING ON THE CERTIFIED TIERS.

1-505.

(A) SUBJECT TO SUBSECTIONS (B), (C), AND (D) OF THIS SECTION, A LOCAL JURISDICTION THAT CHOOSES TO CERTIFY GROWTH TIERS TO THE DEPARTMENT OF PLANNING IS NOT REQUIRED TO ADOPT ALL OF THE TIERS.

(B) A MUNICIPAL CORPORATION THAT EXERCISES PLANNING AND ZONING AUTHORITY SHALL ADOPT TIER I AND MAY ADOPT TIER II.

(C) A COUNTY SHALL ADOPT TIERS I, III, AND IV, AND MAY ADOPT TIER II.

(D) IF A LOCAL JURISDICTION DOES NOT ADOPT ALL OF THE TIERS AUTHORIZED UNDER THIS SECTION, THE LOCAL JURISDICTION SHALL PROVIDE DOCUMENTATION TO THE DEPARTMENT OF PLANNING OF THE REASONS THE JURISDICTION IS NOT ADOPTING A PARTICULAR TIER.

1-506.

(A) THE GROWTH TIERS CERTIFIED BY A LOCAL JURISDICTION SHALL MEET THE FOLLOWING CRITERIA:

(1) TIER I AREAS ARE AREAS THAT ARE:

(I) SERVED BY PUBLIC SEWERAGE SYSTEMS AND MAPPED LOCALLY DESIGNATED GROWTH AREAS; OR

(II) A MUNICIPAL CORPORATION THAT IS A PRIORITY FUNDING AREA THAT IS SERVED BY PUBLIC SEWERAGE SYSTEMS;

(2) TIER II AREAS ARE AREAS THAT ARE:

(I) 1. PLANNED TO BE SERVED BY PUBLIC SEWERAGE SYSTEMS AND IN THE MUNICIPAL GROWTH ELEMENT; OR

2. MAPPED LOCALLY DESIGNATED GROWTH AREAS;
AND

(II) NEEDED TO SATISFY DEMAND FOR DEVELOPMENT AT DENSITIES CONSISTENT WITH THE LONG-TERM DEVELOPMENT POLICY AFTER CONSIDERATION OF THE CAPACITY OF LAND AREAS AVAILABLE FOR DEVELOPMENT, INCLUDING IN-FILL AND REDEVELOPMENT, WITHIN THE LOCAL JURISDICTION;

(3) TIER III AREAS ARE AREAS THAT ARE:

(I) NOT PLANNED FOR SEWERAGE SERVICE AND NOT DOMINATED BY AGRICULTURAL OR FOREST LAND; AND

(II) ONE OF THE FOLLOWING:

1. MUNICIPAL CORPORATIONS NOT SERVED BY A PUBLIC SEWERAGE SYSTEM;

2. ESTABLISHED COMMUNITIES PLANNED AND ZONED FOR DEVELOPMENT;

3. RURAL VILLAGES AS DESCRIBED IN § 5-7B-03(F) OF THE STATE FINANCE AND PROCUREMENT ARTICLE; OR

4. MAPPED LOCALLY DESIGNATED GROWTH AREAS;
OR

(III) ADJOINING AND CONTIGUOUS TO ONE OF THE FOLLOWING:

1. MUNICIPAL CORPORATIONS NOT SERVED BY A WASTEWATER TREATMENT PLANT;

2. ESTABLISHED COMMUNITIES PLANNED AND ZONED FOR DEVELOPMENT; OR

3. RURAL VILLAGES AS DESCRIBED IN § 5-7B-03(F) OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(4) TIER IV AREAS ARE AREAS THAT ARE NOT PLANNED FOR SEWERAGE SERVICE AND ARE:

(I) AREAS PLANNED OR ZONED FOR LAND, AGRICULTURAL, OR RESOURCE PROTECTION, PRESERVATION, OR CONSERVATION;

(II) AREAS DOMINATED BY AGRICULTURAL LANDS, FOREST LANDS, OR OTHER NATURAL AREAS; OR

(III) RURAL LEGACY AREAS, PRIORITY PRESERVATION AREAS, OR AREAS MAPPED FOR ECOLOGICAL PRESERVATION BY THE DEPARTMENT OF NATURAL RESOURCES AT THE TIME OF THE ADOPTION OF THE PLAN OR AMENDMENT OR AREAS MAPPED FOR AGRICULTURAL PRESERVATION BY THE DEPARTMENT OF PLANNING AT THE TIME OF THE ADOPTION OF THE PLAN OR AMENDMENT.

(B) A LOCAL JURISDICTION SHALL STRIVE TO AVOID CREATING A TIER III AREA THAT IS BOUNDED ON ALL SIDES BY LAND IN A TIER IV AREA.

(C) IF AN AREA NOT PLANNED FOR SEWERAGE SERVICE DOES NOT MEET THE DESCRIPTION OF A TIER III OR TIER IV AREA, THEN THE AREA IS A TIER IV AREA.

1-507.

(A) A LOCAL JURISDICTION THAT CERTIFIES GROWTH TIERS TO THE DEPARTMENT OF PLANNING SHALL INCORPORATE THE TIERS INTO THE DEVELOPMENT REGULATIONS ELEMENT OF THE COMPREHENSIVE PLAN:

(1) WHEN THE LOCAL JURISDICTION CONDUCTS THE 6-YEAR REVIEW OF THE PLAN UNDER §§ 1-416(A) AND 3-301(A) OF THIS ARTICLE; AND

(2) IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(B) IF A LOCAL JURISDICTION DOES NOT INCORPORATE ALL OF THE GROWTH TIERS AUTHORIZED UNDER THIS SECTION INTO THE DEVELOPMENT REGULATIONS ELEMENT OF THE COMPREHENSIVE PLAN, THE LOCAL JURISDICTION SHALL STATE THAT A TIER IS NOT ADOPTED.”.

On page 31, strike beginning with “MEANS” in line 6 down through “2012” in line 9 and substitute “HAS THE MEANING STATED IN § 9-206 OF THE ENVIRONMENT ARTICLE”; in line 19, after “(B)” insert “THIS SECTION APPLIES ONLY TO A RESIDENTIAL MAJOR SUBDIVISION IN A TIER III AREA SERVED BY:

(1) ON-SITE SEWAGE DISPOSAL SYSTEMS;

(2) A SHARED FACILITY; OR

(3) A COMMUNITY SEWERAGE SYSTEM.

(C)”;

in line 19, strike “TIERS FOR” and substitute “THE”; strike beginning with “IN” in line 19 down through “PLAN” in line 20 and substitute “TIERS”; in the same line, strike “§ 1-407 OR §” and substitute “TITLE 1, SUBTITLE 5”; in line 21, strike “3-103”; in the same line, after “SUBDIVISION” insert “IN A TIER III AREA”; in line 23, strike “A” and substitute “THE”; strike beginning with “SERVED” in line 23 down through “FACILITY” in line 26; in line 27, strike “(C)” and substitute “(D)”; and strike beginning with “SERVED” in line 28 down through “FACILITY” in line 29.

On page 32, in lines 3 and 11, strike “(D)” and “(E)”, respectively, and substitute “(E)” and “(F)”, respectively; in line 3, strike the first “THE” and substitute “A RESIDENTIAL”; in line 6, after “THE” insert “RESIDENTIAL”; in the same line, after “SUBDIVISION” insert “UNLESS A LOCAL JURISDICTION’S ADEQUATE PUBLIC FACILITIES ORDINANCE ALREADY REQUIRES A REVIEW OF GOVERNMENT SERVICES”; in line 7, after the first “THE” insert “POTENTIAL”; in the same line, strike “IMPACT OF” and substitute “ISSUES OR A NATURAL RESOURCES INVENTORY RELATED TO”; in the same line, after “PROPOSED” insert “RESIDENTIAL”; in line 9, strike “ACCORDING TO” and substitute “IF REQUIRED BY”; in line 10, strike “FOR THE” and substitute “AS A RESULT OF THE APPROVAL OF THE”; in line 10, after “PROPOSED” insert “RESIDENTIAL”; and in line 11, after “PROPOSED” insert “RESIDENTIAL”; in line 21, after “subdivisions” insert “served by on-site septic systems”; in line 26, strike “§§ 1.04 and 3.05” and substitute “§ 1.05”; in the same line, strike “§§ 1–407” and substitute “Title 1, Subtitle 5”; in line 27, strike “and 3–103”; and in line 29, after “plan” insert “under Article 66B, § 1.05 of the Code or Title 1, Subtitle 5 of the Land Use Article”.

AMENDMENT NO. 7

On page 33, after line 3, insert:

SECTION 6. AND BE IT FURTHER ENACTED, That, if requested by a local jurisdiction to verify the actual overall yield for zoning in a Tier IV area under § 9–206(h) of the Environment Article, the Department of Planning shall:

(a) review the local zoning code, along with any relevant subdivision or development regulations or rules, to help determine the overall development yield;

(b) request, if appropriate, information from the local jurisdiction to help determine the overall yield of development in Tier IV;

(c) examine any additional information that the local jurisdiction provides supporting qualification of the jurisdiction’s zoning districts; and

(d) discuss any discrepancies or questions with the local jurisdiction before determining if the jurisdiction’s Tier IV area meets the overall actual yield of one dwelling unit per 25 acres within the Tier IV area.

SECTION 7. AND BE IT FURTHER ENACTED, That:

(a) each local jurisdiction shall submit any definition or description of a major or minor subdivision in the jurisdiction's local ordinance or regulation to the Department of Planning on or before December 31, 2012, in accordance with the provisions of § 9-206 of the Environment Article; and

(b) the Department of Planning shall prepare a list of definitions and descriptions of major and minor subdivisions submitted by local jurisdictions for publication on the Web sites of the Department of Planning and the Department of the Environment on or after December 31, 2012.

SECTION 8. AND BE IT FURTHER ENACTED, That the provisions of this Act may not be construed to limit the authority granted to the Critical Area Commission under Chapter 119 of the Acts of 2008 to adopt regulations under § 8-1806(b) of the Natural Resources Article.”;

and in lines 4, 8, and 9, strike “6.”, “7.”, and “6”, respectively, and substitute “9.”, “10.”, and “9”, respectively.

The preceding 7 amendments were read only.

Senator Pinsky moved, duly seconded, to make the Bill and Amendments a Special Order for March 22, 2012.

The motion was adopted.

Senate Bill 452 – Senators Middleton, Astle, Glassman, Klausmeier, and Pipkin

AN ACT concerning

Other Tobacco Products Licenses – Repeal

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (2) OFFERED FROM THE FLOOR BY SENATOR MADALENO.

FLOOR AMENDMENT

SB0452/113621/1

BY: Senator Madaleno

AMENDMENTS TO SENATE BILL 452, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Finance Committee Amendments (SB0452/817278/1), in line 9 of Amendment No. 1, after “tobacconist;” insert “establishing a direct tobacco shipper’s permit to be issued by the Comptroller; requiring a person to obtain a certain permit before the person may engage in shipping pipe tobacco or premium cigars directly to a consumer in the State; requiring an applicant to submit an application and pay a certain fee; specifying the term of a direct tobacco shipper’s permit; requiring a direct tobacco shipper to perform certain actions; requiring a direct tobacco shipper to meet certain requirements to renew the permit; authorizing the Comptroller to deny a renewal application under certain circumstances; specifying certain requirements for receiving a direct shipment of pipe tobacco or premium cigars; allowing a shipment of pipe tobacco or premium cigars to be ordered or purchased through electronic or other means; authorizing the Comptroller to adopt certain regulations; prohibiting a person without a permit from shipping pipe tobacco or premium cigars directly to consumers in the State; providing that each violation is a separate violation, subject to certain penalties; requiring certain direct tobacco shippers to complete and file with the Comptroller a certain tobacco tax return; defining certain terms; providing for the application of certain provisions of this Act;”; and in line 17, after “Provisions” insert “; and 16.7–101 through 16.7–113 to be under the new title “Title 16.7. Permits for Direct Shippers of Pipe Tobacco or Premium Cigars””.

On page 2 of the bill, after line 32, insert:

“BY adding to

Article – Tax – General

Section 12–204

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)”.

AMENDMENT NO. 2

On page 11 of the bill, after line 5, insert:

“TITLE 16.7. PERMITS FOR DIRECT SHIPPERS OF PIPE TOBACCO OR PREMIUM CIGARS.

16.7–101.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "DIRECT TOBACCO SHIPPER" MEANS THE HOLDER OF A DIRECT TOBACCO SHIPPER'S PERMIT ISSUED UNDER THIS TITLE.

(C) "PIPE TOBACCO" HAS THE MEANING STATED IN § 16.5-101 OF THIS ARTICLE.

(D) "PREMIUM CIGARS" HAS THE MEANING STATED IN § 16.5-101 OF THIS ARTICLE.

16.7-102.

THIS TITLE DOES NOT APPLY TO A PERSON LICENSED UNDER TITLE 16 OR TITLE 16.5 OF THIS ARTICLE.

16.7-103.

A PERSON WHO IS NOT LICENSED UNDER TITLE 16 OR TITLE 16.5 OF THIS ARTICLE SHALL BE ISSUED A DIRECT TOBACCO SHIPPER'S PERMIT BY THE COMPTROLLER AS A DIRECT TOBACCO SHIPPER BEFORE THE PERSON MAY ENGAGE IN SHIPPING PIPE TOBACCO OR PREMIUM CIGARS DIRECTLY TO A CONSUMER IN THE STATE.

16.7-104.

(A) AN APPLICANT FOR A DIRECT TOBACCO SHIPPER'S PERMIT SHALL:

(1) SUBMIT TO THE COMPTROLLER A COMPLETED APPLICATION ON A FORM THAT THE COMPTROLLER PROVIDES; AND

(2) PAY A FEE SET BY REGULATIONS ADOPTED BY THE COMPTROLLER FOR INITIAL ISSUANCE OF THE DIRECT TOBACCO SHIPPER'S PERMIT.

(B) THE COMPTROLLER SHALL ISSUE A DIRECT TOBACCO SHIPPER'S PERMIT TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS TITLE FOR THE DIRECT TOBACCO SHIPPER'S PERMIT.

16.7-105.

A DIRECT TOBACCO SHIPPER'S PERMIT ENTITLES THE HOLDER TO SELL PIPE TOBACCO OR PREMIUM CIGARS TO A CONSUMER IN THE STATE BY RECEIVING AND FILLING ORDERS THAT THE CONSUMER TRANSMITS BY ELECTRONIC OR OTHER MEANS.

16.7-106.

THE TERM OF A DIRECT TOBACCO SHIPPER'S PERMIT IS 1 YEAR AND BEGINS ON JULY 1.

16.7-107.

A DIRECT TOBACCO SHIPPER SHALL:

(1) ENSURE THAT ALL PACKAGES CONTAINING PIPE TOBACCO OR PREMIUM CIGARS SHIPPED DIRECTLY TO A CONSUMER IN THE STATE ARE CONSPICUOUSLY LABELED WITH:

(I) THE NAME OF THE DIRECT TOBACCO SHIPPER;

(II) THE NAME AND ADDRESS OF THE CONSUMER WHO IS THE INTENDED RECIPIENT; AND

(III) THE WORDS "CONTAINS PIPE TOBACCO OR PREMIUM CIGARS: SIGNATURE OF PERSON AT LEAST 18 YEARS OF AGE REQUIRED FOR DELIVERY";

(2) REPORT QUARTERLY TO THE COMPTROLLER THE TOTAL AMOUNT OF PIPE TOBACCO OR PREMIUM CIGARS SHIPPED IN THE STATE, THE PRICE CHARGED, AND THE NAME AND ADDRESS OF EACH PURCHASER;

(3) FILE A QUARTERLY TAX RETURN IN ACCORDANCE WITH § 12-204 OF THE TAX – GENERAL ARTICLE;

(4) PAY QUARTERLY TO THE COMPTROLLER ALL TOBACCO TAXES DUE ON SALES TO CONSUMERS IN THE STATE, AND CALCULATE THE TAXES AS IF THE SALE WERE MADE IN THE STATE;

(5) MAINTAIN FOR A PERIOD OF 3 YEARS COMPLETE AND ACCURATE RECORDS OF ALL INFORMATION NEEDED TO VERIFY COMPLIANCE WITH THIS TITLE;

(6) ALLOW THE COMPTROLLER TO PERFORM AN AUDIT OF THE DIRECT TOBACCO SHIPPER'S RECORDS ON REQUEST; AND

(7) CONSENT TO THE JURISDICTION OF THE COMPTROLLER OR OTHER STATE UNIT AND THE STATE COURTS CONCERNING ENFORCEMENT OF THIS SECTION AND ANY RELATED LAW.

16.7-108.

(A) A DIRECT TOBACCO SHIPPER MAY RENEW ITS DIRECT TOBACCO SHIPPER'S PERMIT EACH YEAR IF THE DIRECT TOBACCO SHIPPER:

(1) IS OTHERWISE ENTITLED TO HAVE A DIRECT TOBACCO SHIPPER'S PERMIT;

(2) PROVIDES TO THE COMPTROLLER A COPY OF ITS CURRENT PERMIT; AND

(3) PAYS TO THE COMPTROLLER A RENEWAL FEE SET BY REGULATIONS ADOPTED BY THE COMPTROLLER.

(B) THE COMPTROLLER MAY DENY A RENEWAL APPLICATION OF A DIRECT TOBACCO SHIPPER WHO FAILS TO:

(1) FILE A TAX RETURN REQUIRED UNDER THIS TITLE;

(2) PAY A FEE OR TAX WHEN DUE; OR

(3) AFTER RECEIVING NOTICE, COMPLY WITH A PROVISION OF THIS TITLE OR A REGULATION THAT THE COMPTROLLER ADOPTS UNDER THIS TITLE.

16.7-109.

(A) TO RECEIVE A DIRECT SHIPMENT OF PIPE TOBACCO OR PREMIUM CIGARS, A CONSUMER IN THE STATE SHALL BE AT LEAST 18 YEARS OLD.

(B) A PERSON WHO RECEIVES A SHIPMENT OF PIPE TOBACCO OR PREMIUM CIGARS SHALL USE THE SHIPMENT FOR PERSONAL CONSUMPTION ONLY AND MAY NOT RESELL IT.

16.7-110.

THE COMPTROLLER MAY ADOPT REGULATIONS TO CARRY OUT THIS TITLE.

16.7-111.

A PERSON WITHOUT A DIRECT TOBACCO SHIPPER'S PERMIT MAY NOT SHIP PIPE TOBACCO OR PREMIUM CIGARS DIRECTLY TO CONSUMERS IN THE STATE.

16.7-112.

EACH VIOLATION OF THIS TITLE IS A SEPARATE VIOLATION.

16.7-113.

UNLESS OTHERWISE SPECIFIED IN THIS TITLE, A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 30 DAYS OR BOTH.

Article – Tax – General12-204.

A DIRECT TOBACCO SHIPPER THAT HOLDS A DIRECT TOBACCO SHIPPER'S PERMIT UNDER TITLE 16.7 OF THE BUSINESS REGULATION ARTICLE SHALL COMPLETE AND FILE WITH THE COMPTROLLER A TOBACCO TAX RETURN AS REQUIRED UNDER REGULATIONS ADOPTED BY THE COMPTROLLER."

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

SB0452/273720/1

BY: Senator Madaleno

AMENDMENTS TO SENATE BILL 452, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Finance Committee Amendments (SB0452/817278/1), in line 9 of Amendment No. 1, after "tobacconist;" insert "requiring the Comptroller to submit a certain report by a certain date on a certain policy regarding the direct shipment of premium cigars and pipe tobacco to consumers in Maryland;".

AMENDMENT NO. 2

On page 11 of the bill, in line 6, after "ENACTED," insert "That:

(a) On or before November 1, 2012, the Comptroller shall submit a report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the viability and efficacy of instituting in Maryland the policy of permitting direct shipment of premium cigars and pipe tobacco to consumers in the State.

(b) The report shall include:

(1) an evaluation of related fiscal, tax, and other public policy and regulatory issues; and

(2) a determination regarding:

(i) the best practices for preventing access by minors to premium cigars and pipe tobacco that is shipped directly to consumers;

(ii) any significant increase or decrease in access to or demand for premium cigars and pipe tobacco by minors that has been documented as the result of direct shipment of premium cigars and pipe tobacco;

(iii) the best means for collecting relevant tax revenues;

(iv) the benefits and costs to consumers; and

(v) the effect of direct premium cigar and pipe tobacco shipment laws on in-State licensed other tobacco products retailers and tobacconists and other local businesses.

SECTION 3. AND BE IT FURTHER ENACTED.”.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

Senate Bill 918 – Senators Ferguson, Benson, Kittleman, and Raskin

AN ACT concerning

Election Law – Campaign Contributors – Occupation and Employer

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report adopted.

FLOOR AMENDMENT

SB0918/953827/2

BY: Senator Glassman

AMENDMENT TO SENATE BILL 918
(First Reading File Bill)

On page 2, in line 9, strike “\$500” and substitute “\$1,000”.

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

Affirmative – 13 Negative – 31 (See Roll Call No. 657)

Read the second time and ordered prepared for Third Reading.

Senate Bill 465 – Senators Frosh, Benson, Conway, Forehand, King, Madaleno, Manno, Montgomery, Pinsky, Raskin, Rosapepe, Stone, and Young

AN ACT concerning

Natural Resources – Shark or Elasmobranch Fins – Prohibition on Possession or Distribution

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

FLOOR AMENDMENT

SB0465/173029/1

BY: Senator Jennings

AMENDMENT TO SENATE BILL 465, AS AMENDED

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0465/524836/1), in line 2 of Amendment No. 2, strike “AND (3)” and substitute “, (3), AND (4)”.

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments, in line 10 of Amendment No. 2, after “OVERFISHED” insert:

“(4) A MUSEUM, COLLEGE, OR UNIVERSITY:

(1) MAY POSSESS A SHARK FIN IF THE SHARK FIN IS USED SOLELY FOR DISPLAY OR RESEARCH PURPOSES; AND

(II) MAY NOT SELL A SHARK FIN WHEN THE SHARK FIN IS NO LONGER USED FOR DISPLAY OR RESEARCH PURPOSES.”

The preceding amendment was read and adopted.

Senator Mathias moved, duly seconded, to make the Bill a Special Order for March 22, 2012.

The motion was adopted.

Senate Bill 616 – Senator Jennings

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Judges – Mandatory Retirement

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

Senator Getty moved, duly seconded, to make the Bill a Special Order for March 23, 2012.

The motion was adopted.

Senate Bill 602 – Senator Dyson

AN ACT concerning

Public Safety – Building Performance Standards – Fire and Life Safety

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

FLOOR AMENDMENT

SB0602/823228/1

BY: Senator Glassman

AMENDMENTS TO SENATE BILL 602, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0602/604039/1), in line 2 of Amendment No. 1, strike “a”; and in line 3, strike “exception” and substitute “exceptions”.

AMENDMENT NO. 2

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments, in lines 6 and 12 of Amendment No. 2, in each instance, after “TO” insert “:”

(i)”;

and in lines 7 and 13, in each instance, after “UTILITY” insert “; OR”

(ii) UNTIL JANUARY 1, 2016, STANDARDS GOVERNING ISSUANCE OF A BUILDING PERMIT FOR A NEW ONE- OR TWO-FAMILY DWELLING CONSTRUCTED ON:

1. A LOT SUBJECT TO A VALID UNEXPIRED PUBLIC WORKS UTILITY AGREEMENT THAT WAS EXECUTED BEFORE MARCH 1, 2011; OR

2. A LOT SERVED BY AN EXISTING WATER SERVICE LINE FROM A WATER MAIN TO THE PROPERTY LINE THAT:

A. IS LESS THAN A NOMINAL 1-INCH SIZE;

B. IS APPROVED AND OWNED BY THE PUBLIC OR PRIVATE WATER SYSTEM THAT OWNS THE MAINS;

C. WAS INSTALLED BEFORE MARCH 1, 2011; AND

D. IS FULLY OPERATIONAL FROM THE PUBLIC OR PRIVATE MAIN TO A CURB STOP OR METER PIT LOCATED AT THE PROPERTY LINE”.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

**Senate Bill 920 – Senators Raskin, Ferguson, Getty, McFadden, Miller,
Ramirez, Robey, and Simonaire**

AN ACT concerning

Ethics Online Disclosure Act of 2012

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS
(4) OFFERED FROM THE FLOOR BY SENATOR ZIRKIN.

FLOOR AMENDMENT

SB0920/433321/1

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 920, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 9, strike “providing that” and substitute “requiring”; in line 10, strike “are not required”; and in line 11, strike “or to require” and substitute “and”.

AMENDMENT NO. 2

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0920/574737/1), in Amendment No. 2, strike beginning with “, **EXCEPT**” in line 1 down through “**SUBTITLE**” in line 3.

AMENDMENT NO. 3

On page 7 of the bill, in line 10, after “copying;” insert “AND”; and strike beginning with “**BEGINNING**” in line 11 down through “**(IV)**” in line 22.

AMENDMENT NO. 4

On page 9 of the bill, in line 13, strike “**IS NOT REQUIRED TO**” and substitute “SHALL”; and in line 15, strike “**OR**” and substitute “AND”.

On page 10, in line 33, strike “**IS NOT REQUIRED TO**” and substitute “SHALL”; and in line 35, strike “**OR**” and substitute “AND”.

The preceding 4 amendments were read only.

Senator Zirkin moved, duly seconded, to make the Bill and Amendments a Special Order for March 22, 2012.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 658)

ADJOURNMENT

At 12:12 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day March 19, 2012, Calendar Day, Thursday, March 22, 2012.

Annapolis, Maryland
Legislative Day: March 19, 2012
Calendar Day: Thursday, March 22, 2012
10:00 A.M. Session

The Senate met at 10:19 A.M.

Prayer by Father Kyle Ingels, Ascension Parish, guest of Senator Peters.

(See Exhibit A of Appendix III)

The Journal of March 18, 2012 was read and approved.

On motion of Senator Garagiola it was ordered that Senators Muse and Robey be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 660)

SPECIAL ORDERS

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

**Senate Bill 920 – Senators Raskin, Ferguson, Getty, McFadden, Miller,
Ramirez, Robey, and Simonaire**

AN ACT concerning

Ethics Online Disclosure Act of 2012

**STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS
(4) OFFERED FROM THE FLOOR BY SENATOR ZIRKIN.**

FLOOR AMENDMENT

SB0920/433321/1

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 920, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 9, strike “providing that” and substitute “requiring”; in line 10, strike “are not required”; and in line 11, strike “or to require” and substitute “and”.

AMENDMENT NO. 2

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0920/574737/1), in Amendment No. 2, strike beginning with “, **EXCEPT**” in line 1 down through “**SUBTITLE**” in line 3.

AMENDMENT NO. 3

On page 7 of the bill, in line 10, after “copying;” insert “AND”; and strike beginning with “**BEGINNING**” in line 11 down through “**(IV)**” in line 22.

AMENDMENT NO. 4

On page 9 of the bill, in line 13, strike “**IS NOT REQUIRED TO**” and substitute “SHALL”; and in line 15, strike “**OR**” and substitute “AND”.

On page 10, in line 33, strike “**IS NOT REQUIRED TO**” and substitute “SHALL”; and in line 35, strike “**OR**” and substitute “AND”.

The preceding 4 amendments were withdrawn.

SUBSTITUTE FLOOR AMENDMENT

SB0920/583128/1

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 920
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, strike “counties, municipal corporations,” and substitute “municipal corporations”; and in line 12, after “electronically;” insert “requiring the governing body of a county, including Baltimore City, to post information from”

financial disclosure statements on the Internet and require certain local officials to file certain statements electronically;

AMENDMENT NO. 2

On page 9, in line 12, strike “COUNTY OR”; and after line 17, insert:

“(4) THE GOVERNING BODY OF A COUNTY, INCLUDING BALTIMORE CITY, SHALL:

(I) POST INFORMATION FROM FINANCIAL DISCLOSURE STATEMENTS ON THE INTERNET; AND

(II) REQUIRE A LOCAL ELECTED OFFICIAL OR LOCAL OFFICIAL TO FILE STATEMENTS ELECTRONICALLY.”

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

Affirmative – 32 Negative – 13 (See Roll Call No. 661)

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 662)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #43

Senate Bill 32 – Senator Simonaire

AN ACT concerning

Anne Arundel County – Property Tax Payment Deferral – Eligibility

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

Affirmative – 45 Negative – 0 (See Roll Call No. 663)

The Bill was then sent to the House of Delegates.

Senate Bill 244 – Senator Jones–Rodwell (By Request – Baltimore City Administration)

AN ACT concerning

Education – Retiree Health Savings – Maintenance of Effort

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

Affirmative – 44 Negative – 1 (See Roll Call No. 664)

The Bill was then sent to the House of Delegates.

Senate Bill 332 – Senator Edwards

AN ACT concerning

Family Security Trust Fund – Requirement to Transfer Interest to the General Fund – Exemption

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

Affirmative – 45 Negative – 0 (See Roll Call No. 665)

The Bill was then sent to the House of Delegates.

Senate Bill 393 – Senator Middleton

AN ACT concerning

Maryland Medical Assistance Program – Managed Care Organizations – Recipient Participation

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

Affirmative – 45 Negative – 0 (See Roll Call No. 666)

The Bill was then sent to the House of Delegates.

Senate Bill 446 – Senator Colburn

AN ACT concerning

Sales and Use Tax – Sales of Dyed Diesel Fuel

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

Affirmative – 45 Negative – 0 (See Roll Call No. 667)

The Bill was then sent to the House of Delegates.

Senate Bill 456 – Senator Middleton

AN ACT concerning

Health Insurance – Health Benefit Plan Premium Rate Review

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

Affirmative – 44 Negative – 0 (See Roll Call No. 668)

The Bill was then sent to the House of Delegates.

Senate Bill 467 – ~~Senator Edwards~~ Senators Edwards, Kasemeyer, Brinkley, Colburn, Currie, DeGrange, King, Manno, McFadden, and Peters

AN ACT concerning

Income Tax Credit – Teachers at the Maryland School for the Blind and the Maryland School for the Deaf

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

Affirmative – 45 Negative – 0 (See Roll Call No. 669)

The Bill was then sent to the House of Delegates.

Senate Bill 497 – Senators Jones–Rodwell, Currie, DeGrange, Madaleno, McFadden, and Robey

AN ACT concerning

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

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

Affirmative – 45 Negative – 0 (See Roll Call No. 670)

The Bill was then sent to the House of Delegates.

Senate Bill 849 – ~~Senator King~~ Senators King, Garagiola, Klausmeier, Middleton, and Pugh

AN ACT concerning

Health Insurance – Dental Preventive Care – Coverage ~~for Dental Cleanings~~

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

Affirmative – 45 Negative – 0 (See Roll Call No. 671)

The Bill was then sent to the House of Delegates.

Senate Bill 864 – Senator DeGrange

AN ACT concerning

Gaming – ~~Instant Bingo~~ – Electronic Machines – Regulation

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

Affirmative – 42 Negative – 3 (See Roll Call No. 672)

The Bill was then sent to the House of Delegates.

Senate Bill 1003 – ~~Senator Middleton~~ Senators Middleton, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, and Pugh

AN ACT concerning

Life and Health Insurance Guaranty Corporation Act – Revisions

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

Affirmative – 45 Negative – 0 (See Roll Call No. 673)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #44

Senate Bill 235 – The President (By Request – Administration) and Senators Garagiola, King, Madaleno, ~~and Manno~~ Manno, Rosapepe, and Benson

AN ACT concerning

Procurement – Investment Activities in Iran

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

Affirmative – 44 Negative – 0 (See Roll Call No. 674)

The Bill was then sent to the House of Delegates.

MOTION**Senate Bill 257 – Senator Colburn**

AN ACT concerning

Education – Talbot County – Participation in High School Athletic Programs

Senator Pinsky moved, duly seconded, to place **Senate Bill 257** back on second reading for the purpose of adding amendments.

The motion was adopted.

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

FLOOR AMENDMENT**SB0257/903820/1**

BY: Senator Pinsky

AMENDMENTS TO SENATE BILL 257

(Bill as Printed for Third Reading)

AMENDMENT NO. 1

On page 1, in line 7, strike “require the schools”; in line 8, strike “of”; and strike beginning with “requiring” in line 8 down through “circumstances;” in line 9.

AMENDMENT NO. 2

On page 2, in line 18, strike “**(1)**”; in line 20, strike “**REQUIRE THE CHANGE OF**” and substitute “**CHANGE THE**”; strike beginning with “**UNDER**” in line 22 down through “**SUBSECTION**” in line 23; and strike in their entirety lines 24 through 30, inclusive.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 309 – Senators Klausmeier, Currie, Forehand, Kasemeyer, Kelley, Madaleno, Montgomery, Robey, Shank, ~~and Stone~~ Stone, and Pugh

AN ACT concerning

Mopeds and Motor Scooters – ~~Titling, Registration,~~ Insurance, and Required Use of Protective Headgear

Senator Mathias moved, duly seconded, to make the Bill a Special Order for March 23, 2012.

The motion was adopted.

Senate Bill 365 – Senators Garagiola, Astle, Benson, Colburn, Currie, DeGrange, Dyson, Ferguson, Forehand, Frosh, Glassman, Jennings, Kasemeyer, King, Klausmeier, Madaleno, Manno, Mathias, Middleton, Peters, Pipkin, Pugh, Ramirez, Raskin, Robey, Rosapepe, Stone, Young, and Zirkin

AN ACT concerning

Higher Education – ~~Volunteer Firefighters~~ The Charles W. Riley Fire and Emergency Medical Services Scholarship

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

Affirmative – 45 Negative – 0 (See Roll Call No. 675)

The Bill was then sent to the House of Delegates.

Senate Bill 649 – Senators Ramirez, Raskin, and Jones–Rodwell

AN ACT concerning

Environment – Asbestos Worker Protection

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

Affirmative – 45 Negative – 0 (See Roll Call No. 676)

The Bill was then sent to the House of Delegates.

Senate Bill 691 – ~~Senator Shank~~ Senators Shank, Frosh, Getty, and Gladden

SECOND PRINTING

AN ACT concerning

Earned Compliance Credit and Reinvestment Act of 2012Read the third time and passed by yeas and nays as follows:

Affirmative – 38 Negative – 7 (See Roll Call No. 677)

The Bill was then sent to the House of Delegates.**Senate Bill 763 – Senator Benson**

AN ACT concerning

Election Law – Payroll Deductions and Member Contributions – Address of ContributorRead the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 678)

The Bill was then sent to the House of Delegates.**Senate Bill 870 – Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)**

EMERGENCY BILL

AN ACT concerning

State Board of Physicians – Athletic Trainer Advisory Committee – ~~Sunset Extension, Program Evaluation, and Revisions~~ Education, Supervision, and AdministrationRead the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 679)

The Bill was then sent to the House of Delegates.**Senate Bill 883 – Senator Jones–Rodwell (By Request – Baltimore City Administration)**

AN ACT concerning

Baltimore City – Alcoholic Beverages – Video Lottery Facility and Video Lottery Concessionaire Licenses

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

Affirmative – 45 Negative – 0 (See Roll Call No. 680)

The Bill was then sent to the House of Delegates.

Senate Bill 897 – Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)

AN ACT concerning

State Board of Physicians – Allied Health Advisory Committees – Sunset Extension and Program Evaluation

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

Affirmative – 45 Negative – 0 (See Roll Call No. 681)

The Bill was then sent to the House of Delegates.

Senate Bill 919 – Senators Ferguson and Kittleman

AN ACT concerning

Election Law – Campaign Finance Entities – Retention of Records

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

Affirmative – 43 Negative – 1 (See Roll Call No. 682)

The Bill was then sent to the House of Delegates.

Senate Bill 1033 – Senator Jennings

AN ACT concerning

Election Law – Campaign Finance – Requirements

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

Affirmative – 44 Negative – 0 (See Roll Call No. 683)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

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

AN ACT concerning

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

FOR the purpose of altering certain provisions of law to authorize Sailwinds of Cambridge, Inc., instead of Sailwinds Park, Inc., to obtain and renew a certain alcoholic beverages license in Dorchester County; requiring authorizing Sailwinds ~~Park~~ of Cambridge, Inc. to distribute wristbands to certain individuals at certain events; prohibiting Sailwinds ~~Park~~ of Cambridge, Inc. from serving alcoholic beverages to individuals who ~~do not wear~~ are not wearing wristbands at certain events under certain circumstances; and generally relating to ~~prohibiting Sailwinds Park, Inc. from serving alcoholic beverages to individuals who do not wear wristbands~~ limitations on serving alcoholic beverages at events at Sailwinds of Cambridge, Inc.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–301(a) and (k)(1) and (2)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–301(k)(6)
Annotated Code of Maryland
(2011 Replacement Volume)

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

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

AN ACT concerning

Health – General – Posthumous Use of Donor Sperm and Eggs

FOR the purpose of prohibiting a person from using sperm or eggs from a known donor ~~after the donor's death~~ for the purpose of assisted reproduction, ~~except~~ under

certain circumstances; establishing requirements for a certain consent; establishing certain penalties for a ~~certain~~ violation of certain provisions of this Act; providing for the application of certain provisions of this Act; altering the definition of “child”, for purposes of certain provisions of law regarding inheritance, to include a child conceived from the genetic material of a person after the person’s death under certain circumstances; providing that a certain after-born relation may not be considered as entitled to distribution in that relation’s own right, unless the decedent had consented in a written record to use of the decedent’s genetic material for posthumous conception in accordance with the requirements of a certain provision of law, the decedent consented in a written record to be the parent of a child posthumously conceived using the decedent’s genetic material, and the child posthumously conceived was born within a certain period after the death of the decedent; making stylistic changes; and generally relating to the posthumous use of donor sperm and eggs.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 1–205 and 3–107

Annotated Code of Maryland

(2011 Replacement Volume and 2011 Supplement)

BY adding to

Article – Health – General

Section 20–111

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

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

House Bill 192 – Delegates Jacobs, Hershey, and Smigiel

AN ACT concerning

Kent County – Alcoholic Beverages – Micro–Brewery Licenses

FOR the purpose of adding Kent County to the list of counties in which a Class 7 micro–brewery license may be issued; adding the county to the list of counties in which the license holder may sell at retail beer brewed under the license for consumption off the licensed premises under certain conditions; providing that the license may ~~only~~ be issued to a holder of a Class D beer (off–sale) license; providing for the hours and days for sale for the license; and generally relating to alcoholic beverages in Kent County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 2–208

Annotated Code of Maryland

(2011 Replacement Volume)

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

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

AN ACT concerning

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

FOR the purpose of authorizing a county to establish an Investment in Our Youth (IO–YOUth) Program; providing that a Program must be established as a qualified organization eligible to receive certain contributions under a certain provision of federal law; specifying the purpose of the Program; requiring a Program to provide summer jobs for certain youths by hiring them to work for a certain county or by providing grants to certain nonprofit organizations that will provide summer jobs; requiring a county that establishes a Program to establish a committee to carry out the Program; specifying that a nonprofit organization must meet certain requirements to be eligible for a grant from a Program; prohibiting a nonprofit organization that receives a grant from a Program from using the grant for certain purposes; requiring a county that establishes a Program to establish a special fund that is to be used to fund the Program; specifying that the Program is to be funded by certain funds and donations; providing that certain funds may be used only for funding the Program; authorizing an employer to make a deduction from the wage of an employee, under certain circumstances, for the benefit of a Program; requiring that a certain written request include certain information; requiring certain employers to ~~pay certain funds to the Comptroller; requiring the Comptroller to distribute to the~~ to certain counties certain funds at certain times; requiring certain employers to report certain information to certain counties at certain times; requiring a county that receives certain funds to pay the funds into a certain special fund, except under certain circumstances; requiring a county that receives certain funds to divide and distribute the funds equally to certain counties under certain circumstances; specifying the amount of funds distributed to a county under a certain provision of this Act; ~~requiring the Comptroller to distribute, at certain times, a certain amount of certain funds to an administrative cost account; allowing an individual or a corporation a subtraction modification under the Maryland income tax equal to the amount of a donation to a Program if the donation is not allowed as a deduction under the federal income tax;~~ authorizing a county to receive certain direct donations for the benefit of a Program; requiring certain counties to provide certain receipts to certain persons; providing for the construction of a certain provision of this Act; ~~providing for the application of certain provisions of this Act;~~ defining

certain terms; and generally relating to Investment in Our Youth (IO–YOUth) Programs.

BY adding to

Article 24 – Political Subdivisions – Miscellaneous Provisions

Section 25–101 through 25–104 to be under the new title “Title 25. Investment in Our Youth (IO–YOUth) Programs”

Annotated Code of Maryland

(2011 Replacement Volume)

~~BY repealing and reenacting, without amendments,~~

~~Article – Tax – General~~

~~Section 10–208(a) and 10–308(a)~~

~~Annotated Code of Maryland~~

~~(2010 Replacement Volume and 2011 Supplement)~~

~~BY adding to~~

~~Article – Tax – General~~

~~Section 10–208(r)~~

~~Annotated Code of Maryland~~

~~(2010 Replacement Volume and 2011 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – Tax – General~~

~~Section 10–308(b)~~

~~Annotated Code of Maryland~~

~~(2010 Replacement Volume and 2011 Supplement)~~

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

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

AN ACT concerning

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

FOR the purpose of allowing an individual in a certain restaurant, club, or hotel for which a certain alcoholic beverages license is issued the privilege of consuming wine not purchased from or provided by the license holder; requiring, for an individual to exercise the privilege, that the wine be consumed ~~with a meal and the individual receive the approval of the license holder~~ under certain

circumstances; requiring a local licensing board to issue a certain permit at no cost to certain license holders; authorizing a license holder to determine and charge an individual a fee for the privilege; applying the sales tax to the fee; requiring, with a certain exception, the license holder to dispose of wine after the meal is finished; allowing an individual to remove from the licensed premises a bottle, the contents of which are only partially consumed, if the license holder or an employee of the license holder inserts a cork in or places a cap on the bottle; specifying that a certain bottle of wine is an “open container” for a certain purpose; prohibiting a license holder from allowing a certain individual from consuming certain wine; and generally relating to the consumption of wine.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
Section 12–107(b)(2)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to

Article 2B – Alcoholic Beverages
Section 12–107(b)(10)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Tax – General
Section 11–101(m)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

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

AN ACT concerning

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

FOR the purpose of creating a Task Force on Military Service Members, Veterans, and the Courts; providing for the composition, chair, and staffing of the Task Force; providing that a member of the Task Force may not receive compensation but may be reimbursed for certain expenses; requiring the Task Force to study the military service–related mental health issues and substance abuse problems that may apply or arise in certain court cases and to consider recommending the establishment of a special court for eligible defendants who are veterans or

members of the armed services on active duty who appear to suffer from certain problems related to military service; requiring the Task Force to make certain recommendations; requiring the Task Force to report certain findings and recommendations to the Governor, Chief Judge of the Court of Appeals, and the General Assembly; providing for the termination of this Act; and generally relating to the Task Force on Military Service Members, Veterans, and the Courts.

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

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

AN ACT concerning

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

FOR the purpose of ~~requiring a person transporting a child under a certain age in a motor vehicle to secure the child in a rear-facing child safety seat in accordance with the child safety seat and vehicle manufacturers' instructions;~~ repealing an exception to a requirement that a child under a certain age must be secured in a child safety seat that applies to a child weighing more than a certain amount; ~~prohibiting a person from transporting a child under a certain age in a motor vehicle if the child is seated in the outboard front seat of the motor vehicle;~~ making stylistic ~~and conforming~~ changes; and generally relating to motor vehicles and child ~~seating and~~ safety seats.

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 22-412.2
 Annotated Code of Maryland
 (2009 Replacement Volume and 2011 Supplement)

~~BY repealing and reenacting, without amendments,
 Article – Transportation
 Section 22-412.3(a)(3)
 Annotated Code of Maryland
 (2009 Replacement Volume and 2011 Supplement)~~

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

House Bill 379 – Frederick County Delegation

AN ACT concerning

Frederick County – Alcoholic Beverages – Citations Issued by Inspectors

FOR the purpose of removing Frederick County from the list of counties whose alcoholic beverages inspectors are prohibited from carrying a weapon when issuing a citation for certain violations; clarifying language; and generally relating to alcoholic beverages inspectors in Frederick County.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–119(b)
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

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

House Bill 381 – Delegate Clagett

EMERGENCY BILL

AN ACT concerning

Electric Companies – Generation Request for Proposals – Expansion of Area

FOR the purpose of requiring the Public Service Commission to consider all areas of the State when determining the need for additional electricity generation; requiring an electric company to reference generation potential in all areas of the State in a request for proposals submitted to the Commission; specifying certain criteria that an electric company shall consider in a request for proposals; providing for the application of this Act; making this Act an emergency measure; and generally relating to electricity generation.

BY adding to
Article – Public Utilities
Section 7–214
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 392 – Delegates Hammen, Clippinger, and McHale

AN ACT concerning

Baltimore City – Alcoholic Beverages Licenses – Memorandum of Understanding

FOR the purpose of requiring the Baltimore City Board of Liquor License Commissioners to make the issuance and renewal of certain alcoholic beverages licenses conditional on the compliance of the license holder with a certain memorandum of understanding; making certain stylistic changes; establishing that the existence of a certain memorandum does not affect any requirement of any individuals to file a certain protest; and generally relating to the issuance of alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 10–104(a) and (d)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 453 – Delegate Niemann

AN ACT concerning

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

FOR the purpose of requiring the imposition of certain court costs if a defendant is sentenced to probation before judgment for or pleads nolo contendere to a certain crime or offense; and generally relating to court costs deposited into the Criminal Injuries Compensation Fund.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–819(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 7–409(b), (c), and (d)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 7–409(e) and (f)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

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

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

AN ACT concerning

Public Schools – Epinephrine Availability and Use – Policy Requirements

FOR the purpose of requiring each county board of education to establish a policy to authorize certain school personnel to administer auto-injectable epinephrine to certain students under certain circumstances; requiring a certain policy to include certain information; ~~providing that a certain policy may authorize a school nurse to obtain and store at a public school auto-injectable epinephrine for certain purposes~~; requiring certain public schools to submit a certain report to the State Department of Education; requiring the Department to develop and disseminate a certain standard form; defining certain terms; and generally relating to an epinephrine availability and use policy in public schools.

BY adding to

Article – Education

Section 7-426.2

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

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

House Bill 529 – Delegates Carr, Bobo, Cane, Huckler, McMillan, Niemann, Reznik, Sophocleus, and Stocksedale

AN ACT concerning

Environment – Local Stormwater Management Charges – State Property

FOR the purpose of providing a certain exception to an exemption from certain taxes, user charges, and utility fees relating to stormwater management for property owned by the State or a unit of State government; providing, with certain exceptions and under certain conditions, that property owned by the State or a unit of State government is subject to a certain stormwater management charge imposed by the governing body of the county or municipality within which the property is located; delaying the application of a certain provision of law relating to stormwater management charges for State construction activities on certain property until a certain date; providing an exception to an exemption from the application of a certain provision of law relating to stormwater

management charges for State construction activities; prohibiting, with a certain exception, a certain permitted jurisdiction from imposing a certain charge on a property that is located wholly within another permitted jurisdiction; providing for a certain allocation of charges when a property is located in more than one permitted jurisdiction; defining a certain term; making stylistic changes; repealing obsolete language; and generally relating to stormwater management charges.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 24–406
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–204 and 4–205
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

House Bill 582 – Delegate Barkley

AN ACT concerning

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

FOR the purpose of authorizing vehicles of public service companies to be equipped with or display yellow or amber lights or signal devices; making conforming and stylistic changes; and generally relating to lighting equipment on vehicles of public service companies.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 22–201 and 22–218(c)(11)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 22–218(c)(6) and (e) and 22–227(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

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

AN ACT concerning

Transportation – Baltimore Corridor Red Line Transit Study

FOR the purpose of updating the fiscal years included in the Maryland Consolidated Transportation Program referencing the transit project known as the “Baltimore Corridor Transit Study – Red Line” for purposes of continuing to apply certain provisions of law that specify certain factors that the Maryland Transportation Administration, in conducting the transit project, must consider and that prohibit the Administration from acquiring certain real property under certain circumstances; ~~prohibiting a Red Line related modification from being made to the portion of Interstate 70 that is east of Interstate Highway 696 unless the Maryland Transit Administration and the State Highway Administration conduct a certain community impact study;~~ and generally relating to the Baltimore Corridor Transit Study.

BY repealing and reenacting, with amendments,

Chapter 2 of the Acts of the General Assembly of the 2006 Special Session, as amended by Chapter 570 of the Acts of the General Assembly of 2009
Section 1

BY repealing and reenacting, with amendments,

Chapter 3 of the Acts of the General Assembly of the 2006 Special Session, as amended by Chapter 570 of the Acts of the General Assembly of 2009
Section 1

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

House Bill 607 – Delegates Hucker, Aumann, Barkley, Bobo, Burns, Carr, Dumais, Elliott, Frush, Gutierrez, Haddaway-Riccio, Impallaria, A. Kelly, Kramer, Krebs, Lafferty, W. Miller, Olszewski, Pendergrass, Reznik, S. Robinson, Rudolph, Szeliga, ~~and Waldstreicher~~ Waldstreicher, Barnes, Braveboy, Davis, Feldman, Harrison, Hershey, Jameson, Love, McHale, Minnick, Schuh, Schulz, Stifler, and Vaughn

AN ACT concerning

National Human Trafficking Resource Center Hotline Information – Sign Posting Requirements

FOR the purpose of requiring the business owner of a privately owned bus station or truck stop located in the State to post in restrooms in a certain manner a

certain sign that provides National Human Trafficking Resource Center Hotline information; requiring a certain agency that determines a certain violation has occurred to provide a certain notice to the business owner of a bus station or truck stop or the business owner's agent; subjecting a business owner of a bus station or truck stop that violates the sign posting requirement to a certain civil penalty if certain signs are not posted within a certain period of time after the business owner receives a certain notice; specifying that, for each restroom in which the business owner fails to post a sign in accordance with this Act, the business owner is subject to a separate civil penalty; requiring the State Highway Administration to post in a certain manner a certain sign that provides National Human Trafficking Resource Center Hotline information in the restrooms at rest areas within the right-of-way of any interstate or State highway; defining a certain term; and generally relating to sign posting requirements for National Human Trafficking Resource Center Hotline information.

BY adding to

Article – Business Regulation
Section 19–103
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to

Article – Transportation
Section 8–655
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

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

AN ACT concerning

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

FOR the purpose of ~~repealing the requirement that certain supporting documentation accompany~~ authorizing certain county superintendents of schools to require that a certain affidavit verifying to a certain county superintendent of schools that a child is living in an informal kinship care arrangement for certain school attendance purposes be accompanied by certain supporting documentation only after allowing a certain child to enroll in a certain public school under certain circumstances; ~~repealing a requirement that certain instructions explain the necessity of and encourage the submission of certain supporting documentation~~ specifying that if certain documentation is required it must be consistent with certain policies and statutes; and generally relating to ~~the repeal of~~

~~requirements for~~ requiring enrollment before submission of documentation supporting an affidavit of informal kinship care for educational purposes.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–101
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

House Bill 624 – Delegates Simmons, Anderson, and Stukes

AN ACT concerning

Criminal Procedure – Notice of Eligibility for Expungement

FOR the purpose of requiring the court, in a criminal case, to provide the defendant with a brochure containing certain information relating to expungement when all of the charges against the defendant are disposed of in a certain manner; 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 expungement.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–232
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–232
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)
(As enacted by Chapter 337 of the Acts of the General Assembly of 2008)

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

House Bill 644 – Delegates Oaks and Niemann

AN ACT concerning

Environment – Reducing the Incidence of Lead Poisoning

FOR the purpose of altering the application of certain provisions of law relating to reducing lead risk in housing to apply to certain property constructed before a certain date; authorizing the Department of the Environment or a local health department to order a certain abatement in ~~any residential~~ certain property under certain circumstances; authorizing the Department to enforce the terms of a certain abatement order in a certain manner; establishing a certain rebuttable presumption; providing that the presumption may be rebutted by ~~clear and convincing a preponderance of the evidence~~; altering a certain annual fee for certain rental property; ~~authorizing the Department to administer a certain program consistent with certain federal regulations~~; ~~requiring a certain vendor of certain property to deliver to a certain purchaser a certain lead-contaminated dust test under certain circumstances~~; ~~declaring the intent of the General Assembly regarding certain compliance with certain provisions of law relating to reducing lead risk in housing~~ authorizing certain regulations adopted by the Department to include certain standards and procedures for certain abatement involving the renovation, repair, and painting of lead-containing substances; altering a certain definition; and generally relating to reducing the incidence of lead poisoning.

BY repealing and reenacting, without amendments,
Article – Environment
Section 6–801(a) and 6–843(a)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 6–801(b), 6–822, 6–843(a)(2), 6–1001(b), and 6–1003, ~~and 6–1004~~
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY adding to
Article – Environment
Section 6–830.1; ~~and 6–1002.1 to be under the amended subtitle “Subtitle 10:
Accreditation of Lead Paint Abatement and Renovation Services”~~
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

~~BY adding to
Article – Real Property
Section 10–711
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)~~

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

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

AN ACT concerning

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

FOR the purpose of establishing that child support payments are not past due and arrearages may not accrue during any period when the obligor is incarcerated and for a certain period after the obligor's release from confinement under certain circumstances; authorizing the Child Support Enforcement Administration to adjust an incarcerated obligor's payment account in certain cases to reflect the suspension of the accrual of arrearages under this Act; requiring the Administration to send a certain notice to the obligee before making an adjustment; defining certain terms; and generally relating to the child support obligations of incarcerated obligors.

BY adding to

Article – Family Law

Section 12–104.1

Annotated Code of Maryland

(2006 Replacement Volume and 2011 Supplement)

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

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

AN ACT concerning

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

FOR the purpose of establishing a certain historic motor vehicle registration for certain trucks, tractors, and motor homes; establishing certain qualifications for a historic motor vehicle registration under this Act; establishing certain registration fees; prohibiting a vehicle registered under this Act from being used in a certain manner; requiring a certain owner applying for registration of a vehicle under this Act to certify that the vehicle will be maintained only for certain purposes; requiring the Motor Vehicle Administration to issue certain registration plates under certain circumstances; providing that the presence of certain equipment is not required for the operation of a vehicle registered under this Act; exempting a vehicle registered under this Act from certain vehicle

inspections; clarifying that this Act does not limit the authority of a police officer to issue a certain safety equipment repair order; prohibiting the transfer to a subsequent owner of a registration issued under this Act; defining a certain term; and generally relating to the registration of historic motor vehicles.

BY adding to

Article – Transportation

Section 13–936.2

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

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

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

AN ACT concerning

Home Visiting Accountability Act of 2012

FOR the purpose of requiring the State to fund only certain home visiting programs for improving parent and child outcomes, as provided in the State budget; requiring that not less than a certain percentage of State funding for home visiting programs be made available to evidence–based home visiting programs; requiring certain home visiting programs to submit regular reports; specifying the contents of the reports to be submitted by certain home visiting programs; requiring the development of reporting and monitoring procedures for certain home visiting programs by the Governor’s Office for Children and the agencies of the Children’s Cabinet; requiring the Governor’s Office for Children and the agencies of the Children’s Cabinet to report on the implementation and outcomes of certain home visiting programs to the Governor and certain committees of the General Assembly on or before a certain date; defining certain terms; and generally relating to home visiting programs.

BY renumbering

Article – Human Services

Section 8–506

to be Section 8–508

Annotated Code of Maryland

(2007 Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Human Services

Section 8–101

Annotated Code of Maryland

(2007 Volume and 2011 Supplement)

BY adding to

Article – Human Services
Section 8–506 and 8–507
Annotated Code of Maryland
(2007 Volume and 2011 Supplement)

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

House Bill 700 – Delegate Feldman

AN ACT concerning

Commercial Law – Uniform Commercial Code – Revisions to Title 1

FOR the purpose of revising, updating, reorganizing, and clarifying Title 1 of the Maryland Uniform Commercial Code (MUCC) relating to general provisions applicable to the MUCC; establishing a certain short title; clarifying the transactions to which Title 1 of the MUCC applies; providing for the effect of Title 1 of the MUCC on a certain federal law; authorizing the subordination of an obligation or a right to performance under certain circumstances; providing that subordination does not create a certain security interest; making certain stylistic changes; defining certain terms; altering and repealing certain definitions; making conforming changes to certain provisions of the MUCC; and generally relating to the Maryland Uniform Commercial Code.

BY repealing

Article – Commercial Law
Section 1–101 through 1–208 and the title “Title 1. General Provisions”; and
2–208 and 2A–207
Annotated Code of Maryland
(2002 Replacement Volume and 2011 Supplement)

BY adding to

Article – Commercial Law
Section 1–101 through 1–108 to be under the new subtitle “Subtitle 1. General Provisions”; 1–201 through 1–206 to be under the new subtitle “Subtitle 2. General Definitions and Principles of Interpretation”; and 1–301 through 1–310 to be under the new subtitle “Subtitle 3. Territorial Applicability and Applicable Law”; and the new title “Title 1. General Provisions”
Annotated Code of Maryland
(2002 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law

Section 2-103(1), 2-202, 2A-103(3), 2A-501(4), 2A-518(2), 2A-519(1),
 2A-527(2), 2A-528(1), 3-103(a)(4) and (10), 4-104(c), 4A-105(a)(6) and
 (7), 4A-106(a)(1), 4A-204(b), 5-103(c), 8-102(a)(10), and 9-102(a)(43)
 Annotated Code of Maryland
 (2002 Replacement Volume and 2011 Supplement)

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

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

AN ACT concerning

Alcoholic Beverages – Distilleries – Tours, Samples, and Sales

FOR the purpose of expanding the privileges of a distillery license so that the holder of the license may conduct guided tours of the licensed premises, serve not more than a certain number of samples of products manufactured at the licensed premises, ~~sell certain foods and beverages~~, sell products manufactured on the licensed premises for consumption off the licensed premises under certain circumstances, and sell related merchandise; prohibiting a license holder or entity in which a license holder has a pecuniary interest from acting as a caterer of food; specifying the times when certain activities may be conducted; providing that a Class 1 manufacturer’s license allows the holder to operate a certain number of days a week, with a certain exception; requiring a license holder to file with the Comptroller a notice of a promotional event at least a certain time before the event is held; prohibiting a license holder from selling or allowing to be consumed at the licensed premises certain products, with a certain exception; providing that this Act does not limit the application of certain laws and regulations; and generally relating to the privileges of alcoholic beverages and distillery licenses.

BY repealing and reenacting, with amendments,
 Article 2B – Alcoholic Beverages
 Section 2-202
 Annotated Code of Maryland
 (2011 Replacement Volume)

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

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

EMERGENCY BILL

AN ACT concerning

Baltimore County – Alcoholic Beverages Licenses

FOR the purpose of altering certain minimum percentages of average daily receipts from the sale of food that restaurants must maintain for a certain purpose; prohibiting the Baltimore County Board of Liquor License Commissioners from authorizing the transfer of more than a certain total of certain licenses in existence on a certain date out of a certain election district; authorizing the Baltimore County Board of Liquor License Commissioners to approve the transfer of certain alcoholic beverages licenses in existence in a certain election district on a certain date to certain election districts based on a certain rule; establishing ~~a certain limit~~ certain limits on the number of licenses that may be transferred during ~~a certain period~~ certain periods; establishing a certain limit on the number of licenses that may be transferred into a single election district; requiring the Board to create and issue a certain number of Class B Service Bar (SB) beer and wine licenses during certain time periods under certain circumstances; requiring a Class B Service Bar (SB) beer and wine license to comply with certain provisions of law relating to the operation of restaurants; establishing a certain fee; requiring the conversion of a Class D license to a Class B license that is transferred from a certain election district to any other election district and prohibiting its transfer or conversion to another class of license; prohibiting the transfer from a licensed premises or conversion to another class of license of any new license issued by the Board based on a certain increase in population; requiring the issuance of a license for a partnership to be issued to at least two general partners, at least one of whom is a registered voter of any county or Baltimore City and resides in the county or Baltimore City at the time of application; requiring the Board to issue a license to only one partner of a partnership as an individual under certain circumstances; altering the maximum number of certain licenses an individual or a sole proprietorship, partnership, corporation, unincorporated association, or limited liability company may obtain a certain interest in; repealing certain provisions of law relating to minimum seating capacity for dining ~~and;~~ altering the maximum seating capacity for a certain cocktail lounge or bar; altering a maximum percentage of sales in alcoholic beverages; altering a certain residency requirement for certain license applicants to require residency in the State for a certain period of time; repealing a certain provision of law requiring that a certain certificate be signed by a certain number of citizens regarding the length of time each has been acquainted with a certain applicant; requiring the Board to allow a certain reduction of certain square footage requirements applicable to certain buildings under a certain rule; requiring the County Executive for Baltimore County to appoint a certain task force to study certain issues relating to the distribution of alcoholic beverages licenses in Baltimore County; providing for the construction of certain provisions of this Act; providing for the application of certain provisions of this Act; making this Act an emergency measure; and generally relating to the transfer and issuance of alcoholic beverages licenses in Baltimore County.

BY adding to

Article 2B – Alcoholic Beverages
 Section ~~8–204.7 and 8–204.8, and 8–204.9~~
 Annotated Code of Maryland
 (2011 Replacement Volume)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
 Section ~~8–204.3(d)(1), (2), and (3) and (e), 8–204.4(d), 8–204.5(d), 9–101(a)(1),
 9–102(b–3B)(1) and (2) and (b–3C)(1), and 10–103(b)(4) and (18)~~
 Annotated Code of Maryland
 (2011 Replacement Volume)

BY repealing

Article 2B – Alcoholic Beverages
 Section 10–104(e)
 Annotated Code of Maryland
 (2011 Replacement Volume)

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

House Bill 773 – Delegate Waldstreicher

AN ACT concerning

Estates and Trusts – Allowance for Funeral Expenses

FOR the purpose of defining the term “funeral expenses” for purposes of a certain allowance for payment from a decedent’s estate; altering the amount for funeral expenses that a court may allow for a small estate; making stylistic changes; providing for the application of this Act; and generally relating to an allowance for funeral expenses.

BY repealing and reenacting, with amendments,

Article – Estates and Trusts
 Section 8–106
 Annotated Code of Maryland
 (2011 Replacement Volume and 2011 Supplement)

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

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

AN ACT concerning

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

FOR the purpose of ~~prohibiting a person from standing in a highway in Baltimore County to solicit money or donations from the occupant of a vehicle, except under certain circumstances; prohibiting an adult from encouraging or allowing a child to stand in a highway in Baltimore County to solicit money or donations from the occupant of a vehicle; providing that a child may not be found guilty or adjudicated delinquent for standing in a highway in Baltimore County to solicit money or donations from the occupant of a vehicle if an adult encouraged or allowed the child to commit the violation; providing for the issuance of that a person standing in a roadway, median divider, or intersection in Baltimore County who solicits money or donations from the occupant of a vehicle without a certain permit is subject to a certain warning to as a first-time offender; providing and to a certain penalty for subsequent offenses; defining a certain term; and generally relating to restrictions on the use of highways in Baltimore County for penalties for solicitation of money or donations without a permit while standing in a roadway, median divider, or intersection in Baltimore County.~~

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21-507(h)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 817 – Prince George’s County Delegation

AN ACT concerning

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

FOR the purpose of ~~altering the maximum number of licenses of a certain class of alcoholic beverages license that may be issued in Prince George’s County; authorizing the Prince George’s County Board of License Commissioners to issue a Class D beer and light wine license with an off-sale privilege for use by a supermarket or similar type of premises in the City of Bowie under certain circumstances; prohibiting the Board of License Commissioners from issuing a Class D beer and light wine license with an off-sale privilege for use by a certain type of business; and generally relating to the issuance of a Class D beer and light wine license with an off-sale privilege within the corporate limits of the City of Bowie exempting certain alcoholic beverages license holders in~~

Prince George's County from the requirement of obtaining an entertainment permit before providing entertainment on their licensed premises; clarifying that a holder of an entertainment permit in Prince George's County must comply with zoning and use and occupancy laws and regulations; requiring an applicant for an entertainment permit to submit evidence to the satisfaction of the Board of License Commissioners that there are no unpaid taxes due from the applicant to the State, the county, or a municipal corporation; authorizing the Board to immediately suspend a permit on certain grounds; requiring the Board, at a certain permit hearing, to determine whether the permit holder violated certain laws; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages
Section ~~9-217(a)~~ 6-201(r)(1)(i)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
Section ~~9-217(b) and (h)~~ 6-201(r)(19)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 822 – Delegate Waldstreicher

AN ACT concerning

Maryland Uniform Transfers to Minors Act – Orphans' Court

FOR the purpose of altering the definition of the term “court” to include an orphans' court or a court exercising the jurisdiction of an orphans' court for the purposes of the Maryland Uniform Transfers to Minors Act; and generally relating to the Maryland Uniform Transfers to Minors Act.

BY repealing and reenacting, without amendments,

Article – Estates and Trusts
Section 13-301(a), 13-306, 13-309, 13-312(a), 13-314(c) and (d), 13-318(d) and (f), 13-319, and 3-324
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 13–301(e)
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

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

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

AN ACT concerning

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

FOR the purpose of ~~altering the terms of Washington Suburban Sanitary District bonds and refunding bonds that may be issued by the Washington Suburban Sanitary Commission to decrease the number of years that a bond may mature from the date of issuance; requiring the Commission to reduce a certain sum owed for the extinguishment or redemption of a front foot benefit charge by a certain amount under certain circumstances; requiring, beginning on a certain date, certain information regarding the number of payments of a front foot benefit charge to be printed on property tax bills in Prince George’s County; prohibiting the Commission from assessing a benefit charge against certain real property for longer than a certain number of years under certain circumstances; prohibiting the Commission from recalculating or increasing any benefit charge assessed against property because of a reduction of the revenues collected by the Commission as a result of this Act; prohibiting the Commission from assessing a benefit charge for longer than a certain number of years against any new residential real property constructed in Prince George’s County or Montgomery County on or after a certain date; requiring the Commission to use money in a certain bond fund to offset any reduction in revenues collected by the Commission as a result of this Act; providing that a property owner against whose property a benefit charge has been assessed by the Commission for a certain number of immediately preceding years shall be deemed as having paid the benefit charges in full; prohibiting the Commission from assessing a front foot benefit charge against certain property during a certain fiscal year; prohibiting the Commission from raising a certain service rate for water or sewer usage by more than a certain amount in a certain fiscal year; establishing a Task Force to Study the Effect of Changes to Rates and Charges of the Washington Suburban Sanitary Commission; establishing the membership and staffing of the Task Force; providing for the election of the chair of the Task Force; providing that the members of the Task Force may not receive certain compensation but are entitled to certain reimbursement; requiring the Washington Suburban Sanitary Commission to provide certain records and documents to the Task Force; specifying the duties of the Task Force; requiring the Task Force to report certain findings and recommendations to the Governor~~

and the Montgomery County and Prince George's County delegations to the General Assembly on or before a certain date; providing for the termination of a certain provision of this Act; and generally relating to water and sewer usage service rates ~~of and bonds issued~~ and benefit charges assessed ~~and collected by~~ in the Washington Suburban Sanitary ~~Commission~~ District.

BY repealing and reenacting, with amendments,
 Article – Public Utilities
 Section ~~22-102, 22-114, 25-211,~~ and 25-214
 Annotated Code of Maryland
 (2010 Replacement Volume and 2011 Supplement)

~~BY adding to
 Article – Public Utilities
 Section 25-215
 Annotated Code of Maryland
 (2010 Replacement Volume and 2011 Supplement)~~

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

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

AN ACT concerning

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

FOR the purpose of requiring certain buildings owned by the Washington Suburban Sanitary Commission to be high performance buildings under certain circumstances; exempting certain building types from certain high performance building standards; authorizing the Commission to request a certain waiver from certain high performance building standards from a certain county; authorizing a certain county council, with approval of the county executive, to issue a certain waiver under certain circumstances; expressing a certain intent of the General Assembly; defining certain terms; and generally relating to the Washington Suburban Sanitary Commission and high performance buildings.

BY adding to
 Article – Public Utilities
 Section 21-104
 Annotated Code of Maryland
 (2010 Replacement Volume and 2011 Supplement)

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

House Bill 904 – Prince George’s County Delegation

AN ACT concerning

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

FOR the purpose of requiring that a certain hotline number to report information concerning suspected illegal drug activity be included on certain signs designating certain areas as drug free school zones in Prince George’s County; and generally relating to drug free school zone signs in Prince George’s County.

BY repealing and reenacting, with amendments,
Article – Education
Section 4–124
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

House Bill 910 – Frederick County Delegation

AN ACT concerning

Frederick County – Budgetary Processes

FOR the purpose of renaming certain balances in the general fund of Frederick County; requiring that if a certain committed general fund balance is appropriated and expended by the County Commissioners of Frederick County, the County Commissioners shall replenish the committed general fund balance by the end of a certain fiscal year; and generally relating to the budgetary processes of Frederick County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Frederick County
Section 2–7–1, 2–7–4(a), and 2–7–11
Article 11 – Public Local Laws of Maryland
(2004 Edition and July 2011 Supplement, as amended)

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

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

AN ACT concerning

Commercial Fishing and Seafood Operations – Nuisance Actions – Exemption

FOR the purpose of expanding the application of certain provisions of law relating to the protection of agricultural operations from certain actions under certain circumstances to apply to certain commercial fishing and seafood operations; exempting certain commercial fishing and seafood operations from nuisance lawsuits; authorizing an appeal of a certain decision on a nuisance complaint against a commercial fishing or seafood operation to a circuit court in a certain manner; defining a certain term; altering the definition of a certain term; and generally relating to nuisance actions against commercial fishing or seafood operations.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–403
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 20–301
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 935 – Delegate Stein

AN ACT concerning

Real Property – Commercial Buildings – Energy Usage

FOR the purpose of requiring the landlord of a certain privately owned commercial building to provide energy usage information to a certain prospective tenant under certain circumstances; authorizing a landlord to refuse to provide energy usage information for security reasons; providing that certain information is provided without warranty of any kind; establishing a certain penalty; providing for the application of this Act; providing for a delayed effective date; and generally relating to the disclosure of utility costs for commercial buildings.

BY adding to
Article – Real Property
Section 8–801 through 8–803 to be under the new subtitle “Subtitle 8. Energy Usage in Commercial Buildings”
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

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

AN ACT concerning

Maryland Building Performance Standards – Hotels – Mandatory Master Control Device

FOR the purpose of authorizing the Department of Housing and Community Development to adopt certain standards that are more stringent than standards in the International Building Code; requiring that guest rooms in newly constructed hotels be equipped with a certain device that turns off lighting fixtures after a certain period of time; authorizing the required device to control heating, ventilation, or air conditioning default settings in a certain manner; requiring the Department to adopt certain provisions of law as a part of the Maryland Building Performance Standards; providing for the application of this Act; defining certain terms; and generally relating to requirements for energy conservation devices in hotels under the Maryland Building Performance Standards.

BY repealing and reenacting, with amendments,

Article – Public Safety
Section 12–503
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to

Article – Public Safety
Section 12–510
Annotated Code of Maryland
(2011 Replacement Volume)

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

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

AN ACT concerning

Vehicle Laws – Unattended Motor Vehicle – Exception to Prohibition

FOR the purpose of creating an exception for the use of a remote keyless ignition system to the prohibition against leaving a motor vehicle unattended under

certain circumstances; making certain stylistic changes; and generally relating to the prohibition against leaving a motor vehicle unattended under certain circumstances.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1101
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 1058 – Delegate Stein

AN ACT concerning

Program Open Space – Local Projects – Funding for Development

FOR the purpose of limiting the dispersal of certain Program Open Space funding to the costs associated with development projects and the construction of recreational facilities under certain circumstances; ~~repealing a certain requirement that, to obtain a certain percentage of State funding, certain land acquired within a priority funding area be limited in the amount of impervious surface on the land;~~ exempting certain indoor recreational facilities from certain funding limits if the Department of Natural Resources makes a certain determination; and generally relating to development of local projects under Program Open Space.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–905(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

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

House Bill 1093 – Delegates Love and Jameson

AN ACT concerning

Portable Electronics Insurance

FOR the purpose of repealing a certain limitation on the authority of a vendor of portable electronics insurance to sell coverage under a policy of portable electronics insurance; altering the circumstances under which a vendor that collects premiums for portable electronics insurance need not keep the

premiums in a segregated account; providing an exception under certain circumstances to a certain requirement to itemize premiums and charges and requiring a vendor to provide certain notice to a customer relating to those circumstances; ~~authorizing an employee or authorized representative of a vendor to receive certain compensation under certain circumstances~~; altering certain information that must be submitted to the Maryland Insurance Commissioner in an application for a limited lines license to sell portable electronics insurance; requiring an applicant to provide certain information about certain individuals under certain circumstances; requiring a certain supervising entity to maintain a certain registry; requiring the registry to be open for inspection and examination after a certain period of time under certain circumstances; clarifying that, if a customer cancels coverage, any unearned premiums will be refunded to the person paying the premium; providing for a certain supplemental education program under certain circumstances; ~~authorizing the Commissioner to impose a certain penalty under certain circumstances~~; altering the methods by which certain required notice may be sent to covered customers and vendors under certain circumstances; defining certain terms; altering a certain definition; providing for the application of this Act; and generally relating to portable electronics insurance.

BY repealing and reenacting, without amendments,

Article – Insurance
Section 10–130 and 10–707
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Insurance
Section 10–701, 10–703 through ~~10–707~~ 10–706, and 19–903
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 1094 – Delegate Rudolph

AN ACT concerning

Insurance – Fraud Violations – Fines and Administrative Penalties

FOR the purpose of requiring the Fraud Division of the Maryland Insurance Administration to investigate certain allegations and to impose certain penalties under certain circumstances; providing that a certain fine imposed for certain insurance fraud violations is mandatory and not subject to suspension; authorizing the Maryland Insurance Commissioner to impose an administrative penalty, not exceeding a certain amount, for certain insurance fraud violations under certain circumstances; authorizing the Commissioner, for certain

insurance fraud violations, to order restitution to certain insurers or self-insured employers of certain proceeds paid; requiring the Commissioner to consider certain factors in determining the amount of a certain administrative penalty; providing that the Commissioner may bring a civil action for the nonpayment of a certain administrative penalty under certain circumstances; providing for the construction of this Act; and generally relating to the authority of the Maryland Insurance Commissioner to impose fines and administrative penalties and order restitution for insurance fraud violations.

BY repealing and reenacting, with amendments,

Article – Insurance

Section ~~2–405~~ and ~~27–408~~

Annotated Code of Maryland

(2011 Replacement Volume)

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

House Bill 1095 – Delegate Rudolph

AN ACT concerning

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

FOR the purpose of requiring an insurer that discovers a certain material risk factor during a certain underwriting period to recalculate the premium for a policy or binder of personal insurance, commercial property insurance, or commercial liability insurance under certain circumstances; requiring the insurer to provide certain notice to the insured if the insurer recalculates the premium for the policy or binder based on the discovery of a certain material risk factor; providing that certain provisions of law requiring insurers to send certain notice of a premium increase for a policy of private passenger motor vehicle liability insurance do not apply to an increase in premium made by an insurer during the underwriting period under certain circumstances; defining a certain term; making stylistic changes; providing for the application of this Act; providing for a delayed effective date; and generally relating to the recalculation of the premium for a policy or binder of property and casualty insurance during the underwriting period.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 12–106 and 27–614(b)

Annotated Code of Maryland

(2011 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Insurance

Section 27–614(a) and (c)(1) and (2)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 1097 – Delegate Rudolph

AN ACT concerning

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

FOR the purpose of altering the list of persons ~~that are required to report suspected insurance fraud to certain persons and entities in a certain manner under certain circumstances; authorizing the withholding of certain information provided by certain persons to whom a person may report suspected insurance fraud and not be subject to civil liability; providing that a person is not subject to civil liability for furnishing or receiving information relating to suspected, anticipated, or completed fraudulent insurance acts under certain circumstances; making stylistic changes;~~ and generally relating to required reporting of suspected insurance fraud.

BY repealing and reenacting, with amendments,

Article – Insurance
Section 27–802
Annotated Code of Maryland
(2011 Replacement Volume)

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

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

AN ACT concerning

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

FOR the purpose of requiring that, on or before a certain date, the Director of the Maryland Historical Trust designate determine whether a certain property as a historic property under is eligible for listing in the National Register of Historic Places in accordance with a certain provision of law; and generally relating to the Maryland Historical Trust.

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

House Bill 1124 – St. Mary’s County Delegation

AN ACT concerning

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

FOR the purpose of repealing a requirement that each sanitary district in St. Mary’s County be a separate taxing district; repealing a prohibition against a certain adverse effect as a result of a change of sanitary district lines; altering the notice requirements for certain water supply and sewerage system studies and plans; repealing a requirement that the County Commissioners of St. Mary’s County make a certain decision; repealing a provision making the Mattapany District exempt from certain provisions of law; repealing a requirement that certain sums be repaid out of certain bonds issued for a particular sanitary district; altering the calculation of the total amount of certain bonds that the St. Mary’s County Metropolitan Commission may issue; altering the procedures for retiring and paying the interest on certain bonds; altering the required procedures for bids for construction; altering the amount the Commission may expend on certain goods, materials, or services without advertising and receiving competitive bids; making it discretionary rather than mandatory that the Commission impose and collect a reasonable collection fee under certain circumstances; requiring a certain charge to apply uniformly to certain types of properties; authorizing the Commission to create additional uniform rates for certain other property classifications; repealing certain due dates for certain charges; authorizing certain services rates to include State or federally mandated fees or charges; repealing a requirement that the cost of a certain meter be at the sole expense of the Commission; renaming a certain benefit assessment to be a System Improvement Charge; establishing a right of entry to certain locations under certain circumstances; altering a certain exemption from a certain charge applied to church property; altering the properties for which the Commission is required to impose and collect a certain per equivalent dwelling unit (EDU) system improvement charge; requiring the Commission to impose and collect a certain per EDU system improvement charge at the same time the EDU is allocated; repealing a certain recordkeeping requirement; requiring a certain charge to be paid in perpetuity under certain circumstances when a property is acquired in a certain manner; requiring a certain court order to provide for payment for certain charges in a certain manner; altering the conditions under which a certain condemning authority is required to pay certain charges; making stylistic and technical changes; 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 113–1 A., 113–3 B., 113–4, 113–5, 113–6 A., 113–7 A., 113–8, 113–12, 113–14 A. and C., 113–16 B., 113–19, 113–22, 113–26, 113–27 B. and C., and 113–29

Article 19 – Public Local Laws of Maryland
(2007 Edition and January 2011 Supplement, as amended)

BY repealing and reenacting, without amendments,
The Public Local Laws of St. Mary’s County
Section 113–14 B.
Article 19 – Public Local Laws of Maryland
(2007 Edition and January 2011 Supplement, as amended)

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

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

AN ACT concerning

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

FOR the purpose of requiring a certain law enforcement officer who charges a minor with a criminal offense to make a reasonable attempt to notify the minor’s parent or guardian of the charge; requiring a certain law enforcement officer or the officer’s designee who takes a minor into custody to make a reasonable attempt to notify the minor’s parent or guardian of the arrest within a certain time period; and generally relating to notification of a parent or guardian of the charging or arrest of a minor.

BY adding to
Article – Criminal Procedure
Section 2–108
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

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

AN ACT concerning

Domestically Related Crimes – Reporting

FOR the purpose of requiring the court, on request of the State's Attorney, to ~~determine~~ make a certain finding as to whether a crime for which a defendant is convicted or receives a probation before judgment disposition is a domestically related crime; establishing that the State has the burden of proving by a preponderance of the evidence that the crime is a domestically related crime; requiring a finding by the court that a crime is a domestically related crime to become part of the court record for certain purposes; expanding the list of events that are required to be reported to the Criminal Justice Information System Central Repository to include a finding by a court that a defendant has been convicted of or received a probation before judgment disposition for a domestically related crime; defining a certain term; and generally relating to the reporting of domestically related crimes.

BY adding to

Article – Criminal Procedure
Section 6–233
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure
Section 10–215
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – Family Law
Section 4–501(a) and (m)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

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

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

AN ACT concerning

Courts – Victims of Crime – Interpreters

FOR the purpose of altering certain requirements relating to the use of an interpreter in court to include the appointment of an interpreter for a victim or victim's representative who is deaf or cannot readily understand or communicate the spoken English language; authorizing a victim or victim's representative to apply for appointment of a certain interpreter; making conforming changes;

making a certain technical correction; and generally relating to interpreters in court proceedings.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 9–114(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 1–202 and 3–103
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–104(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

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

AN ACT concerning

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

FOR the purpose of requiring the Smart Growth Subcabinet to meet at least biannually with certain individuals to discuss certain local government issues; prohibiting the State Development Plan from being used to ~~create or establish a new cause for State denial of certain projects, permits, or approvals or to deny certain State funding; requiring the Department of Planning and a certain county or municipal corporation to meet in good faith and seek to resolve a certain conflict under certain circumstances; providing that the comprehensive plan, zoning laws, and local ordinances of a county or municipal corporation shall govern for a certain purpose if a certain conflict is not resolved; and generally relating to restrictions on the use of, and conflicts that may arise regarding,~~ deny a State-issued permit or certain State funding; clarifying that the Plan does not supersede any State statute or regulation or any local ordinance or regulation, affect the delegation of planning and zoning powers granted by the State to local jurisdictions under certain provisions of law, or

overturn or prevent a decision of a local jurisdiction to fund a project; prohibiting the Plan from requiring a local government to change or alter a local ordinance, regulation, or comprehensive plan; providing for the effective date of certain provisions of this Act; correcting a certain cross-reference; providing for the termination of certain provisions of this Act; and generally relating to restrictions on the use and effect of the State Development Plan.

BY repealing and reenacting, with amendments,

Article – State Government

Section 9–1406

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

BY adding to

Article – State Finance and Procurement

Section 5–606

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

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

House Bill 1264 – Howard County Delegation (By Request)

AN ACT concerning

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

FOR the purpose of authorizing the Howard County Department of Inspections, Licenses and Permits to request from the Criminal Justice Information System Central Repository a State and national criminal history records check for an applicant for a massage establishment license, pawnbroker or secondhand dealer establishment license, taxicab license, or renewal of a massage establishment license, pawnbroker or secondhand dealer establishment license, or taxicab license; requiring that the department submit certain sets of fingerprints and fees to the Central Repository as part of the application for a criminal history records check; requiring the Central Repository to forward to the applicant and the department the applicant's criminal history record information under certain circumstances; establishing that information obtained from the Central Repository under this Act is confidential, may not be disseminated, and may be used only for certain purposes; authorizing a subject of a criminal history records check under this Act to contest the contents of a certain printed statement issued by the Central Repository; providing for the application of this Act; authorizing the governing body of Howard County to

adopt guidelines to carry out this Act; defining certain terms; and generally relating to criminal history records checks in Howard County.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 10–233
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – Criminal Procedure
Section 10–233.1
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

House Bill 1292 – Delegates Carter and Oaks

AN ACT concerning

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

FOR the purpose of ~~establishing that whether a person is entitled to expungement of one charge or conviction 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~~ authorizing a person who was convicted of one or more charges in a certain unit to file a petition to shield certain information; specifying that a certain petition shall be filed with the Administrative Office of the Courts; specifying that a petition to shield information relating to a certain charge may not be filed until the expiration of a certain amount of time; requiring the Administrative Office of the Courts to shield certain information within a certain time period under certain circumstances; prohibiting a certain Web site and computer terminals from in any way referring to the existence of a certain charge under certain circumstances; authorizing the Administrative Office of the Courts to assess a certain fee for a certain petition for a certain purpose; defining a certain term; making certain ~~conforming~~ technical changes; and generally relating to the expungement and shielding of criminal charges.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–107
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

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

AN ACT concerning

Calvert County – School Buses – Length of Operation

FOR the purpose of altering the length of time a school bus may be operated in Calvert County; and generally relating to school bus operation in Calvert County.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–804
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

SPECIAL ORDERS

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

Senate Bill 868 – Senator Conway

AN ACT concerning

**Residential Child and Youth Care Practitioners – Certification
– Modifications**

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0868/124031/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 868

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “Board;” insert “requiring, instead of authorizing, the Board to set reasonable fees for certain services;”; and in line 9, strike “certain” and substitute “the”.

AMENDMENT NO. 2

On page 4, in line 2, strike “MAY” and substitute “SHALL”; in the same line, after “for” insert a colon; in the same line, strike “the” and substitute:

“(I) THE”;

in line 3, after “certificates” insert “;”

“(II) APPROVING TRAINING PROGRAMS FOR RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONERS;”;

in the same line, strike “its” and substitute:

“(III) ITS”;

and in line 18, after “BLIND” insert “WHO IS A RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER AND HOLDS A CURRENT PARAPROFESSIONAL CERTIFICATE”.

AMENDMENT NO. 3

On page 5, in line 23, after “EXPERIENCE,” insert “TRAINING,”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 236 – The President (By Request – Administration) and Senators Pinsky, Frosh, Madaleno, Montgomery, and Raskin

AN ACT concerning

Sustainable Growth and Agricultural Preservation Act of 2012

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (7) AND THE FAVORABLE REPORT.

SB0236/774530/2

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 236
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “altering” and substitute “authorizing a local jurisdiction to adopt and certify to the Department of Planning certain growth tier designations; requiring a local jurisdiction under certain circumstances to alter”; in the same line, strike “certain elements that are required in”; in line 4, after “plan;” insert “authorizing a local jurisdiction to submit proposed tier designations to the Department of Planning before certification for certain purposes; establishing certain mandatory and certain discretionary provisions relating to the adoption of certain tiers by certain local jurisdictions; requiring a local jurisdiction to provide documentation to the Department of Planning if the jurisdiction does not adopt a certain tier; requiring growth tiers certified by a local jurisdiction to meet certain criteria;”; in line 6, strike the first “the”; strike beginning with “requiring” in line 9 down through “time” in line 12 and substitute “requiring the Department of Planning to provide certain information to certain State agencies and post certain information on the Department’s Web site”; strike beginning with “requiring” in line 13 down through “circumstances” in line 15 and substitute “prohibiting the Department of the Environment or the Department’s designee from approving a certain residential subdivision until the local jurisdiction adopts certain growth tiers; authorizing the Department or the Department’s designee, if a local jurisdiction has not adopted certain growth tiers, to approve a certain residential subdivision under certain circumstances; authorizing the Department to extend the time period for recordation of a subdivision plat in certain circumstances”; in lines 16 and 17, strike “of the Environment,”; in line 20, after the semicolon, insert “providing for the resolution of conflicting tier designations;”; in line 24, strike “notify” and substitute “provide certain information to”; and strike beginning with “authorizing” in line 25 down through “subdivisions” in line 27 and substitute “requiring the Department of Planning to provide a certain notification to the Department of the Environment”.

On page 2, in line 2, after “date;” insert “authorizing the owner of certain property used for agricultural activities to install certain numbers of on-site sewage disposal systems in accordance with certain requirements; requiring certain on-site sewage disposal systems installed on certain property to be clustered together under

certain circumstances;”; strike beginning with “requiring” in line 4 down through “system;” in line 6; in line 7, after the semicolon insert “establishing certain requirements for the verification by the Department of Planning of a certain yield for zoning; requiring a local jurisdiction to submit to the Department of Planning on or before a certain date a certain definition or description; requiring the Department of Planning to prepare a list of certain definitions and descriptions for publication on certain Web sites on or after a certain date; providing that this Act may not be construed to limit certain authority granted to the Critical Area Commission;”; in line 25, strike the first comma and substitute “and”; in the same line, strike “, 1.04(b)(1)(iv), and 3.05(a)(4)(ii)”; strike in their entirety lines 28 through 32, inclusive; in line 35, strike “1.04(b)(5),”; in the same line, strike the second comma; in the same line, strike “3.05(a)(9)” and substitute “1.06”; and strike line 40 in its entirety and substitute “Section 9–206(a)(3), (d)(1), (g)(1)(iv) and (2), and (j)(1)”.

On page 3, in line 5, strike “, 1–407, 3–103,”; strike in their entirety lines 9 through 14, inclusive; in line 17, after “Section” insert “1–501 through 1–507 to be under the new subtitle “Subtitle 5. Growth Tiers”; and”; and strike in their entirety lines 21 through 26, inclusive.

AMENDMENT NO. 2

On page 5, in line 23, strike “SUBSECTION” and substitute “SECTION”; after line 26, insert:

“(3) “GROWTH TIERS” MEANS THE TIERS ADOPTED BY A LOCAL JURISDICTION IN ACCORDANCE WITH ARTICLE 66B, § 1.05 OF THE CODE.”;

in lines 27 and 31, respectively, strike “(3)” and “(4)”, respectively, and substitute “(4)” and “(5)”, respectively; in line 31, strike “THE” and substitute “:

(1) THE”;

in the same line, after “LAND” insert a colon; and in line 32, strike “INTO” and substitute:

1. INTO”.

On page 6, in line 1, after “DEFINED” insert “OR DESCRIBED AS A MAJOR SUBDIVISION”; in the same line, strike “THE” and substitute “A”; in the same line,

strike “LAW AS A MAJOR SUBDIVISION” and substitute “ORDINANCE OR REGULATION”;

A. THAT IS”;

in line 2, strike the period and substitute “; OR”

B. IF A LOCAL ORDINANCE OR REGULATION DOES NOT DEFINE OR DESCRIBE A MAJOR SUBDIVISION UNDER ITEM A OF THIS ITEM, THAT IS ADOPTED ON OR BEFORE DECEMBER 31, 2012; OR

2. IF A LOCAL JURISDICTION HAS NOT ADOPTED A DEFINITION OR DESCRIPTION OF A MAJOR SUBDIVISION ON OR BEFORE DECEMBER 31, 2012, UNDER ITEM 1 OF THIS ITEM, INTO FIVE OR MORE NEW LOTS, PLATS, BUILDING SITES, OR OTHER DIVISIONS OF LAND; AND

(II) IF THE LOCAL ORDINANCE OR REGULATION HAS TWO DEFINITIONS OR DESCRIPTIONS OF A MAJOR SUBDIVISION UNDER PARAGRAPH (I) OF THIS SUBSECTION, THE DEFINITION OR DESCRIPTION OF A MAJOR SUBDIVISION THAT IS DETERMINED BY THE LOCAL JURISDICTION TO APPLY FOR THE PURPOSES OF THIS SECTION.”;

in lines 3, 7, and 9, respectively, strike “**(5)**”, “**(6)**”, and “**(7)**”, respectively, and substitute “**(6)**”, “**(7)**”, and “**(8)**”, respectively; in line 3, strike “**THE**” and substitute “**:**”

(I) THE”;

in the same line, after “**LAND**” insert a colon; and in line 4, strike “**INTO**” and substitute:

1. INTO”;

in line 5, after “**DEFINED**” insert “**OR DESCRIBED AS A MINOR SUBDIVISION**”;

in the same line, strike “**THE**” and substitute “**A**”;

in the same line, strike “**LAW AS A MINOR SUBDIVISION**” and substitute “**ORDINANCE OR REGULATION**”;

A. THAT IS”;

in line 6, strike the period and substitute “; OR”

B. IF A LOCAL ORDINANCE OR REGULATION DOES NOT DEFINE OR DESCRIBE A MINOR SUBDIVISION UNDER ITEM A OF THIS ITEM, ADOPTED ON OR BEFORE DECEMBER 31, 2012, PROVIDED THAT A MINOR SUBDIVISION DEFINED OR DESCRIBED IN THE ADOPTED ORDINANCE OR REGULATION DOES NOT EXCEED SEVEN NEW LOTS, PLATS, BUILDING SITES, OR OTHER DIVISIONS OF LAND; OR

2. IF A LOCAL JURISDICTION HAS NOT ADOPTED A DEFINITION OR DESCRIPTION OF A MINOR SUBDIVISION ON OR BEFORE DECEMBER 31, 2012, UNDER ITEM 1 OF THIS ITEM, INTO FEWER THAN FIVE NEW LOTS, PLATS, BUILDING SITES, OR OTHER DIVISIONS OF LAND; AND

(II) IF THE LOCAL ORDINANCE OR REGULATION HAS TWO DEFINITIONS OR DESCRIPTIONS OF A MINOR SUBDIVISION UNDER ITEM (I) OF THIS PARAGRAPH, THE DEFINITION OR DESCRIPTION OF A MINOR SUBDIVISION THAT IS DETERMINED BY THE LOCAL JURISDICTION TO APPLY FOR THE PURPOSES OF THIS SECTION.”;

after line 14, insert:

“(9) “PUBLIC SEWER” MEANS A COMMUNITY, SHARED, OR MULTIUSE SEWERAGE SYSTEM.”;

in lines 15 and 28, strike “(8)” and “(9)”, respectively, and substitute “(10)” and “(12)”, respectively; and after line 27, insert:

“(11) “STATE AGENCY” MEANS:

(I) THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION;

(II) THE MARYLAND ENVIRONMENTAL TRUST;

(III) THE DEPARTMENT OF NATURAL RESOURCES; OR

(IV) THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION.”.

On page 7, strike beginning with the comma in line 2 down through “AREAS” in line 5; after line 6, insert:

“(III) “SUBDIVISION” DOES NOT INCLUDE A CHANGE IN STREET LINES OR LOT LINES IF THE CHANGE IN THE STREET OR LOT LINES DOES NOT:

1. RESULT IN A NET INCREASE IN THE NUMBER OF LOTS; AND

2. ADVERSELY AFFECT THE SAFETY AND ADEQUACY OF WELL SITES OR SEWAGE DISPOSAL AREAS, AS DETERMINED BY THE SECRETARY OR THE SECRETARY’S DESIGNEE.”;

and strike in their entirety lines 7 through 10, inclusive.

AMENDMENT NO. 3

On page 7, in line 11, strike “THIS SUBSECTION DOES” and substitute “SUBSECTIONS (F) THROUGH (K) AND SUBSECTION (N) OF THIS SECTION APPLY TO RESIDENTIAL SUBDIVISIONS.

(2) SUBSECTIONS (F) THROUGH (K) AND SUBSECTION (N) OF THIS SECTION:

(I) APPLY TO A SUBDIVISION PLAT APPROVAL BY THE DEPARTMENT OR THE DEPARTMENT’S DESIGNEE; AND

(II) DO NOT APPLY TO A SUBDIVISION PLAT APPROVAL BY A LOCAL JURISDICTION.

(3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, SUBSECTIONS (F) THROUGH (K) DO”;

in line 12, after “A” insert “RESIDENTIAL”; in line 21, strike “(2)” and substitute:

“(4) THE DEPARTMENT MAY EXTEND THE DATE FOR RECORDATION OF A SUBDIVISION PLAT UNDER PARAGRAPH (3) OF THIS SUBSECTION BY ONE ADDITIONAL 6-MONTH PERIOD IF THE APPLICANT DEMONSTRATES TO THE DEPARTMENT OR THE DEPARTMENT’S DESIGNEE THAT THE APPLICANT IS UNABLE TO RECORD THE PLAT BECAUSE THE APPLICANT CANNOT PERFORM THE REQUIRED TESTS FOR ADEQUACY OF AN ON-SITE SEWAGE DISPOSAL SYSTEM IN ACCORDANCE WITH THE REGULATIONS ADOPTED BY THE DEPARTMENT.

(C) (1) SUBSECTIONS (F) THROUGH (K) AND SUBSECTION (N) OF THIS SECTION DO NOT APPLY TO COVENANTS, RESTRICTIONS, CONDITIONS, OR CONSERVATION EASEMENTS THAT WERE CREATED OR ENTERED INTO AT ANY TIME UNDER § 2-118 OF THE REAL PROPERTY ARTICLE FOR THE BENEFIT OF, OR HELD BY, A STATE AGENCY OR A LOCAL JURISDICTION FOR THE PURPOSE OF CONSERVING NATURAL RESOURCES OR AGRICULTURAL LAND.

(2) SUBSECTIONS (F) THROUGH (K) OF THIS SECTION MAY NOT BE CONSTRUED AS GRANTING ANY ADDITIONAL RIGHTS IN COVENANTS, RESTRICTIONS, CONDITIONS, OR CONSERVATION EASEMENTS THAT WERE CREATED OR ENTERED INTO AT ANY TIME UNDER § 2-118 OF THE REAL PROPERTY ARTICLE FOR THE BENEFIT OF, OR HELD BY, A STATE AGENCY OR A LOCAL JURISDICTION FOR THE PURPOSE OF CONSERVING NATURAL RESOURCES OR AGRICULTURAL LAND.

(D) SUBSECTIONS (F) THROUGH (K) AND SUBSECTION (N) OF THIS SECTION DO NOT:

(1) AFFECT A LOCAL TRANSFER OF DEVELOPMENT RIGHTS PROGRAM AUTHORIZED UNDER ARTICLE 25A, § 5(X), ARTICLE 28, § 8-101, OR ARTICLE 66B, § 11.01 OF THE CODE; OR

(2) DIMINISH THE LOCAL DEVELOPMENT RIGHTS TRANSFERRED IN THESE TRANSFER OF DEVELOPMENT RIGHTS PROGRAMS.

(E) SUBSECTIONS (F) THROUGH (K) AND SUBSECTION (N) OF THIS SECTION MAY NOT BE CONSTRUED AS PROHIBITING A LOCAL JURISDICTION FROM ALTERING THE DEFINITION OR DESCRIPTION OF A MAJOR OR MINOR SUBDIVISION IN A LOCAL ORDINANCE OR REGULATION FOR LOCAL ZONING OR DEVELOPMENT PURPOSES.

(F) ON OR AFTER DECEMBER 31, 2012, THE DEPARTMENT OR THE DEPARTMENT'S DESIGNEE:

(1) MAY NOT APPROVE A MAJOR RESIDENTIAL SUBDIVISION SERVED BY ON-SITE SEWAGE DISPOSAL SYSTEMS, COMMUNITY SEWERAGE SYSTEMS, OR SHARED SYSTEMS UNTIL THE LOCAL JURISDICTION ADOPTS THE GROWTH TIERS IN ACCORDANCE WITH ARTICLE 66B, § 1.05 OF THE CODE; OR

(2) IF THE LOCAL JURISDICTION HAS NOT ADOPTED THE GROWTH TIERS IN ACCORDANCE WITH ARTICLE 66B, § 1.05 OF THE CODE, MAY APPROVE:

(I) A MINOR RESIDENTIAL SUBDIVISION SERVED BY ON-SITE SEWAGE DISPOSAL SYSTEMS IF THE RESIDENTIAL SUBDIVISION OTHERWISE MEETS THE REQUIREMENTS OF THIS TITLE; OR

(II) A MAJOR OR MINOR SUBDIVISION SERVED BY PUBLIC SEWER IN A TIER I AREA.

(G) (1)";

and in line 21, strike "(E)(2)" and substitute "(F)(2)".

On page 8, in lines 3 and 19, in each instance, strike "(C)" and substitute "(H)"; in line 4, strike "UTILIZING" and substitute "SERVED BY"; in line 13, after "PLANNING" insert "IN ACCORDANCE WITH SUBSECTIONS (I) AND (J) OF THIS SECTION"; in the same line, strike "TIER III OR TIER"; in line 14, strike "IV AREA IS" and substitute "GROWTH TIERS ARE"; in the same line, strike the colon and substitute "ARTICLE 66B, § 1.05 OF THE CODE."; strike in their entirety lines 15 through 18, inclusive, and substitute:

“(2) ANY DELAY IN THE APPROVAL OF A RESIDENTIAL SUBDIVISION PLAT UNDER THIS SUBSECTION MAY NOT BE CONSTRUED AS APPLYING TO ANY DEADLINE FOR APPROVING OR DISAPPROVING A SUBDIVISION PLAT UNDER ARTICLE 28 OF THE CODE, ARTICLE 66B, § 5.04 OF THE CODE, OR A LOCAL ORDINANCE.”;

in line 20, strike “(B)(2)(III)” and substitute “(G)(1)(III)”; in line 22, strike “A” and substitute “AN”; after line 31, insert:

“(I) (1) IF TWO OR MORE LOCAL JURISDICTIONS ADOPT CONFLICTING GROWTH TIER DESIGNATIONS FOR THE SAME AREA, THE DEPARTMENT AND THE DEPARTMENT OF PLANNING SHALL CONFER WITH THE LOCAL JURISDICTIONS TO SEEK RESOLUTION OF THE CONFLICTING DESIGNATIONS.

(2) IF A CONFLICT IN GROWTH TIER DESIGNATIONS IS NOT RESOLVED, THE DEPARTMENT OF PLANNING SHALL RECOMMEND TO THE DEPARTMENT THE PREFERRED LOCAL JURISDICTION DESIGNATIONS AS DETERMINED BY THE DEPARTMENT OF PLANNING BASED ON THE FOLLOWING BEST PLANNING PRACTICES OR FACTORS:

(I) THE COMPREHENSIVE PLAN, INCLUDING THE MUNICIPAL GROWTH ELEMENT, THE WATER RESOURCES ELEMENT, THE LAND USE ELEMENT, AND, IF APPLICABLE, THE PRIORITY PRESERVATION ELEMENT;

(II) GROWTH PROJECTIONS AND DEVELOPMENT CAPACITY;
AND

(III) AVAILABILITY OF INFRASTRUCTURE.”;

in line 32, strike “(D)” and substitute “(J)”; in line 33, after “PLAT” insert “FOR A MAJOR SUBDIVISION IN A TIER III AREA”; and in the same line, strike “(B)” and substitute “(G)(1)(IV)”.

On page 9, in line 2, strike “TIER III OR TIER IV AREA IS” and substitute “GROWTH TIERS ARE”; in line 3, strike “OF A TIER III OR TIER IV AREA” and substitute “FOR THE GROWTH TIERS”; in line 4, strike “§ 1.04 OR § 3.05” and

substitute “§ 1.05”; in line 5, after “**THE**” insert “COMPREHENSIVE PLAN, INCLUDING THE”; in the same line, after “**ELEMENT,**” insert “THE WATER RESOURCES ELEMENT, THE LAND USE ELEMENT, AND, IF APPLICABLE,”; strike beginning with the first comma in line 6 down through “**PLAN**” in line 7; strike in their entirety lines 8 through 22, inclusive; in line 23, strike “**(F)**” and substitute “**(K)**”; in line 27, after “**PLAT**” insert “FOR A MAJOR SUBDIVISION IN A TIER III AREA”; in line 28, strike “**FOR ADVICE UNDER SUBSECTION (D) OF THIS SECTION**”; in line 30, strike “**TIER III OR TIER IV AREA**” and substitute “GROWTH TIER”; and in line 31, strike “**(B)**” and substitute “**(G)**”.

On page 10, strike in their entirety lines 1 and 2, inclusive; in lines 3, 10, and 21, strike “**(H)**”, “**(I)**”, and “**(J)**”, respectively, and substitute “**(L)**”, “**(M)**”, and “**(N)**”, respectively; and in line 10, strike “**(H)**” and substitute “**(L)**”.

AMENDMENT NO. 4

On page 11, in line 5, strike “**AND**”; in line 7, after “**SUBDIVIDED**” insert “;**AND**”

(III) THE SUBDIVISION PLAT IS SUBJECT TO STATE LAW AND LOCAL ORDINANCES AND REGULATIONS;

in line 31, strike “**AND**”; and in line 33, after “**SUBDIVIDED**” insert “;**AND**”

3. THE SUBDIVISION PLAT IS SUBJECT TO STATE LAW AND LOCAL ORDINANCES AND REGULATIONS”.

On page 12, in line 2, after “**PURPOSES**” insert “, INCLUDING A FARM MARKET, AGRICULTURAL PROCESSING FACILITY, OR CREAMERY, AND THE OWNER MAY APPLY FOR APPROVAL OF AN ON-SITE SEWAGE DISPOSAL SYSTEM TO SERVE THE NONRESIDENTIAL AGRICULTURAL PURPOSES”; after line 2, insert:

“(O) (1) IN THIS SUBSECTION, “AGRICULTURAL ACTIVITIES” INCLUDES:

(I) PLOWING, TILLAGE, CROPPING, SEEDING, CULTIVATING, AND HARVESTING FOR THE PRODUCTION OF FOOD AND FIBER PRODUCTS; AND

(II) THE GRAZING OF LIVESTOCK.

(2) THIS SUBSECTION APPLIES ONLY TO LAND THAT IS ZONED FOR AGRICULTURAL USE.

(3) NOTWITHSTANDING ANY OTHER LAW, AN OWNER OF PROPERTY USED FOR AGRICULTURAL ACTIVITIES MAY INSTALL THE FOLLOWING NUMBER OF ON-SITE SEWAGE DISPOSAL SYSTEMS:

(I) THREE ON-SITE SEWAGE DISPOSAL SYSTEMS FOR A PROPERTY THAT IS NO MORE THAN 25 ACRES;

(II) FOUR ON-SITE SEWAGE DISPOSAL SYSTEMS FOR A PROPERTY THAT IS AT LEAST 25 ACRES AND LESS THAN 75 ACRES;

(III) FIVE ON-SITE SEWAGE DISPOSAL SYSTEMS FOR A PROPERTY THAT IS AT LEAST 75 ACRES AND LESS THAN 125 ACRES;

(IV) SIX ON-SITE SEWAGE DISPOSAL SYSTEMS FOR A PROPERTY THAT IS AT LEAST 125 ACRES AND LESS THAN 175 ACRES; AND

(V) SEVEN ON-SITE SEWAGE DISPOSAL SYSTEMS FOR A PROPERTY THAT IS 175 ACRES OR MORE.

(4) EXCEPT FOR AN ON-SITE SEWAGE DISPOSAL SYSTEM THAT SERVES THE MAIN FARM HOUSE ON THE PROPERTY, THE ON-SITE SEWAGE DISPOSAL SYSTEMS SHALL BE CLUSTERED TOGETHER.”;

and in line 27, after “(B)” insert “THIS SECTION MAY NOT BE CONSTRUED AS REQUIRING A LOCAL JURISDICTION TO:

(1) BE A CONTROLLING AUTHORITY; OR

(2) AUTHORIZE OR ALLOW THE USE OF A SHARED FACILITY OR A COMMUNITY SEWERAGE SYSTEM WITHIN THE LOCAL JURISDICTION.

(C)”.

On page 13, strike in their entirety lines 12 through 14, inclusive.

AMENDMENT NO. 5

On page 15, in line 29, after “**(I)**,” insert “AND”; in the same line, strike “, AND”; in line 30, strike “**(M)**”; in the same line, after the second comma insert “AND”; in the same line, strike the third comma and substitute “;”; and strike in its entirety line 31.

On page 16, in line 4, after “**§ 1.05**” insert “(ADOPTION OF GROWTH TIERS);”

(6) § 1.06”;

in lines 5, 6, 7, 9, 10, 12, 13, 14, 15, 16, 17, 18, 20, and 21, strike “**(6)**”, “**(7)**”, “**(8)**”, “**(9)**”, “**(10)**”, “**(11)**”, “**(12)**”, “**(13)**”, “**(14)**”, “**(15)**”, “**(16)**”, “**(17)**”, “**(18)**”, and “**(19)**”, respectively, and substitute “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, “(12)”, “(13)”, “(14)”, “(15)”, “(16)”, “(17)”, “(18)”, “(19)”, and “(20)”, respectively; and strike in its entirety line 24.

On pages 17 through 19, strike in their entirety the lines beginning with line 1 on page 17 through line 18 on page 19, inclusive.

On page 19, after line 19, insert:

“(A) ON OR BEFORE DECEMBER 31, 2012, A LOCAL JURISDICTION MAY CERTIFY TO THE DEPARTMENT OF PLANNING THE MAPPED GROWTH TIERS DESIGNATED BY THE LOCAL JURISDICTION IN ACCORDANCE WITH THIS SECTION.

“(B) BEFORE CERTIFICATION OF THE GROWTH TIERS, A LOCAL JURISDICTION MAY SUBMIT THE PROPOSED TIERS AND ANY RELEVANT INFORMATION TO THE DEPARTMENT OF PLANNING FOR:

(1) TECHNICAL ASSISTANCE, REVIEW, AND COMMENT; AND

(2) THE OPPORTUNITY FOR PUBLIC REVIEW.

(C) ON CERTIFICATION OF THE GROWTH TIERS, THE LOCAL JURISDICTION SHALL PROVIDE TO THE DEPARTMENT OF PLANNING ALL INFORMATION NECESSARY TO DEMONSTRATE THE PRECISE LOCATION OF THE TIERS, INCLUDING, AS APPROPRIATE:

(1) A MAP OF THE AREA SHOWING PLANNING AND ZONING CHARACTERISTICS OF EACH TIER; AND

(2) EXISTING AND PLANNED WATER AND SEWER SERVICES.

(D) THE DEPARTMENT OF PLANNING, AS APPROPRIATE, SHALL PROVIDE TO EACH STATE AGENCY AND POST ON THE DEPARTMENT OF PLANNING'S WEB SITE, COPIES OF MAPS ILLUSTRATING:

(1) GROWTH TIERS CERTIFIED BY LOCAL JURISDICTIONS; AND

(2) ANY COMMENTS BY THE DEPARTMENT OF PLANNING ON THE CERTIFIED TIERS.

(E) (1) SUBJECT TO PARAGRAPHS (2), (3), AND (4) OF THIS SUBSECTION, A LOCAL JURISDICTION THAT CHOOSES TO CERTIFY GROWTH TIERS TO THE DEPARTMENT OF PLANNING IS NOT REQUIRED TO ADOPT ALL OF THE TIERS.

(2) A MUNICIPAL CORPORATION THAT EXERCISES PLANNING AND ZONING AUTHORITY SHALL ADOPT TIER I AND MAY ADOPT TIER II.

(3) A COUNTY SHALL ADOPT TIERS I, III, AND IV, AND MAY ADOPT TIER II.

(4) IF A LOCAL JURISDICTION DOES NOT ADOPT ALL OF THE TIERS AUTHORIZED UNDER THIS SECTION, THE LOCAL JURISDICTION SHALL PROVIDE DOCUMENTATION TO THE DEPARTMENT OF PLANNING OF THE REASONS THE JURISDICTION IS NOT ADOPTING A PARTICULAR TIER.

(F) THE GROWTH TIERS CERTIFIED BY A LOCAL JURISDICTION SHALL MEET THE FOLLOWING CRITERIA:

(1) TIER I AREAS ARE AREAS THAT ARE:

(i) SERVED BY PUBLIC SEWERAGE SYSTEMS AND MAPPED LOCALLY DESIGNATED GROWTH AREAS; OR

(ii) A MUNICIPAL CORPORATION THAT IS A PRIORITY FUNDING AREA THAT IS SERVED BY PUBLIC SEWERAGE SYSTEMS;

(2) TIER II AREAS ARE AREAS THAT ARE:

(i) 1. PLANNED TO BE SERVED BY PUBLIC SEWERAGE SYSTEMS AND IN THE MUNICIPAL GROWTH ELEMENT; OR

2. MAPPED LOCALLY DESIGNATED GROWTH AREAS;
AND

(ii) NEEDED TO SATISFY DEMAND FOR DEVELOPMENT AT DENSITIES CONSISTENT WITH THE LONG-TERM DEVELOPMENT POLICY AFTER CONSIDERATION OF THE CAPACITY OF LAND AREAS AVAILABLE FOR DEVELOPMENT, INCLUDING IN-FILL AND REDEVELOPMENT, WITHIN THE LOCAL JURISDICTION;

(3) TIER III AREAS ARE AREAS THAT ARE:

(i) NOT PLANNED FOR SEWERAGE SERVICE AND NOT DOMINATED BY AGRICULTURAL OR FOREST LAND; AND

(ii) ONE OF THE FOLLOWING:

1. MUNICIPAL CORPORATIONS NOT SERVED BY A PUBLIC SEWERAGE SYSTEM;

2. ESTABLISHED COMMUNITIES PLANNED AND ZONED FOR DEVELOPMENT;

3. RURAL VILLAGES AS DESCRIBED IN § 5-7B-03(F) OF THE STATE FINANCE AND PROCUREMENT ARTICLE; OR

4. MAPPED LOCALLY DESIGNATED GROWTH AREAS;
OR

(III) ADJOINING AND CONTIGUOUS TO ONE OF THE FOLLOWING:

1. MUNICIPAL CORPORATIONS NOT SERVED BY A WASTEWATER TREATMENT PLANT;

2. ESTABLISHED COMMUNITIES PLANNED AND ZONED FOR DEVELOPMENT; OR

3. RURAL VILLAGES AS DESCRIBED IN § 5-7B-03(F) OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(4) TIER IV AREAS ARE AREAS THAT ARE NOT PLANNED FOR SEWERAGE SERVICE AND ARE:

(I) AREAS PLANNED OR ZONED FOR LAND, AGRICULTURAL, OR RESOURCE PROTECTION, PRESERVATION, OR CONSERVATION;

(II) AREAS DOMINATED BY AGRICULTURAL LANDS, FOREST LANDS, OR OTHER NATURAL AREAS; OR

(III) 1. RURAL LEGACY AREAS, PRIORITY PRESERVATION AREAS, OR AREAS MAPPED FOR ECOLOGICAL PRESERVATION BY THE DEPARTMENT OF NATURAL RESOURCES AT THE TIME OF THE ADOPTION OF THE PLAN OR AMENDMENT; OR

2. AREAS MAPPED FOR AGRICULTURAL PRESERVATION BY THE DEPARTMENT OF PLANNING AT THE TIME OF THE ADOPTION OF THE PLAN OR AMENDMENT.

(G) (1) A LOCAL JURISDICTION SHALL STRIVE TO AVOID CREATING A TIER III AREA THAT IS BOUNDED ON ALL SIDES BY LAND IN A TIER IV AREA.

(2) IF AN AREA NOT PLANNED FOR SEWERAGE SERVICE DOES NOT MEET THE DESCRIPTION OF A TIER III OR TIER IV AREA, THEN THE AREA IS A TIER IV AREA.

(H) (1) A LOCAL JURISDICTION THAT CERTIFIES GROWTH TIERS TO THE DEPARTMENT OF PLANNING SHALL INCORPORATE THE TIERS INTO THE LOCAL COMPREHENSIVE PLAN OR AN ELEMENT OF THE PLAN:

(I) WHEN THE LOCAL JURISDICTION CONDUCTS THE 6-YEAR REVIEW OF THE PLAN UNDER §§ 1.04(D) AND 3.05(B) OF THIS ARTICLE; AND

(II) IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(2) IF A LOCAL JURISDICTION DOES NOT INCORPORATE ALL OF THE GROWTH TIERS AUTHORIZED UNDER THIS SECTION INTO THE LOCAL COMPREHENSIVE PLAN OR AN ELEMENT OF THE PLAN, THE LOCAL JURISDICTION SHALL STATE THAT A TIER IS NOT ADOPTED.

1.06.”;

and strike beginning with “MEANS” in line 24 down through “2012” in line 27 and substitute “**HAS THE MEANING STATED IN § 9-206 OF THE ENVIRONMENT ARTICLE**”.

On page 20, in line 6, after “(B)” insert “**THIS SECTION APPLIES ONLY TO A RESIDENTIAL MAJOR SUBDIVISION IN A TIER III AREA SERVED BY:**

- (1) ON-SITE SEWAGE DISPOSAL SYSTEMS;
- (2) A SHARED FACILITY; OR
- (3) A COMMUNITY SEWERAGE SYSTEM.

(C);

in line 6, strike “TIERS FOR” and substitute “THE”; strike beginning with “IN” in line 6 down through “PLAN” in line 7 and substitute “TIERS”; in line 7, strike “§ 1.04” and substitute “§ 1.05”; in line 8, strike “SUBHEADING OR § 3.05 OF THIS”; in line 8, after “SUBDIVISION” insert “IN A TIER III AREA”; in line 10, strike “A” and substitute “THE”; strike beginning with “SERVED” in line 11 down through “FACILITY” in line 14; in lines 15, 21, and 29, strike “(C)”, “(D)”, and “(E)”, respectively, and substitute “(D)”, “(E)”, and “(F)”, respectively; strike beginning with “SERVED” in line 16 down through “FACILITY” in line 17; in line 21, strike the first “THE” and substitute “A RESIDENTIAL”; in line 24, after “THE” insert “RESIDENTIAL”; in the same line, after “SUBDIVISION” insert “UNLESS A LOCAL JURISDICTION’S ADEQUATE PUBLIC FACILITIES ORDINANCE ALREADY REQUIRES A REVIEW OF GOVERNMENT SERVICES”; in line 25, after “THE” insert “POTENTIAL”; in the same line, strike “IMPACT OF” and substitute “ISSUES OR A NATURAL RESOURCES INVENTORY RELATED TO”; in the same line, after “PROPOSED” insert “RESIDENTIAL”; in line 27, strike “ACCORDING TO” and substitute “IF REQUIRED BY”; in line 28, strike “FOR THE” and substitute “AS A RESULT OF THE APPROVAL OF THE”; in line 28, after “PROPOSED” insert “RESIDENTIAL”; and in line 29, after “PROPOSED” insert “RESIDENTIAL”.

On pages 21 through 23, strike in their entirety the lines beginning with line 1 on page 21 through line 15 on page 23, inclusive.

On page 23, strike beginning with “(10)” in line 20 down through “§ 3-103” in line 23 and substitute “(3) “Growth tiers” means the tiers adopted by a local jurisdiction in accordance with [Article 66B, § 1.05 of the Code] TITLE 1, SUBTITLE 5”; after line 24, insert:

“(d) Subsections (f) through (k) and subsection (n) of this section do not:

(1) Affect a local transfer of development rights program authorized under Article 25A, § 5(x) [, Article 28, § 8–101, or Article 66B, § 11.01] of the Code OR TITLE 7, SUBTITLE 2 OR § 22–105 OF THE LAND USE ARTICLE; or”;

in line 25, strike “(b) (2)” and substitute “**(G) (1)**”; in the same line, strike “(e)(2)” and substitute “**(H)(2)**”; in line 26, strike “only”; and in line 27, after “plat” insert “**ONLY**”.

On page 24, in line 1, after “Planning” insert “**IN ACCORDANCE WITH SUBSECTIONS (I) AND (J) OF THIS SECTION**”; in line 2, strike “Tier III or Tier IV area is” and substitute “**GROWTH TIERS ARE**”; in the same line, strike the colon and substitute “[Article 66B, § 1.05 of the Code] **TITLE 1, SUBTITLE 5 OF THE LAND USE ARTICLE**”; strike beginning with “A.” in line 3 down through “applicable” in line 7; after line 7, insert:

“(2) Any delay in the approval of a residential subdivision plat under this section may not be construed as applying to any deadline for approving or disapproving a subdivision plat under [Article 66B, § 5.04 of the Code] ARTICLE 28 OF THE CODE, § 5–201 OF THE LAND USE ARTICLE, or a local ordinance.”;

in line 8, strike “(d)” and substitute “**(J)**”; in the same line, after “plat” insert “**FOR A MAJOR SUBDIVISION IN A TIER III AREA**”; in line 9, strike “(b)” and substitute “**(D)**”; in line 10, strike “Tier III or Tier IV area is” and substitute “**GROWTH TIERS ARE**”; in line 12, strike “a Tier III or Tier IV area” and substitute “**THE TIERS**”; in line 13, strike “§ 1–407 OR § 3–103” and substitute “**TITLE 1, SUBTITLE 5**”; in line 22, after “(M),” insert “**AND**”; in the same line, strike “, AND (R)”; in line 23, after the first comma, insert “**AND**”; in the same line, strike beginning with the second comma through the semicolon and substitute “**);**”; after line 28, insert:

“(8) **TITLE 1, SUBTITLE 5 (GROWTH TIERS);**”;

and in line 29, strike “(8)” and substitute “**(9)**”.

On page 25, in lines 1, 2, 3, 4, 5, 6, 8, 9, 10, 12, and 14, strike “(9)”, “(10)”, “(11)”, “(12)”, “(13)”, “(14)”, “(15)”, “(16)”, “(17)”, “(18)”, and “(19)”, respectively, and substitute “**(10)**”, “**(11)**”, “**(12)**”, “**(13)**”, “**(14)**”, “**(15)**”, “**(16)**”, “**(17)**”, “**(18)**”, “**(19)**”, and “**(20)**”, respectively.

On pages 25 through 30, strike in their entirety the lines beginning with line 17 on page 25 through line 31 on page 30, inclusive.

AMENDMENT NO. 6

On page 30, after line 31, insert:

“SUBTITLE 5. GROWTH TIERS.

1-501.

ON OR BEFORE DECEMBER 31, 2012, A LOCAL JURISDICTION MAY CERTIFY TO THE DEPARTMENT OF PLANNING THE MAPPED GROWTH TIERS DESIGNATED BY THE LOCAL JURISDICTION IN ACCORDANCE WITH THIS SUBTITLE.

1-502.

BEFORE CERTIFICATION OF THE GROWTH TIERS, A LOCAL JURISDICTION MAY SUBMIT THE PROPOSED TIERS AND ANY RELEVANT INFORMATION TO THE DEPARTMENT OF PLANNING FOR:

- (1) TECHNICAL ASSISTANCE, REVIEW, AND COMMENT; AND
- (2) THE OPPORTUNITY FOR PUBLIC REVIEW.

1-503.

ON CERTIFICATION OF THE GROWTH TIERS, THE LOCAL JURISDICTION SHALL PROVIDE TO THE DEPARTMENT OF PLANNING ALL INFORMATION NECESSARY TO DEMONSTRATE THE PRECISE LOCATION OF THE TIERS, INCLUDING, AS APPROPRIATE:

- (1) A MAP OF THE AREA SHOWING PLANNING AND ZONING CHARACTERISTICS OF EACH TIER; AND
- (2) EXISTING AND PLANNED WATER AND SEWER SERVICES.

1-504.

THE DEPARTMENT OF PLANNING, AS APPROPRIATE, SHALL PROVIDE TO EACH STATE AGENCY AND POST ON THE DEPARTMENT OF PLANNING'S WEB SITE, COPIES OF MAPS ILLUSTRATING:

(1) GROWTH TIERS CERTIFIED BY LOCAL JURISDICTIONS; AND

(2) ANY COMMENTS BY THE DEPARTMENT OF PLANNING ON THE CERTIFIED TIERS.

1-505.

(A) SUBJECT TO SUBSECTIONS (B), (C), AND (D) OF THIS SECTION, A LOCAL JURISDICTION THAT CHOOSES TO CERTIFY GROWTH TIERS TO THE DEPARTMENT OF PLANNING IS NOT REQUIRED TO ADOPT ALL OF THE TIERS.

(B) A MUNICIPAL CORPORATION THAT EXERCISES PLANNING AND ZONING AUTHORITY SHALL ADOPT TIER I AND MAY ADOPT TIER II.

(C) A COUNTY SHALL ADOPT TIERS I, III, AND IV, AND MAY ADOPT TIER II.

(D) IF A LOCAL JURISDICTION DOES NOT ADOPT ALL OF THE TIERS AUTHORIZED UNDER THIS SECTION, THE LOCAL JURISDICTION SHALL PROVIDE DOCUMENTATION TO THE DEPARTMENT OF PLANNING OF THE REASONS THE JURISDICTION IS NOT ADOPTING A PARTICULAR TIER.

1-506.

(A) THE GROWTH TIERS CERTIFIED BY A LOCAL JURISDICTION SHALL MEET THE FOLLOWING CRITERIA:

(1) TIER I AREAS ARE AREAS THAT ARE:

(I) SERVED BY PUBLIC SEWERAGE SYSTEMS AND MAPPED LOCALLY DESIGNATED GROWTH AREAS; OR

(II) A MUNICIPAL CORPORATION THAT IS A PRIORITY FUNDING AREA THAT IS SERVED BY PUBLIC SEWERAGE SYSTEMS;

(2) TIER II AREAS ARE AREAS THAT ARE:

(I) 1. PLANNED TO BE SERVED BY PUBLIC SEWERAGE SYSTEMS AND IN THE MUNICIPAL GROWTH ELEMENT; OR

2. MAPPED LOCALLY DESIGNATED GROWTH AREAS;

AND

(II) NEEDED TO SATISFY DEMAND FOR DEVELOPMENT AT DENSITIES CONSISTENT WITH THE LONG-TERM DEVELOPMENT POLICY AFTER CONSIDERATION OF THE CAPACITY OF LAND AREAS AVAILABLE FOR DEVELOPMENT, INCLUDING IN-FILL AND REDEVELOPMENT, WITHIN THE LOCAL JURISDICTION;

(3) TIER III AREAS ARE AREAS THAT ARE:

(I) NOT PLANNED FOR SEWERAGE SERVICE AND NOT DOMINATED BY AGRICULTURAL OR FOREST LAND; AND

(II) ONE OF THE FOLLOWING:

1. MUNICIPAL CORPORATIONS NOT SERVED BY A PUBLIC SEWERAGE SYSTEM;

2. ESTABLISHED COMMUNITIES PLANNED AND ZONED FOR DEVELOPMENT;

3. RURAL VILLAGES AS DESCRIBED IN § 5-7B-03(F) OF THE STATE FINANCE AND PROCUREMENT ARTICLE; OR

4. MAPPED LOCALLY DESIGNATED GROWTH AREAS;

OR

(III) ADJOINING AND CONTIGUOUS TO ONE OF THE FOLLOWING:

1. MUNICIPAL CORPORATIONS NOT SERVED BY A WASTEWATER TREATMENT PLANT;

2. ESTABLISHED COMMUNITIES PLANNED AND ZONED FOR DEVELOPMENT; OR

3. RURAL VILLAGES AS DESCRIBED IN § 5-7B-03(F) OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(4) TIER IV AREAS ARE AREAS THAT ARE NOT PLANNED FOR SEWERAGE SERVICE AND ARE:

(I) AREAS PLANNED OR ZONED FOR LAND, AGRICULTURAL, OR RESOURCE PROTECTION, PRESERVATION, OR CONSERVATION;

(II) AREAS DOMINATED BY AGRICULTURAL LANDS, FOREST LANDS, OR OTHER NATURAL AREAS; OR

(III) RURAL LEGACY AREAS, PRIORITY PRESERVATION AREAS, OR AREAS MAPPED FOR ECOLOGICAL PRESERVATION BY THE DEPARTMENT OF NATURAL RESOURCES AT THE TIME OF THE ADOPTION OF THE PLAN OR AMENDMENT OR AREAS MAPPED FOR AGRICULTURAL PRESERVATION BY THE DEPARTMENT OF PLANNING AT THE TIME OF THE ADOPTION OF THE PLAN OR AMENDMENT.

(B) A LOCAL JURISDICTION SHALL STRIVE TO AVOID CREATING A TIER III AREA THAT IS BOUNDED ON ALL SIDES BY LAND IN A TIER IV AREA.

(C) IF AN AREA NOT PLANNED FOR SEWERAGE SERVICE DOES NOT MEET THE DESCRIPTION OF A TIER III OR TIER IV AREA, THEN THE AREA IS A TIER IV AREA.

1-507.

(A) A LOCAL JURISDICTION THAT CERTIFIES GROWTH TIERS TO THE DEPARTMENT OF PLANNING SHALL INCORPORATE THE TIERS INTO THE DEVELOPMENT REGULATIONS ELEMENT OF THE COMPREHENSIVE PLAN:

(1) WHEN THE LOCAL JURISDICTION CONDUCTS THE 6-YEAR REVIEW OF THE PLAN UNDER §§ 1-416(A) AND 3-301(A) OF THIS ARTICLE; AND

(2) IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(B) IF A LOCAL JURISDICTION DOES NOT INCORPORATE ALL OF THE GROWTH TIERS AUTHORIZED UNDER THIS SECTION INTO THE DEVELOPMENT REGULATIONS ELEMENT OF THE COMPREHENSIVE PLAN, THE LOCAL JURISDICTION SHALL STATE THAT A TIER IS NOT ADOPTED.”.

On page 31, strike beginning with “MEANS” in line 6 down through “2012” in line 9 and substitute “**HAS THE MEANING STATED IN § 9-206 OF THE ENVIRONMENT ARTICLE**”; in line 19, after “(B)” insert “**THIS SECTION APPLIES ONLY TO A RESIDENTIAL MAJOR SUBDIVISION IN A TIER III AREA SERVED BY:**

(1) ON-SITE SEWAGE DISPOSAL SYSTEMS;

(2) A SHARED FACILITY; OR

(3) A COMMUNITY SEWERAGE SYSTEM.

(C)”;

in line 19, strike “TIERS FOR” and substitute “**THE**”; strike beginning with “IN” in line 19 down through “PLAN” in line 20 and substitute “**TIERS**”; in the same line, strike “§ 1-407 OR §” and substitute “**TITLE 1, SUBTITLE 5**”; in line 21, strike “3-103”; in the

same line, after “SUBDIVISION” insert “IN A TIER III AREA”; in line 23, strike “A” and substitute “THE”; strike beginning with “SERVED” in line 23 down through “FACILITY” in line 26; in line 27, strike “(C)” and substitute “(D)”; and strike beginning with “SERVED” in line 28 down through “FACILITY” in line 29.

On page 32, in lines 3 and 11, strike “(D)” and “(E)”, respectively, and substitute “(E)” and “(F)”, respectively; in line 3, strike the first “THE” and substitute “A RESIDENTIAL”; in line 6, after “THE” insert “RESIDENTIAL”; in the same line, after “SUBDIVISION” insert “UNLESS A LOCAL JURISDICTION’S ADEQUATE PUBLIC FACILITIES ORDINANCE ALREADY REQUIRES A REVIEW OF GOVERNMENT SERVICES”; in line 7, after the first “THE” insert “POTENTIAL”; in the same line, strike “IMPACT OF” and substitute “ISSUES OR A NATURAL RESOURCES INVENTORY RELATED TO”; in the same line, after “PROPOSED” insert “RESIDENTIAL”; in line 9, strike “ACCORDING TO” and substitute “IF REQUIRED BY”; in line 10, strike “FOR THE” and substitute “AS A RESULT OF THE APPROVAL OF THE”; in line 10, after “PROPOSED” insert “RESIDENTIAL”; and in line 11, after “PROPOSED” insert “RESIDENTIAL”; in line 21, after “subdivisions” insert “served by on-site septic systems”; in line 26, strike “§§ 1.04 and 3.05” and substitute “§ 1.05”; in the same line, strike “§§ 1-407” and substitute “Title 1, Subtitle 5”; in line 27, strike “and 3-103”; and in line 29, after “plan” insert “under Article 66B, § 1.05 of the Code or Title 1, Subtitle 5 of the Land Use Article”.

AMENDMENT NO. 7

On page 33, after line 3, insert:

“SECTION 6. AND BE IT FURTHER ENACTED, That, if requested by a local jurisdiction to verify the actual overall yield for zoning in a Tier IV area under § 9-206(h) of the Environment Article, the Department of Planning shall:

(a) review the local zoning code, along with any relevant subdivision or development regulations or rules, to help determine the overall development yield;

(b) request, if appropriate, information from the local jurisdiction to help determine the overall yield of development in Tier IV;

(c) examine any additional information that the local jurisdiction provides supporting qualification of the jurisdiction’s zoning districts; and

(d) discuss any discrepancies or questions with the local jurisdiction before determining if the jurisdiction's Tier IV area meets the overall actual yield of one dwelling unit per 25 acres within the Tier IV area.

SECTION 7. AND BE IT FURTHER ENACTED, That:

(a) each local jurisdiction shall submit any definition or description of a major or minor subdivision in the jurisdiction's local ordinance or regulation to the Department of Planning on or before December 31, 2012, in accordance with the provisions of § 9–206 of the Environment Article; and

(b) the Department of Planning shall prepare a list of definitions and descriptions of major and minor subdivisions submitted by local jurisdictions for publication on the Web sites of the Department of Planning and the Department of the Environment on or after December 31, 2012.

SECTION 8. AND BE IT FURTHER ENACTED, That the provisions of this Act may not be construed to limit the authority granted to the Critical Area Commission under Chapter 119 of the Acts of 2008 to adopt regulations under § 8–1806(b) of the Natural Resources Article.”;

and in lines 4, 8, and 9, strike “6.”, “7.”, and “6”, respectively, and substitute “9.”, “10.”, and “9”, respectively.

The preceding 7 amendments were read only.

Senator Pinsky moved, duly seconded, to make the Bill and Amendments a Special Order for March 23, 2012.

The motion was adopted.

Senate Bill 465 – Senators Frosh, Benson, Conway, Forehand, King, Madaleno, Manno, Montgomery, Pinsky, Raskin, Rosapepe, Stone, and Young

AN ACT concerning

Natural Resources – Shark or Elasmobranch Fins – Prohibition on Possession or Distribution

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

FLOOR AMENDMENT

SB0465/693828/1

BY: Senators Colburn and Mathias

AMENDMENTS TO SENATE BILL 465, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 7, before “defining” insert “exempting certain persons from the application of this Act;”.

AMENDMENT NO. 2

On page 1 of the bill, after line 21, insert:

“(B) THIS SECTION DOES NOT APPLY TO COMMERCIAL FISHERMEN OR SPORT FISHERMEN.”;

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

AMENDMENT NO. 3

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments (SB0465/524836/1), in line 2 of Amendment No. 3, strike “(C)” and substitute “(D)”.

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 10 Negative – 35 (See Roll Call No. 684)

FLOOR AMENDMENT

SB0465/103324/1

BY: Senators Colburn and Mathias

AMENDMENTS TO SENATE BILL 465, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 7, before “defining” insert “exempting certain persons from the application of this Act;”.

AMENDMENT NO. 2

On page 1 of the bill, after line 21, insert:

“(B) THIS SECTION DOES NOT APPLY TO COMMERCIAL FISHERMEN.”;

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

AMENDMENT NO. 3

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments (SB0465/524836/1), in line 2 of Amendment No. 3, strike “(C)” and substitute “(D)”.

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 9 Negative – 36 (See Roll Call No. 685)

FLOOR AMENDMENT

SB0465/643628/1

BY: Senator Colburn

AMENDMENTS TO SENATE BILL 465, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 3, strike “or” and substitute a comma; in the same line, after “Distribution” insert “, or Consumption”; and in line 6, before “requiring” insert “prohibiting a person from selling or consuming shark fin soup;”.

AMENDMENT NO. 2

On page 2 of the bill, after line 6, insert:

“(C) A PERSON MAY NOT SELL OR CONSUME SHARK FIN SOUP.”.

AMENDMENT NO. 3

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments (SB0465/524836/1), in line 2 of Amendment No. 3, strike “**(C)**” and substitute “**(D)**”.

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 19 Negative – 26 (See Roll Call No. 686)

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #27**

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 261 – Senators Glassman, Jacobs, and Jennings

AN ACT concerning

Northeast Maryland Higher Education Advisory Board

SB0261/564139/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 261
(First Reading File Bill)

AMENDMENT NO. 1

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

AMENDMENT NO. 2

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

On page 3, in line 3, strike “AND”; after line 3, insert:

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

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

AMENDMENT NO. 3

On page 5, after line 19, insert:

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

and in line 20, strike “3.” and substitute “4.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 755 – Senators Young, Brinkley, Madaleno, Pinsky, Raskin, and Rosapepe

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 895 – Senator Conway

AN ACT concerning

Maryland State Board of Morticians and Funeral Directors – Permits and Registration Required to Remove and Transport Human Remains

SB0895/764530/2

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 895
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “authorizing” in line 6 down through “holders;” in line 7; in line 10, after “inspectors;” insert “requiring certain permit holders to employ only certain registered transporters for certain purposes;”; and in line 21, after “penalties;” insert “requiring the Board to adopt certain regulations;”.

On page 2, in line 9, strike “7-606” and substitute “7-607”.

AMENDMENT NO. 2

On page 3, in line 11, strike “A” and substitute “:

(I) A;

in line 13, after “REMAINS” insert “;OR

(II) A CEMETERY OR AN EMPLOYEE OF A CEMETERY THAT REMOVES OR TRANSPORTS HUMAN REMAINS WITHIN THE BOUNDARIES OF THE CEMETERY”;

in line 27, strike “**(1)**”; and strike in their entirety lines 30 and 31.

AMENDMENT NO. 3

On page 4, strike beginning with “HOLDS” in line 7 down through “BOND” in line 8 and substitute “IS BONDED AND CARRIES LIABILITY INSURANCE THAT COVERS EACH REGISTERED TRANSPORTER EMPLOYED BY THE MORTUARY TRANSPORT SERVICE”; in line 21, after “(D)” insert “**(1)**”; and after line 23, insert:

“(2) A PERMIT HOLDER SHALL EMPLOY ONLY REGISTERED TRANSPORTERS TO REMOVE AND TRANSPORT HUMAN REMAINS.”

AMENDMENT NO. 4

On page 5, in line 17, after “REQUIRES;” insert “AND”; in line 18, strike “**(2) A REGISTRATION FEE SET BY THE BOARD;**”; in line 19, strike “**(3)**” and substitute “**(2)**”; strike beginning with “; AND” in line 20 down through “INSURANCE” in line 22; and in line 24, strike “MARYLAND”.

AMENDMENT NO. 5

On page 8, strike in their entirety lines 28 through 30, inclusive.

On page 9, in lines 1, 5, and 8, strike “(28)”, “(29)”, and “(30)”, respectively, and substitute “(27)”, “(28)”, and “(29)”, respectively.

AMENDMENT NO. 6

On page 10, strike in their entirety lines 4 through 9, inclusive; and after line 13, insert:

“7-607.

THE BOARD SHALL ADOPT REGULATIONS TO:

(1) IMPLEMENT THIS SUBTITLE; AND

(2) ESTABLISH REQUIREMENTS FOR REMOVING AND TRANSPORTING HUMAN REMAINS.”

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 967 – Senator Conway

AN ACT concerning

**Maryland Higher Education Commission – Student Transfer Advisory
Committee**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 1044 – Senators Colburn and Mathias

AN ACT concerning

**Wicomico County – Alcoholic Beverages – Class D Licenses – Follow-Up
Records Checks**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #19

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

**Senate Bill 76 – Senators Kelley, Forehand, Jacobs, Manno, Montgomery, and
Rosapepe**

AN ACT concerning

**Criminal Law – Controlled Dangerous Substances – Research – Synthetic
Cannabinoids**

SB0076/718172/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 76

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Kelley,” insert “DeGrange.”; and in the same line, strike “and Rosapepe” and substitute “Rosapepe, Raskin, Shank, and Reilly”.

AMENDMENT NO. 2

On page 1, strike beginning with the second “certain” in line 6 down through “as” in line 7; in line 9, after “distributed;” insert “defining a certain term;”; and after line 9, insert:

“BY repealing and reenacting, without amendments,

Article – Criminal Law
Section 5–101(a)
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

BY adding to

Article – Criminal Law
Section 5–101(ff)
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)”.

AMENDMENT NO. 3

On page 2, in line 8, after “Department;” insert “OR”; and strike beginning with the semicolon in line 13 down through “LAW” in line 16.

AMENDMENT NO. 4

On page 1, after line 17, insert:

“5–101.

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

(FF) (1) “SYNTHETIC CANNABINOID” MEANS A CHEMICAL COMPOUND THAT IS CHEMICALLY SYNTHESIZED AND:

(I) HAS BEEN DEMONSTRATED TO HAVE BINDING ACTIVITY AT ONE OR MORE CANNABINOID RECEPTORS; OR

(II) IS A CHEMICAL ANALOG OR ISOMER OF A COMPOUND THAT HAS BEEN DEMONSTRATED TO HAVE BINDING ACTIVITY AT ONE OR MORE CANNABINOID RECEPTORS.

(2) “SYNTHETIC CANNABINOID” INCLUDES:

(I) 1-[2-(4-MORPHOLINYL)ETHYL]-3-(1-NAPHTHOYL) INDOLE (ALSO KNOWN AS JWH-200);

(II) 1-BUTYL-3-(1-NAPHTHOYL) INDOLE (ALSO KNOWN AS JWH-073);

(III) 1-HEXYL-3-(1-NAPHTHOYL) INDOLE (ALSO KNOWN AS JWH-019);

(IV) 1-PENTYL-3-(1-NAPHTHOYL) INDOLE (ALSO KNOWN AS JWH-018);

(V) 1-PENTYL-3-(2-METHOXYPHENYLACETYL) INDOLE (ALSO KNOWN AS JWH-250);

(VI) 1-PENTYL-3-(4-CHLORO-1-NAPHTHOYL) INDOLE (ALSO KNOWN AS JWH-398);

(VII) 2-[(1R, 3S)-3-HYDROXYCYCLOHEXYL]-5-(2-METHYLOCTAN-2-YL)PHENOL (ALSO KNOWN AS CP 47, 497 AND ITS C6, C7, C8, AND C9 HOMOLOGUES);

(VIII) (2-METHYL-1-PROPYL-1H-INDOL-3-YL)-1-NAPHTHALENYL-METHANONE (ALSO KNOWN AS JWH-015);

(IX) (6AR, 10AR)-9-(HYDROXYMETHYL)-6, 6-DIMETHYL-3-(2-METHYLOCTAN-2-YL)-6A, 7, 10, 10A-TETRAHYDROBENZO[C] CHROMEN-1-OL) (ALSO KNOWN AS HU-210); AND

(X) DEXANABINOL (6AS, 10AS)-9-(HYDROXYMETHYL)-6, 6-DIMETHYL-3-(2-METHYLOCTAN-2-YL)-6A, 7, 10, 10A-TETRAHYDROBENZO[C]CHROMEN-1-OL (ALSO KNOWN AS HU-211).

(3) “SYNTHETIC CANNABINOID” DOES NOT INCLUDE ANY DRUG THAT HAS BEEN APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION.”.

On page 3, in line 19, after the semicolon, insert “AND”.

On pages 3 and 4, strike in their entirety the lines beginning with line 20 on page 3 through line 17 on page 4, inclusive, and substitute:

“(XXVIII) SYNTHETIC CANNABINOIDS.”

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 397 – Senator Forehand

AN ACT concerning

Estates and Trusts – Allowance for Funeral Expenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 591 – Senator Stone

AN ACT concerning

**Real Property – Manufactured Homes – Conversion to and Severance from
Real Property**

SB0591/208573/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 591

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Conversion” and substitute “Affixation”; in lines 4, 5, 7, and 14, in each instance, strike “conversion” and substitute “affixation”; in line 6, after “contain” insert “or be accompanied by”; in the same line, after “information” insert “, documentation,”; in line 7, after “circumstances;” insert “providing that an

affidavit of affixation is not necessary to convey or encumber a manufactured home; providing that the property tax status of a manufactured home shall be governed by certain provisions of law; providing that a manufactured home shall be converted to real property under certain circumstances;”; in lines 7 and 8, strike beginning with “a” in line 7 down through “circumstances” in line 8 and substitute “the recordation of an affidavit of affixation does not represent a sale or transfer of real property for certain purposes; requiring the owner of certain property to send a certified copy of an affidavit of affixation and any attachments to the Motor Vehicle Administration at a certain time; requiring the Administration to record the affidavit and attachments in its records; requiring the Administration to make certain records available to certain individuals”; in line 9, strike “or will” and substitute “to”; in line 12, after “circumstances;” insert “requiring the Administration to accept a certain copy of a certain affidavit of severance for filing and issue a certain certificate of title in a certain manner; requiring a custodian to disclose personal information in the public records of the Administration to certain individuals; requiring the Administration to develop a certain model affidavit; providing for the application of certain provisions of this Act;”; and after line 14, insert:

“BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 9–102(a)(54)
Annotated Code of Maryland
(2002 Replacement Volume and 2011 Supplement)”;

and after line 20, insert:

“BY repealing and reenacting, with amendments,
Article – State Government
Section 10–616(p)(5)(xiv) and (xv)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)”

BY adding to
Article – State Government
Section 10–616(p)(5)(xvi)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation
Section 13–101
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 22, insert:

“Article – Commercial Law

9–102.

(a) In this title:

(54) “Manufactured home” means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air–conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code.”.

AMENDMENT NO. 3

On page 2, after line 7, insert:

“(C) “CERTIFICATE OF ORIGIN” HAS THE MEANING STATED IN § 13–101 OF THE TRANSPORTATION ARTICLE.

“(D) “CERTIFICATE OF TITLE” MEANS A TITLE ISSUED BY THE MOTOR VEHICLE ADMINISTRATION FOR A MANUFACTURED HOME UNDER TITLE 13 OF THE TRANSPORTATION ARTICLE.”;

strike in their entirety lines 8 through 10, inclusive; in lines 11 and 15, strike “(D)” and “(E)”, respectively, and substitute “(E)” and “(F)”, respectively; strike beginning

with “REAL” in line 13 down through “PROPERTY” in line 14 and substitute “A PARCEL OF REAL PROPERTY AND TREATED AS AN INTEGRAL PART OF THE PARCEL”; in line 15, strike “(1)”; and strike beginning with “MEANS” in line 15 down through “VEHICLE” in line 28 and substitute “HAS THE MEANING STATED IN § 9-102 (A) OF THE COMMERCIAL LAW ARTICLE”.

On page 3, in lines 1 and 3, strike “(F)” and “(G)”, respectively, and substitute “(G)” and “(H)”, respectively; strike beginning with “REMOVE” in line 3 down through “ATTACHED” in line 4 and substitute “SEPARATE A MANUFACTURED HOME THAT HAS BEEN CONVERTED TO REAL PROPERTY FROM THE PARCEL OF REAL PROPERTY TO WHICH IT HAS BEEN AFFIXED”; in line 14, after “PROPERTY” insert “AS TO THE PARCEL OF REAL PROPERTY TO WHICH THE MANUFACTURED HOME HAS BEEN AFFIXED”; in line 23, strike “EXCEPT AS PROVIDED UNDER SUBTITLE 2 OF THIS TITLE, AN” and substitute “AN”; and in line 24, strike “CONVERSION” and substitute “AFFIXATION”.

On page 4 in lines 6 and 9, on page 5 in lines 4 and 20, and on page 6 in line 3, in each instance, strike “CONVERSION” and substitute “AFFIXATION”.

AMENDMENT NO. 4

On page 3, after line 25, insert:

“8B-104.

THE PROPERTY TAX STATUS OF A MANUFACTURED HOME SHALL BE GOVERNED BY THE TAX – PROPERTY ARTICLE.”

AMENDMENT NO. 5

On page 3, in line 29, after “WHEN” insert “ALL OF”.

On page 4, in lines 1 and 4, in each instance, strike “OR WILL BE”; in line 7, after “RECORDED” insert “WITH THE CLERK OF THE COURT OF THE COUNTY IN WHICH THE PARCEL OF REAL PROPERTY TO WHICH THE MANUFACTURED HOME IS AFFIXED IS LOCATED”; strike beginning with “A” in line 17 down through “THE” in line 21 and substitute “THE”; in lines 22 and 26, in each instance, before “REAL” insert “PARCEL OF”; in line 23, strike “AND”; in line 24, strike “(4)” and substitute “(3)”; in the same line, strike “UNDER OATH FROM THE OWNER”; in lines 24 and 25,

strike “: (I) THE” and substitute “THE”; in line 27, after “IDENTICAL” insert “OR WILL BE IDENTICAL AFTER FILING THE AFFIDAVIT OF AFFIXATION IN THE LAND RECORDS”; and strike in their entirety lines 28 and 29 and substitute:

“(4) A STATEMENT THAT THE MANUFACTURED HOME IS OR WILL BE ATTACHED TO THE REAL PROPERTY DESCRIBED AT THE TIME OF THE FILING OF THE AFFIDAVIT OF AFFIXATION IN THE LAND RECORDS.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN AFFIDAVIT OF AFFIXATION SHALL BE ACCOMPANIED BY:

(I) AN ORIGINAL CERTIFICATE OF TITLE ISSUED BY THE MOTOR VEHICLE ADMINISTRATION FOR THE MANUFACTURED HOME THAT:

1. HAS THE WORD “SURRENDERED” CLEARLY WRITTEN ON ITS FACE; AND

2. IF THE CERTIFICATE OF TITLE INDICATES THAT THERE IS A LIEN, ENCUMBRANCE, OR OTHER SECURITY INTEREST FOR THE MANUFACTURED HOME, IS ACCOMPANIED BY A RELEASE FROM EACH PARTY THAT HAS A SECURITY INTEREST IN THE MANUFACTURED HOME; OR

(II) A MANUFACTURER’S CERTIFICATE OF ORIGIN FOR THE MANUFACTURED HOME THAT:

1. HAS THE WORD “SURRENDERED” CLEARLY WRITTEN ON ITS FACE; AND

2. IF THE MANUFACTURER’S CERTIFICATE OF ORIGIN INDICATES THAT THERE IS A LIEN, ENCUMBRANCE, OR OTHER SECURITY INTEREST FOR THE MANUFACTURED HOME, IS ACCOMPANIED BY A RELEASE FROM EACH PARTY THAT HAS A SECURITY INTEREST IN THE MANUFACTURED HOME.

(2) IF THE OWNER IS UNABLE TO LOCATE AN ORIGINAL CERTIFICATE OF TITLE OR A MANUFACTURER’S CERTIFICATE OF ORIGIN, THE

AFFIDAVIT OF AFFIXATION SHALL BE ACCOMPANIED BY A REPORT PREPARED AND ACKNOWLEDGED BY AN ATTORNEY LICENSED TO PRACTICE IN THE STATE OR A TITLE INSURANCE PRODUCER LICENSED TO DO BUSINESS IN THE STATE THAT:

(I) IDENTIFIES THE PARTY PREPARING THE REPORT;

(II) STATES THAT A SEARCH HAS BEEN CONDUCTED OF:

1. THE LAND RECORDS OF THE COUNTY IN WHICH THE PARCEL OF REAL PROPERTY TO WHICH THE MANUFACTURED HOME IS OR WILL BE AFFIXED IS LOCATED; AND

2. THE RECORDS MAINTAINED BY THE MOTOR VEHICLE ADMINISTRATION; AND

(III) STATES THAT NO LIEN, ENCUMBRANCE, OR OTHER SECURITY INTEREST HAS BEEN FOUND FOR THE MANUFACTURED HOME.

(C) (1) IF AN AFFIDAVIT OF AFFIXATION IS ACCOMPANIED BY AN ORIGINAL CERTIFICATE OF TITLE, THE AFFIDAVIT SHALL BE ACCOMPANIED BY:

(I) A STATEMENT THAT IT IS THE INTENT OF THE OWNER TO SURRENDER THE CERTIFICATE OF TITLE; AND

(II) A STATEMENT THAT:

1. THERE IS NO LIEN, ENCUMBRANCE, OR OTHER SECURITY INTEREST FOR THE MANUFACTURED HOME; OR

2. ANY LIEN, ENCUMBRANCE, OR OTHER SECURITY INTEREST FOR THE MANUFACTURED HOME HAS BEEN SATISFIED AND THE APPROPRIATE RELEASES ARE ATTACHED AND MADE A PART OF THE AFFIDAVIT OF AFFIXATION.

(2) IF AN AFFIDAVIT OF AFFIXATION IS ACCOMPANIED BY A MANUFACTURER'S CERTIFICATE OF ORIGIN, THE AFFIDAVIT SHALL BE ACCOMPANIED BY:

(I) A STATEMENT THAT A CERTIFICATE OF TITLE HAS NOT BEEN ISSUED FOR THE MANUFACTURED HOME;

(II) A STATEMENT THAT IT IS THE INTENT OF THE OWNER TO SURRENDER THE MANUFACTURER'S CERTIFICATE OF ORIGIN; AND

(III) A STATEMENT THAT:

1. THERE IS NO LIEN, ENCUMBRANCE, OR OTHER SECURITY INTEREST FOR THE MANUFACTURED HOME; OR

2. ANY LIEN, ENCUMBRANCE, OR OTHER SECURITY INTEREST FOR THE MANUFACTURED HOME HAS BEEN SATISFIED AND THE APPROPRIATE RELEASES ARE ATTACHED AND MADE A PART OF THE AFFIDAVIT OF AFFIXATION.

(3) IF AN AFFIDAVIT OF AFFIXATION IS ACCOMPANIED BY A STATEMENT FROM AN ATTORNEY OR TITLE INSURANCE PRODUCER, THE AFFIDAVIT ALSO SHALL BE ACCOMPANIED BY:

(I) A STATEMENT THAT THE OWNER IS UNABLE TO LOCATE A CERTIFICATE OF TITLE OR A MANUFACTURER'S CERTIFICATE OF ORIGIN FOR THE MANUFACTURED HOME; AND

(II) A STATEMENT THAT:

1. THERE IS NO LIEN, ENCUMBRANCE, OR OTHER SECURITY INTEREST FOR THE MANUFACTURED HOME; OR

2. ANY LIEN, ENCUMBRANCE, OR OTHER SECURITY INTEREST FOR THE MANUFACTURED HOME HAS BEEN SATISFIED AND THE

APPROPRIATE RELEASES ARE ATTACHED AND MADE A PART OF THE AFFIDAVIT OF AFFIXATION.

(D) AN AFFIDAVIT OF AFFIXATION SHALL BE SIGNED UNDER PENALTY OF PERJURY AND ACKNOWLEDGED.”.

On page 5, in line 1, strike “(B)” and substitute “(E)”; in line 2, before “REAL” insert “PARCEL OF”; and strike in their entirety lines 7 through 17, inclusive, and substitute:

“(F) THE RECORDATION OF AN AFFIDAVIT OF AFFIXATION DOES NOT REPRESENT A SALE OR TRANSFER OF REAL PROPERTY FOR THE PURPOSE OF THE COLLECTION OF ANY TAX OR FEE CHARGED BY THE STATE OR ANY COUNTY OR MUNICIPALITY.

(G) (1) IMMEDIATELY AFTER FILING AN AFFIDAVIT OF AFFIXATION WITH THE CLERK OF THE CIRCUIT COURT, THE OWNER OF THE PROPERTY TO WHICH A MANUFACTURED HOME HAS BEEN AFFIXED SHALL SEND A CERTIFIED COPY OF THE AFFIDAVIT AND ANY ATTACHMENTS TO THE MOTOR VEHICLE ADMINISTRATION.

(2) ON RECEIPT OF A CERTIFIED COPY OF AN AFFIDAVIT OF AFFIXATION AND ANY ATTACHMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE MOTOR VEHICLE ADMINISTRATION SHALL RECORD THE AFFIDAVIT AND ATTACHMENTS IN THE ADMINISTRATION’S RECORDS.

8B-203.

THE MOTOR VEHICLE ADMINISTRATION SHALL MAKE AVAILABLE RECORDS FOR MANUFACTURED HOMES TO ATTORNEYS, TITLE INSURANCE PRODUCERS, AND OTHER INDIVIDUALS AUTHORIZED TO CONDUCT A TITLE SEARCH.”.

AMENDMENT NO. 6

On page 5, in lines 21 and 28, in each instance, strike “OR WILL” and substitute “TO”; and in line 22, after “SHALL” insert “RECORD AND”.

On page 6, in line 1, after “HOME” insert “, INCLUDING THE NAME OF THE MANUFACTURER, THE MAKE, MODEL NAME, MODEL YEAR, DIMENSIONS, MANUFACTURER’S SERIAL NUMBER, AND A STATEMENT WHETHER THE MANUFACTURED HOME IS NEW OR USED”; in lines 7 and 12, in each instance, strike “OR WILL” and substitute “TO”; and after line 16, insert:

“(D) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE MOTOR VEHICLE ADMINISTRATION, THE ADMINISTRATION SHALL:

(1) ACCEPT A CERTIFIED COPY OF A RECORDED AFFIDAVIT OF SEVERANCE FOR FILING; AND

(2) ISSUE A CERTIFICATE OF TITLE FOR THE SEVERED MANUFACTURED HOME.

Article – State Government

10–616.

(p) (5) Notwithstanding the provisions of paragraphs (3) and (4) of this subsection, a custodian shall disclose personal information:

(xiv) for use by a hospital to obtain, for hospital security purposes, information relating to ownership of vehicles parked on hospital property; [and]

(xv) for use by a procurement organization requesting information under § 4–516 of the Estates and Trusts Article for the purposes of organ, tissue, and eye donation; AND

(XVI) FOR USE BY AN ATTORNEY, A TITLE INSURANCE PRODUCER, OR ANY OTHER INDIVIDUAL AUTHORIZED TO CONDUCT A TITLE SEARCH OF A MANUFACTURED HOME UNDER TITLE 8B OF THE REAL PROPERTY ARTICLE.

Article – Transportation

13-101.

In this subtitle, “certificate of origin” means a certification by the manufacturer, on a form that the Administration approves, that:

(1) Certifies that the vehicle described in it has been transferred to the dealer or other person named and that the transfer is the first transfer of the vehicle in ordinary trade and commerce; and

(2) Describes the vehicle by including:

(i) Its make, model, year, vehicle identification number, type of body, number of cylinders, and engine number; and

(ii) Any other information that the Administration requires.”.

AMENDMENT NO. 7

On page 6, in line 17, after “ENACTED,” insert “That the Motor Vehicle Administration shall develop a model affidavit of affixation that meets the requirements of § 8B-202 of the Real Property Article, as enacted by Section 1 of this Act, for use in affixing a manufactured home to real property.”

SECTION 3. AND BE IT FURTHER ENACTED.”.

The preceding 7 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 647 – Senators Ramirez, Colburn, Forehand, Jacobs, Raskin, Shank, Stone, and Zirkin

AN ACT concerning

Domestically Related Crimes – Reporting

SB0647/428476/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 647

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “determine” and substitute “make a certain finding as to”.

AMENDMENT NO. 2

On page 2, strike beginning with the second comma in line 9 down through “**CRIME**” in line 11; in line 14, strike “**DETERMINE**” and substitute “**MAKE A FINDING OF FACT, BASED ON EVIDENCE PRODUCED AT TRIAL, AS TO**”; and in line 19, strike “**DETERMINES**” and substitute “**FINDS**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 678 – Senator Forehand

AN ACT concerning

Criminal Procedure – Expungement of Criminal Charge Transferred to Juvenile Court

Senator Kittleman moved, duly seconded, to make the Bill and Report a Special Order for March 23, 2012.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 725 – Senator Kelley

AN ACT concerning

Residential Condominiums – Governing Documents – Claims Provisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 885 – Senator Peters

AN ACT concerning

Correctional Services – Employee Caseloads – Disciplinary Actions

SB0885/948172/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 885

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Correctional Services” and substitute “Parole and Probation”; in line 3, strike “establish” and substitute “consider”; in line 4, strike “standard”; strike beginning with the semicolon in line 4 down through “during” in line 5 and substitute “when considering”; and in line 8, strike “with” and substitute “without”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 5 and 6; in lines 7, 9, and 12, in each instance, strike the brackets; in the same lines, strike “(IV)”, “(V)”, and “(VI)”, respectively; in line 23, strike “THE” and substitute “WHEN CONSIDERING DISCIPLINARY ACTION RELATED TO THE PERFORMANCE OF A PAROLE AND PROBATION EMPLOYEE, THE”; and strike beginning with the colon in line 23 down through “PERFORMANCE” in line 28 and substitute “CONSIDER THE SIZE OF THE EMPLOYEE’S ACTIVE CASELOAD AND THE CLASSIFICATION OF THE OFFENDERS WITHIN THE EMPLOYEE’S ACTIVE CASELOAD AT THE TIME OF THE EVENT GIVING RISE TO THE CONSIDERATION OF DISCIPLINARY ACTION”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #15

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

Senate Bill 272 – Senators Peters, Astle, Kittleman, and Klausmeier

AN ACT concerning

Labor and Employment – Workplace Fraud Act – Revisions

SB0272/867670/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 272

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Astle, Kittleman, and Klausmeier” and substitute “Pugh, Young, Astle, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, and Muse”; strike beginning with “repealing” in line 3 down through “changes;” in line 6 and substitute “establishing an exception for an employer that produces certain documents for inspection to the presumption that an employer–employee relationship exists for purposes of the Workplace Fraud Act; authorizing an employer to comply with a certain requirement to provide records by producing copies of the records; altering the number of days within which an employer is required to produce certain records; requiring the Commissioner to take certain action regarding an alleged violation of the Workplace Fraud Act within a certain time after the Commissioner receives certain records from an employer; providing that an employer is entitled to a certain hearing within a certain number of days after the hearing is requested unless the right is waived; altering a certain provision of law regarding the issuance of citations by the Commissioner for violations of the Workplace Fraud Act;”; strike in their entirety lines 8 through 18, inclusive; in line 21, strike “3–903 and 3–904” and substitute “3–903, 3–905(d) and (e), 3–906, and 3–913”; after line 23, insert:

“BY adding to

Article – Labor and Employment

Section 3–903.1

Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – Labor and Employment

Section 3–905(c)

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)”;

and strike beginning with “Section(s)” in line 25 down through “respectively.” in line 27 and substitute “the Laws of Maryland read as follows:”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 and 2; strike in their entirety lines 4 through 10, inclusive; in lines 15, 16, and 17, in each instance, strike the brackets; and in line 17, strike “For” and substitute “EXCEPT AS PROVIDED IN § 3–903.1 OF THIS SUBTITLE, FOR”.

On page 3, in line 8, strike the bracket; after line 13, insert:

“3–903.1.

THE PRESUMPTION THAT AN EMPLOYER–EMPLOYEE RELATIONSHIP EXISTS UNDER § 3–903(C)(1) OF THIS SUBTITLE DOES NOT APPLY IF:

(1) AN EMPLOYER PRODUCES FOR INSPECTION BY THE COMMISSIONER:

(I) A WRITTEN CONTRACT, SIGNED BY THE EMPLOYER AND BUSINESS ENTITY, THAT:

1. DESCRIBES THE NATURE OF THE WORK TO BE PERFORMED BY THE BUSINESS ENTITY;

2. DESCRIBES THE REMUNERATION TO BE PAID FOR THE WORK PERFORMED BY THE BUSINESS ENTITY; AND

3. INCLUDES AN ACKNOWLEDGEMENT BY THE BUSINESS ENTITY OF THE BUSINESS ENTITY'S OBLIGATIONS UNDER THIS ARTICLE TO:

A. WITHHOLD, REPORT, AND REMIT PAYROLL TAXES ON BEHALF OF ALL EMPLOYEES WORKING FOR THE BUSINESS ENTITY;

B. PAY UNEMPLOYMENT INSURANCE TAXES FOR ALL EMPLOYEES WORKING FOR THE BUSINESS ENTITY; AND

C. MAINTAIN WORKERS' COMPENSATION INSURANCE;

(II) AN AFFIDAVIT SIGNED BY THE BUSINESS ENTITY INDICATING THAT THE BUSINESS ENTITY IS AN INDEPENDENT CONTRACTOR WHO IS AVAILABLE TO WORK FOR OTHER BUSINESS ENTITIES;

(III) A CURRENT CERTIFICATE OF STATUS OF THE BUSINESS ENTITY, ISSUED BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION, INDICATING THAT THE BUSINESS ENTITY IS IN GOOD STANDING; AND

(IV) PROOF THAT THE BUSINESS ENTITY HOLDS ALL OCCUPATIONAL LICENSES REQUIRED BY STATE AND LOCAL AUTHORITIES FOR THE WORK PERFORMED; AND

(2) THE EMPLOYER PROVIDED TO EACH INDIVIDUAL CLASSIFIED AS AN INDEPENDENT CONTRACTOR OR EXEMPT PERSON A WRITTEN NOTICE UNDER § 3-914 OF THIS SUBTITLE.”

On pages 3 and 4, strike in their entirety the lines beginning with line 14 on page 3 through line 18 on page 4, inclusive.

AMENDMENT NO. 3

On page 4, after line 18, insert:

“3-905.

(c) The Commissioner may enter a place of business or work site to:

(1) observe work being performed;

(2) interview individuals on the work site, including those identified as employees and independent contractors; and

(3) review and copy records.

(d) **(1)** The Commissioner may require each employer to:

[1] **(I)** SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, identify and produce FOR COPYING OR INSPECTION all records relevant to the classification of each individual;

[2] **(II)** attest to the truthfulness of each record that is copied in accordance with subsection (c)(3) of this section OR EACH COPY OF A RECORD THAT IS PROVIDED TO THE COMMISSIONER UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH and to sign the copy; or

[3] **(III)** at the option of the employer, submit a written statement about the classification of each employee on the form provided by the Commissioner, with any relevant records attached.

(2) AN EMPLOYER MAY COMPLY WITH A REQUIREMENT TO PRODUCE RECORDS UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION BY PRODUCING COPIES OF THE RECORDS.

(e) An employer that fails to produce records FOR COPYING OR INSPECTION or a written statement under subsection (d) of this section within [15] 30 business days after the Commissioner's request, OR AN EXTENSION OF TIME MUTUALLY AGREED ON BY BOTH PARTIES, shall be subject to a fine not exceeding \$500 per day for each day the records are not produced.

3-906.

(a) [If, after investigation] AFTER THE EMPLOYER HAS PROVIDED ALL OF THE RECORDS REQUESTED UNDER § 3-905(D) OF THIS SUBTITLE, [the

Commissioner determines that an employer has violated this subtitle or a regulation adopted under this subtitle,] the Commissioner shall [promptly] issue a citation to the employer **OR CLOSE THE INVESTIGATION WITHIN 90 DAYS.**

(b) Each citation shall:

(1) describe in detail the nature of the alleged violation;

(2) cite the provision of this subtitle or any regulation that the employer is alleged to have violated; and

(3) state the civil penalty, if any, that the Commissioner proposes to assess.

(c) Within a reasonable time after issuance of a citation, the Commissioner shall send by certified mail to the employer:

(1) a copy of the citation; and

(2) notice of the opportunity to request a hearing.

(d) Within 15 days after an employer receives a notice under subsection (c) of this section, the employer may submit a written request for a hearing on the citation and proposed penalty.

(e) If a hearing is not requested within 15 days, the citation, including any penalties, shall become a final order of the Commissioner.

(f) (1) If the employer requests a hearing, the Commissioner shall delegate to the Office of Administrative Hearings the authority to hold a hearing and issue findings of fact, conclusions of law, and an order, and assess a penalty under § 3–909 of this subtitle in accordance with Title 10, Subtitle 2 of the State Government Article.

(2) **THE EMPLOYER IS ENTITLED TO A HEARING WITHIN 90 DAYS AFTER A TIMELY REQUEST MADE UNDER THIS SUBSECTION, UNLESS THE EMPLOYER WAIVES THAT RIGHT.**

(g) Within 15 days after a request, in accordance with Title 10, Subtitle 6 of the State Government Article and the applicable regulations of the Department and the Office of Administrative Hearings, the Commissioner shall provide copies of all relevant evidence, including a list of potential witnesses, on which the Commissioner intends to rely at any administrative hearing under this subtitle.

(h) The Commissioner has the burden of proof to show that an employer has knowingly failed to properly classify an individual as an employee.

(i) A decision of an administrative law judge issued in accordance with Title 10, Subtitle 2 of the State Government Article shall become a final order of the Commissioner.

(j) Any party aggrieved by a final order of the Commissioner under subsection (i) of this section may seek judicial review and appeal under §§ 10-222 and 10-223 of the State Government Article.

3-913.

(a) Where, after investigation, the Commissioner issues a citation for a KNOWING violation of this subtitle or regulations adopted under this subtitle by an employer engaged in work on a contract with a public body, the Commissioner shall promptly notify the public body.

(b) (1) On notification, the public body shall withhold from payment due the employer an amount that is sufficient to:

(i) pay restitution to each employee for the full amount of wages due; and

(ii) pay any benefits, taxes, or other contributions that are required by law to be paid on behalf of the employee.

(2) The public body shall release:

(i) on issuance of a favorable final order of a court or an administrative unit, the full amount of the withheld funds; and

(ii) on an adverse final order of a court or an administrative unit, the balance of the withheld funds after all obligations are satisfied under paragraph (1) of this subsection.”;

and in line 20, strike “October 1, 2012” and substitute “July 1, 2012”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 455 – Senators Middleton, Frosh, Garagiola, Jones–Rodwell, Klausmeier, and Pugh

AN ACT concerning

State Personnel – Special Appointments – Status

SB0455/537274/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 455

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “System;” insert “authorizing the Chief Executive Officer of the Maryland Correctional Enterprises to hire certain individuals consistent with certain policies and procedures as of a certain date; establishing that certain special appointment positions in the Maryland Correctional Enterprises are managerial, supervisory, and confidential positions;”; in line 7, strike “assistant” and substitute “certain”; in the same line, strike “general” and substitute “and certain positions that provide direct support to the Attorney General and certain positions”; and in line 10, after “vacant;” insert “providing that the Attorney General retains certain authority for certain positions as of a certain date;”.

AMENDMENT NO. 2

On page 2, in lines 1, 2, 4, 6, and 9, in each instance, strike the bracket; in lines 2, 4, and 6, strike “(1)”, “(2)”, and “(B)”, respectively; in line 3, strike “and”; in line 5, after “Enterprises” insert “; AND”

(III) MAY HIRE INDIVIDUALS AND INMATES CONSISTENT WITH EXISTING POLICIES AND PROCEDURES OF THE MARYLAND CORRECTIONAL ENTERPRISES AS OF JULY 1, 2012”;

strike beginning with “Except” in line 9 down through “System” in line 11 and substitute “SPECIAL APPOINTMENT POSITIONS IN THE MARYLAND CORRECTIONAL ENTERPRISES ARE MANAGERIAL, SUPERVISORY, AND CONFIDENTIAL POSITIONS”; and strike in their entirety lines 12 through 14, inclusive.

AMENDMENT NO. 3

On page 2, in line 19, strike “ASSISTANT ATTORNEYS GENERAL” and substitute “ATTORNEYS, POSITIONS THAT PROVIDE DIRECT SUPPORT TO THE ATTORNEY GENERAL, AND POSITIONS THAT PROVIDE DIRECT SUPPORT TO THE POSITIONS SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION,”.

On page 3, after line 14, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That for positions designated as special appointments on June 30, 2012, the Office of the Attorney General shall retain the same recruitment authority that the Office possessed on June 30, 2012.”;

and in line 15, strike “3.” and substitute “4.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 604 – Senators Kelley, Middleton, and Pugh

AN ACT concerning

Motor Vehicle Insurance – Uninsured Motorist Coverage – Effect of Consent to Offer of Settlement

Favorable report adopted.

Senator Kelley moved, duly seconded, to make the Bill a Special Order for March 23, 2012.

The motion was adopted.

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

Senate Bill 671 – Senator Pugh (By Request – Task Force on Prisoner Reentry) and Senators Astle, Benson, Garagiola, Gladden, Jones–Rodwell, Kelley, Madaleno, Manno, Middleton, Muse, Ramirez, and Raskin

AN ACT concerning

State Personnel – Applicants for Employment – Criminal History Records Checks

Senator Pugh moved, duly seconded, to recommit the Bill.

The motion was adopted.

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

Senate Bill 680 – Chair, Finance Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

State Personnel Management System – Criminal History Records Check

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 818 – Senators Pipkin, Astle, Brinkley, Colburn, and Getty

AN ACT concerning

Transportation – Chesapeake Bay Bridge Crossing – Environmental Impact Study for a Third Span

Senator DeGrange moved, duly seconded, to make the Bill and Report a Special Order for March 26, 2012.

The motion was adopted by a roll call vote as follows:

Affirmative – 28 Negative – 15 (See Roll Call No. 687)

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

Senate Bill 941 – Senators Klausmeier, Benson, Colburn, Forehand, Garagiola, Montgomery, and Stone

AN ACT concerning

Fiduciary Institutions – Protection of Elder Adults from Financial Abuse – Reporting Requirements

SB0941/227173/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 941

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Stone” and substitute “Stone, Middleton, Astle, Glassman, Kelley, Kittleman, Mathias, Muse, and Pugh”.

AMENDMENT NO. 2

On page 3, in line 20, strike “OR A STATE’S ATTORNEY”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1073 – Senator Middleton

AN ACT concerning

**Electricity – Certificate of Public Convenience and Necessity – Overhead
Transmission Lines**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #16

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

Senate Bill 82 – Senator Zirkin

AN ACT concerning

**Maryland Automobile Insurance Fund – Claims for Bodily Injury or Death –
Payment Limitation**

SB0082/827673/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 82

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “accident,” insert “providing for the allocation of certain penalties among certain funds on or after a certain date; providing for the application of this Act;”; after line 13, insert:

“BY repealing and reenacting, with amendments,

Article – Transportation

Section 17–106(e)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 30, insert:

“Article – Transportation

17-106.

(e) (1) (i) In addition to any other penalty provided for in the Maryland Vehicle Law, if the required security for a vehicle terminates or otherwise lapses during its registration year, the Administration may assess the owner of the vehicle with a penalty of \$150 for each vehicle without the required security for a period of 1 to 30 days. If a fine is assessed, beginning on the 31st day the fine shall increase by a rate of \$7 for each day.

(ii) Each period during which the required security for a vehicle terminates or otherwise lapses shall constitute a separate violation.

(iii) The penalty imposed under this subsection may not exceed \$2,500 for each violation in a 12-month period.

(2) (i) A penalty assessed under this subsection shall be paid as follows:

1. 70% to be allocated as provided in subparagraphs (ii) through [(iv)] (VI) of this paragraph; and

2. 30% to the Administration, which may be used by the Administration, subject to subsection (f) of this section, to provide funding for contracts with independent agents to assist in the recovery of evidences of registration as authorized in subsection (d)(3) of this section.

(ii) For the fiscal year beginning July 1, 2001, the percentage of the penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the Vehicle Theft Prevention Fund, the Motor Vehicle Registration Enforcement Fund, the School Bus Safety Enforcement Fund, the Transportation Trust Fund, and the General Fund as follows:

1. \$400,000 to the Motor Vehicle Registration Enforcement Fund;

2. \$600,000 to the School Bus Safety Enforcement Fund;

3. \$2,000,000 to the Vehicle Theft Prevention Fund;

4. \$9,600,000 to the Transportation Trust Fund; and
5. The balance to the General Fund.

(iii) For the fiscal year beginning July 1, 2002, the percentage of the penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the Vehicle Theft Prevention Fund, the Maryland Automobile Insurance Fund, the Motor Vehicle Registration Enforcement Fund, the School Bus Safety Enforcement Fund, and the General Fund as follows:

1. \$400,000 to the Motor Vehicle Registration Enforcement Fund;
2. \$600,000 to the School Bus Safety Enforcement Fund;
3. \$2,000,000 to the Vehicle Theft Prevention Fund;
4. \$2,000,000 to the Maryland Automobile Insurance Fund; and
5. The balance to the General Fund.

(iv) For each fiscal year beginning on or after July 1, 2003, the percentage of the penalties specified under subparagraph (i)1 of this paragraph shall be allocated among the School Bus Safety Enforcement Fund, the Vehicle Theft Prevention Fund, the Maryland Automobile Insurance Fund, and the General Fund as follows:

1. \$600,000 to the School Bus Safety Enforcement Fund;
2. \$2,000,000 to the Vehicle Theft Prevention Fund;
3. The amount distributed to the Maryland Automobile Insurance Fund in the prior fiscal year under the provisions of this paragraph adjusted by the change for the calendar year preceding the fiscal year in the Consumer Price Index – All Urban Consumers – Medical Care as published by the United States Bureau of Labor Statistics to the Maryland Automobile Insurance Fund; and
4. The balance to the General Fund.

(v) FOR EACH FISCAL YEAR BEGINNING ON JULY 1, 2013, THE PERCENTAGE OF THE PENALTIES SPECIFIED UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH SHALL BE ALLOCATED AMONG THE SCHOOL BUS SAFETY ENFORCEMENT FUND, THE VEHICLE THEFT PREVENTION FUND, THE MARYLAND AUTOMOBILE INSURANCE FUND, AND THE GENERAL FUND AS FOLLOWS:

1. \$600,000 TO THE SCHOOL BUS SAFETY ENFORCEMENT FUND;
2. \$2,000,000 TO THE VEHICLE THEFT PREVENTION FUND;
3. \$3,400,000 TO THE MARYLAND AUTOMOBILE INSURANCE FUND; AND
4. THE BALANCE TO THE GENERAL FUND.

(vi) FOR EACH FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2014, THE PERCENTAGE OF THE PENALTIES SPECIFIED UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH SHALL BE ALLOCATED AMONG THE SCHOOL BUS SAFETY ENFORCEMENT FUND, THE VEHICLE THEFT PREVENTION FUND, THE MARYLAND AUTOMOBILE INSURANCE FUND, AND THE GENERAL FUND AS FOLLOWS:

1. \$600,000 TO THE SCHOOL BUS SAFETY ENFORCEMENT FUND;
2. \$2,000,000 TO THE VEHICLE THEFT PREVENTION FUND;
3. TO THE MARYLAND AUTOMOBILE INSURANCE FUND, THE AMOUNT DISTRIBUTED TO THE MARYLAND AUTOMOBILE INSURANCE FUND IN THE PRIOR FISCAL YEAR UNDER THE PROVISIONS OF THIS PARAGRAPH ADJUSTED BY THE CHANGE FOR THE CALENDAR YEAR PRECEDING

THE FISCAL YEAR IN THE CONSUMER PRICE INDEX – ALL URBAN CONSUMERS – MEDICAL CARE AS PUBLISHED BY THE UNITED STATES BUREAU OF LABOR STATISTICS; AND

4. THE BALANCE TO THE GENERAL FUND.

(3) If the Administration assesses a vehicle owner or co-owner with a penalty under this subsection, the Administration may not take any of the following actions until the penalty is paid:

(i) Reinstate a registration suspended under this subsection;

(ii) Except for a temporary registration as provided under § 13–602(a)(2) of this article, issue a new registration for any vehicle that is owned or co-owned by that person and is titled after the violation date; or

(iii) Renew a registration for a vehicle that is owned or co-owned by that person.

(4) (i) In this paragraph, “family member” means any individual whose relationship to the vehicle owner is one of those listed under § 13–810(c)(1) of this article as being exempt from paying the excise tax imposed on the transfer of a vehicle.

(ii) The monetary penalties provided in this subsection may not be avoided by transferring title to the vehicle.

(iii) Regardless of whether money or other valuable consideration is involved in the transfer, if title to a vehicle is transferred by an individual who has violated this subtitle to a family member, any suspension of the vehicle’s registration that occurred before the transfer shall continue as if no transfer had occurred and a new registration may not be issued until the penalty fee is paid.

(5) An amount equal to the monetary penalties paid to the Administration under paragraph (2) of this subsection may be used by the Administration only for the enforcement of this subtitle.”;

before line 31, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to claims filed based on accidents that occurred on or after October 1, 2012.”;

and in line 31, strike “2.” and substitute “3.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 531 – Senator Middleton

AN ACT concerning

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

SB0531/477877/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 531

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “certain” insert “written”; in the same line, after “insured” insert “on a certain form”; in line 9, after “factor;” insert “requiring an insurer, at the time of a certain application or when a certain policy or binder is issued, to provide a certain written notice of its ability to recalculate a certain premium during a certain period;”; and in line 14, after “Act;” insert “providing for a delayed effective date;”.

AMENDMENT NO. 2

On page 2, in line 11, after “DISCLOSED” insert “BY THE INSURED”; and in line 22, after “COVERAGE,” insert “CHANGE IN”.

On page 3, in line 13, after “PROVIDE” insert “A WRITTEN”; in the same line, after “INSURED” insert “ON A FORM APPROVED BY THE COMMISSIONER”; in line

16, strike “RECALCULATION OF” and substitute “INCREASE OR REDUCTION IN”; in line 18, strike “THAT THE INSURED MAY CANCEL” and substitute “THE INSURED’S RIGHT TO TERMINATE”; and in line 20, after “policy” insert “OR RECALCULATE THE PREMIUM FROM THE EFFECTIVE DATE OF THE POLICY”.

On page 5, in line 17, after “§ 12–106(D)(2)” insert “AND (3)”; and in lines 30 and 32, in each instance, strike “October 1, 2012” and substitute “January 1, 2013”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 540 – Senator Astle

AN ACT concerning

Maryland Health Care Commission – Preauthorization of Medical Services and Pharmaceuticals – Standards

SB0540/137778/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 540

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Astle” and substitute “Senators Astle, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, and Pugh”; in lines 2 and 3, strike “Medical Services and Pharmaceuticals – Standards” and substitute “Health Care Services – Benchmarks”; strike beginning with “adopt” in line 4 down through “penalties” in line 8 and substitute “work with payors and providers to attain benchmarks for standardizing and automating the process required by payors for preauthorizing health care services; requiring the benchmarks to include, on or before certain dates, establishment or utilization of certain features; providing that the benchmarks do not apply to certain preauthorizations; requiring the Commission to establish by regulation a process through which a payor or provider may be waived”.

from attaining the benchmarks for certain extenuating circumstances; requiring the Commission, on or before a certain date, to reconvene a certain workgroup for a certain purpose; requiring payors to report to the Commission on or before certain dates on their attainment and plans for attainment of certain benchmarks; requiring the Commission, on or before certain dates, to report to the Governor and to certain committees of the General Assembly on the progress in attaining the benchmarks and, taking into account the recommendations of the workgroup, any adjustment needed to certain benchmark dates; authorizing the Commission to adopt certain regulations; defining certain terms;”; and in lines 9 and 10, strike “certain preauthorization standards” and substitute “benchmarks for preauthorization of health care services”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 4 and 5, inclusive, and substitute:

“(2) “HEALTH CARE SERVICE” HAS THE MEANING STATED IN § 15-10A-01 OF THE INSURANCE ARTICLE.”;

in lines 6 and 7, strike “HAS THE MEANING STATED IN § 19-111 OF THIS SUBTITLE” and substitute “MEANS:

(I) AN INSURER OR NONPROFIT HEALTH SERVICE PLAN THAT PROVIDES HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS ON AN EXPENSE-INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE;

(II) A HEALTH MAINTENANCE ORGANIZATION THAT PROVIDES HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE;
OR

(III) A PHARMACY BENEFITS MANAGER THAT IS REGISTERED WITH THE MARYLAND INSURANCE COMMISSIONER”;

strike in their entirety lines 8 and 9, inclusive; and in line 10, strike “(5)” and substitute “(4)”.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 12 on page 2 through line 3 on page 3, inclusive, and substitute:

“(B) IN ADDITION TO THE DUTIES STATED ELSEWHERE IN THIS SUBTITLE, THE COMMISSION SHALL WORK WITH PAYORS AND PROVIDERS TO ATTAIN BENCHMARKS FOR STANDARDIZING AND AUTOMATING THE PROCESS REQUIRED BY PAYORS FOR PREAUTHORIZING HEALTH CARE SERVICES.

(C) THE BENCHMARKS DESCRIBED IN SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:

(1) ON OR BEFORE OCTOBER 1, 2012 (“PHASE 1”), ESTABLISHMENT OF ONLINE ACCESS FOR PROVIDERS TO EACH PAYOR’S:

(I) LIST OF HEALTH CARE SERVICES THAT REQUIRE PREAUTHORIZATION; AND

(II) KEY CRITERIA FOR MAKING A DETERMINATION ON A PREAUTHORIZATION REQUEST;

(2) ON OR BEFORE MARCH 1, 2013 (“PHASE 2”), ESTABLISHMENT BY EACH PAYOR OF AN ONLINE PROCESS FOR:

(I) ACCEPTING ELECTRONICALLY A PREAUTHORIZATION REQUEST FROM A PROVIDER; AND

(II) ASSIGNING TO A PREAUTHORIZATION REQUEST A UNIQUE ELECTRONIC IDENTIFICATION NUMBER THAT A PROVIDER MAY USE TO TRACK THE REQUEST DURING THE PREAUTHORIZATION PROCESS, WHETHER OR NOT THE REQUEST IS TRACKED ELECTRONICALLY, THROUGH A CALL CENTER, OR BY FAX;

(3) ON OR BEFORE JULY 1, 2013 (“PHASE 3”), ESTABLISHMENT BY EACH PAYOR OF AN ONLINE PREAUTHORIZATION SYSTEM TO APPROVE:

(I) IN REAL TIME, ELECTRONIC PREAUTHORIZATION REQUESTS FOR PHARMACEUTICAL SERVICES:

1. FOR WHICH NO ADDITIONAL INFORMATION IS NEEDED BY THE PAYOR TO PROCESS THE PREAUTHORIZATION REQUEST; AND

2. THAT MEET THE PAYOR'S CRITERIA FOR APPROVAL;

(II) WITHIN 1 BUSINESS DAY AFTER RECEIVING ALL PERTINENT INFORMATION ON REQUESTS NOT APPROVED IN REAL TIME, ELECTRONIC PREAUTHORIZATION REQUESTS FOR PHARMACEUTICAL SERVICES THAT:

1. ARE NOT URGENT; AND

2. DO NOT MEET THE STANDARDS FOR REAL-TIME APPROVAL UNDER ITEM (I) OF THIS ITEM; AND

(III) WITHIN 2 BUSINESS DAYS AFTER RECEIVING ALL PERTINENT INFORMATION, ELECTRONIC PREAUTHORIZATION REQUESTS FOR HEALTH CARE SERVICES, EXCEPT PHARMACEUTICAL SERVICES, THAT ARE NOT URGENT; AND

(4) ON OR BEFORE JULY 1, 2015, UTILIZATION BY PROVIDERS OF:

(I) THE ONLINE PREAUTHORIZATION SYSTEM ESTABLISHED BY PAYORS; OR

(II) IF A NATIONAL TRANSACTION STANDARD HAS BEEN ESTABLISHED AND ADOPTED BY THE HEALTH CARE INDUSTRY, AS DETERMINED BY THE COMMISSION, THE PROVIDER'S PRACTICE MANAGEMENT, ELECTRONIC HEALTH RECORD, OR E-PRESCRIBING SYSTEM.

(D) THE BENCHMARKS DESCRIBED IN SUBSECTIONS (B) AND (C) OF THIS SECTION DO NOT APPLY TO PREAUTHORIZATIONS OF HEALTH CARE

SERVICES REQUESTED BY PROVIDERS EMPLOYED BY A GROUP MODEL HEALTH MAINTENANCE ORGANIZATION AS DEFINED IN § 19–713.6 OF THIS TITLE.

(E) THE ONLINE PREAUTHORIZATION SYSTEM DESCRIBED IN SUBSECTION (C)(3) OF THIS SECTION SHALL:

(1) PROVIDE REAL-TIME NOTICE TO PROVIDERS ABOUT PREAUTHORIZATION REQUESTS APPROVED IN REAL TIME; AND

(2) PROVIDE NOTICE TO PROVIDERS, WITHIN THE TIME FRAMES SPECIFIED IN SUBSECTION (C)(3)(II) AND (III) OF THIS SECTION AND IN A MANNER THAT IS ABLE TO BE TRACKED BY PROVIDERS, ABOUT PREAUTHORIZATION REQUESTS NOT APPROVED IN REAL TIME.

(F) (1) THE COMMISSION SHALL ESTABLISH BY REGULATION A PROCESS THROUGH WHICH A PAYOR OR PROVIDER MAY BE WAIVED FROM ATTAINING THE BENCHMARKS DESCRIBED IN SUBSECTIONS (B) AND (C) OF THIS SECTION FOR EXTENUATING CIRCUMSTANCES.

(2) FOR A PROVIDER, THE EXTENUATING CIRCUMSTANCES MAY INCLUDE:

(I) THE LACK OF BROADBAND INTERNET ACCESS;

(II) LOW PATIENT VOLUME; OR

(III) NOT MAKING MEDICAL REFERRALS OR PRESCRIBING PHARMACEUTICALS.

(3) FOR A PAYOR, THE EXTENUATING CIRCUMSTANCES MAY INCLUDE:

(I) LOW PREMIUM VOLUME; OR

(II) FOR A GROUP MODEL HEALTH MAINTENANCE ORGANIZATION, AS DEFINED IN § 19–713.6 OF THIS TITLE, PREAUTHORIZATIONS

OF HEALTH CARE SERVICES REQUESTED BY PROVIDERS NOT EMPLOYED BY THE GROUP MODEL HEALTH MAINTENANCE ORGANIZATION.

(G) (1) ON OR BEFORE OCTOBER 1, 2012, THE COMMISSION SHALL RECONVENE THE MULTISTAKEHOLDER WORKGROUP WHOSE COLLABORATION RESULTED IN THE 2011 REPORT "RECOMMENDATIONS FOR IMPLEMENTING ELECTRONIC PRIOR AUTHORIZATIONS".

(2) THE WORKGROUP SHALL:

(I) REVIEW THE PROGRESS TO DATE IN ATTAINING THE BENCHMARKS DESCRIBED IN SUBSECTIONS (B) AND (C) OF THIS SECTION; AND

(II) MAKE RECOMMENDATIONS TO THE COMMISSION FOR ADJUSTMENTS TO THE BENCHMARK DATES.

(H) (1) PAYORS SHALL REPORT TO THE COMMISSION:

(I) ON OR BEFORE MARCH 1, 2013, ON:

1. THE STATUS OF THEIR ATTAINMENT OF THE PHASE 1 AND PHASE 2 BENCHMARKS; AND

2. AN OUTLINE OF THEIR PLANS FOR ATTAINING THE PHASE 3 BENCHMARKS; AND

(II) ON OR BEFORE DECEMBER 1, 2013, ON THEIR ATTAINMENT OF THE PHASE 3 BENCHMARKS.

(2) THE COMMISSION SHALL SPECIFY THE CRITERIA PAYORS MUST USE IN REPORTING ON THEIR ATTAINMENT AND PLANS.

(I) (1) ON OR BEFORE MARCH 31, 2013, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE ON:

(I) THE PROGRESS IN ATTAINING THE BENCHMARKS FOR STANDARDIZING AND AUTOMATING THE PROCESS REQUIRED BY PAYORS FOR PREAUTHORIZING HEALTH CARE SERVICES; AND

(II) TAKING INTO ACCOUNT THE RECOMMENDATIONS OF THE MULTISTAKEHOLDER WORKGROUP UNDER SUBSECTION (G) OF THIS SECTION, ANY ADJUSTMENT NEEDED TO THE PHASE 2 OR PHASE 3 BENCHMARK DATES.

(2) ON OR BEFORE DECEMBER 31, 2013, AND ON OR BEFORE DECEMBER 31 IN EACH SUCCEEDING YEAR THROUGH 2016, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE ON THE ATTAINMENT OF THE BENCHMARKS FOR STANDARDIZING AND AUTOMATING THE PROCESS REQUIRED BY PAYORS FOR PREAUTHORIZING HEALTH CARE SERVICES.

(J) IF NECESSARY TO ATTAIN THE BENCHMARKS, THE COMMISSION MAY ADOPT REGULATIONS TO:

(1) ADJUST THE PHASE 2 OR PHASE 3 BENCHMARK DATES;

(2) REQUIRE PAYORS AND PROVIDERS TO COMPLY WITH THE BENCHMARKS; AND

(3) ESTABLISH PENALTIES FOR NONCOMPLIANCE.”

AMENDMENT NO. 4

On page 3, in line 5, strike “October” and substitute “June”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 610 – Senators Benson, Colburn, Klausmeier, and Ramirez

AN ACT concerning

**Crimes – Sale of Drug Paraphernalia to a Minor – Local Law Authorizing
Business License Revocation for a Second or Subsequent Violation**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 814 – Senator Astle

AN ACT concerning

**Public Safety – Elevators – Board Membership, Accessibility Lifts, and Lift
Mechanics**

SB0814/347477/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 814

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Board” in line 2 down through “Mechanics” in line 3 and substitute “Accessibility Lift Mechanic License”; strike beginning with “altering” in line 4 down through the semicolon in line 6; in line 6, before “Board” insert “Elevator Safety Review”; in line 8, after “certain” insert “accessibility”; in the same line, after “mechanics;” insert “requiring the Board to adopt certain regulations to certify a licensed accessibility lift mechanic as an accessibility lift mechanic specialist; establishing that certain persons are not required to obtain certain licenses to conduct certain activities; authorizing an accessibility lift mechanic to provide the services of an accessibility lift mechanic specialist until the Board adopts certain regulations;”; in line 9, strike the first “a” and substitute “an accessibility”; in line 10, strike the first “a” and substitute “an accessibility”; in the same line, after “licensed” insert “accessibility”; in line 11, after “services;” insert “authorizing the Board to issue a certain conditional license for a certain period under certain circumstances;”

providing for a delayed effective date;”; in line 12, after “to” insert “accessibility”; in line 15, strike “12–820(a),”; and in line 20, strike “12–826(e)” and substitute “12–826(e) and (g)”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 2 through 5, inclusive; after line 5, insert:

“(B) “ACCESSIBILITY LIFT MECHANIC” MEANS A PERSON WHO IS ENGAGED IN ERECTING, CONSTRUCTING, WIRING, ALTERING, REPLACING, MAINTAINING, REPAIRING, DISMANTLING, OR SERVICING COMMERCIAL STAIRWAY CHAIRLIFTS, VERTICAL PLATFORM LIFTS, OR INCLINE PLATFORM LIFTS.

(C) “ACCESSIBILITY LIFT MECHANIC SPECIALIST” MEANS A PERSON WHO IS LICENSED AS AN ACCESSIBILITY LIFT MECHANIC AND HAS BEEN CERTIFIED BY THE BOARD TO ERECT, CONSTRUCT, WIRE, ALTER, REPLACE, MAINTAIN, REPAIR, DISMANTLE, OR SERVICE PRIVATE RESIDENTIAL ELEVATORS.”;

in lines 6, 7, 9, 11, 14, 17, 20, 23, 28, and 33, strike “(b)”, “(c)”, “(d)”, “(e)”, “(f)”, “(g)”, “(h)”, “(i)”, “(j)”, and “(k)”, respectively, and substitute “**(D)**”, “**(E)**”, “**(F)**”, “**(G)**”, “**(H)**”, “**(I)**”, “**(J)**”, “**(K)**”, “**(L)**”, and “**(M)**”, respectively; and in lines 19 and 22, in each instance, after “elevator” insert “**OR ACCESSIBILITY LIFT**”.

On page 3, in lines 4, 6, 8, 18, 21, 25, and 27, strike “(l)”, “(m)”, “(n)”, “(P)”, “(Q)”, “(R)”, and “(S)”, respectively, and substitute “**(N)**”, “**(O)**”, “**(P)**”, “**(Q)**”, “**(R)**”, “**(S)**”, and “**(T)**”, respectively; after line 8, insert:

“(1) AN ACCESSIBILITY LIFT MECHANIC LICENSE;”;

in lines 9, 10, 11, and 12, strike “(1)”, “(2)”, “(3)”, and “(4)”, respectively, and substitute “**(2)**”, “**(3)**”, “**(4)**”, and “**(5)**”, respectively; in line 11, strike the brackets; strike beginning with the semicolon in line 12 down through “LICENSE” in line 13; and strike in their entirety lines 14 through 17, inclusive.

On page 4, strike in their entirety lines 6 through 24, inclusive.

AMENDMENT NO. 3

On page 5, in line 2, after “OR” insert “ACCESSIBILITY”; in line 10, strike “A” and substitute “AN ACCESSIBILITY”; strike beginning with “ACCESSIBILITY” in line 12 down through “STATE” in line 13 and substitute “COMMERCIAL STAIRWAY CHAIRLIFTS, VERTICAL PLATFORM LIFTS, OR INCLINE PLATFORM LIFTS IN THE STATE”; after line 26, insert:

“(4) A CRANE MECHANIC PERFORMING WORK ON ELEVATORS OR LIFTS LOCATED ON A PORT FACILITY OWNED, LEASED, OR OPERATED BY THE MARYLAND PORT ADMINISTRATION NEED NOT OBTAIN A LICENSE.

(5) A PERSON INSTALLING A RESIDENTIAL STAIRWAY CHAIRLIFT NEED NOT OBTAIN A LICENSE.

(6) A PERSON WHO IS LICENSED UNDER THIS SUBTITLE AS AN ELEVATOR MECHANIC NEED NOT OBTAIN A LICENSE TO PROVIDE THE SERVICES DESCRIBED IN SUBSECTION (E) OF THIS SECTION.

(G) (1) THE BOARD SHALL ADOPT REGULATIONS, INCLUDING EDUCATION AND EXPERIENCE REQUIREMENTS, TO CERTIFY ACCESSIBILITY LIFT MECHANIC SPECIALISTS TO ERECT, CONSTRUCT, WIRE, ALTER, REPLACE, MAINTAIN, REPAIR, DISMANTLE, OR SERVICE PRIVATE RESIDENTIAL ELEVATORS.

(2) UNTIL THE BOARD ADOPTS REGULATIONS TO CERTIFY ACCESSIBILITY LIFT MECHANIC SPECIALISTS TO PERFORM WORK ON PRIVATE RESIDENTIAL ELEVATORS, AN ACCESSIBILITY LIFT MECHANIC MAY PROVIDE THE SERVICES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

(3) A CANDIDATE ACTIVELY COMPLETING THE CERTIFICATION REQUIREMENTS ADOPTED BY THE BOARD UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY CONTINUE TO PERFORM THAT WORK WITHOUT CERTIFICATION FOR UP TO 4 YEARS AFTER THE EFFECTIVE DATE OF THE REGULATIONS.”;

in line 28, after “(D)” insert “(1)”; in the same line, strike “A” and substitute “AN ACCESSIBILITY”; in line 29, strike “(1) (I)” and substitute “(I) 1.”; and in line 31, after “INDUSTRY”, insert a comma.

On page 6, in lines 3, 5, 10, and 14, strike “(II)”, “(2) (I)”, “(II)”, and “(3)”, respectively, and substitute “2.”, “(II) 1.”, “2.”, and “(III)”, respectively; in line 7, after “INDUSTRY”, insert a comma; after line 19, insert:

“(2) THE BOARD MAY ISSUE A CONDITIONAL LICENSE UNDER THIS SUBSECTION THAT IS EFFECTIVE UNTIL JANUARY 1, 2017, TO A CANDIDATE ACTIVELY COMPLETING THE EDUCATIONAL REQUIREMENTS DESCRIBED IN PARAGRAPH (1)(II)2 OF THIS SUBSECTION.”;

in line 21, strike “A LIFT” and substitute “AN ACCESSIBILITY LIFT”; in the same line, strike “IT” and substitute “THE LICENSE”; in line 23, strike “ACCESSIBILITY LIFTS AND DUMBWAITERS” and substitute “COMMERCIAL STAIRWAY CHAIRLIFTS, VERTICAL PLATFORM LIFTS, OR INCLINE PLATFORM LIFTS”; and in line 26, strike “October 1, 2012” and substitute “January 1, 2013”.

The preceding 3 amendments were read only.

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

The motion was adopted.

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

Senate Bill 901 – Senator Klausmeier

AN ACT concerning

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

SB0901/877273/1

BY: Finance Committee

(First Reading File Bill)

AMENDMENT NO. 1

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

AMENDMENT NO. 2

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

AMENDMENT NO. 3

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

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

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

On page 3, after line 3, insert:

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

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

The preceding 3 amendments were read only.

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

The motion was adopted.

MOTION

Senator Kelley moved, duly seconded, that the Senate receive in Open Session the following Report from the Committee on Executive Nominations.

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #7

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #7
March 22, 2012

Arts Council, Maryland State

1. Carla R. DuPree District 12
10391 May Wind Court
Columbia, MD 21044

Member of the Maryland State Arts Council; appointed to serve remainder of a term of three years from July 1, 2011

2. Sandra M. Oxx District 4
6704 Old Stonehouse Lane
New Market, MD 21774

Member of the Maryland State Arts Council; appointed to serve a term of three years from July 1, 2012

Chiropractic and Massage Therapy Examiners, State Board of

3. Joanne M. Bushman, D.C. District 38
30349 Holly Lane
Delmar, MD 21875

Member of the State Board of Chiropractic and Massage Therapy Examiners; appointed to serve a term of four years from July 1, 2011

Economic Development Commission, Maryland

4. Tracy Tyler District 37
3536 Indian Grant Road
East New Market, MD 21631

Member of the Maryland Economic Development Commission; appointed to serve a term of three years from July 1, 2009

Elections, State Board of

5. Bobbie Sue Mack District 25
3001 Marcando Lane
Upper Marlboro, MD 20774

Member of the State Board of Elections; reappointed to serve a term of four years from July 1, 2012

6. David J. McManus, Jr., Esq. District 42
6730 Charles Street Avenue
Towson, MD 21204

Member of the State Board of Elections; reappointed to serve a term of four years from July 1, 2011

7. Charles E. Thomann District 30
1606 Laurel Lane
Annapolis, MD 21409

Member of the State Board of Elections; reappointed to serve a term of four years from July 1, 2011

Health Benefit Exchange Board, Maryland

8. Thomas S. Saquella District 36
15 Greenwood Shoals
Grasonville, MD 21638

Member of the Maryland Health Benefit Exchange Board; appointed to serve a term to expire May 31, 2013

Historical Trust, Board of Trustees of the Maryland

9. Samuel J. Parker, Jr. District 22
5601 57th Avenue
Riverdale, MD 20737

Member of the Board of Trustees of the Maryland Historical Trust; appointed to serve remainder of a term of four years from July 1, 2010

Indian Affairs, Commission on

10. Virginia R. Busby District 7
3174 Freestone Court
Abingdon, MD 21009

Member of the Commission on Indian Affairs; reappointed to serve a term of three years from July 1, 2009 and a term of three years from July 1, 2012

11. Kathryn E.R. Fitzhugh District 37
2363 Elliott Island Road
Vienna, MD 21869

Member of the Commission on Indian Affairs; reappointed to serve a term of three years from July 1, 2011

12. Guy G. Wells District 36
201 S. 6th Street
Denton, MD 21629

Member of the Commission on Indian Affairs; reappointed to serve a term of three years from July 1, 2010

13. Thomas W. Windsor, II District 47
4917 78th Avenue
Hyattsville, MD 20784

Member of the Commission on Indian Affairs; reappointed to serve a term of three years from July 1, 2011

14. Leanora E. Winters District 27
9260 Sam Owings Place
Owings, MD 20736

Member of the Commission on Indian Affairs; appointed to serve a term of three years from July 1, 2011

Industrial Development Financing Authority, Maryland

15. Gregory A. Davis District 99
916 G Street, NW
Washington, DC 20001

Member of the Maryland Industrial Development Financing Authority; reappointed to serve a term of five years from July 1, 2009

Marine Contractors Licensing Board

16. Richard J. Ayella District 9
9879 Fox Hill Court
Ellicott City, MD 21042

Member of the Marine Contractors Licensing Board; appointed to serve a term of three years from October 1, 2010

17. Jack R. Beckwith District 29
28799 Three Notch Road
Mechanicsville, MD 20659

Member of the Marine Contractors Licensing Board; appointed to serve a term of three years from October 1, 2010

Maryland Legal Services Corporation Board of Directors

18. Glenn F. Ivey District 47
2700 Valley Way
Cheverly, MD 20785

Member of the Maryland Legal Services Corporation Board of Directors; appointed to serve a term of three years from July 1, 2012

Patuxent Institution Board of Review

19. Wayne S. Price, Sr. District 47
7212 Hawthorne Street
Landover, MD 20785

Member of the Patuxent Institution Board of Review; reappointed to serve a term of four years from March 21, 2012

Physical Therapy Examiners, State Board of

20. Delores Alexander District 10
9905 Shoshone Way
Randallstown, MD 21133

Member of the State Board of Physical Therapy Examiners; appointed to serve a term of four years from June 1, 2012

Physicians, State Board of

21. Devinder Singh, M.D. District 46
717 S. President Street, #505
Baltimore, MD 21202

Member of the State Board of Physicians; appointed to serve a term of four years from July 1, 2011

Procurement Advisory Council

22. Nancy C. West, Esq. District 42
905 Fairway Drive
Towson, MD 21286

Member of the Procurement Advisory Council; appointed to serve a term of two years from the first Monday in May, 2011

Professional Standards and Teacher Education Board

23. Dawn Pipkin District 29
P.O. Box 476
Hollywood, MD 20636

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2012

24. Valerie Saxton Sharpe District 9
5104 Bonnie Brae Court
Ellicott City, MD 21043

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2012

Psychologists, State Board of

25. Irene W. Leigh, Ph.D. District 16
10910 Brewer House Road
Rockville, MD 20852

Member of the State Board of Psychologists; appointed to serve remainder of a term of four years from July 1, 2008 and a term of four years from July 1, 2012

Real Estate Appraisers and Home Inspectors, State Commission of

26. Steven P. O'Farrell District 2
18825 Crofton Road
Hagerstown, MD 21742

Member of the State Commission of Real Estate Appraisers and Home Inspectors; appointed to serve remainder of a term of three years from January 1, 2010

27. Derek E. Owings District 9
482 Talon Lane
Sykesville, MD 21784

Member of the State Commission of Real Estate Appraisers and Home Inspectors; appointed to serve a term of three years from January 1, 2012

Rural Legacy Board, Advisory Committee to the

28. Edward A. Halle, Jr., Esq. District 5
4081 Mt. Zion Road
Upperco, MD 21155

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve a term of three years from July 1, 2011

Social Work Examiners, State Board of

29. Mark R. Lannon District 2
12738 Little Antietam Road
Hagerstown, MD 21742

Member of the State Board of Social Work Examiners; appointed to serve a term of four years from July 1, 2012

30. Thelma P. Rich District 44
2425 Harlem Avenue
Baltimore, MD 21216

Member of the State Board of Social Work Examiners; appointed to serve a term of four years from July 1, 2012

Technology Development Corporation Board of Directors, Maryland

31. Konstantina M. Katcheves, Esq. District 9
2821 Brian Court
Ellicott City, MD 21043

Member of the Maryland Technology Development Corporation Board of Directors; appointed to serve a term of four years from July 1, 2009

Tourism Development Board, Maryland

32. Gail E. Smith–Howard District 12
12109 Gold Ribbon Way
Columbia, MD 21044

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

Veterans' Home Commission, Maryland

33. Glynn E. Parker, (Ret.) District 26
1520 Birchwood Drive
Oxon Hill, MD 20745

Member of the Maryland Veterans' Home Commission; appointed to serve remainder of a term of five years from July 1, 2009

34. Terry T. Shima District 17
415 Russell Avenue #1005
Gaithersburg, MD 20877

Member of the Maryland Veterans' Home Commission; appointed to serve remainder of a term of five years from July 1, 2007

Veterinary Medical Examiners, State Board of

35. Sarah T. Hruda District 28
9185 Keechland Farm Road
Newburg, MD 20664

Member of the State Board of Veterinary Medical Examiners; appointed to serve a term of five years from June 1, 2012

Women, Maryland Commission for

36. Patricia J. Omana District 13
9440 Fens Hollow
Laurel, MD 20723

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

37. Patricia E. Owens District 4
6525 Fish Hatchery Road
Thurmont, MD 21788

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

38. Michelle C. Revells
6325 Stiles Place
Hughesville, MD 20637
- District 28

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

Statewide Nominees

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

Certified Interior Designers, State Board of

- S-1. Karen Zopf
716 Hickory Lot Road
Towson, MD 21286
- District 42

Member of the State Board of Certified Interior Designers; reappointed to serve a term of three years from July 1, 2012

Economic Development Commission, Maryland

- S-2. Tracy Tyler
3536 Indian Grant Road
East New Market, MD 21631
- District 37

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2012

Elections, State Board of

- S-3. Rachel T. McGuckian, Esq.
3500 King William Drive
Olney, MD 20832
- District 14

Member of the State Board of Elections; reappointed to serve a term of four years from July 1, 2011

Indian Affairs, Commission on

- S-4. Sherry L. Majors District 38
27499 Mount Vernon Road
Princess Anne, MD 21853

Member of the Commission on Indian Affairs; reappointed to serve a term of three years from July 1, 2010

Injured Workers' Insurance Fund, Board for the

- S-5. Leonard G. Schuler, Jr. District 5
3 Old Garrett Court
White Hall, MD 21161

Member of the Board for the Injured Workers' Insurance Fund; reappointed to serve a term of five years from June 1, 2012

Nursing Home Administrators, State Board of Examiners of

- S-6. Belinda B. Strayhorn District 32
110 Bunker Hill Lane
Odenton, MD 21113

Member of the State Board of Examiners of Nursing Home Administrators; reappointed to serve a term of four years from April 22, 2012

Optometry, State Board of Examiners in

- S-7. Kisha Fields Matthews District 11
8227 Township Drive
Owings Mills, MD 21117

Member of the State Board of Examiners in Optometry; reappointed to serve a term of four years from June 1, 2012

Parole Commission, Maryland

- S-8. Christopher John Reynolds, Esq. District 29
3411 Abelia Road
Port Republic, MD 20676

Member of the Maryland Parole Commission; reappointed to serve a term of six years from January 1, 2012

Patuxent Institution Board of Review

- S–9. Arnold J. Hopkins District 5
404 Rockfleet Road, Unit 204
Lutherville, MD 21093

Member of the Patuxent Institution Board of Review; reappointed to serve a term of four years from March 21, 2012

Pharmacy, State Board of

- S–10. Richard W. Matens District 45
2401 Pelham Avenue
Baltimore, MD 21213

Member of the State Board of Pharmacy; reappointed to serve a term of four years from July 1, 2012

Physicians, State Board of

- S–11. Laura E. Henderson, M.D. District 2
1303 Lindsay Lane
Hagerstown, MD 21742

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2011

- S–12. Beryl J. Rosenstein, M.D. District 11
3316 Woodvalley Drive
Baltimore, MD 21208

Member of the State Board of Physicians; appointed to serve a term of four years from July 1, 2011

Podiatric Medical Examiners, State Board of

- S–13. Barbara A. Crosby District 43
1014 Upnor Road
Baltimore, MD 21212

Member of the State Board of Podiatric Medical Examiners; reappointed to serve a term of four years from July 1, 2012

Police Training Commission

S-14. Charles H. Hinnant District 1
20 Bedford Street
Cumberland, MD 21502

Member of the Police Training Commission; reappointed to serve a term of three years from June 1, 2012

Professional Standards and Teacher Education Board

S-15. Shirley Brandman District 16
6715 Landon Lane
Bethesda, MD 20817

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2012

S-16. Ayana English-Brown District 27
9501 Meadow Lark Avenue
Upper Marlboro, MD 20772

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2012

S-17. Alyssia J. James, Ed.D. District 22
9105 Wellington Place
Lanham, MD 20706

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of 3 years from July 1, 2012

Psychologists, State Board of

S-18. Harriet B. Rakes District 13
8357 Tamar Drive, #423
Columbia, MD 21045

Member of the State Board of Psychologists; reappointed to serve a term of four years from July 1, 2012

S–19. Steven A. Sobelman, Ph.D.
2901 Boston Street, #410
Baltimore, MD 21224

District 46

Member of the State Board of Psychologists; reappointed to serve a term of four years from July 1, 2012

Racing Commission, State

S–20. Mary Louise Preis
810 Drohomer Place
Baltimore, MD 21210

District 41

Member of the State Racing Commission; reappointed to serve a term of four years from July 1, 2012

S–21. Charles G. Tildon, III
5616 Cross Country Boulevard
Baltimore, MD 21209

District 41

Member of the State Racing Commission; reappointed to serve a term of four years from July 1, 2012

Social Work Examiners, State Board of

S–22. Lillye McNeill Dumas–Wells
3662 Forest Hill Road
Baltimore, MD 21207

District 10

Member of the State Board of Social Work Examiners; reappointed to serve a term of four years from July 1, 2012

S–23. Annie Denise Peak
9909 Old Indian Head Road
Upper Marlboro, MD 20772

District 27

Member of the State Board of Social Work Examiners; reappointed to serve a term of four years from July 1, 2012

Transportation Authority, Maryland

S-24. Peter J. Basso District 17
514 Mannakee Street
Rockville, MD 20850

Member of the Maryland Transportation Authority; reappointed to serve a term of four years from July 1, 2011

S-25. William C. Calhoun, Sr. District 41
932 N. Central Avenue
Baltimore, MD 21202

Member of the Maryland Transportation Authority; reappointed to serve a term of four years from July 1, 2012

S-26. Mary Beyer Halsey District 34
207 Smith Road
Rising Sun, MD 21911

Member of the Maryland Transportation Authority; reappointed to serve a term of four years from July 1, 2011

S-27. A. Bradley Mims District 27
10007 Welshire Drive
Upper Marlboro, MD 20772

Member of the Maryland Transportation Authority; reappointed to serve a term of four years from July 1, 2012

S-28. Michael J. Whitson District 29
28264 Old Village Road
Mechanicsville, MD 20659

Member of the Maryland Transportation Authority; reappointed to serve a term of four years from July 1, 2012

S-29. Walter E. Woodford, Jr. District 36
212 Overlook Lane, P.O. Box 337
Centreville, MD 21617

Member of the Maryland Transportation Authority; reappointed to serve a term of four years from July 1, 2012

Veterans' Home Commission, Maryland

S-30. Terry T. Shima District 17
415 Russell Avenue, #1005
Gaithersburg, MD 20877

Member of the Maryland Veterans' Home Commission; reappointed to serve a term of five years from July 1, 2012

Waterworks and Waste Systems Operators, State Board of

S-31. Hiram Tanner District 23
12308 Longwater Drive
Mitchellville, MD 20721

Member of the State Board of Waterworks and Waste Systems Operators; reappointed to serve a term of four years from July 1, 2012

Local Nominees

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

Allegany College Board of Trustees

L-1. James J. Ortiz District 1
705 Montgomery Avenue
Cumberland, MD 21502

Member of the Allegany College Board of Trustees; reappointed to serve a term of six years from July 1, 2012

L-2. Barry P. Ronan District 1
15119 Trail Ridge Road, SW
Cumberland, MD 21502

Member of the Allegany College Board of Trustees; reappointed to serve a term of six years from July 1, 2012

Anne Arundel Community College Board of Trustees

- L-3. Cassandra Holly District 32
714 Broadview Boulevard, North
Glen Burnie, MD 21061

Member of the Anne Arundel Community College Board of Trustees; appointed to serve a term of one year from July 1, 2012

- L-4. James H. Johnson, Jr., Ph.D. District 30
1045 Skidmore Drive
Annapolis, MD 21409

Member of the Anne Arundel Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2012

- L-5. Jerome W. Klasmeier District 33
1077 Overcrest Drive
Crownsville, MD 21032

Member of the Anne Arundel Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2012

College of Southern Maryland, Board of Trustees of the

- L-6. Michael L. Middleton District 28
8410 Evesham Place
La Plata, MD 20646

Member of the Board of Trustees of the College of Southern Maryland; reappointed to serve a term of five years from July 1, 2012

Frederick Community College Board of Trustees

- L-7. Marvin E. Ausherman District 3
6450 Christophers Crossing
Frederick, MD 21702

Member of the Frederick Community College Board of Trustees; appointed to serve a term of five years from July 1, 2012

Hagerstown Community College Board of Trustees

- L–8. L. William Proctor, Jr., Esq. District 2
19625 Spring Creek Road
Hagerstown, MD 21742

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

- L–9. John D. Williamson District 2
1004 The Terrace
Hagerstown, MD 21742

Member of the Hagerstown Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2006 and a term of six years from July 1, 2012

Montgomery Community College Board of Trustees

- L–10. Michael Knapp District 15
17525 Charity Lane
Germantown, MD 20874

Member of the Montgomery Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2006 and a term of six years from July 1, 2012

St. Mary's County Alcohol Beverage Board

- L–11. Moses P. Saldana, Jr. District 29
27910 Queentree Road
Mechanicsville, MD 20659

Member of the St. Mary's County Alcohol Beverage Board; reappointed to serve a term of four years from January 1, 2012

St. Mary's County Orphans' Court

- L–12. William M. Mattingly District 29
36325 Notley Woods Lane, P.O. Box 220
Chaptico, MD 20621

Member of the St. Mary's County Orphans' Court; appointed to serve remainder of a term of four years from the General Election of November 2010

Washington County Board of Elections

L-13. William G. Blazes, Jr. District 2
11901 Beaverdale Road
Smithsburg, MD 21783

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

Worcester County Board of Elections

L-14. Mark S. Frostrom, Sr. District 38
940 Bishop Road
Pocomoke City, MD 21851

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

Senator Kelley moved, duly seconded, to make the Report a Special Order for March 23, 2012.

The motion was adopted.

MESSAGE TO THE SENATE

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

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

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

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

The House appoints:
Delegate Dumais, Chairman
Delegate Anderson, and
Delegate McDermott.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 688)

ADJOURNMENT

At 12:36 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 11:00 A.M. on Legislative Day March 20, 2012, Calendar Day, Friday, March 23, 2012.

Annapolis, Maryland
Legislative Day: March 20, 2012
Calendar Day: Friday, March 23, 2012
11:00 A.M. Session

The Senate met at 11:10 A.M.

Prayer by Reverend Megan Foley, Sugarloaf Congregation of Unitarian Universalists, guest of Senator Raskin.

(See Exhibit A of Appendix III)

The Journal of March 19, 2012 was read and approved.

On motion of Senator Garagiola it was ordered that Senator Robey be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 690)

Maryland Day Presentation by Senator Roy Dyson

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 624 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
The Honorable Barbara A. Mikulski
in recognition of
attaining the admirable milestone of becoming
the longest-serving female member of
the United States Congress.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 23rd day of March 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 691)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #45

Senate Bill 180 – Senators Pugh, Benson, Forehand, King, Klausmeier, Madaleno, Manno, Middleton, Montgomery, Raskin, and Young

AN ACT concerning

Health Occupations – State Board of Naturopathic Medicine

Senator Conway moved, duly seconded, to recommit the Bill.

The motion was adopted.

Senate Bill 362 – Senators Pugh, Benson, Conway, Currie, Forehand, Garagiola, Jones–Rodwell, Madaleno, McFadden, ~~and Stone~~ Stone, Ferguson, Pinsky, and Rosapepe

AN ACT concerning

Education – Age for Compulsory Public School Attendance – Exemptions

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

Affirmative – 30 Negative – 16 (See Roll Call No. 692)

The Bill was then sent to the House of Delegates.

Senate Bill 452 – Senators Middleton, Astle, Glassman, Klausmeier, and Pipkin

AN ACT concerning

Other Tobacco Products Licenses – ~~Repeal~~ – Restrictions on Sale, Distribution, and Shipment – Exemptions

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

Affirmative – 46 Negative – 0 (See Roll Call No. 693)

The Bill was then sent to the House of Delegates.

Senate Bill 597 – Senator McFadden

AN ACT concerning

Elections – Baltimore City – Election Dates

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

Affirmative – 36 Negative – 10 (See Roll Call No. 694)

The Bill was then sent to the House of Delegates.

Senate Bill 602 – Senator Dyson

AN ACT concerning

**Public Safety – Building Performance Standards – ~~Fire and Life Safety~~
Automatic Fire Sprinkler Systems**

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

Affirmative – 35 Negative – 10 (See Roll Call No. 695)

The Bill was then sent to the House of Delegates.

Senate Bill 674 – Senator Rosapepe

EMERGENCY BILL

AN ACT concerning

**Primary and Secondary Education – Online Courses and Services – ~~Local~~
~~Approval and Reporting Requirements~~ Development or Review and
Approval**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 696)

The Bill was then sent to the House of Delegates.

Senate Bill 918 – Senators Ferguson, Benson, Kittleman, and Raskin

AN ACT concerning

Election Law – Campaign Contributors – Occupation and Employer

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

Affirmative – 40 Negative – 6 (See Roll Call No. 697)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 326 (Emergency Bill)	Sen. DeGrange	Maryland Consolidated Capital Bond Loan of 2005 – Anne Arundel County – Benson–Hammond House

Endorsed as having been read the third time and passed by yeas and nays in the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 19 – Delegate Kach

AN ACT concerning

State Retirement and Pension System – Military Service Credit – Reservists

FOR the purpose of authorizing certain members of the State Retirement and Pension System who are members of a reserve component of the armed forces of the United States to receive a certain amount of service credit under certain circumstances for military service as a member of a reserve component of the armed forces of the United States; and generally relating to military service credit for members of a reserve component of the armed forces of the United States.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 38–103(d) and 38–104(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 193 – Delegate Walker

AN ACT concerning

Consumer Protection – Home Appliances – Warranty Enforcement

FOR the purpose of requiring a manufacturer of home appliances or its agent to repair or correct a nonconformity in a home appliance at no cost to the consumer if the home appliance does not conform to the manufacturer's express warranties; providing that a manufacturer's obligation to repair or correct a nonconformity under this Act applies only if the consumer satisfies certain conditions; requiring a manufacturer, under certain circumstances and at the option of the consumer, to replace a home appliance with a comparable home appliance or accept return of a home appliance and refund the purchase price less certain reasonable allowances; requiring that a refund of the purchase price be made to the consumer and any holder of a perfected security interest in the home appliance in a certain manner; providing that the manufacturer is responsible for the cost of returning a home appliance to the manufacturer; providing for certain affirmative defenses; establishing a certain presumption; providing for the extension of the term of a manufacturer's express warranty by any time during which a home appliance is out of service for repair of a nonconformity; providing for the extension of the term of a manufacturer's express warranty and a certain out-of-service period if repair services are not available for certain reasons; providing that this Act does not limit the rights and remedies that otherwise are available to a consumer under any other law; providing that a consumer is not required to resort to a certain informal dispute settlement procedure before certain provisions of this Act apply; providing that a consumer who resorts to an informal dispute resolution procedure may not be precluded from seeking other available remedies; providing that an agreement for the purchase of a home appliance is void to the extent that it attempts to waive, limit, or disclaim certain rights of a consumer; providing that a manufacturer that fails to comply with certain provisions of this Act is liable to the consumer for certain damages; authorizing a court to award reasonable attorney's fees to a prevailing plaintiff in an action brought under this Act; authorizing a court to order a party to pay to the other party reasonable attorney's fees if it appears that an action is brought in bad faith or is frivolous in nature; requiring that an action brought under this Act be brought within a certain time; providing that a violation of certain provisions of this Act is an unfair or deceptive trade practice

within the meaning of the Maryland Consumer Protection Act; prohibiting a consumer who recovers damages under certain provisions of this Act from recovering damages for the same violation under a certain provision of the Maryland Consumer Protection Act; providing for the application of this Act; defining certain terms; and generally relating to home appliances and the enforcement of manufacturers' express warranties on home appliances.

BY adding to

Article – Commercial Law

Section 14–15A–01 through 14–15A–08 to be under the new subtitle “Subtitle 15A. Home Appliance Warranty Enforcement Act”

Annotated Code of Maryland

(2005 Replacement Volume and 2011 Supplement)

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

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

AN ACT concerning

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

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 altering~~ 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~~ that apply to an individual at least a certain age; and generally relating to driver education requirements for obtaining a provisional driver's license.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 16–105(d) and 16–111(b)

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

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

House Bill 362 – Delegates Rudolph and James

AN ACT concerning

Northeast Maryland Higher Education Advisory Board

FOR the purpose of establishing the Northeast Maryland Higher Education Advisory Board; providing for the composition, appointment, and terms of the Board members; providing for a chair of the Board and the establishment of certain committees; prohibiting Board members from receiving certain compensation but entitling Board members to reimbursement for certain expenses; providing for the powers and duties of the Board; authorizing the Board to apply, accept, and expend certain gifts, appropriations, or grants; authorizing the Board to adopt a corporate seal; requiring the Board to keep certain records and be subject to certain audits; requiring the Advisory Board to the Higher Education and Conference Center at HEAT to take a certain action on or before a certain date; declaring the intent of the General Assembly; defining certain terms; and generally relating to the establishment of the Northeast Maryland Higher Education Advisory Board.

BY adding to

Article – Education

Section 24–901 through 24–904 to be under the new subtitle “Subtitle 9. Northeast Maryland Higher Education Advisory Board”

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

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

House Bill 589 – Delegates A. Miller, McComas, Stein, Beidle, Arora, Hixson, Howard, Ivey, Lee, Luedtke, S. Robinson, Stukes, and Waldstreicher

AN ACT concerning

Criminal Law – Controlled Dangerous Substances – Mephedrone

FOR the purpose of listing mephedrone and certain similar chemical compounds on Schedule I for purposes of designating controlled dangerous substances that may not be legally used, possessed, or distributed; and generally relating to controlled dangerous substances and mephedrone.

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 5–402(d)

Annotated Code of Maryland

(2002 Volume and 2011 Supplement)

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

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

AN ACT concerning

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

FOR the purpose of exempting certain individuals who are retirees of the Employees' Retirement System or the Employees' Pension System from certain earnings offsets under certain circumstances if the individuals are reemployed as parole and probation employees; requiring the Secretary of Public Safety and Correctional Services to submit a certain report on certain retirees on or before a certain date; and generally relating to reemployment of certain retirees of the Employees' Retirement System or Employees' Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 22–406(c)(4)(viii) and (ix) and 23–407(c)(4)(vi) and (vii)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 22–406(c)(4)(x) and (p) and 23–407(c)(4)(viii) and (p)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 664 – Delegates Simmons, Dumais, K. Kelly, Kramer, and Krebs

AN ACT concerning

Crimes – Committing a Crime of Violence in the Presence of a Minor – Penalties

FOR the purpose of prohibiting a person from committing a certain crime of violence when the person knows or reasonably should know that a minor is present; establishing certain circumstances under which a minor is present in a residence; establishing certain penalties for a violation of this Act; establishing that a sentence under this Act is separate from and consecutive to a sentence for a crime based on the act establishing a violation of this Act; providing that a person who violates this Act is guilty of the abuse of a child under 18 for certain purposes; and generally relating to the commission of crimes of violence in the presence of minors.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings

Section 9–106(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY adding to
Article – Criminal Law
Section 3–601.1
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 5–101(a) and (c)
Annotated Code of Maryland
(2011 Replacement Volume)

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

**House Bill 666 – Delegates Smigiel, Dwyer, George, McComas, McConkey,
McDermott, and Ready**

AN ACT concerning

Criminal Procedure – Victims’ Rights – Remedy and Priority of Restitution

FOR the purpose of expanding the applicability of certain appeal rights from a victim of a violent crime to a victim of a nonviolent crime; authorizing a certain victim to appeal to the Court of Special Appeals from a certain final order; providing that the filing of a certain appeal or application for leave to appeal does not stay certain other proceedings unless the court finds that the accused’s right to a speedy trial or adjudication will not be violated; providing that if the court finds that a victim’s right under a certain provision of law was not considered or was improperly denied, the court may grant the victim relief provided the remedy does not violate a certain constitutional right of a defendant or child respondent; prohibiting a court from providing a remedy that modifies a certain sentence or commitment unless the victim requests relief from a violation of the victim’s right within a certain number of days of the alleged violation; altering a provision of law so as to provide that payment of restitution to a victim has priority over any payments to any other person or governmental unit, subject to certain exceptions; providing for the application of this Act; and generally relating to enforcement of victims’ rights and priority of restitution.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–103 and 11–606
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–617(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

House Bill 753 – Delegate Kach

AN ACT concerning

Maryland State Board of Morticians and Funeral Directors – Permits and Registration Required to Remove and Transport Human Remains

FOR the purpose of requiring a mortuary transport service to hold a permit issued by the Maryland State Board of Morticians and Funeral Directors before removing or transporting human remains in this State; ~~authorizing the Board to restrict the operations of certain permit holders;~~ establishing certain application requirements for obtaining a permit; requiring a mortuary transport service to meet certain standards to qualify for a permit; requiring permit holders to use vehicles that have passed an inspection by certain inspectors; requiring certain permit holders to employ only certain registered transporters for certain purposes; establishing the term and procedures for the renewal of a permit; requiring that certain signs and advertisements display the name that appears on a permit; requiring that individuals employed by certain permit holders be registered with the Board before removing and transporting human remains; establishing certain requirements for obtaining registration; requiring the Board to register an individual who meets certain standards; requiring that registered transporters treat certain decedents with certain dignity and display a certain permit; authorizing the Board to deny a permit or registration to an applicant, reprimand a permit holder or registered transporter, or suspend or revoke a permit or registration under certain circumstances; providing for certain criminal and civil penalties; requiring the Board to adopt certain regulations; defining certain terms; and generally relating to the Maryland State Board of Morticians and Funeral Directors and requiring permits and registration for removing and transporting human remains.

BY renumbering

Article – Health Occupations
Section 7–601 and 7–602, respectively, and the subtitle “Subtitle 6. Short Title; Termination of Title”
to be Section 7–701 and 7–702, respectively, and the subtitle “Subtitle 7. Short Title; Termination of Title”
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 7–101(a), (d), (k), (l), and (p)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Health Occupations
Section 7–601 through ~~7–606~~ 7–607 to be under the new subtitle “Subtitle 6.
Mortuary Transport Services”
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

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

AN ACT concerning

State Retirement and Pension System – Transfer of Members Between Systems

FOR the purpose of providing that if an individual who was a member of one of the several systems in the State Retirement and Pension System on a certain date becomes a member of another one of the several systems on or after a certain date, the individual shall be considered to be a new member of the subsequent system as of a certain date, ~~but is subject to certain requirements that were in place for the subsequent system on a certain date;~~ and is subject to the same requirements to which an individual who was a member of the subsequent system on a certain date and remains a member on a certain date is subject; providing for the application of this Act; and generally relating to the transfer of members between the State retirement and pension systems on or after a certain date.

BY adding to
Article – State Personnel and Pensions
Section 23–215.2, 24–208, 25–207, and 26–207
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 823 – Delegate Waldstreicher

AN ACT concerning

Orphans' Court – Minor – Guardianship of the Person

FOR the purpose of altering the authority of an orphans' court to exercise jurisdiction over guardianship of the person of a minor by repealing a certain requirement that the presiding judge of the orphans' court be a member of the Bar of Maryland; providing that an orphans' court may exercise jurisdiction over guardianship of the person of a minor in uncontested matters; providing for the application of this Act; and generally relating to the jurisdiction of an orphans' court over guardianship of the person of a minor.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 13–105
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

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

House Bill 825 – ~~Delegate Malone~~ Delegates Malone and Glenn

AN ACT concerning

Vehicle Laws – Registration Plates for Motorcycles – Individuals with Disabilities

FOR the purpose of authorizing an individual to possess a certain number of certain special registration plates for individuals with disabilities for certain motorcycles in addition to the special registration plate and parking placards authorized under certain provisions of law; and generally relating to special registration plates and parking placards for individuals with disabilities.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–616(c) and 13–616.1(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 835 – Delegate Barnes

AN ACT concerning

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

FOR the purpose of altering a certain definition of “public safety employee” so as to apply a certain workers’ compensation provision relating to permanent partial disability benefits to police officers employed by the Washington Metropolitan Area Transit Authority; and generally relating to permanent partial disability benefits provided under workers’ compensation.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–628
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

House Bill 1027 – Delegates Barkley and Vaughn

AN ACT concerning

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

FOR the purpose of altering the definition of “debt cancellation agreement”, for purposes of certain provisions of law governing retail installment sales and closed end credit, to include, under certain circumstances, an agreement under which the outstanding balance of a loan is reduced by the actual cash value of a certain motor vehicle or of certain collateral at the time of loss; altering the definitions of “outstanding balance” and “remaining loan balance” to exclude any ~~other items as agreed to by the parties and stated in the debt cancellation agreement~~ deferred payments and the refundable portion of any financed taxes and charges; and generally relating to credit regulation and debt cancellation agreements.

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 12–601(a) and 12–1001(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 12–601(h) and (p) and 12–1001(h) and (l)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

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

House Bill 1031 – Delegates Alston and Vallario

AN ACT concerning

Criminal Procedure – Right of Appeal from Final Judgments – Conditional Guilty Plea

FOR the purpose of providing that an appeal from a final judgment entered following a conditional plea of guilty may be taken in accordance with the Maryland Rules; defining a certain term; and generally relating to the right of appeal from final judgments in criminal cases.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 12–302(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

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

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

AN ACT concerning

Workers’ Compensation – Emergency Responders – Revisions

FOR the purpose of altering the definition of “on duty” in the workers’ compensation law to include the performance of certain duties assigned to certain individuals appointed as deputy sheriffs or members of a certain fire police unit; altering the definition of “volunteer company” to include a volunteer fire police unit; specifying that a certain yearly stipend to help offset out-of-pocket expenses that is paid to certain emergency responders may not be used when determining the average weekly wage of the members for workers’ compensation purposes; specifying that certain emergency responders who receive a certain membership benefit may not be considered employees for a certain purpose based on receipt of a certain membership benefit; and generally relating to workers’ compensation for emergency responders.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–234 and 9–602(g)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Labor and Employment

Section 9-602(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

~~BY adding to
Article – Labor and Employment
Section 9-604(e)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)~~

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

House Bill 1105 – Delegates Huckler and Love

AN ACT concerning

Homeowner’s or Renter’s Insurance and Private Passenger Motor Vehicle Insurance – Bundling Requirement – Prohibited

FOR the purpose of prohibiting an insurer, with respect to homeowner’s insurance or renter’s insurance, from denying, refusing to renew, or canceling coverage solely because the applicant or policyholder does not carry private passenger motor vehicle insurance with the insurer; prohibiting an insurer, with respect to private passenger motor vehicle insurance, from denying, refusing to renew, or canceling coverage solely because the applicant or policyholder does not carry homeowner’s insurance or renter’s insurance with the insurer; providing that this Act does not prohibit certain actions by an applicant, a policyholder, or an insurer with respect to certain insurance policies; providing for the application of this Act; and generally relating to bundling policies of homeowner’s insurance or renter’s insurance and private passenger motor vehicle insurance.

BY adding to
Article – Insurance
Section 27-501(r)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 1279 – Delegates Malone and McHale

AN ACT concerning

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

FOR the purpose of requiring a custodian of certain records of the Motor Vehicle Administration containing personal information to disclose certain personal information related to plug-in vehicles for certain use by an electric company subject to certain restrictions; and generally relating to the disclosure of personal information related to plug-in vehicles from the records of the Motor Vehicle Administration.

BY repealing and reenacting, without amendments,
Article – State Government
Section 10–616(p)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–616(p)(5)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 1431 – Delegates O’Donnell, Bohanan, Fisher, Jameson, Vallario, Wilson, and Wood

EMERGENCY BILL

AN ACT concerning

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

FOR the purpose of authorizing a person to hunt turkey on private property on certain Sundays in Calvert County, Charles County, and St. Mary’s County; making this Act an emergency measure; and generally relating to turkey hunting on Sundays.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 814 – Senator Astle

AN ACT concerning

Public Safety – Elevators – Board Membership, Accessibility Lifts, and Lift Mechanics

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0814/347477/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 814

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Board” in line 2 down through “Mechanics” in line 3 and substitute “Accessibility Lift Mechanic License”; strike beginning with “altering” in line 4 down through the semicolon in line 6; in line 6, before “Board” insert “Elevator Safety Review”; in line 8, after “certain” insert “accessibility”; in the same line, after “mechanics;” insert “requiring the Board to adopt certain regulations to certify a licensed accessibility lift mechanic as an accessibility lift mechanic specialist; establishing that certain persons are not required to obtain certain licenses to conduct certain activities; authorizing an accessibility lift mechanic to provide the services of an accessibility lift mechanic specialist until the Board adopts certain regulations;”; in line 9, strike the first “a” and substitute “an accessibility”; in line 10, strike the first “a” and substitute “an accessibility”; in the same line, after “licensed” insert “accessibility”; in line 11, after “services;” insert “authorizing the Board to issue a certain conditional license for a certain period under certain circumstances; providing for a delayed effective date;”; in line 12, after “to” insert “accessibility”; in line 15, strike “12–820(a),”; and in line 20, strike “12–826(e)” and substitute “12–826(e) and (g)”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 2 through 5, inclusive; after line 5, insert:

“(B) “ACCESSIBILITY LIFT MECHANIC” MEANS A PERSON WHO IS ENGAGED IN ERECTING, CONSTRUCTING, WIRING, ALTERING, REPLACING, MAINTAINING, REPAIRING, DISMANTLING, OR SERVICING COMMERCIAL STAIRWAY CHAIRLIFTS, VERTICAL PLATFORM LIFTS, OR INCLINE PLATFORM LIFTS.

“(C) “ACCESSIBILITY LIFT MECHANIC SPECIALIST” MEANS A PERSON WHO IS LICENSED AS AN ACCESSIBILITY LIFT MECHANIC AND HAS BEEN CERTIFIED BY THE BOARD TO ERECT, CONSTRUCT, WIRE, ALTER, REPLACE, MAINTAIN, REPAIR, DISMANTLE, OR SERVICE PRIVATE RESIDENTIAL ELEVATORS.”;

in lines 6, 7, 9, 11, 14, 17, 20, 23, 28, and 33, strike “(b)”, “(c)”, “(d)”, “(e)”, “(f)”, “(g)”, “(h)”, “(i)”, “(j)”, and “(k)”, respectively, and substitute “**(D)**”, “**(E)**”, “**(F)**”, “**(G)**”, “**(H)**”, “**(I)**”, “**(J)**”, “**(K)**”, “**(L)**”, and “**(M)**”, respectively; and in lines 19 and 22, in each instance, after “elevator” insert “**OR ACCESSIBILITY LIFT**”.

On page 3, in lines 4, 6, 8, 18, 21, 25, and 27, strike “(l)”, “(m)”, “(n)”, “**(P)**”, “**(Q)**”, “**(R)**”, and “**(S)**”, respectively, and substitute “**(N)**”, “**(O)**”, “**(P)**”, “**(Q)**”, “**(R)**”, “**(S)**”, and “**(T)**”, respectively; after line 8, insert:

“(1) AN ACCESSIBILITY LIFT MECHANIC LICENSE;”;

in lines 9, 10, 11, and 12, strike “(1)”, “(2)”, “(3)”, and “(4)”, respectively, and substitute “**(2)**”, “**(3)**”, “**(4)**”, and “**(5)**”, respectively; in line 11, strike the brackets; strike beginning with the semicolon in line 12 down through “LICENSE” in line 13; and strike in their entirety lines 14 through 17, inclusive.

On page 4, strike in their entirety lines 6 through 24, inclusive.

AMENDMENT NO. 3

On page 5, in line 2, after “OR” insert “**ACCESSIBILITY**”; in line 10, strike “A” and substitute “**AN ACCESSIBILITY**”; strike beginning with “ACCESSIBILITY” in line 12 down through “STATE” in line 13 and substitute “**COMMERCIAL STAIRWAY CHAIRLIFTS, VERTICAL PLATFORM LIFTS, OR INCLINE PLATFORM LIFTS IN THE STATE**”; after line 26, insert:

“(4) A CRANE MECHANIC PERFORMING WORK ON ELEVATORS OR LIFTS LOCATED ON A PORT FACILITY OWNED, LEASED, OR OPERATED BY THE MARYLAND PORT ADMINISTRATION NEED NOT OBTAIN A LICENSE.

(5) A PERSON INSTALLING A RESIDENTIAL STAIRWAY CHAIRLIFT NEED NOT OBTAIN A LICENSE.

(6) A PERSON WHO IS LICENSED UNDER THIS SUBTITLE AS AN ELEVATOR MECHANIC NEED NOT OBTAIN A LICENSE TO PROVIDE THE SERVICES DESCRIBED IN SUBSECTION (E) OF THIS SECTION.

(G) (1) THE BOARD SHALL ADOPT REGULATIONS, INCLUDING EDUCATION AND EXPERIENCE REQUIREMENTS, TO CERTIFY ACCESSIBILITY LIFT MECHANIC SPECIALISTS TO ERECT, CONSTRUCT, WIRE, ALTER, REPLACE, MAINTAIN, REPAIR, DISMANTLE, OR SERVICE PRIVATE RESIDENTIAL ELEVATORS.

(2) UNTIL THE BOARD ADOPTS REGULATIONS TO CERTIFY ACCESSIBILITY LIFT MECHANIC SPECIALISTS TO PERFORM WORK ON PRIVATE RESIDENTIAL ELEVATORS, AN ACCESSIBILITY LIFT MECHANIC MAY PROVIDE THE SERVICES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

(3) A CANDIDATE ACTIVELY COMPLETING THE CERTIFICATION REQUIREMENTS ADOPTED BY THE BOARD UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY CONTINUE TO PERFORM THAT WORK WITHOUT CERTIFICATION FOR UP TO 4 YEARS AFTER THE EFFECTIVE DATE OF THE REGULATIONS.”;

in line 28, after “(D)” insert “(1)”; in the same line, strike “A” and substitute “AN ACCESSIBILITY”; in line 29, strike “(1) (I)” and substitute “(I) 1.”; and in line 31, after “INDUSTRY”, insert a comma.

On page 6, in lines 3, 5, 10, and 14, strike “(II)”, “(2) (I)”, “(II)”, and “(3)”, respectively, and substitute “2.”, “(II) 1.”, “2.”, and “(III)”, respectively; in line 7, after “INDUSTRY”, insert a comma; after line 19, insert:

“(2) THE BOARD MAY ISSUE A CONDITIONAL LICENSE UNDER THIS SUBSECTION THAT IS EFFECTIVE UNTIL JANUARY 1, 2017, TO A CANDIDATE ACTIVELY COMPLETING THE EDUCATIONAL REQUIREMENTS DESCRIBED IN PARAGRAPH (1)(II)2 OF THIS SUBSECTION.”;

in line 21, strike “A LIFT” and substitute “AN ACCESSIBILITY LIFT”; in the same line, strike “IT” and substitute “THE LICENSE”; in line 23, strike “ACCESSIBILITY LIFTS AND DUMBWAITERS” and substitute “COMMERCIAL STAIRWAY CHAIRLIFTS, VERTICAL PLATFORM LIFTS, OR INCLINE PLATFORM LIFTS”; and in line 26, strike “October 1, 2012” and substitute “January 1, 2013”.

The preceding 3 amendments were read only.

Senator Astle moved, duly seconded, to make the Bill and Amendments a Special Order for P.M. session.

The motion was adopted.

Senate Bill 901 – Senator Klausmeier

AN ACT concerning

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

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0901/877273/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 901

(First Reading File Bill)

AMENDMENT NO. 1

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

AMENDMENT NO. 2

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

AMENDMENT NO. 3

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

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

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

On page 3, after line 3, insert:

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

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

The preceding 3 amendments were read only.

Senator Raskin moved, duly seconded, to make the Bill and Amendments a Special Order for P.M. session.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 529 – Senator Robey

AN ACT concerning

Motor Vehicles – Use of Text Messaging Device While Driving

Senator Pipkin moved, duly seconded, to make the Bill and Report a Special Order for P.M. session.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 556 – Senator Getty

AN ACT concerning

Real Property – Restrictions on Use of Property – Separate Parcels

SB0556/558876/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 556

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “grantor” insert “under separate deeds”; in line 7, after “that” insert “, unless the deed granting the restriction expressly provides otherwise,”; and in line 9, after the semicolon insert “establishing that, notwithstanding any other provision of law, a certain conveyance of a separate parcel is not a subdivision or off-conveyance,”.

AMENDMENT NO. 2

On page 2, in line 27, after “GRANTOR” insert “UNDER SEPARATE DEEDS”; and in line 30, after “LAW,” insert “UNLESS THE DEED GRANTING THE RESTRICTION EXPRESSLY PROVIDES OTHERWISE,”.

AMENDMENT NO. 3

On page 3, after line 1, insert:

“(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CONVEYANCE OF A SEPARATE PARCEL UNDER THIS SUBSECTION IS NOT A SUBDIVISION OR OFF-CONVEYANCE.”

The preceding 3 amendments were read only.

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

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 558 – Senator Forehand

AN ACT concerning

Crimes – Solicitation – Statute of Limitations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 787 – Senator Forehand

AN ACT concerning

Estates and Trusts – Maryland Uniform Principal and Income Act – Certain Payments to and from Trusts

SB0787/408174/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 787
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after the second semicolon insert “providing for the application of certain provisions of this Act;”.

AMENDMENT NO. 2

On page 2, strike beginning with the first “or” in line 14 down through “interest” in line 15.

AMENDMENT NO. 3

On page 4, after line 33, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That § 15–516 of the Estates and Trusts Article, as enacted by Section 1 of this Act, applies to a trust described in § 15–516(d) on and after the following dates:

(1) if the trust is not funded on or before October 1, 2012, the date of the decedent’s death;

(2) if the trust is initially funded in calendar year 2012, the date of the decedent’s death; or

(3) if the trust is not described in item (1) or (2) of this section, January 1, 2012.”.

AMENDMENT NO. 4

On page 5, in line 1, strike “2.” and substitute “3.”; and in the same line, after “That” insert “, subject to Section 2 of this Act.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 889 – Senator Stone

AN ACT concerning

Criminal Law – Misdemeanor Possession of Child Pornography – Statute of Limitations

SB0889/948675/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 889

(First Reading File Bill)

On page 2, in line 6, strike “3” and substitute “2”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #17

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

Senate Bill 238 – The President (By Request – Administration) and Senators King, Madaleno, Manno, Montgomery, Peters, Pinsky, Pugh, Raskin, Robey, and Rosapepe

AN ACT concerning

Maryland Health Benefit Exchange Act of 2012

SB0238/847676/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 238

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Rosapepe” and substitute “Rosapepe, Kelley, Klausmeier, and Middleton”; in line 3, after “requiring” insert “the Board of Trustees of”; in the same line, after “Exchange” insert “, subject to a certain waiver, to submit certain regulations to certain legislative committees under certain circumstances; requiring the Board to have a certain number of standing advisory committees; requiring the Maryland Health Benefit Exchange”; in line 4, after “plans” insert “and qualified vision plans”; in line 5, after “date;” insert “requiring the Exchange, to the extent necessary, to modify a certain format to accommodate differences in certain plan options;”; in line 6, after “programs;” insert “prohibiting the”

Exchange from making available any vision plan that is not a qualified vision plan;”;
in line 9, strike “use a certain market impact to pursue certain objectives” and
substitute “decrease the number of State residents without health insurance
coverage”; in line 11, after “circumstances” insert “and for a certain purpose; requiring
certain participation requirements for certain carriers to be suspended under certain
circumstances; requiring the Exchange, before employing an alternative contracting
option or active purchasing strategy, to submit a certain plan, within a certain
timeframe, to certain legislative committees for review and comment”; in line 16,
strike “or” and substitute “, or a”; in the same line, after “carrier” insert “or a certain
insurance holding company system,”; in the same line, after the semicolon insert
“authorizing the SHOP Exchange to allow qualified employers to designate certain
qualified dental plans and qualified vision plans to be made available to their
employees;”; in line 18, after the semicolon insert “requiring the SHOP Exchange to
implement any modification of offerings and choice through regulations adopted by the
SHOP Exchange;”; in line 20, strike “authorizing” and substitute “requiring”; in line
21, after “navigator”, in each instance, insert “program”; in line 24, after the semicolon
insert “prohibiting the Maryland Insurance Commissioner, in the Commissioner’s role
as a member of the Board, from participating in certain matters under certain
circumstances; providing that a carrier is not responsible for the activities and conduct
of a SHOP Exchange navigator, an Individual Exchange navigator entity, or an
Individual Exchange navigator;”; in line 27, strike “programs” and substitute
“processes”; in line 28, after the semicolon insert “requiring the Individual Exchange
to consult with the Commissioner and the Department of Health and Mental Hygiene
for a certain purpose; requiring the Commissioner to enter into certain memoranda of
understanding; authorizing the Commissioner to require the Individual Exchange to
make certain information available to the Commissioner and submit a certain
corrective plan under certain circumstances;”.

On page 2, in line 1, after the semicolon insert “specifying the consumer
assistance services that are required, and are not required, to be provided by an
Individual Exchange navigator; providing for the authorization of Individual Exchange
navigator entities; specifying the scope of the authorization; authorizing and requiring
an Individual Exchange navigator entity to take certain actions; prohibiting an
Individual Exchange navigator entity from receiving certain compensation and
providing certain information or services; authorizing the Commissioner to take
certain disciplinary actions against an Individual Exchange navigator entity under
certain circumstances;”; in lines 2 and 3, strike “Maryland Insurance”; in line 6, after
the semicolon insert “providing that certain provisions of this Act may not prohibit
certain organizations or units of government from providing certain services, subject to

certain requirements;”; in line 11, after “plans” insert “and certain vision plans as qualified vision plans”; in line 12, after the semicolon insert “authorizing the Exchange to determine whether a carrier may elect to include certain nonessential benefits in a qualified health plan; providing that a qualified health plan is not required to provide certain essential benefits under certain circumstances; altering certain provisions of law relating to the offering and pricing of oral and dental benefits; establishing certain requirements for qualified vision plans offered through the Exchange; providing that a managed care organization may not be required to offer a certain plan in the Exchange;”; in lines 18 and 19, strike “under certain circumstances” and substitute “unless the carriers also offer certain health benefit plans in the SHOP Exchange and the Individual Exchange”; in line 19, after the semicolon insert “establishing certain exemptions to the requirement that the carriers offer the plans; requiring the Commissioner to establish certain procedures for a carrier to submit certain evidence relating to certain exemptions;”; in line 22, after “terms;” insert “repealing and”; in line 23, strike “and” and substitute a comma; in the same line, after “clarifying” insert “, and conforming”; in line 31, after “date;” insert “providing that certain requirements of this Act shall be subject to certain clarification; authorizing the Board to adopt interim policies for a certain purpose, pending adoption of regulations and after receiving certain comment;”; after line 38, insert:

“BY repealing and reenacting, with amendments,

Article – Health – General

Section 15–101.1

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)”;

in line 41, after “15–1204,” insert “15–1205.”; and in the same line, after “31–102(d),” insert “31–106(c) and (g).”.

On page 3, in line 2, after “Section” insert “15–1204.1.”.

AMENDMENT NO. 2

On page 4, after line 21, insert:

“Article – Health – General

15–101.1.

(A) Except as otherwise provided in this subtitle, a managed care organization is not subject to the insurance laws of the State or to the provisions of Title 19 of this article.

(B) A MANAGED CARE ORGANIZATION MAY NOT BE REQUIRED TO OFFER A QUALIFIED PLAN, AS DEFINED IN § 31-101 OF THE INSURANCE ARTICLE, IN THE MARYLAND HEALTH BENEFIT EXCHANGE.”.

AMENDMENT NO. 3

On page 4, after line 23, insert:

“(A) THIS SECTION APPLIES TO A CARRIER WITH RESPECT TO ANY HEALTH BENEFIT PLAN THAT IS:

(1) A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT;

(2) ISSUED, DELIVERED, OR RENEWED IN THE STATE ON OR BEFORE DECEMBER 31, 2013; AND

(3) RENEWED IN THE STATE AFTER DECEMBER 31, 2013.”;

and in line 24, strike “(a)” and substitute “**(B)**”.

On page 5, strike in their entirety lines 1 through 25, inclusive.

On page 6, in line 10, strike “(b)” and substitute “**(C)**”; and after line 24, insert:

“15-1204.1.

(A) THIS SECTION APPLIES TO A CARRIER WITH RESPECT TO ANY HEALTH BENEFIT PLAN THAT:

(1) IS NOT A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT; AND

(2) IS ISSUED, DELIVERED, OR RENEWED IN THE STATE ON OR AFTER JANUARY 1, 2014.

(B) (1) EXCEPT AS PROVIDED IN THIS SUBSECTION AND § 31-110(F) OF THIS ARTICLE, A CARRIER MAY NOT OFFER HEALTH BENEFIT PLANS TO SMALL EMPLOYERS IN THE STATE UNLESS THE CARRIER ALSO OFFERS QUALIFIED HEALTH PLANS, AS DEFINED IN § 31-101 OF THIS ARTICLE, IN THE SMALL BUSINESS HEALTH OPTIONS PROGRAM OF THE MARYLAND HEALTH BENEFIT EXCHANGE IN COMPLIANCE WITH THE REQUIREMENTS OF TITLE 31 OF THIS ARTICLE.

(2) A CARRIER IS EXEMPT FROM THE REQUIREMENT IN PARAGRAPH (1) OF THIS SUBSECTION IF:

(I) THE REPORTED TOTAL AGGREGATE ANNUAL EARNED PREMIUM FROM ALL HEALTH BENEFIT PLANS OFFERED TO SMALL EMPLOYERS IN THE STATE FOR THE CARRIER AND ANY OTHER CARRIERS IN THE SAME INSURANCE HOLDING COMPANY SYSTEM, AS DEFINED IN § 7-101 OF THIS ARTICLE, IS LESS THAN \$20,000,000;

(II) THE COMMISSIONER DETERMINES THAT THE CARRIER COMPLIES WITH THE PROCEDURES ESTABLISHED UNDER PARAGRAPH (3) OF THIS SUBSECTION; AND

(III) WHEN THE CARRIER CEASES TO MEET THE REQUIREMENTS FOR THE EXEMPTION, THE CARRIER PROVIDES TO THE COMMISSIONER IMMEDIATE NOTICE AND ITS PLAN FOR COMPLYING WITH THE REQUIREMENT IN PARAGRAPH (1) OF THIS SUBSECTION.

(3) THE COMMISSIONER SHALL ESTABLISH PROCEDURES FOR A CARRIER TO SUBMIT EVIDENCE EACH YEAR THAT THE CARRIER MEETS THE REQUIREMENTS NECESSARY TO QUALIFY FOR AN EXEMPTION UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(4) NOTWITHSTANDING THE EXEMPTION PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSIONER, IN CONSULTATION WITH THE MARYLAND HEALTH BENEFIT EXCHANGE:

(I) MAY ASSESS THE IMPACT OF THE EXEMPTION PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND, BASED ON THAT ASSESSMENT, ALTER THE LIMIT ON THE AMOUNT OF ANNUAL PREMIUMS THAT MAY NOT BE EXCEEDED TO QUALIFY FOR THE EXEMPTION; AND

(II) SHALL MAKE ANY CHANGE IN THE EXEMPTION REQUIREMENT BY REGULATION.

15–1205.

(a) (1) THIS SUBSECTION APPLIES TO A CARRIER WITH RESPECT TO ANY HEALTH BENEFIT PLAN THAT IS:

(I) A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT;

(II) ISSUED, DELIVERED, OR RENEWED IN THE STATE ON OR BEFORE DECEMBER 31, 2013; AND

(III) RENEWED IN THE STATE AFTER DECEMBER 31, 2013.

[(1)] (2) In establishing a community rate for a health benefit plan, a carrier shall use a rating methodology that is based on the experience of all risks covered by that health benefit plan without regard to any factor not specifically authorized under this subsection or subsection [(f)] (G) of this section.

[(2)] (3) A carrier may adjust the community rate only for:

(i) age;

(ii) geography based on the following contiguous areas of the

State:

1. the Baltimore metropolitan area;
2. the District of Columbia metropolitan area;
3. Western Maryland; and
4. Eastern and Southern Maryland; and

(iii) health status, as provided in subsection [(f)] (G) of this section.

[(3)] (4) Rates for a health benefit plan may vary based on family composition as approved by the Commissioner.

[(4)] (5) (i) Subject to subparagraph (ii) of this paragraph, after applying the risk adjustment factors under paragraph [(2)] (3) of this subsection, a carrier may offer a discount not to exceed 20% to a small employer for participation in a wellness program.

(ii) A discount offered under subparagraph (i) of this paragraph shall be:

1. applied to reduce the rate otherwise payable by the small employer;
2. actuarially justified;
3. offered uniformly to all small employers; and
4. approved by the Commissioner.

(B) (1) THIS SUBSECTION APPLIES TO A CARRIER WITH RESPECT TO ANY HEALTH BENEFIT PLAN THAT:

(I) IS NOT A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT; AND

(II) IS ISSUED, DELIVERED, OR RENEWED IN THE STATE ON OR AFTER JANUARY 1, 2014.

(2) IN ESTABLISHING A PREMIUM RATE FOR A HEALTH BENEFIT PLAN, A CARRIER SHALL USE A RATING METHODOLOGY THAT IS BASED ON THE EXPERIENCE OF ALL RISKS COVERED BY THAT HEALTH BENEFIT PLAN WITHOUT REGARD TO ANY FACTOR NOT SPECIFICALLY AUTHORIZED UNDER THIS SUBSECTION.

(3) IN ACCORDANCE WITH § 2701(A) OF THE AFFORDABLE CARE ACT, A PREMIUM RATE MAY VARY ONLY BY:

(I) WHETHER THE HEALTH BENEFIT PLAN COVERS AN INDIVIDUAL OR A FAMILY;

(II) RATING AREA;

(III) AGE, EXCEPT THAT A RATE MAY NOT VARY BY MORE THAN 3 TO 1 FOR ADULTS; AND

(IV) TOBACCO USE, EXCEPT THAT A RATE MAY NOT VARY BY MORE THAN 1.5 TO 1.

(4) A RATE MAY NOT VARY BY ANY FACTOR THAT IS NOT SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION.

[(b)] (C) (1) A carrier shall apply all risk adjustment factors under subsections (a) and [(f)] (G) of this section consistently with respect to all health benefit plans that are:

(I) issued, delivered, or renewed in the State; AND

(II) GRANDFATHERED HEALTH PLANS, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT.

(2) A CARRIER SHALL APPLY ALL RISK ADJUSTMENT FACTORS UNDER SUBSECTION (B) OF THIS SECTION CONSISTENTLY WITH RESPECT TO ALL HEALTH BENEFIT PLANS THAT ARE:

(I) ISSUED, DELIVERED, OR RENEWED IN THE STATE; AND

(II) ARE NOT GRANDFATHERED HEALTH PLANS, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT.

[(c)] (D) (1) Based on the adjustments allowed under subsection [(a)(2)(i)] (A)(3)(I) and (ii) of this section, a carrier may charge a rate that is 50% above or 50% below the community rate.

(2) (i) On or before October 1, 2007, the Commission shall adopt regulations that require carriers to collect and report to the Commission data on participation, by rate band, in health benefit plans issued, delivered, or renewed under this subtitle.

(ii) On or before January 1, 2013, the Commission shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Finance Committee and the House Health and Government Operations Committee regarding the effect of the 50% rate adjustments authorized under paragraph (1) of this subsection and the effect of the adjustment to the community rate for health status authorized under subsection [(f)](G) of this section on participation in health benefit plans issued, delivered, or renewed under this subtitle.

[(d)] (E) (1) A carrier shall base its rating methods and practices on commonly accepted actuarial assumptions and sound actuarial principles.

(2) A carrier that is a health maintenance organization and that includes a subrogation provision in its contract as authorized under § 19-713.1(d) of the Health – General Article shall:

(i) use in its rating methodology an adjustment that reflects the subrogation; and

(ii) identify in its rate filing with the Administration, and annually in a form approved by the Commissioner, all amounts recovered through subrogation.

[(e)] (F) (1) THIS SUBSECTION APPLIES TO A CARRIER WITH RESPECT TO ANY HEALTH BENEFIT PLAN THAT IS:

(I) A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT;

(II) ISSUED, DELIVERED, OR RENEWED IN THE STATE ON OR BEFORE DECEMBER 31, 2013; AND

(III) RENEWED IN THE STATE AFTER DECEMBER 31, 2013.

[(1)] (2) A carrier may offer an administrative discount to a small employer if the small employer elects to purchase, for its employees, an annuity, dental insurance, disability insurance, life insurance, long-term care insurance, vision insurance, or, with the approval of the Commissioner, any other insurance sold by the carrier.

[(2)] (3) The administrative discount shall be offered under the same terms and conditions for all qualifying small employers.

[(f)] (G) (1) A carrier may adjust the community rate for a health benefit plan THAT IS A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT, for health status only if a small employer has not offered a health benefit plan issued under this subtitle to its employees in the 12 months prior to the initial enrollment of the small employer in the health benefit plan.

(2) (i) Based on the adjustment allowed under paragraph (1) of this subsection, in addition to the adjustments allowed under subsection [(c)(1)] (D)(1) of this section, a carrier may charge:

1. in the first year of enrollment, a rate that is 10% above or below the community rate;

2. in the second year of enrollment, a rate that is 5% above or below the community rate; and

3. in the third year of enrollment, a rate that is 2% above or below the community rate.

(ii) A carrier may not make any adjustment for health status in the community rate of a health benefit plan issued under this subtitle after the third year of enrollment of a small employer in the health benefit plan.

(3) [A] FOR A HEALTH BENEFIT PLAN THAT IS A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT, A carrier may use health statements, in a form approved by the Commissioner, and health screenings to establish an adjustment to the community rate for health status as provided in this subsection.

(4) A carrier may not limit coverage offered by the carrier, or refuse to issue a health benefit plan to any small employer that meets the requirements of this subtitle, based on a health status–related factor.

(5) It is an unfair trade practice for a carrier knowingly to provide coverage to a small employer that discriminates against an employee or applicant for employment, based on the health status of the employee or applicant or a dependent of the employee or applicant, with respect to participation in a health benefit plan sponsored by the small employer.”.

AMENDMENT NO. 4

On page 7, in line 3, after “SUBSECTION” insert “AND § 31–110(F) OF THIS ARTICLE”; in line 4, after “OFFER” insert “INDIVIDUAL”; in the same line, strike “IN THE INDIVIDUAL MARKET”; in line 5, after “PLANS” insert “, AS DEFINED IN § 31–101 OF THIS ARTICLE,”; strike beginning with “THAT” in line 8 down through “STATE” in line 10; after line 11, insert:

“(I) THE REPORTED TOTAL AGGREGATE ANNUAL EARNED PREMIUM FROM ALL INDIVIDUAL HEALTH BENEFIT PLANS IN THE STATE FOR THE CARRIER AND ANY OTHER CARRIERS IN THE SAME INSURANCE HOLDING COMPANY SYSTEM, AS DEFINED IN § 7–101 OF THIS ARTICLE, IS LESS THAN \$10,000,000;”;

in lines 12 and 16, strike “(I)” and “(II)”, respectively, and substitute “(II)” and “(III)”, respectively; strike beginning with “BY” in line 13 down through “EXEMPTION” in line 15 and substitute “UNDER PARAGRAPH (3) OF THIS SUBSECTION”; strike beginning with “COMING” in line 18 down through the second “EXCHANGE” in line 20 and substitute “COMPLYING WITH THE REQUIREMENT IN PARAGRAPH (1) OF THIS SUBSECTION”; after line 20, insert:

“(3) THE COMMISSIONER SHALL ESTABLISH PROCEDURES FOR A CARRIER TO SUBMIT EVIDENCE EACH YEAR THAT THE CARRIER MEETS THE REQUIREMENTS NECESSARY TO QUALIFY FOR AN EXEMPTION UNDER PARAGRAPH (2) OF THIS SUBSECTION.”;

in line 21, strike “(3)” and substitute “(4)”; in the same line, after “EXEMPTION” insert “PROVIDED”; in line 23, after “ACT” insert a comma; in the same line, strike “, MUST ALSO” and substitute “ALSO MUST”; in line 26, strike “(4)” and substitute “(5)”; in the same line, strike “THE” and substitute “NOTWITHSTANDING THE EXEMPTION PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE”; in line 27, strike the comma and substitute “:

(I);

in line 28, after “EXEMPTION” insert “PROVIDED”; in line 29, strike “AMOUNT OF ANNUAL PREMIUMS NECESSARY” and substitute “LIMIT ON THE AMOUNT OF ANNUAL PREMIUMS THAT MAY NOT BE EXCEEDED”; and in line 30, after “EXEMPTION” insert “;AND

(II) SHALL MAKE ANY CHANGE IN THE EXEMPTION REQUIREMENT BY REGULATION’.

AMENDMENT NO. 5

On page 8, strike in their entirety lines 20 through 22, inclusive; strike in their entirety lines 23 through 26, inclusive; in lines 27 and 28, strike “(D)” and “(E)”, respectively, and substitute “(B)” and “(C)”, respectively.

On page 9, in line 5, strike “(F)” and substitute “(D)”; strike beginning with the first “A” in line 5 down through “COSTS” in line 7 and substitute “A LEVEL OF

COVERAGE, AS DEFINED IN § 1302 OF THE AFFORDABLE CARE ACT AND AS DETERMINED IN REGULATIONS ADOPTED BY THE SECRETARY, FOR A QUALIFIED HEALTH PLAN"; in lines 8, 14, and 16, in each instance, strike the brackets; and in the same lines, strike "(G)", "(H)", and "(I)", respectively.

On page 10, in lines 31 and 33, strike "(J)" and "(K)", respectively, and substitute "(H)" and "(I)", respectively.

On page 11, in line 3, strike "PERFORMS THE FUNCTIONS UNDER § 31-113(C)" and substitute "PROVIDES THE SERVICES DESCRIBED IN § 31-113(D)(1)"; after line 4, insert:

"(J) "INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION" MEANS A CERTIFICATE ISSUED BY THE INDIVIDUAL EXCHANGE THAT AUTHORIZES AN INDIVIDUAL TO ACT AS AN INDIVIDUAL EXCHANGE NAVIGATOR.";

in lines 5, 13, 17, 19, 22, and 25, strike "(L)", "(N)", "(O)", "(P)", "(Q)", and "(R)", respectively, and substitute "(K)", "(M)", "(N)", "(O)", "(P)", and "(Q)", respectively; in line 6, strike "ENGAGED" and substitute "OR A PARTNERSHIP OF ENTITIES THAT:

(1) IS AUTHORIZED";

in line 7, strike "WHICH" and substitute "UNDER § 31-113(F) OF THIS TITLE; AND

(2)";

in the same line, strike "CERTIFIED"; in line 8, strike "PERFORM THE FUNCTIONS IN § 31-113(C)" and substitute "PROVIDE THE SERVICES DESCRIBED IN § 31-113(D)(1)"; after line 9, insert:

"(L) "INDIVIDUAL EXCHANGE NAVIGATOR ENTITY AUTHORIZATION" MEANS A GRANT OF AUTHORITY FROM THE INDIVIDUAL EXCHANGE TO AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY UNDER § 31-113(F) OF THIS TITLE.";

strike in their entirety lines 10 through 12, inclusive; in lines 15 and 16, strike “HEALTH PLANS AND QUALIFIED DENTAL”; and in line 23, strike “§ 31-108(b)” and substitute “§ 31-108(B)(2)”.

On page 12, in lines 1, 4, 14, 16, 18, 21, and 25, strike “(S)”, “(T)”, “(U)”, “(V)”, “(W)”, “(X)”, and “(Y)”, respectively, and substitute “(R)”, “(S)”, “(V)”, “(W)”, “(X)”, “(Y)”, and “(Z)”, respectively; after line 13, insert:

“(T) “QUALIFIED PLAN” MEANS A:

(1) QUALIFIED HEALTH PLAN;

(2) QUALIFIED DENTAL PLAN; AND

(3) QUALIFIED VISION PLAN.

(U) “QUALIFIED VISION PLAN” MEANS A VISION PLAN CERTIFIED BY THE EXCHANGE THAT PROVIDES LIMITED SCOPE VISION BENEFITS, AS DESCRIBED IN § 31-108(B)(3) OF THIS TITLE.”;

in line 17, strike “§ 31-108(b)(12)” and substitute “§ 31-108(B)(13)”; in line 19, after “EXCHANGE” insert “AND AUTHORIZED BY THE COMMISSIONER”; and in the same line, strike “PERFORM THE FUNCTIONS SET FORTH” and substitute “PROVIDE THE SERVICES DESCRIBED”.

On page 13, in line 16, strike “(Z)” and substitute “(AA)”; and strike beginning with “AND” in line 20 down through “EXCHANGE” in line 22 and substitute:

“(2) INDIVIDUAL HEALTH BENEFIT PLANS, EXCEPT GRANDFATHERED HEALTH PLANS, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT; AND

(3) HEALTH BENEFIT PLANS OFFERED TO SMALL EMPLOYERS, EXCEPT GRANDFATHERED HEALTH PLANS, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT”.

On page 14, in line 2, strike “OR” and substitute a comma; in the same line, after the second “PLANS” insert “, AND QUALIFIED VISION PLANS”; after line 2, insert:

“31–106.

(c) **(1)** In addition to the powers set forth elsewhere in this title, the Board may:

[(1)] (I) adopt and alter an official seal;

[(2)] (II) sue, be sued, plead, and be impleaded;

[(3)] (III) adopt bylaws, rules, and policies;

[(4)] (IV) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, adopt regulations to carry out this title:

[(i)] 1. in accordance with Title 10, Subtitle 1 of the State Government Article; and

[(ii)] 2. without conflicting with or preventing application of regulations adopted by the Secretary under Title 1, Subtitle D of the Affordable Care Act;

[(5)] (V) maintain an office at the place designated by the Board;

[(6)] (VI) enter into any agreements or contracts and execute the instruments necessary or convenient to manage its own affairs and carry out the purposes of this title;

[(7)] (VII) apply for and receive grants, contracts, or other public or private funding; and

[(8)] (VIII) do all things necessary or convenient to carry out the powers granted by this title.

(2) UNLESS WAIVED BY THE CHAIRS OF THE COMMITTEES, AT LEAST 30 DAYS BEFORE SUBMITTING ANY PROPOSED REGULATION TO THE MARYLAND REGISTER FOR PUBLICATION, THE BOARD SHALL SUBMIT THE PROPOSED REGULATION TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE.

(g) To carry out the purposes of this title, the Board shall:

(1) create and consult with advisory committees; [and]

(2) HAVE AT LEAST TWO STANDING ADVISORY COMMITTEES WHOSE MEMBERS, TO THE EXTENT PRACTICABLE, REFLECT THE GENDER, RACIAL, ETHNIC, AND GEOGRAPHIC DIVERSITY OF THE STATE; AND

[(2)] (3) appoint to the advisory committees representatives of:

(i) insurers or health maintenance organizations offering health benefit plans in the State;

(ii) nonprofit health service plans offering health benefit plans in the State;

(iii) licensed health insurance producers and advisers;

(iv) third-party administrators;

(v) health care providers, including:

1. hospitals;

2. long-term care facilities;

3. mental health providers;

4. developmental disability providers;

5. substance abuse treatment providers;

6. Federally Qualified Health Centers;
 7. physicians;
 8. nurses;
 9. experts in services and care coordination for criminal and juvenile justice populations;
 10. licensed hospice providers; and
 11. other health care professionals;
- (vi) managed care organizations;
- (vii) employers, including large, small, and minority-owned employers;
- (viii) public employee unions, including public employee union members who are caseworkers in local departments of social services with direct knowledge of information technology systems used for Medicaid eligibility determination;
- (ix) consumers, including individuals who:
1. reside in lower-income and racial or ethnic minority communities;
 2. have chronic diseases or disabilities; or
 3. belong to other hard-to-reach or special populations;
- (x) individuals with knowledge and expertise in advocacy for consumers described in item (ix) of this item;
- (xi) public health researchers and other academic experts with knowledge and background relevant to the functions and goals of the Exchange, including knowledge of the health needs and health disparities among the State's diverse communities; and

(xii) any other stakeholders identified by the Exchange as having knowledge or representing interests relevant to the functions and duties of the Exchange.”;

in lines 9 and 26, in each instance, strike “health plans AND QUALIFIED DENTAL”; in line 13, strike “or” and substitute a comma; in the same line, after “with” insert “, OR AS AN ENDORSEMENT TO”; after line 15, insert:

“(3) ALLOW A CARRIER TO OFFER A QUALIFIED VISION PLAN THROUGH THE EXCHANGE THAT PROVIDES LIMITED SCOPE VISION BENEFITS THAT MEET THE REQUIREMENTS OF § 9832(C)(2)(A) OF THE INTERNAL REVENUE CODE, EITHER SEPARATELY, IN CONJUNCTION WITH, OR AS AN ENDORSEMENT TO A QUALIFIED HEALTH PLAN, PROVIDED THAT THE QUALIFIED HEALTH PLAN PROVIDES PEDIATRIC VISION BENEFITS THAT MEET THE REQUIREMENTS OF § 1302(B)(1)(J) OF THE AFFORDABLE CARE ACT;”;

in line 16, strike “(3)” and substitute “(4) CONSISTENT WITH THE GUIDELINES DEVELOPED BY THE SECRETARY UNDER § 1311(C) OF THE AFFORDABLE CARE ACT,”; in line 17, after “of” insert “:

(I)”;

in the same line, strike “AND” and substitute “;

(II)”;

strike beginning with the comma in line 18 through “Act” in line 19 and substitute “; AND

(III) VISION PLANS AS QUALIFIED VISION PLANS”;

in lines 20, 22, 25, and 29, strike “(4)”, “(5)”, “(6)”, and “(7)”, respectively, and substitute “(5)”, “(6)”, “(7)”, and “(8)”, respectively; in line 27, strike “and” and substitute a comma; in line 28, after “plans” insert “, AND QUALIFIED VISION PLANS”; and in lines 29, 30, 31, and 32, in each instance, strike “health PLAN AND QUALIFIED DENTAL”.

On page 15, in line 2, strike “LEVELS” and substitute “LEVEL”; in line 5, strike “(8)” and substitute “**(9)** **(I)**”; in the same line, strike “health PLAN AND QUALIFIED DENTAL”; in line 8, after the semicolon insert “AND

(II) TO THE EXTENT NECESSARY, MODIFY THE STANDARDIZED FORMAT TO ACCOMMODATE DIFFERENCES IN QUALIFIED HEALTH PLAN, QUALIFIED DENTAL PLAN, AND QUALIFIED VISION PLAN OPTIONS;;

in lines 9, 17, 19, 24, and 28, strike “(9)”, “(10)”, “(11)”, “(12)”, and “(13)”, respectively, and substitute “**(10)**”, “**(11)**”, “**(12)**”, “**(13)**”, and “**(14)**”, respectively; in line 18, strike “(9)” and substitute “**(10)**”; and in line 20, strike “health plan and a qualified dental”.

On page 16, in lines 1, 16, 18, 21, and 29, strike “(14)”, “(15)”, “(16)”, “(17)”, and “(19)”, respectively, and substitute “**(15)**”, “**(16)**”, “**(17)**”, “**(18)**”, and “**(19)**”, respectively; strike in their entirety lines 23 through 28, inclusive; and in line 31, strike “the [Navigator Program]”.

On page 17, in line 1, strike “(4)” and substitute “**(5)**”; in line 5, strike “the” and substitute “AN”; in line 7, strike “an” and substitute “THE”; in line 17, strike “or”; in line 18, after the second “plan” insert “**; OR**

(3) ANY VISION PLAN THAT IS NOT A QUALIFIED VISION PLAN;

in lines 24, 25, 28, and 29, in each instance, strike “HEALTH PLANS AND QUALIFIED DENTAL”.

AMENDMENT NO. 7

On page 18, in lines 10, 29, and 30, in each instance, strike “HEALTH PLANS AND QUALIFIED DENTAL”; in line 12, after “EXCHANGE” insert “FIRST”; after line 14, insert:

(2) DECREASE THE NUMBER OF STATE RESIDENTS WITHOUT HEALTH INSURANCE COVERAGE.;

strike in their entirety lines 15 through 19, inclusive, and substitute:

“(B) (1) SUBJECT TO SUBSECTION (E) OF THIS SECTION, THE EXCHANGE, WITH THE MARKET IMPACT AND LEVERAGE ATTAINED THROUGH A ROBUST AND STABLE ENROLLMENT, MAY USE ALTERNATIVE CONTRACTING OPTIONS AND ACTIVE PURCHASING STRATEGIES TO INCREASE AFFORDABILITY AND QUALITY OF CARE FOR CONSUMERS AND LOWER COSTS IN THE HEALTH CARE SYSTEM OVERALL.

(2) THE EXCHANGE’S EFFORTS TO INCREASE AFFORDABILITY AND QUALITY OF CARE AND TO LOWER COSTS MAY INCLUDE PURSUING KEY OBJECTIVES SUCH AS HIGHER STANDARDS OF CARE, CONTINUITY OF CARE, DELIVERY SYSTEM REFORMS, HEALTH EQUITY, IMPROVED PATIENT EXPERIENCE AND OUTCOMES, AND MEANINGFUL COST CONTROLS WITHIN THE HEALTH CARE SYSTEM.”;

in line 20, strike “(B)” and substitute “(C)”; in line 21, strike “SUBSECTION (A) OF”; in the same line, after “CONSIDER” insert “, ON A CONTINUING BASIS,”; in line 26, strike “PROMOTION OF” and substitute “PROGRESS IN ACHIEVING”; and in lines 27 and 28, strike “(A)(2)” and “(C)”, respectively, and substitute “(B)(2)” and “(D)”, respectively.

On page 19, in lines 2, 3, 6, and 14, in each instance, strike “HEALTH PLANS AND QUALIFIED DENTAL”; in line 5, strike “(D)” and substitute “(E)”; in the same line, strike “AFTER DECEMBER 31, 2014,” and substitute “SUBJECT TO SUBSECTIONS (F) AND (G) OF THIS SECTION, BEGINNING JANUARY 1, 2016,”; in line 15, after the second comma insert “VALUE-BASED INSURANCE DESIGN,”; and strike in their entirety lines 17 through 26, inclusive, and substitute:

“(F) DURING ANY YEAR IN WHICH THE EXCHANGE EMPLOYS ALTERNATIVE CONTRACTING OPTIONS AND ACTIVE PURCHASING STRATEGIES, THE PARTICIPATION REQUIREMENTS SET FORTH IN §§ 15-1204.1(B) AND 15-1303(B) OF THIS ARTICLE FOR CARRIERS IN THE INDIVIDUAL AND SMALL GROUP MARKETS OUTSIDE THE EXCHANGE SHALL BE SUSPENDED.

(G) BEFORE EMPLOYING AN ALTERNATIVE CONTRACTING OPTION OR ACTIVE PURCHASING STRATEGY, THE EXCHANGE:

(1) ON OR AFTER DECEMBER 1, BUT NOT LATER THAN THE FIRST DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY, SHALL SUBMIT TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, A PLAN FOR THE USE OF THE ALTERNATIVE CONTRACTING OPTION OR ACTIVE PURCHASING STRATEGY, INCLUDING AN ANALYSIS OF:

(I) THE OBJECTIVES TO BE ACHIEVED THROUGH USE OF THE ALTERNATIVE CONTRACTING OPTION OR ACTIVE PURCHASING STRATEGY; AND

(II) THE IMPACT ON THE INSURANCE MARKETS INSIDE AND OUTSIDE THE EXCHANGE AND ON CONSUMERS; AND

(2) SHALL ALLOW THE COMMITTEES TO HAVE 90 DAYS FOR REVIEW AND COMMENT.” .

AMENDMENT NO. 8

On page 20, in line 10, strike “AND”; in line 13, after “PLANS” insert “; AND”

(4) THE NEED TO FACILITATE CONTINUITY OF CARE FOR EMPLOYEES WHO CHANGE EMPLOYERS OR HEALTH BENEFIT PLANS”;

in line 18, after “CARRIER” insert “OR AN INSURANCE HOLDING COMPANY SYSTEM, AS DEFINED IN § 7-101 OF THIS ARTICLE,”; in line 19, after “CARRIER” insert “OR THE INSURANCE HOLDING COMPANY SYSTEM”; after line 20, insert:

“(D) IN ADDITION TO THE OPTIONS SET FORTH IN SUBSECTION (C) OF THIS SECTION, THE SHOP EXCHANGE ALSO MAY ALLOW QUALIFIED EMPLOYERS TO DESIGNATE ONE OR MORE QUALIFIED DENTAL PLANS AND QUALIFIED VISION PLANS TO BE MADE AVAILABLE TO THEIR EMPLOYEES.”;

in line 21, strike “(D)” and substitute “(E)”; and in line 29, strike “AND”.

On page 21, in line 2, after “EMPLOYMENT” insert “; AND”

(3) SHALL IMPLEMENT ANY MODIFICATION OF OFFERINGS AND CHOICE THROUGH REGULATIONS ADOPTED BY THE SHOP EXCHANGE;

in line 5, strike the colon; in line 6, strike “(1)”; strike beginning with the semicolon in line 8 down through “EXCHANGE” in line 12; in line 13, strike “ACHIEVE THESE OBJECTIVES” and substitute “CARRY OUT ITS PURPOSE”; strike beginning with “A” in line 14 down through “MAY” in line 16 and substitute “THE SHOP EXCHANGE NAVIGATOR PROGRAM, WITH RESPECT ONLY TO QUALIFIED PLANS OFFERED IN THE SHOP EXCHANGE, SHALL PROVIDE COMPREHENSIVE CONSUMER ASSISTANCE SERVICES, INCLUDING”; in line 17, strike “CONDUCT” and substitute “CONDUCTING”; in line 19, strike “DISTRIBUTE” and substitute “DISTRIBUTING”; in line 20, after “INCLUDING” insert “INFORMATION ABOUT”; in line 24, strike “HEALTH PLANS AND QUALIFIED DENTAL”; strike in their entirety lines 26 and 27; in line 28, strike “(IV) FACILITATE” and substitute “(III) FACILITATING”;

1.”;

in lines 28 and 29, strike “HEALTH PLAN AND QUALIFIED DENTAL”; in line 29, after “SELECTION,” insert “BASED ON THE NEEDS OF THE EMPLOYEE”;

2.”;

in the same line, after “PROCESSES” strike the comma and substitute “;

3.”;

in the same line, after “ENROLLMENT” strike the comma and substitute “;

4.”;

in line 30, after “RENEWALS” strike the comma and substitute a semicolon; and in the same line, after “AND” insert “5.”.

On page 22, in lines 1, 3, 5, and 8, strike “(V)”, “(VI)”, “(VII)”, and “(VIII)”, respectively, and substitute “(IV)”, “(V)”, “(VI)”, “(VII)”, respectively; in the same lines, strike “CONDUCT”, “PROVIDE”, “PROVIDE”, and “PROVIDE”, respectively, and substitute “CONDUCTING”, “PROVIDING”, “PROVIDING”, and “PROVIDING”,

respectively; in line 1, strike “TAX CREDIT”; in line 2, after “REDETERMINATIONS” insert “FOR TAX CREDITS”; in line 3, strike “FOR” and substitute “, INCLUDING THE ATTORNEY GENERAL’S HEALTH EDUCATION AND ADVOCACY UNIT AND THE ADMINISTRATION, FOR APPLICANTS AND”; in line 4, strike “APPEALS,”; in line 9, strike the second comma and substitute “AND”; in line 10, strike “, RENEWAL,”; in the same line, after “IN” insert “AND RENEWAL OF”; in lines 10 and 11, strike “HEALTH PLANS AND QUALIFIED DENTAL”; strike in their entirety lines 12 through 19, inclusive; in line 20, strike “(3)” and substitute “(2)”; in line 25, after “BY” insert “AND RECEIVE COMPENSATION ONLY THROUGH”; and strike beginning with “SHALL” in line 26 down through the semicolon in line 28 and substitute “MAY NOT RECEIVE COMPENSATION FROM OR OTHERWISE BE AFFILIATED WITH A CARRIER, AN INSURANCE PRODUCER, A THIRD-PARTY ADMINISTRATOR, OR ANY OTHER PERSON CONNECTED TO THE INSURANCE INDUSTRY; AND”.

On page 23, in line 3, strike “(F)” and substitute “(H)”; strike beginning with the semicolon in line 3 down through “PRODUCER” in line 5; after line 5, insert:

“(3) WITH RESPECT TO THE INSURANCE MARKET OUTSIDE THE EXCHANGE, A SHOP EXCHANGE NAVIGATOR:

(I) MAY NOT PROVIDE ANY INFORMATION OR SERVICES RELATED TO HEALTH BENEFIT PLANS OR OTHER PRODUCTS NOT OFFERED IN THE EXCHANGE, EXCEPT FOR GENERAL INFORMATION ABOUT THE INSURANCE MARKET OUTSIDE THE EXCHANGE, WHICH SHALL BE LIMITED TO THE INFORMATION PROVIDED IN A CONSUMER EDUCATION DOCUMENT DEVELOPED BY THE EXCHANGE AND THE COMMISSIONER;

(II) SHALL REFER ANY INQUIRIES ABOUT HEALTH BENEFIT PLANS OR OTHER PRODUCTS NOT OFFERED IN THE EXCHANGE TO:

1. ANY RESOURCES THAT MAY BE MAINTAINED BY THE EXCHANGE; OR

2. CARRIERS AND LICENSED INSURANCE PRODUCERS;

(III) MAY NOT SEEK TO REPLACE ANY HEALTH BENEFIT PLAN ALREADY OFFERED BY A SMALL EMPLOYER UNLESS THE SMALL EMPLOYER IS ELIGIBLE FOR A FEDERAL TAX CREDIT AVAILABLE ONLY THROUGH THE SHOP EXCHANGE; AND

(IV) SHALL REFER TO THE INDIVIDUAL EXCHANGE NAVIGATOR PROGRAM ANY INQUIRIES ABOUT INFORMATION OR SERVICES RELATED TO:

1. QUALIFIED PLANS OFFERED IN THE INDIVIDUAL EXCHANGE; OR

2. THE MARYLAND MEDICAL ASSISTANCE PROGRAM AND THE MARYLAND CHILDREN’S HEALTH PROGRAM.”;

in line 16, strike “DENIAL” and substitute “SUSPENSION OR REVOCATION”; strike beginning with “DENY” in line 25 down through “OR” in line 26; and in line 29, strike “APPLICANT OR”.

On page 24, in line 1, after “HAS” insert “WILLFULLY”; in line 3, strike “MADE A MATERIAL MISSTATEMENT” and substitute “INTENTIONALLY MISREPRESENTED OR CONCEALED A MATERIAL FACT”; after line 4, insert:

“(III) HAS OBTAINED THE LICENSE BY MISREPRESENTATION, CONCEALMENT, OR OTHER FRAUD;”;

in lines 5, 7, 9, 11, and 14, strike “(III)”, “(IV)”, “(V)”, “(VI)”, and “(VII)”, respectively, and substitute “(IV)”, “(V)”, “(VII)”, “(VIII)”, and “(XII)”, respectively; in line 6, after “PRACTICES” insert “IN CONDUCTING ACTIVITIES UNDER THE LICENSE”; in line 8, after “MONEY” insert “IN CONDUCTING ACTIVITIES UNDER THE LICENSE”; after line 8, insert:

“(VI) HAS FAILED OR REFUSED TO PAY OVER ON DEMAND MONEY THAT BELONGS TO A PERSON ENTITLED TO THE MONEY;”;

in line 9, after “HAS” insert “WILLFULLY AND”; in line 10, strike “HEALTH PLAN OR QUALIFIED DENTAL”; in line 13, strike “OR”; after line, 13 insert:

“(IX) HAS FAILED AN EXAMINATION REQUIRED BY THIS ARTICLE OR REGULATIONS ADOPTED UNDER THIS ARTICLE;

(X) HAS FORGED ANOTHER’S NAME ON AN APPLICATION FOR A QUALIFIED PLAN OR ON ANY OTHER DOCUMENT IN CONDUCTING ACTIVITIES UNDER THE LICENSE;

(XI) HAS OTHERWISE SHOWN A LACK OF TRUSTWORTHINESS OR COMPETENCE TO ACT AS A SHOP EXCHANGE NAVIGATOR; OR”;

in line 14, after “HAS” insert “WILLFULLY”; and in line 15, after “ORDER” insert “OR SUBPOENA”.

On page 25, in line 1, after “THE” insert “SHOP”; in line 3, strike “THE” and substitute “A”; after line 4, insert:

“(6) THE COMMISSIONER, IN THE COMMISSIONER’S ROLE AS A MEMBER OF THE BOARD, MAY NOT PARTICIPATE IN ANY MATTER THAT INVOLVES THE SHOP EXCHANGE’S NAVIGATOR PROGRAM IF, IN THE COMMISSIONER’S JUDGMENT, THE COMMISSIONER’S PARTICIPATION MIGHT CREATE A CONFLICT OF INTEREST WITH RESPECT TO THE COMMISSIONER’S REGULATORY AUTHORITY OVER THE SHOP EXCHANGE’S NAVIGATOR PROGRAM.

(7) A CARRIER IS NOT RESPONSIBLE FOR THE ACTIVITIES AND CONDUCT OF A SHOP EXCHANGE NAVIGATOR.”;

in line 9, strike “HEALTH PLANS AND QUALIFIED DENTAL”; in line 16, strike “DENY,”; strike beginning with the colon in line 18 down through “4.” in line 25; in line 25, strike “IN VIOLATION OF” and substitute “DESCRIBED IN”; in line 26, strike “(E)” and substitute “(E)(1)”; and in the same line, strike the second “SUBSECTION” and substitute “SECTION WITH RESPECT TO THE AUTHORIZATION”.

On page 26, in lines 4 and 16, in each instance, strike “HEALTH PLAN OR QUALIFIED DENTAL”; in lines 7 and 23, in each instance, strike “HEALTH PLANS

AND QUALIFIED DENTAL”; in line 10, strike “AND”; in line 13, after “SECTION” insert “; AND”

(III) IN PROVIDING ASSISTANCE TO A SMALL EMPLOYER SEEKING INFORMATION ABOUT OFFERING HEALTH INSURANCE, INFORM THE SMALL EMPLOYER OF:

1. ALL QUALIFIED HEALTH PLANS AVAILABLE TO EMPLOYEES IN THE SHOP EXCHANGE; AND

2. ALL OPTIONS AVAILABLE TO THE SMALL EMPLOYER IN THE SHOP EXCHANGE FOR OFFERING QUALIFIED HEALTH PLANS TO EMPLOYEES”;

and in line 16, after “PLAN” insert “OFFERED”.

AMENDMENT NO. 9

On page 27, in line 2, after “(A)” insert “(1)”; after line 3, insert:

“(2) THE NAVIGATOR PROGRAM FOR THE INDIVIDUAL EXCHANGE SHALL BE:

(I) ADMINISTERED BY THE INDIVIDUAL EXCHANGE; AND

(II) REGULATED BY THE COMMISSIONER.

(3) IN ADMINISTERING THE NAVIGATOR PROGRAM, THE INDIVIDUAL EXCHANGE SHALL CONSULT WITH THE COMMISSIONER AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO ENSURE CONSISTENCY AND COMPLIANCE WITH ALL LAWS, REGULATIONS, AND POLICIES GOVERNING:

(I) THE SALE, SOLICITATION, AND NEGOTIATION OF HEALTH INSURANCE; AND

(II) THE MARYLAND MEDICAL ASSISTANCE PROGRAM AND THE MARYLAND CHILDREN’S HEALTH PROGRAM.

(4) IN REGULATING THE NAVIGATOR PROGRAM, THE COMMISSIONER SHALL ENTER INTO ONE OR MORE MEMORANDA OF UNDERSTANDING WITH THE EXCHANGE AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO FACILITATE ENFORCEMENT OF THIS SECTION.

(5) THE COMMISSIONER MAY REQUIRE THE INDIVIDUAL EXCHANGE TO:

(I) MAKE AVAILABLE TO THE COMMISSIONER ALL RECORDS, DOCUMENTS, DATA, AND OTHER INFORMATION RELATING TO THE NAVIGATOR PROGRAM, INCLUDING THE AUTHORIZATION OF INDIVIDUAL EXCHANGE NAVIGATOR ENTITIES AND THE CERTIFICATION OF INDIVIDUAL EXCHANGE NAVIGATORS; AND

(II) SUBMIT A CORRECTIVE PLAN TO TAKE APPROPRIATE ACTION TO ADDRESS ANY PROBLEMS OR DEFICIENCIES IDENTIFIED BY THE COMMISSIONER IN THE INDIVIDUAL EXCHANGE NAVIGATOR ENTITY AUTHORIZATION PROCESS OR THE INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION PROCESS.

(6) THE COMMISSIONER, IN THE COMMISSIONER'S ROLE AS A MEMBER OF THE BOARD, MAY NOT PARTICIPATE IN ANY MATTER THAT INVOLVES THE INDIVIDUAL EXCHANGE'S NAVIGATOR PROGRAM IF, IN THE COMMISSIONER'S JUDGMENT, THE COMMISSIONER'S PARTICIPATION MIGHT CREATE A CONFLICT OF INTEREST WITH RESPECT TO THE COMMISSIONER'S REGULATORY AUTHORITY OVER THE INDIVIDUAL EXCHANGE'S NAVIGATOR PROGRAM.”;

in lines 6 and 7, strike “PROVIDE ENROLLMENT AND ELIGIBILITY SERVICE TO” and substitute “SERVICES ON”; in line 9, strike “, AS”; in lines 9 and 10, strike “, COMMUNITY-BASED ORGANIZATIONS AND OTHER ENTITIES”; in line 11, strike “ARE FAMILIAR” and substitute “HAVE EXPERTISE IN WORKING”; in lines 18 and 19, strike “QUALIFIED HEALTH PLANS,”; in line 19, strike “DENTAL”; in line 21, strike “PROGRAM PLANS” and substitute “TYPES OF COVERAGE DESCRIBED IN ITEM (I) OF THIS ITEM OR HAVE LAPSED ENROLLMENT”; in line 25, strike “ACHIEVE THESE

OBJECTIVES” and substitute “CARRY OUT ITS PURPOSES”; in line 26, strike “AN” and substitute “THE”; in the same line, after “NAVIGATOR” insert “PROGRAM”; in lines 28 and 29, strike “HEALTH PLANS AND QUALIFIED DENTAL”; in line 29, strike “MAY” and substitute “SHALL PROVIDE COMPREHENSIVE CONSUMER ASSISTANCE SERVICES, INCLUDING”; and in line 30, strike “CONDUCT” and substitute “CONDUCTING”.

On page 28, in line 1, strike “DISTRIBUTE” and substitute “DISTRIBUTING”; in line 3, after “SUBSIDIES” insert “AND COST-SHARING ASSISTANCE”; in lines 9 and 30 and 31, in each instance, strike “HEALTH PLANS AND QUALIFIED DENTAL”; in line 10, after “THE” insert “INDIVIDUAL”; strike beginning with “FACILITATE” in line 11 down through “DISENROLLMENT” in line 13 and substitute “WITH RESPECT TO QUALIFIED PLANS, FACILITATING”:

(I) PLAN SELECTION, BASED ON THE NEEDS OF THE INDIVIDUAL SEEKING TO ENROLL;

(II) ASSESSMENT OF TAX IMPLICATIONS AND PREMIUM AND COST-SHARING REQUIREMENTS; AND

(III) APPLICATION, ENROLLMENT, RENEWAL, AND DISENROLLMENT PROCESSES”;

in line 14, strike “FACILITATE” and substitute “FACILITATING”; in line 17, after “ORGANIZATIONS,” insert “AND”; in the same line, after “APPLICATION” insert “, ENROLLMENT, AND DISENROLLMENT”; in lines 17 and 18, strike “, ENROLLMENT, AND DISENROLLMENT”; in line 19, strike “CONDUCT” and substitute “CONDUCTING”; in line 20, after “SUBSIDIES” insert “AND COST-SHARING ASSISTANCE”; in line 21, strike “PROVIDE” and substitute “PROVIDING”; in the same line, strike “FOR” and substitute “, INCLUDING THE ATTORNEY GENERAL’S HEALTH EDUCATION AND ADVOCACY UNIT AND THE ADMINISTRATION, FOR APPLICANTS AND”; in lines 24 and 27, in each instance, strike “PROVIDE” and substitute “PROVIDING”; in line 31, after “THE” insert “INDIVIDUAL”; and in line 32, after “(D)” insert “(1) THE CONSUMER ASSISTANCE SERVICES DESCRIBED IN SUBSECTION (C) OF THIS SECTION THAT MUST BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR ARE THOSE SERVICES THAT INVOLVE THE SALE,

SOLICITATION, AND NEGOTIATION OF QUALIFIED PLANS OFFERED IN THE INDIVIDUAL EXCHANGE, INCLUDING:

(I) EXAMINING OR OFFERING TO EXAMINE A QUALIFIED PLAN FOR THE PURPOSE OF GIVING, OR OFFERING TO GIVE, ADVICE OR INFORMATION ABOUT THE TERMS, CONDITIONS, BENEFITS, COVERAGE, OR PREMIUM OF A QUALIFIED PLAN;

(II) FACILITATING:

1. QUALIFIED PLAN SELECTION;

2. THE APPLICATION OF PREMIUM TAX SUBSIDIES TO SELECTED QUALIFIED HEALTH PLANS;

3. PLAN APPLICATION, ENROLLMENT, RENEWAL, AND DISENROLLMENT PROCESSES; AND

(III) PROVIDING ONGOING SUPPORT WITH RESPECT TO ISSUES RELATING TO QUALIFIED PLAN ENROLLMENT, APPLICATION OF PREMIUM TAX SUBSIDIES, RENEWAL, AND DISENROLLMENT.

(2) THE CONSUMER ASSISTANCE SERVICES DESCRIBED IN SUBSECTION (C) OF THIS SECTION THAT DO NOT HAVE TO BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR ARE:

(I) CONDUCTING GENERAL EDUCATION AND OUTREACH;

(II) FACILITATING ELIGIBILITY DETERMINATIONS AND REDETERMINATIONS FOR PREMIUM TAX SUBSIDIES, THE MARYLAND MEDICAL ASSISTANCE PROGRAM, AND THE MARYLAND CHILDREN'S HEALTH PROGRAM; AND

(III) FACILITATING AND PROVIDING ONGOING SUPPORT WITH RESPECT TO THE SELECTION OF MANAGED CARE ORGANIZATIONS, APPLICATION PROCESSES, ENROLLMENT, AND DISENROLLMENT FOR THE

MARYLAND MEDICAL ASSISTANCE PROGRAM AND THE MARYLAND CHILDREN'S HEALTH PROGRAM.

(E) (1) THE EXCHANGE MAY AUTHORIZE AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY TO PROVIDE CONSUMER ASSISTANCE SERVICES THAT:

(I) ARE REQUIRED TO BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR; OR

(II) SUBJECT TO PARAGRAPH (2)(III) OF THIS SUBSECTION, RESULT IN A CONSUMER'S ENROLLMENT IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN'S HEALTH PROGRAM.

(2) THE EXCHANGE:

(I) MAY LIMIT THE AUTHORIZATION OF AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY TO THE PROVISION OF A SUBSET OF SERVICES, DEPENDING ON THE NEEDS OF THE INDIVIDUAL EXCHANGE NAVIGATOR PROGRAM AND THE CAPACITY OF THE INDIVIDUAL EXCHANGE NAVIGATOR ENTITY, PROVIDED THAT THE NAVIGATOR PROGRAM OVERALL PROVIDES THE TOTALITY OF SERVICES REQUIRED BY THE AFFORDABLE CARE ACT AND THIS SUBTITLE;

(II) PURSUANT TO CONTRACTUAL AGREEMENT, MAY REQUIRE AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY TO PROVIDE EDUCATION, OUTREACH, AND OTHER CONSUMER ASSISTANCE SERVICES IN ADDITION TO THE SERVICES PROVIDED UNDER THE INDIVIDUAL EXCHANGE NAVIGATOR ENTITY'S AUTHORIZATION IN ORDER TO ACHIEVE ALL OF THE OBJECTIVES OF THE NAVIGATOR PROGRAM; AND

(III) MAY NOT AUTHORIZE AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY TO PROVIDE SERVICES THAT RESULT IN A CONSUMER'S ENROLLMENT IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN'S HEALTH PROGRAM WITHOUT THE APPROVAL OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

(F) AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY:

(1) SHALL OBTAIN AUTHORIZATION FROM THE INDIVIDUAL EXCHANGE TO PROVIDE SERVICES THAT:

(i) ARE REQUIRED TO BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR; OR

(ii) RESULT IN A CONSUMER'S ENROLLMENT IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN'S HEALTH PROGRAM;

(2) MAY PROVIDE:

(i) THOSE SERVICES THAT ARE WITHIN THE SCOPE OF THE INDIVIDUAL EXCHANGE NAVIGATOR ENTITY'S AUTHORIZATION; AND

(ii) ANY OTHER CONSUMER ASSISTANCE SERVICES THAT:

1. ARE NOT REQUIRED TO BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR; OR

2. DO NOT REQUIRE AUTHORIZATION UNDER THIS SUBSECTION;

(3) TO THE EXTENT THE SCOPE OF ITS AUTHORIZATION INCLUDES SERVICES THAT MUST BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR, SHALL PROVIDE THOSE SERVICES ONLY THROUGH INDIVIDUAL EXCHANGE NAVIGATORS;

(4) IN ADDITION TO THE SERVICES IT MAY PROVIDE UNDER ITS AUTHORIZATION, MAY EMPLOY OR ENGAGE OTHER INDIVIDUALS TO CONDUCT:

(i) CONSUMER EDUCATION AND OUTREACH; AND

(II) DETERMINATIONS OF ELIGIBILITY FOR PREMIUM SUBSIDIES AND COST-SHARING ASSISTANCE, THE MARYLAND MEDICAL ASSISTANCE PROGRAM, AND THE MARYLAND CHILDREN’S HEALTH PROGRAM;

(5) MAY EMPLOY OR ENGAGE INDIVIDUALS TO PERFORM ACTIVITIES THAT:

(I) ARE EXECUTIVE, ADMINISTRATIVE, MANAGERIAL, OR CLERICAL; AND

(II) RELATE ONLY INDIRECTLY TO SERVICES THAT MUST BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR OR RESULT IN A CONSUMER’S ENROLLMENT IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN’S HEALTH PROGRAM;

(6) SHALL COMPLY WITH ALL STATE AND FEDERAL LAWS, REGULATIONS, AND POLICIES GOVERNING THE MARYLAND MEDICAL ASSISTANCE PROGRAM AND THE MARYLAND CHILDREN’S HEALTH PROGRAM;

(7) MAY NOT RECEIVE ANY COMPENSATION, DIRECTLY OR INDIRECTLY:

(I) FROM A CARRIER, AN INSURANCE PRODUCER, OR A THIRD-PARTY ADMINISTRATOR IN CONNECTION WITH THE ENROLLMENT OF A QUALIFIED INDIVIDUAL IN A QUALIFIED HEALTH PLAN; OR

(II) FROM ANY MANAGED CARE ORGANIZATION THAT PARTICIPATES IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM IN CONNECTION WITH THE ENROLLMENT OF AN INDIVIDUAL IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN’S HEALTH PROGRAM; AND

(8) WITH RESPECT TO THE INSURANCE MARKET OUTSIDE THE EXCHANGE:

(I) MAY NOT PROVIDE ANY INFORMATION OR SERVICES RELATED TO HEALTH BENEFIT PLANS OR OTHER PRODUCTS NOT OFFERED IN THE EXCHANGE, EXCEPT FOR GENERAL INFORMATION ABOUT THE INSURANCE MARKET OUTSIDE THE EXCHANGE, WHICH SHALL BE LIMITED TO THE INFORMATION PROVIDED IN A CONSUMER EDUCATION DOCUMENT DEVELOPED BY THE EXCHANGE AND THE COMMISSIONER;

(II) SHALL REFER ANY INQUIRIES ABOUT HEALTH BENEFIT PLANS OR OTHER PRODUCTS NOT OFFERED IN THE EXCHANGE TO:

1. ANY RESOURCES THAT MAY BE MAINTAINED BY THE EXCHANGE; OR

2. CARRIERS AND LICENSED INSURANCE PRODUCERS; AND

(III) ON CONTACT WITH AN INDIVIDUAL WHO ACKNOWLEDGES HAVING EXISTING HEALTH INSURANCE COVERAGE OBTAINED THROUGH AN INSURANCE PRODUCER, SHALL REFER THE INDIVIDUAL BACK TO THE INSURANCE PRODUCER FOR INFORMATION AND SERVICES UNLESS:

1. THE INDIVIDUAL IS ELIGIBLE FOR BUT HAS NOT OBTAINED A FEDERAL PREMIUM SUBSIDY AND COST-SHARING ASSISTANCE AVAILABLE ONLY THROUGH THE INDIVIDUAL EXCHANGE;

2. THE INSURANCE PRODUCER IS NOT AUTHORIZED TO SELL QUALIFIED PLANS IN THE INDIVIDUAL EXCHANGE; OR

3. THE INDIVIDUAL WOULD PREFER NOT TO SEEK FURTHER ASSISTANCE FROM THE INDIVIDUAL'S INSURANCE PRODUCER.

(G) (1) THE COMMISSIONER MAY SUSPEND OR REVOKE AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY AUTHORIZATION AFTER NOTICE AND OPPORTUNITY FOR A HEARING UNDER §§ 2-210 THROUGH 2-214 OF THIS ARTICLE IF THE INDIVIDUAL EXCHANGE NAVIGATOR ENTITY:

(I) HAS WILLFULLY VIOLATED THIS ARTICLE OR ANY REGULATION ADOPTED UNDER THIS ARTICLE;

(II) HAS ENGAGED IN FRAUDULENT OR DISHONEST PRACTICES IN CONDUCTING ACTIVITIES UNDER THE INDIVIDUAL EXCHANGE NAVIGATOR ENTITY AUTHORIZATION;

(III) HAS HAD ANY PROFESSIONAL LICENSE OR CERTIFICATION SUSPENDED OR REVOKED FOR A FRAUDULENT OR DISHONEST PRACTICE;

(IV) HAS BEEN CONVICTED OF A FELONY, A CRIME OF MORAL TURPITUDE, OR ANY CRIMINAL OFFENSE INVOLVING DISHONESTY OR BREACH OF TRUST; OR

(V) HAS WILLFULLY FAILED TO COMPLY WITH OR VIOLATED A PROPER ORDER OR SUBPOENA OF THE COMMISSIONER.

(2) INSTEAD OF OR IN ADDITION TO SUSPENDING OR REVOKING AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY AUTHORIZATION, THE COMMISSIONER MAY:

(I) IMPOSE A PENALTY OF NOT LESS THAN \$100 BUT NOT EXCEEDING \$500 FOR EACH VIOLATION OF THIS ARTICLE; AND

(II) REQUIRE THAT RESTITUTION BE MADE TO ANY PERSON WHO HAS SUFFERED FINANCIAL INJURY BECAUSE OF THE INDIVIDUAL EXCHANGE NAVIGATOR ENTITY'S VIOLATION OF THIS ARTICLE.

(3) THE PENALTIES AVAILABLE TO THE COMMISSIONER UNDER THIS SUBSECTION SHALL BE IN ADDITION TO ANY CRIMINAL OR CIVIL PENALTIES IMPOSED FOR FRAUD OR OTHER MISCONDUCT UNDER ANY OTHER STATE OR FEDERAL LAW.

(4) THE COMMISSIONER SHALL NOTIFY THE INDIVIDUAL EXCHANGE OF ANY DECISION AFFECTING THE AUTHORIZATION OF AN

INDIVIDUAL EXCHANGE NAVIGATOR ENTITY OR ANY SANCTION IMPOSED ON AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY UNDER THIS SUBSECTION.

(5) A CARRIER IS NOT RESPONSIBLE FOR THE ACTIVITIES AND CONDUCT OF INDIVIDUAL EXCHANGE NAVIGATOR ENTITIES.

(H)”.

On page 29, in line 2, strike “(F)” and substitute “(J)”;

“(2) MAY PROVIDE CONSUMER ASSISTANCE SERVICES THAT ARE REQUIRED TO BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR UNDER SUBSECTION (D)(1) OF THIS SECTION;”;

in lines 3, 5, and 7, strike “(2)”, “(3)”, and “(4)”, respectively, and substitute “(3)”, “(4)”, and “(5)”, respectively; in line 3, after “PRODUCER” insert “OR ADVISER”; strike in their entirety lines 10 through 24, inclusive, and substitute:

“(6) MAY NOT RECEIVE ANY COMPENSATION, DIRECTLY OR INDIRECTLY:

(I) FROM A CARRIER, AN INSURANCE PRODUCER, OR A THIRD-PARTY ADMINISTRATOR IN CONNECTION WITH THE ENROLLMENT OF A QUALIFIED INDIVIDUAL IN A QUALIFIED HEALTH PLAN; OR

(II) FROM A MANAGED CARE ORGANIZATION THAT PARTICIPATES IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM IN CONNECTION WITH THE ENROLLMENT OF AN INDIVIDUAL IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN’S HEALTH PROGRAM;

(7) WITH RESPECT TO THE INSURANCE MARKET OUTSIDE THE EXCHANGE, IS SUBJECT TO THE SAME REQUIREMENTS APPLICABLE TO INDIVIDUAL EXCHANGE NAVIGATOR ENTITIES AS SET FORTH IN SUBSECTION (F)(8) OF THIS SECTION; AND”;

in line 25, strike the second “AND” and substitute a comma; in line 26, after “REGULATIONS” insert “, AND POLICIES”; in line 28, strike “(E) (1)” and substitute “(I)”; in line 29, strike “(I)” and substitute “(1)”; and in line 30, strike “PROGRAM” and substitute “PROCESS”.

On page 30, strike in their entirety lines 1 through 9, inclusive, and substitute:

“(2) IN CONSULTATION WITH THE COMMISSIONER AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION; AND

(3) MAY IMPLEMENT THE INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION PROCESS WITH THE ASSISTANCE OF THE COMMISSIONER AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, IN ACCORDANCE WITH ONE OR MORE MEMORANDA OF UNDERSTANDING.”;

strike in their entirety lines 10 through 19, inclusive; in line 20, strike “(F)” and substitute “(J)”; in line 29, strike “(G)” and substitute “(K)”; and after line 31, insert:

“(3) A CERTIFICATION SHALL EXPIRE 2 YEARS AFTER THE DATE IT IS ISSUED UNLESS IT IS RENEWED.”.

On page 31, strike in their entirety lines 1 through 5, inclusive, and substitute:

“(K) (1) THE EXCHANGE, WITH THE APPROVAL OF THE COMMISSIONER AND IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND STAKEHOLDERS, SHALL DEVELOP, IMPLEMENT, AND, AS APPROPRIATE, UPDATE A TRAINING PROGRAM FOR THE CERTIFICATION OF INDIVIDUAL EXCHANGE NAVIGATORS.”;

in line 7, strike “AFFORD” and substitute “PROVIDE”; in the same line, after “NAVIGATORS” insert “WITH”; in lines 14 and 15, strike “HEALTH PLANS AND QUALIFIED DENTAL”; in lines 15 and 19, in each instance, after “THE” insert “INDIVIDUAL”; and strike in their entirety lines 26 through 34, inclusive.

On page 32, in line 1, strike “(4)” and substitute “(3)”; strike beginning with “COMMISSIONER” in line 2 down through “PROGRAM” in line 3 and substitute “THE

DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND WITH THE APPROVAL OF THE COMMISSIONER"; in line 6, strike "A" and substitute "AN INDIVIDUAL EXCHANGE NAVIGATOR"; strike beginning with "CERTIFICATE" in line 10 down through "ENTITY" in line 13 and substitute "INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION OR THE REACTIVATION OF AN INACTIVE INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION"; in line 14, strike "(H)" and substitute "(L)"; in line 17, strike "APPLICANT OR"; in line 18, after "HAS" insert "WILLFULLY"; in the same line, strike the colon; and in line 19, strike "1."

On pages 32 and 33, strike beginning with "OR" in line 20 on page 32 down through "COMMISSIONER" in line 5 on page 33 and substitute:

(II) HAS INTENTIONALLY MISREPRESENTED OR CONCEALED A MATERIAL FACT IN THE APPLICATION FOR THE INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION;

(III) HAS OBTAINED THE INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION BY MISREPRESENTATION, CONCEALMENT, OR OTHER FRAUD;

(IV) HAS ENGAGED IN FRAUDULENT OR DISHONEST PRACTICES IN CONDUCTING ACTIVITIES UNDER THE INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION;

(V) HAS MISAPPROPRIATED, CONVERTED, OR UNLAWFULLY WITHHELD MONEY IN CONDUCTING ACTIVITIES UNDER THE INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION;

(VI) HAS FAILED OR REFUSED TO PAY OVER ON DEMAND MONEY THAT BELONGS TO A PERSON ENTITLED TO THE MONEY;

(VII) HAS WILLFULLY AND MATERIALLY MISREPRESENTED THE PROVISIONS OF A QUALIFIED PLAN;

(VIII) HAS BEEN CONVICTED OF A FELONY, A CRIME OF MORAL TURPITUDE, OR ANY CRIMINAL OFFENSE INVOLVING DISHONESTY OR BREACH OF TRUST;

(IX) HAS FAILED AN EXAMINATION REQUIRED BY THIS ARTICLE OR REGULATIONS ADOPTED UNDER THIS ARTICLE;

(X) HAS FORGED ANOTHER’S NAME ON AN APPLICATION FOR A QUALIFIED PLAN OR ON ANY OTHER DOCUMENT IN CONDUCTING ACTIVITIES UNDER THE INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION;

(XI) HAS OTHERWISE SHOWN A LACK OF TRUSTWORTHINESS OR COMPETENCE TO ACT AS AN INDIVIDUAL EXCHANGE NAVIGATOR; OR

(XII) HAS WILLFULLY FAILED TO COMPLY WITH OR VIOLATED A PROPER ORDER OR SUBPOENA OF THE COMMISSIONER”;

in line 18, after “EXCHANGE” insert “AND THE INDIVIDUAL EXCHANGE NAVIGATOR ENTITY FOR WHICH THE INDIVIDUAL EXCHANGE NAVIGATOR WORKS”; after line 20, insert:

“(5) A CARRIER IS NOT RESPONSIBLE FOR THE ACTIVITIES AND CONDUCT OF INDIVIDUAL EXCHANGE NAVIGATORS.”;

in line 21, strike “(I)” and substitute “(M)”; in lines 22 and 24, in each instance, strike “PROGRAM” and substitute “PROCESS”; in line 26, strike “HEALTH PLANS AND QUALIFIED DENTAL”; and in line 27, strike “(J)” and substitute “(N)”.

On page 34, in line 3, strike “DENY,”; strike beginning with the colon in line 5 down through “4.” in line 12; in line 12, strike “IN VIOLATION OF” and substitute “DESCRIBED IN”; in line 13, strike “(H)” and substitute “(M)(1)”; in the same line, after “SECTION” insert “WITH RESPECT TO THE AUTHORIZATION”; in line 17, strike “IN CONSULTATION”; in the same line, after “THE” insert “APPROVAL OF THE”; in line 19, strike “(J)” and substitute “(N)”; in line 22, strike “HEALTH PLAN OR QUALIFIED DENTAL”; in line 24, strike “LICENSED” and substitute “CERTIFIED”; in

line 25, strike “HEALTH PLANS AND QUALIFIED DENTAL”; and in line 31, strike “(K)” and substitute “(O)”.

On page 35, in lines 7 and 8, strike “HEALTH PLAN OR A QUALIFIED DENTAL”; in line 10, strike “(K)” and substitute “(O)”; in line 12, strike “HEALTH PLANS AND QUALIFIED DENTAL”; after line 21, insert:

“(P) NOTHING IN THIS SECTION SHALL PROHIBIT A COMMUNITY-BASED ORGANIZATION OR A UNIT OF STATE OR LOCAL GOVERNMENT FROM PROVIDING THE CONSUMER ASSISTANCE SERVICES DESCRIBED IN SUBSECTION (C) OF THIS SECTION THAT ARE NOT REQUIRED TO BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR, IF THE ENTITY PROVIDING THE SERVICES AND ITS EMPLOYEES DO NOT:

(1) RECEIVE ANY COMPENSATION, DIRECTLY OR INDIRECTLY, FROM A CARRIER, AN INSURANCE PRODUCER, OR A THIRD-PARTY ADMINISTRATOR IN CONNECTION WITH THE ENROLLMENT OF A QUALIFIED INDIVIDUAL IN A QUALIFIED HEALTH PLAN;

(2) RECEIVE ANY COMPENSATION, DIRECTLY OR INDIRECTLY, FROM A MANAGED CARE ORGANIZATION THAT PARTICIPATES IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN’S HEALTH PROGRAM; AND

(3) IDENTIFY THEMSELVES TO THE PUBLIC AS AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITIES OR INDIVIDUAL EXCHANGE NAVIGATORS.”;

and in line 26, after “NAVIGATOR” insert “OR AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY” .

AMENDMENT NO. 10

On page 36, in line 3, strike “AND”; in line 7, strike “BUNDLED WITH” and substitute “SOLD IN CONJUNCTION WITH OR AS AN ENDORSEMENT TO”; and in line 8, after “PLANS” insert “; AND”

(3) VISION PLANS AS QUALIFIED VISION PLANS, WHICH MAY BE OFFERED BY CARRIERS AS:

(I) STAND-ALONE VISION PLANS; OR

(II) VISION PLANS SOLD IN CONJUNCTION WITH OR AS AN ENDORSEMENT TO QUALIFIED HEALTH PLANS”.

On page 37, in line 25, strike the third “AND”; in line 27, strike “HEALTH PLANS AND QUALIFIED DENTAL”; in line 28, after “ENROLLMENT” insert “;AND

(III) DEMONSTRATING COMPLIANCE WITH THE FEDERAL MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008”;

in line 29, after “(c)” insert “**(1)**”; in line 30, strike “(g)” and substitute “**(H)**”; and in line 32, strike “(1)” and substitute “**(I)**”.

On page 38, in lines 1, 3, and 5, strike “(2)”, “(i)”, and “(ii)”, respectively, and substitute “**(II)**”, “**1.**”, and “**2.**”, respectively; in line 3, after “pediatric” insert “DENTAL”; after line 7, insert:

“(2) THE EXCHANGE MAY DETERMINE WHETHER A CARRIER MAY ELECT TO INCLUDE NONESSENTIAL ORAL AND DENTAL BENEFITS IN A QUALIFIED HEALTH PLAN.

(D) (1) A QUALIFIED HEALTH PLAN IS NOT REQUIRED TO PROVIDE ESSENTIAL BENEFITS THAT DUPLICATE THE MINIMUM BENEFITS OF QUALIFIED VISION PLANS, AS PROVIDED IN SUBSECTION (I) OF THIS SECTION, IF:

(I) THE EXCHANGE HAS DETERMINED THAT AT LEAST ONE QUALIFIED VISION PLAN IS AVAILABLE TO SUPPLEMENT THE QUALIFIED HEALTH PLAN’S COVERAGE; AND

(II) AT THE TIME THE CARRIER OFFERS THE QUALIFIED HEALTH PLAN, THE CARRIER DISCLOSES IN A FORM APPROVED BY THE EXCHANGE THAT:

1. THE PLAN DOES NOT PROVIDE THE FULL RANGE OF ESSENTIAL PEDIATRIC VISION BENEFITS; AND

2. QUALIFIED VISION PLANS PROVIDING THESE AND OTHER VISION BENEFITS ALSO NOT PROVIDED BY THE QUALIFIED HEALTH PLAN ARE OFFERED THROUGH THE EXCHANGE.

(2) THE EXCHANGE MAY DETERMINE WHETHER A CARRIER MAY ELECT TO INCLUDE NONESSENTIAL VISION BENEFITS IN A QUALIFIED HEALTH PLAN.”;

and in lines 8, 13, and 21, strike “(d)”, “(e)”, and “(f)”, respectively, and substitute “**(E)**”, “**(F)**”, and “**(G)**”, respectively.

AMENDMENT NO. 11

On page 39, in line 13, strike “(g)” and substitute “**(H)**”; in the same line, strike “(2), (3), [and] (4), AND (5)” and substitute “**(2) THROUGH (5)**”; in line 15, after “plans” insert “**TO THE EXTENT RELEVANT, WHETHER OFFERED IN CONJUNCTION WITH OR AS AN ENDORSEMENT TO QUALIFIED HEALTH PLANS OR AS STAND-ALONE DENTAL PLANS**”; strike beginning with “Carriers” in line 27 down through “jointly” in line 31 and substitute “**(I) THE EXCHANGE MAY DETERMINE:**

1. THE MANNER IN WHICH CARRIERS MUST DISCLOSE THE PRICE OF ORAL AND DENTAL BENEFITS AND, TO THE EXTENT RELEVANT, MEDICAL BENEFITS, WHEN OFFERED:

A. TO THE EXTENT PERMITTED BY THE EXCHANGE, IN A QUALIFIED HEALTH PLAN;

B. IN CONJUNCTION WITH OR AS AN ENDORSEMENT TO A QUALIFIED HEALTH PLAN; OR

C. AS A STAND-ALONE PLAN; AND

2. WHEN A CARRIER OFFERS A QUALIFIED DENTAL PLAN IN CONJUNCTION WITH A QUALIFIED HEALTH PLAN, WHETHER THE CARRIER ALSO MUST MAKE THE QUALIFIED HEALTH PLAN, THE QUALIFIED

DENTAL PLAN, OR BOTH QUALIFIED PLANS AVAILABLE ON A STAND-ALONE BASIS.

(II) IN DETERMINING THE MANNER IN WHICH CARRIERS MUST OFFER AND DISCLOSE THE PRICE OF MEDICAL, ORAL, AND DENTAL BENEFITS UNDER THIS PARAGRAPH, THE EXCHANGE SHALL BALANCE THE OBJECTIVES OF TRANSPARENCY AND AFFORDABILITY FOR CONSUMERS”;

and in line 32, after “MAY” insert “:

(I) EXEMPT QUALIFIED DENTAL PLANS FROM A REQUIREMENT APPLICABLE TO QUALIFIED HEALTH PLANS UNDER THIS TITLE TO THE EXTENT THE EXCHANGE DETERMINES THE REQUIREMENT IS NOT RELEVANT TO QUALIFIED DENTAL PLANS; AND

(II)”.

AMENDMENT NO. 12

On page 40, after line 2, insert:

“(I) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) THROUGH (5) OF THIS SUBSECTION, THE REQUIREMENTS APPLICABLE TO QUALIFIED HEALTH PLANS UNDER THIS TITLE ALSO SHALL APPLY TO QUALIFIED VISION PLANS TO THE EXTENT RELEVANT, WHETHER OFFERED IN CONJUNCTION WITH OR AS AN ENDORSEMENT TO QUALIFIED HEALTH PLANS OR AS STAND-ALONE VISION PLANS.

(2) A CARRIER OFFERING A QUALIFIED VISION PLAN SHALL BE LICENSED TO OFFER VISION COVERAGE BUT NEED NOT BE LICENSED TO OFFER OTHER HEALTH BENEFITS.

(3) A QUALIFIED VISION PLAN SHALL:

(I) BE LIMITED TO VISION AND EYE HEALTH BENEFITS, WITHOUT SUBSTANTIAL DUPLICATION OF OTHER BENEFITS TYPICALLY OFFERED BY HEALTH BENEFIT PLANS WITHOUT VISION COVERAGE; AND

(II) INCLUDE AT A MINIMUM:

1. THE ESSENTIAL PEDIATRIC VISION BENEFITS REQUIRED BY THE SECRETARY UNDER § 1302(B)(1)(J) OF THE AFFORDABLE CARE ACT; AND

2. OTHER VISION BENEFITS REQUIRED BY THE SECRETARY OR THE EXCHANGE.

(4) (I) THE EXCHANGE MAY DETERMINE:

1. THE MANNER IN WHICH CARRIERS MUST DISCLOSE THE PRICE OF VISION BENEFITS AND, TO THE EXTENT RELEVANT, MEDICAL BENEFITS, WHEN OFFERED:

A. TO THE EXTENT PERMITTED BY THE EXCHANGE, IN A QUALIFIED HEALTH PLAN;

B. IN CONJUNCTION WITH OR AS AN ENDORSEMENT TO A QUALIFIED HEALTH PLAN; OR

C. AS A STAND-ALONE PLAN; AND

2. WHEN A CARRIER OFFERS A QUALIFIED VISION PLAN IN CONJUNCTION WITH A QUALIFIED HEALTH PLAN, WHETHER THE CARRIER ALSO MUST MAKE THE QUALIFIED HEALTH PLAN, THE QUALIFIED VISION PLAN, OR BOTH QUALIFIED PLANS AVAILABLE ON A STAND-ALONE BASIS.

(II) IN DETERMINING THE MANNER IN WHICH CARRIERS MUST OFFER AND DISCLOSE THE PRICE OF MEDICAL AND VISION BENEFITS UNDER THIS PARAGRAPH, THE EXCHANGE SHALL BALANCE THE OBJECTIVES OF TRANSPARENCY AND AFFORDABILITY FOR CONSUMERS.

(5) THE EXCHANGE MAY:

(I) EXEMPT QUALIFIED VISION PLANS FROM A REQUIREMENT APPLICABLE TO QUALIFIED HEALTH PLANS UNDER THIS TITLE TO THE EXTENT THE EXCHANGE DETERMINES THE REQUIREMENT IS NOT RELEVANT TO QUALIFIED VISION PLANS; AND

(II) ESTABLISH ADDITIONAL REQUIREMENTS FOR QUALIFIED VISION PLANS IN CONJUNCTION WITH ITS ESTABLISHMENT OF ADDITIONAL REQUIREMENTS FOR QUALIFIED HEALTH PLANS UNDER SUBSECTION (B)(9) OF THIS SECTION.

(J) A MANAGED CARE ORGANIZATION MAY NOT BE REQUIRED TO OFFER A QUALIFIED PLAN IN THE EXCHANGE.”.

AMENDMENT NO. 13

On page 40, in line 8, strike “PROVISION OF” and substitute “BENEFITS MANDATED BY STATE”; in line 10, after “ALL” insert “INDIVIDUAL”; in the same line, after “PLANS” insert “AND HEALTH BENEFIT PLANS OFFERED TO SMALL EMPLOYERS”; in line 11, after “GRANDFATHERED” insert “HEALTH”; in the same line, after “PLANS” insert a comma; in line 12, strike “IN THE INDIVIDUAL AND SMALL GROUP MARKET”; and in line 14, after “(II)” insert “SUBJECT TO § 31-115(C) AND (D) OF THIS TITLE,”.

On page 41, in lines 12, 14, 15, 18, 20, 22, 25, and 27, strike “(4)”, “(I)”, “1.”, “2.”, “(II)”, “1.”, “2.”, and “(5)”, respectively, and substitute “(D)”, “(1)”, “(I)”, “(II)”, “(2)”, “(I)”, “(III)”, and “(E)”, respectively; in line 19, strike “AND”; in line 20, after “STATE” insert “, INCLUDING MEMBERS OF THE GENERAL ASSEMBLY”; in line 21, after “PUBLIC” insert a comma; in line 24, after “STAKEHOLDERS” insert “, INCLUDING:”

1. INDIVIDUALS WITH KNOWLEDGE OF AND EXPERTISE IN ADVOCATING FOR CONSUMERS REPRESENTING LOWER INCOME, RACIAL, ETHNIC, OR OTHER MINORITIES, INDIVIDUALS WITH CHRONIC DISEASES AND OTHER DISABILITIES, AND VULNERABLE POPULATIONS;

2. PUBLIC HEALTH RESEARCHERS AND OTHER ACADEMIC EXPERTS WITH RELEVANT KNOWLEDGE AND BACKGROUND,

INCLUDING KNOWLEDGE AND BACKGROUND RELATING TO DISPARITIES AND THE HEALTH NEEDS OF DIVERSE POPULATIONS; AND

3. CARRIERS, HEALTH CARE PROVIDERS, AND OTHER INDUSTRY REPRESENTATIVES WITH KNOWLEDGE AND EXPERTISE RELEVANT TO HEALTH PLAN BENEFITS AND DESIGN;

(II) TO THE EXTENT PRACTICABLE, APPOINTING INDIVIDUALS TO THE ADVISORY GROUP WHO REFLECT THE GENDER, RACIAL, ETHNIC, AND GEOGRAPHIC DIVERSITY OF THE STATE”;

in line 25, after “FOR” insert “MEMBERS OF THE GENERAL ASSEMBLY AND”; in line 26, after “TO” insert “;”;

1. BE KEPT INFORMED BY ELECTRONIC MAIL; AND

2.”;

and in the same line, after “COMMENT” insert “; AND

(3) SELECT A PLAN THAT COMPLIES WITH ALL REQUIREMENTS OF THIS TITLE AND THE AFFORDABLE CARE ACT, THE FEDERAL MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008, AND ANY OTHER FEDERAL LAWS, REGULATIONS, POLICIES, OR GUIDANCE APPLICABLE TO STATE BENCHMARK PLANS AND ESSENTIAL HEALTH BENEFITS”.

AMENDMENT NO. 14

On page 43, in line 2, strike “SECRETARY” and substitute “COMMISSIONER”.

AMENDMENT NO. 15

On page 45, in line 10, after “(1)” insert “(i)”; in the same line, strike “Maryland-specific”; in line 11, after “program” insert “as an alternative to the federal or Maryland-specific model selected under Title 31 of the Insurance Article”; in lines 11 and 12, strike “than the federal model”; line 14, strike “(2)” and substitute “(ii)”; in the same line, strike “Maryland” and substitute “alternative”; in line 15, after “implemented” insert “;”;

(2) whether strategies should be implemented to mitigate the impact of the inclusion in the individual market of individuals enrolled in the Maryland Health Insurance Plan; and

(3) whether the State should develop a Maryland-specific reinsurance program to ensure the affordability of premiums in the individual market”;

in line 28, strike “and”; and in line 30, after “House” insert “; and

(8) the Attorney General, or the Attorney General’s designee”.

AMENDMENT NO. 16

On page 46, in line 6, after “(1)” insert “(i)”; in line 8, after the semicolon, insert “and

(ii) in assessing total funds needed to sustain the Exchange and to minimize duplication of functions and costs, consider the expertise of and functions already performed by the Department of Health and Mental Hygiene, the Maryland Health Care Commission, the Maryland Insurance Administration, and the Health Services Cost Review Commission;”;

after line 21, insert:

“(4) taking into account all of the ramifications of and funding available under the Affordable Care Act and changes in the State’s health care delivery system, consider the impact of any funding mechanism on health insurance premiums and the State’s Medicare waiver;”;

and in lines 22 and 25, strike “(4)” and “(5)”, respectively, and substitute “(5)” and “(6)”, respectively.

AMENDMENT NO. 17

On page 47, in line 9, after “with” insert “the Maryland Insurance Commissioner, the Department of Health and Mental Hygiene,”; after line 18, insert:

“SECTION 8. AND BE IT FURTHER ENACTED, That the requirements of § 31-116(a)(2)(i) of the Insurance Article, as enacted by Section 2 of this Act, shall be subject to any clarification regarding essential pediatric benefits that may be provided by the U.S. Department of Health and Human Services.

SECTION 9. AND BE IT FURTHER ENACTED, That, with respect to the preparation and certification of qualified plans to be offered through the Maryland Health Benefit Exchange in 2014, pending adoption of regulations under Title 31 of the Insurance Article, and after receiving comment from the Joint Committee on Administrative, Executive, and Legislative Review, the Senate Finance Committee, the House Health and Government Operations Committee, carriers, and the public, the Board of Trustees of the Exchange may adopt interim policies, if necessary, to:

(1) comply with federal law and regulations; and

(2) allow carriers offering qualified plans in the Exchange in 2014 sufficient time to design and develop qualified plans and file rates with the Maryland Insurance Administration.”;

and in line 19, strike “8.” and substitute “10.”.

The preceding 17 amendments were read only.

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

The motion was adopted.

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

Senate Bill 652 – Senators Middleton, Young, Garagiola, Manno, Mathias, and Rosapepe

AN ACT concerning

Renewable Energy Portfolio Standard – Renewable Energy Credits – Geothermal Heating and Cooling

SB0652/677374/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 652

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “specifying” in line 7 down through “measured” in line 8 and substitute “specifying the methods by which the Commission shall determine the energy savings of geothermal heating and cooling systems”; and in line 10, after the second “term;” insert “providing for the application of this Act;”.

AMENDMENT NO. 2

On page 4, strike in their entirety lines 4 through 6, inclusive, and substitute:

“(3) TO DETERMINE THE ENERGY SAVINGS OF A GEOTHERMAL HEATING AND COOLING SYSTEM FOR A RESIDENCE, THE COMMISSION SHALL:

(I) IDENTIFY AVAILABLE INTERNET-BASED ENERGY CONSUMPTION CALCULATORS DEVELOPED BY THE GEOTHERMAL HEATING AND COOLING INDUSTRY;

(II) COLLECT THE FOLLOWING DATA PROVIDED IN THE RENEWABLE ENERGY CREDIT APPLICATION THAT:

1. DESCRIBES THE NAME OF THE APPLICANT AND THE ADDRESS AT WHICH THE GEOTHERMAL HEATING AND COOLING SYSTEM IS INSTALLED; AND

2. PROVIDES THE ANNUAL BTU ENERGY SAVINGS ATTRIBUTABLE TO HOME HEATING, COOLING, AND WATER HEATING; AND

(III) IN DETERMINING THE ANNUAL AMOUNT OF RENEWABLE ENERGY CREDITS AWARDED FOR THE GEOTHERMAL HEATING AND COOLING SYSTEM, CONVERT THE ANNUAL BTUs INTO ANNUAL MEGAWATT HOURS.

(4) TO DETERMINE THE ENERGY SAVINGS OF A NONRESIDENTIAL GEOTHERMAL HEATING AND COOLING SYSTEM, THE COMMISSION SHALL:

(I) USE THE GEOTHERMAL HEATING AND COOLING ENGINEERING TECHNICAL SYSTEM DESIGNS PROVIDED WITH THE RENEWABLE ENERGY CREDIT APPLICATION; AND

(II) IN DETERMINING THE ANNUAL AMOUNT OF RENEWABLE ENERGY CREDITS AWARDED FOR THE GEOTHERMAL HEATING AND COOLING SYSTEM, CONVERT THE ANNUAL BTUS INTO ANNUAL MEGAWATT HOURS.;

in line 7, strike “(4)” and substitute “(5)”; and in lines 11 and 12, strike “July 1, 2012” and substitute “January 1, 2013”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 726 – Senator Muse

AN ACT concerning

Consumer Protection – Maryland Consumer Protection Act – Scope and Penalties

SB0726/917878/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 726

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “and” in line 2 down through “Penalties” in line 3; strike beginning with “contracts” in line 5 down through “consumer” in line 6 and substitute “purchases, rents, or leases”; in line 7, strike “consumer”; in line 9, strike “a certain contract with” and substitute “the purchase, rental, or lease by”; in the same line, after “organization” insert “of certain goods or services”; strike beginning with “altering” in line 9 down through the semicolon in line 11; in line 11, after the semicolon, insert “making this Act subject to a certain contingency; requiring the Division of Consumer Protection of the Office of the Attorney General to give a certain notice to the Department of Legislative Services under certain circumstances; providing that this Act shall be null and void and of no force and effect under certain”

circumstances;”; in line 12, strike “and penalties for violations of that Act”; in line 20, strike the first comma and substitute “and”; and in the same line, strike “, and 13–411”.

AMENDMENT NO. 2

On page 2, strike beginning with “CONTRACTS” in line 15 down through “CONSUMER” in line 16 and substitute “PURCHASES, RENTS, OR LEASES”; in line 17, strike “CONSUMER”; strike beginning with the first “A” in line 28 down through “PROVIDE” in line 30 and substitute “THE PURCHASE, RENTAL, OR LEASE BY A NONPROFIT ORGANIZATION OF”; and in line 30, in each instance, strike “CONSUMER”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 1 through 9, inclusive.

AMENDMENT NO. 4

On page 3, after line 9, insert:

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

(a) This Act is contingent on the appropriation of funds in the State budget for the Division of Consumer Protection of the Office of the Attorney General in an amount the Division determines is sufficient to enable the Division to perform any additional functions resulting from changes made to the Maryland Consumer Protection Act under Section 1 of this Act.

(b) The Division of Consumer Protection shall notify the Department of Legislative Services within 5 days after the Division makes the determination described in subsection (a) of this section.

(c) If notice of the Division of Consumer Protection’s determination is not received by the Department of Legislative Services on or before June 30, 2017, this Act shall be null and void without the necessity of further action by the General Assembly.”;

in line 10, strike “2.” and substitute “3.”; and in the same line, after “That” insert “, subject to Section 2 of this Act.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 744 – Senators Madaleno, Colburn, Conway, Currie, Forehand, Glassman, Jones–Rodwell, King, Klausmeier, Manno, McFadden, Montgomery, Muse, Peters, Pugh, Ramirez, Raskin, Rosapepe, and Stone

AN ACT concerning

Health Insurance – Habilitative Services – Required Coverage and Workgroup

SB0744/507771/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 744

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Stone” and substitute “Stone, Astle, Kittleman, Kelley, and Middleton”; in line 2, strike “and” and substitute a comma; in line 3, after “Workgroup” insert “, and Technical Advisory Group”; strike beginning with “altering” in line 4 down through “services;” in line 6; in line 6, after “which” insert “certain insurers, nonprofit health service plans, and health maintenance organizations must provide”; in line 7, strike “must be provided” and substitute “of habilitative services”; in the same line, after the semicolon insert “requiring that certain determinations made by certain insurers, nonprofit health service plans, and health maintenance organizations be made in accordance with certain regulations beginning on a certain date; requiring the Department of Health and Mental Hygiene, in consultation with the Maryland Insurance Commissioner, to establish a technical advisory group on the medically necessary and appropriate use of habilitative services to treat autism and autism spectrum disorders; establishing the composition of the technical advisory group; requiring the technical advisory group to develop certain recommendations and obtain certain input; requiring the Commissioner, on or before a certain date, to adopt certain regulations based on the recommendations of the technical advisory group;”; in the same line, strike “Maryland Insurance”; in line 10,

strike “report” and substitute “submit certain reports on”; in line 11, strike “a certain date” and substitute “certain dates”; and in line 12, after “definition;” insert “providing for the construction of this Act;”.

AMENDMENT NO. 2

On page 2, in line 9, strike “AND”; in line 10, after “HYDROENCEPHALOCELE” insert “;AND

7. CONGENITAL OR GENETIC DEVELOPMENTAL DISABILITIES”;

in line 28, strike the brackets; and in the same line, strike “21”.

AMENDMENT NO. 3

On page 3, after line 8, insert:

“(F) BEGINNING NOVEMBER 1, 2013, A DETERMINATION BY AN ENTITY SUBJECT TO THIS SECTION OF WHETHER HABILITATIVE SERVICES COVERED UNDER THIS SECTION ARE MEDICALLY NECESSARY AND APPROPRIATE TO TREAT AUTISM AND AUTISM SPECTRUM DISORDERS SHALL BE MADE IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSIONER.”.

AMENDMENT NO. 4

On page 3, after line 9, insert:

“(a) The Department of Health and Mental Hygiene, in consultation with the Maryland Insurance Commissioner, shall establish a technical advisory group on the medically necessary and appropriate use of habilitative services to treat autism and autism spectrum disorders.

(b) The technical advisory group shall be composed of individuals with expertise in the treatment of children with autism and autism spectrum disorders.

(c) The technical advisory group shall develop recommendations for the medically necessary and appropriate use of habilitative services to treat autism and autism spectrum disorders.

(d) When making a recommendation, the technical advisory group shall consider whether the recommendation is:

- (1) objective;
- (2) clinically valid;
- (3) compatible with established principles of health care; and
- (4) flexible enough to allow deviations from norms when justified on a case by case basis.

(e) In its work, the technical advisory group shall obtain input from the public, including input from:

- (1) parents of children with autism and autism spectrum disorders;
and
- (2) the insurers, nonprofit health service plans, and health maintenance organizations that are subject to § 15–835 of the Insurance Article, as enacted by Section 1 of this Act.

(f) Based on the recommendations of the technical advisory group, the Commissioner, on or before November 1, 2013, shall adopt regulations that relate to the medically necessary and appropriate use of habilitative services to treat autism and autism spectrum disorders for purposes of § 15–835 of the Insurance Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That:”.

AMENDMENT NO. 5

On page 3, in line 12, after “of” insert “:

- (1) one member of the Senate of Maryland, appointed by the President of the Senate;
- (2) one member of the House of Delegates, appointed by the Speaker of the House; and

(3);

in line 13, after “pathologists,” insert “pediatricians.”; in line 14, strike “special needs”; in the same line, after “child” insert “with special needs”; in line 16, after “Education,” insert “the Maryland Developmental Disabilities Council, the Maryland Department of Disabilities.”; in line 22, strike “and”; in line 27, after “systems” insert “; and”

(4) the costs and benefits associated with expanding habilitative services coverage to individuals under the age of 26 years”;

in line 28, after “(d)” insert “(1)”; in the same line, after “shall” insert “submit an interim”; and after line 31, insert:

“(2) On or before November 1, 2013, the Commissioner shall submit a final report, in accordance with § 2–1246 of the State Government Article, to the Senate Finance Committee and the House Health and Government Operations Committee on the findings and recommendations of the workgroup.”.

AMENDMENT NO. 6

On page 4, before line 1, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That the changes made under Section 1 of this Act to the definition of “congenital or genetic birth defect” in § 15–835(a)(2) of the Insurance Article are intended to clarify the scope of coverage of services required under § 15–835 as it existed before the effective date of this Act, and are not intended, and may not be interpreted or construed, to expand the coverage of services required under § 15–835 as it existed before the effective date of this Act.”;

and in line 1, strike “3.” and substitute “5.”.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 783 – Senators Pugh, Manno, Montgomery, Peters, Pinsky, Ramirez, Rosapepe, and Young

AN ACT concerning

State Personnel – Collective Bargaining – Applicability

SB0783/197470/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 783

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “Board” insert “at the request of a certain exclusive representative”; in the same line, strike “create” and substitute “determine”; and in the same line, after “employees” insert “, accrete certain State employees into certain bargaining units, and hold a self-determination election for certain accreted employees”.

AMENDMENT NO. 2

On page 5, in line 17, after “(C)” insert “**(1)**”; in the same line, strike “SHALL” and substitute “**MAY NOT**”; and after line 19, insert:

“(2) AT THE REQUEST OF THE EXCLUSIVE REPRESENTATIVE, THE BOARD SHALL:

(I) DETERMINE THE APPROPRIATE EXISTING BARGAINING UNIT INTO WHICH TO ASSIGN EACH EMPLOYEE IN THE UNITS OF GOVERNMENT IDENTIFIED IN § 3-102(A)(1)(VI) THROUGH (IX) OF THIS TITLE; AND

(II) ACCRETE ALL POSITIONS TO APPROPRIATE EXISTING BARGAINING UNITS.

(3) (I) NOTWITHSTANDING SUBTITLE 4 OF THIS TITLE, AT THE REQUEST OF THE EXCLUSIVE REPRESENTATIVE, THE BOARD SHALL CONDUCT A SELF-DETERMINATION ELECTION FOR EACH BARGAINING UNIT REPRESENTATIVE FOR THE ACCRETED EMPLOYEES IN UNITS OF GOVERNMENT IDENTIFIED IN § 3-102(A)(1)(VI) THROUGH (IX) OF THIS TITLE.

(II) ALL ELECTIONS SHALL BE CONDUCTED BY SECRET BALLOT.

(III) FOR EACH ELECTION, THE BOARD SHALL PLACE THE FOLLOWING CHOICES ON THE BALLOT:

1. THE NAME OF THE INCUMBENT EXCLUSIVE REPRESENTATIVE; AND

2. A PROVISION FOR “NO EXCLUSIVE REPRESENTATIVE”.

The preceding 2 amendments were read only.

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

The motion was adopted.

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

Senate Bill 792 – Senators Garagiola, Glassman, Kelley, King, Kittleman, Klausmeier, Madaleno, Manno, Mathias, Muse, Pugh, Raskin, Robey, and Young

AN ACT concerning

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

SB0792/367771/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 792

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Young” and substitute “Young, Middleton, and Astle”; in line 2, strike “State Procurement – Banking Services Preference” and substitute “Linked Deposit Program for Small Businesses”; strike beginning with “requiring” in line 3 down through “State” in line 9 and substitute

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

“BY adding to

Article – State Finance and Procurement

Section 6–212

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)”.

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 23 on page 1 through line 20 on page 3, inclusive, and substitute:

“6-212.

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

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

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

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

(2) HAS A TERM NOT EXCEEDING 10 YEARS;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) IN MAKING AN INTEREST BEARING DEPOSIT UNDER THIS SUBSECTION, THE TREASURER MAY ACCEPT A RATE THAT IS 2 PERCENTAGE POINTS BELOW CURRENT MARKET RATES OR AN INDEX SELECTED BY THE TREASURER.

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

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That:

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

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

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

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

On page 3, in line 21, strike “2.” and substitute “3.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 861 – Senator Klausmeier

AN ACT concerning

Portable Electronics Insurance

SB0861/807576/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 861

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “authorizing” in line 10 down through “circumstances;” in line 11; strike beginning with “authorizing” in line 21 down through “circumstances;” in line 22; after line 25, insert:

“BY repealing and reenacting, without amendments,
Article – Insurance
Section 10–130 and 10–707
Annotated Code of Maryland
(2011 Replacement Volume)”;

and in line 28, strike “10–707” and substitute “10–706”.

AMENDMENT NO. 2

On page 2, after line 3, insert:

“10–130.

(a) Except as otherwise provided in §§ 10–102 and 10–119 of this subtitle, a commission, fee, reward, rebate, or other consideration for selling, soliciting, or negotiating insurance may not be paid, directly or indirectly, to a person other than a licensed insurance producer.

(b) Except as otherwise provided in this article, for life insurance or health insurance this section does not prohibit payment to or receipt by a person who formerly held a license and, if the person acted on behalf of an insurer, an appointment of:

- (1) commissions on renewal premiums on existing policies; or
- (2) other deferred commissions.

(c) Unless the payment would violate § 27–209 or § 27–212 of this article, an insurer or insurance producer may pay or assign commissions, service fees, or other valuable consideration to an insurance agency or to persons who do not sell, solicit, or negotiate insurance in the State.”.

AMENDMENT NO. 3

On page 5, strike beginning with “Except” in line 27 down through “**(I)**” in line 30.

On pages 5 and 6, strike in their entirety the lines beginning with line 32 on page 5 through line 4 on page 6, inclusive.

On page 6, in line 5, strike “(3)” and substitute “(2)”; in the same line, strike “Nothing in this subsection shall affect the ability of a” and substitute “A”; and in line 6, strike “to” and substitute “MAY”.

On page 10, in line 11, strike “EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,”; and strike in their entirety lines 16 through 18, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1077 – Senator Middleton

AN ACT concerning

Mortality and Quality Review Committee – Reporting Requirements – Sunset Extension

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

Senate Bill 616 – Senator Jennings

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Judges – Mandatory Retirement

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

FLOOR AMENDMENT

SB0616/803127/1

BY: Senator Jennings

AMENDMENTS TO SENATE BILL 616

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike “CONSTITUTIONAL AMENDMENT”; in line 2, strike “Judges – Mandatory” and substitute “Commission to Study the”; in the same line, after “Retirement” insert “of Judges”; strike beginning with “proposing” in line 3 down through “rejection” in line 7 and substitute “establishing the Commission to Study the Retirement of Judges; providing for the membership and staffing of the Commission; requiring the Governor to designate a chair of the Commission; establishing that the members of the Commission may not receive compensation but are entitled to a certain reimbursement; establishing the duties of the Commission; requiring the Commission to make a certain report on or before a certain date; providing for the termination of this Act; and generally relating to the Commission to Study the Retirement of Judges”; strike in their entirety lines 8 through 13, inclusive; and strike beginning with “(Three-fifths” in line 15 down through “follows” in line 16 and substitute “That”.

AMENDMENT NO. 2

On pages 1 through 4, strike in their entirety the lines beginning with line 17 on page 1 through line 37 on page 4, inclusive, and substitute:

“(a) There is a Commission to Study the Retirement of Judges.

(b) The Commission consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) three members appointed by the Governor, one of whom may not be an attorney and may not have a personal or professional connection to the Maryland Judiciary;

(4) three members appointed by the Maryland Judicial Conference;
and

(5) one member representing the Maryland State Bar Association,
appointed by the President of the Association.

(c) The Governor shall designate the chair of the Commission.

(d) The Department of Legislative Services shall provide staff for the
Commission.

(e) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement for expenses under the Standard
State Travel Regulations, as provided in the State budget.

(f) The Commission shall study issues relating to:

(1) the current mandatory retirement age for judges in the State and
potential changes to the current age;

(2) assigning retired judges to sit temporarily in all courts in the
State;

(3) requiring continuing education for all retired judges who are
available to sit temporarily in court;

(4) the impact of appointing retired judges to sit temporarily in court
on the length of time between argument on a case and the issuance of opinion,
including a comparison of the average length of time between oral arguments and the
issuance of an opinion assigned to a sitting judge and the average length of time
between oral arguments and the issuance of an opinion issued by a retired judge
sitting temporarily; and

(5) whether an upper limit should be established for the age of a
retired judge assigned to perform judicial duties.

(g) On or before January 1, 2014, the Commission shall report its findings 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 July 1, 2012. It shall remain effective for a period of 1 year and 7 months and, at the end of January 31, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 309 – Senators Klausmeier, Currie, Forehand, Kasemeyer, Kelley, Madaleno, Montgomery, Robey, Shank, ~~and Stone~~ Stone, and Pugh

AN ACT concerning

Mopeds and Motor Scooters – Titling, ~~Registration,~~ Insurance, and Required Use of Protective Headgear

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

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

Affirmative – 32 Negative – 13 (See Roll Call No. 698)

The Bill was then sent to the House of Delegates.

Senate Bill 236 – The President (By Request – Administration) and Senators Pinsky, Frosh, Madaleno, Montgomery, and Raskin

AN ACT concerning

Sustainable Growth and Agricultural Preservation Act of 2012

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (9) OFFERED FROM THE FLOOR BY SENATOR MIDDLETON.

SB0236/774530/2

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 236
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “altering” and substitute “authorizing a local jurisdiction to adopt and certify to the Department of Planning certain growth tier designations; requiring a local jurisdiction under certain circumstances to alter”; in the same line, strike “certain elements that are required in”; in line 4, after “plan;” insert “authorizing a local jurisdiction to submit proposed tier designations to the Department of Planning before certification for certain purposes; establishing certain mandatory and certain discretionary provisions relating to the adoption of certain tiers by certain local jurisdictions; requiring a local jurisdiction to provide documentation to the Department of Planning if the jurisdiction does not adopt a certain tier; requiring growth tiers certified by a local jurisdiction to meet certain criteria;”; in line 6, strike the first “the”; strike beginning with “requiring” in line 9 down through “time” in line 12 and substitute “requiring the Department of Planning to provide certain information to certain State agencies and post certain information on the Department’s Web site”; strike beginning with “requiring” in line 13 down through “circumstances” in line 15 and substitute “prohibiting the Department of the Environment or the Department’s designee from approving a certain residential subdivision until the local jurisdiction adopts certain growth tiers; authorizing the Department or the Department’s designee, if a local jurisdiction has not adopted certain growth tiers, to approve a certain residential subdivision under certain circumstances; authorizing the Department to extend the time period for recordation of a subdivision plat in certain circumstances”; in lines 16 and 17, strike “of the Environment;”; in line 20, after the semicolon, insert “providing for the resolution of conflicting tier designations;”; in line 24, strike “notify” and substitute “provide certain information to”; and strike beginning with “authorizing” in line 25 down through “subdivisions” in line 27 and substitute “requiring the Department of Planning to provide a certain notification to the Department of the Environment”.

On page 2, in line 2, after “date;” insert “authorizing the owner of certain property used for agricultural activities to install certain numbers of on-site sewage disposal systems in accordance with certain requirements; requiring certain on-site sewage disposal systems installed on certain property to be clustered together under certain circumstances;”; strike beginning with “requiring” in line 4 down through “system;” in line 6; in line 7, after the semicolon insert “establishing certain requirements for the verification by the Department of Planning of a certain yield for zoning; requiring a local jurisdiction to submit to the Department of Planning on or before a certain date a certain definition or description; requiring the Department of Planning to prepare a list of certain definitions and descriptions for publication on”.

certain Web sites on or after a certain date; providing that this Act may not be construed to limit certain authority granted to the Critical Area Commission;”; in line 25, strike the first comma and substitute “and”; in the same line, strike “, 1.04(b)(1)(iv), and 3.05(a)(4)(ii)”; strike in their entirety lines 28 through 32, inclusive; in line 35, strike “1.04(b)(5),”; in the same line, strike the second comma; in the same line, strike “3.05(a)(9)” and substitute “1.06”; and strike line 40 in its entirety and substitute “Section 9–206(a)(3), (d)(1), (g)(1)(iv) and (2), and (j)(1)”.

On page 3, in line 5, strike “, 1–407, 3–103,”; strike in their entirety lines 9 through 14, inclusive; in line 17, after “Section” insert “1–501 through 1–507 to be under the new subtitle “Subtitle 5. Growth Tiers”; and”; and strike in their entirety lines 21 through 26, inclusive.

AMENDMENT NO. 2

On page 5, in line 23, strike “SUBSECTION” and substitute “SECTION”; after line 26, insert:

“(3) “GROWTH TIERS” MEANS THE TIERS ADOPTED BY A LOCAL JURISDICTION IN ACCORDANCE WITH ARTICLE 66B, § 1.05 OF THE CODE.”;

in lines 27 and 31, respectively, strike “(3)” and “(4)”, respectively, and substitute “(4)” and “(5)”, respectively; in line 31, strike “THE” and substitute “:”

(1) THE”;

in the same line, after “LAND” insert a colon; and in line 32, strike “INTO” and substitute:

1. INTO”.

On page 6, in line 1, after “DEFINED” insert “OR DESCRIBED AS A MAJOR SUBDIVISION”; in the same line, strike “THE” and substitute “A”; in the same line, strike “LAW AS A MAJOR SUBDIVISION” and substitute “ORDINANCE OR REGULATION”:

A. THAT IS”;

in line 2, strike the period and substitute “; OR”

B. IF A LOCAL ORDINANCE OR REGULATION DOES NOT DEFINE OR DESCRIBE A MAJOR SUBDIVISION UNDER ITEM A OF THIS ITEM, THAT IS ADOPTED ON OR BEFORE DECEMBER 31, 2012; OR

2. IF A LOCAL JURISDICTION HAS NOT ADOPTED A DEFINITION OR DESCRIPTION OF A MAJOR SUBDIVISION ON OR BEFORE DECEMBER 31, 2012, UNDER ITEM 1 OF THIS ITEM, INTO FIVE OR MORE NEW LOTS, PLATS, BUILDING SITES, OR OTHER DIVISIONS OF LAND; AND

(II) IF THE LOCAL ORDINANCE OR REGULATION HAS TWO DEFINITIONS OR DESCRIPTIONS OF A MAJOR SUBDIVISION UNDER PARAGRAPH (I) OF THIS SUBSECTION, THE DEFINITION OR DESCRIPTION OF A MAJOR SUBDIVISION THAT IS DETERMINED BY THE LOCAL JURISDICTION TO APPLY FOR THE PURPOSES OF THIS SECTION.”;

in lines 3, 7, and 9, respectively, strike “(5)”, “(6)”, and “(7)”, respectively, and substitute “(6)”, “(7)”, and “(8)”, respectively; in line 3, strike “THE” and substitute “:

(I) THE”;

in the same line, after “LAND” insert a colon; and in line 4, strike “INTO” and substitute:

“1. INTO”;

in line 5, after “DEFINED” insert “OR DESCRIBED AS A MINOR SUBDIVISION”; in the same line, strike “THE” and substitute “A”; in the same line, strike “LAW AS A MINOR SUBDIVISION” and substitute “ORDINANCE OR REGULATION”;

A. THAT IS”;

in line 6, strike the period and substitute “; OR

B. IF A LOCAL ORDINANCE OR REGULATION DOES NOT DEFINE OR DESCRIBE A MINOR SUBDIVISION UNDER ITEM A OF THIS ITEM, ADOPTED ON OR BEFORE DECEMBER 31, 2012, PROVIDED THAT A MINOR

SUBDIVISION DEFINED OR DESCRIBED IN THE ADOPTED ORDINANCE OR REGULATION DOES NOT EXCEED SEVEN NEW LOTS, PLATS, BUILDING SITES, OR OTHER DIVISIONS OF LAND; OR

2. IF A LOCAL JURISDICTION HAS NOT ADOPTED A DEFINITION OR DESCRIPTION OF A MINOR SUBDIVISION ON OR BEFORE DECEMBER 31, 2012, UNDER ITEM 1 OF THIS ITEM, INTO FEWER THAN FIVE NEW LOTS, PLATS, BUILDING SITES, OR OTHER DIVISIONS OF LAND; AND

(II) IF THE LOCAL ORDINANCE OR REGULATION HAS TWO DEFINITIONS OR DESCRIPTIONS OF A MINOR SUBDIVISION UNDER ITEM (I) OF THIS PARAGRAPH, THE DEFINITION OR DESCRIPTION OF A MINOR SUBDIVISION THAT IS DETERMINED BY THE LOCAL JURISDICTION TO APPLY FOR THE PURPOSES OF THIS SECTION.”;

after line 14, insert:

“(9) “PUBLIC SEWER” MEANS A COMMUNITY, SHARED, OR MULTIUSE SEWERAGE SYSTEM.”;

in lines 15 and 28, strike “(8)” and “(9)”, respectively, and substitute “(10)” and “(12)”, respectively; and after line 27, insert:

“(11) “STATE AGENCY” MEANS:

(I) THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION;

(II) THE MARYLAND ENVIRONMENTAL TRUST;

(III) THE DEPARTMENT OF NATURAL RESOURCES; OR

(IV) THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION.”.

On page 7, strike beginning with the comma in line 2 down through “AREAS” in line 5; after line 6, insert:

“(III) “SUBDIVISION” DOES NOT INCLUDE A CHANGE IN STREET LINES OR LOT LINES IF THE CHANGE IN THE STREET OR LOT LINES DOES NOT:

1. RESULT IN A NET INCREASE IN THE NUMBER OF LOTS; AND

2. ADVERSELY AFFECT THE SAFETY AND ADEQUACY OF WELL SITES OR SEWAGE DISPOSAL AREAS, AS DETERMINED BY THE SECRETARY OR THE SECRETARY’S DESIGNEE.”;

and strike in their entirety lines 7 through 10, inclusive.

AMENDMENT NO. 3

On page 7, in line 11, strike “THIS SUBSECTION DOES” and substitute “SUBSECTIONS (F) THROUGH (K) AND SUBSECTION (N) OF THIS SECTION APPLY TO RESIDENTIAL SUBDIVISIONS.

(2) SUBSECTIONS (F) THROUGH (K) AND SUBSECTION (N) OF THIS SECTION:

(I) APPLY TO A SUBDIVISION PLAT APPROVAL BY THE DEPARTMENT OR THE DEPARTMENT’S DESIGNEE; AND

(II) DO NOT APPLY TO A SUBDIVISION PLAT APPROVAL BY A LOCAL JURISDICTION.

(3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, SUBSECTIONS (F) THROUGH (K) DO”;

in line 12, after “A” insert “RESIDENTIAL”; in line 21, strike “(2)” and substitute:

“(4) THE DEPARTMENT MAY EXTEND THE DATE FOR RECORDATION OF A SUBDIVISION PLAT UNDER PARAGRAPH (3) OF THIS SUBSECTION BY ONE ADDITIONAL 6-MONTH PERIOD IF THE APPLICANT DEMONSTRATES TO THE DEPARTMENT OR THE DEPARTMENT’S DESIGNEE THAT

THE APPLICANT IS UNABLE TO RECORD THE PLAT BECAUSE THE APPLICANT CANNOT PERFORM THE REQUIRED TESTS FOR ADEQUACY OF AN ON-SITE SEWAGE DISPOSAL SYSTEM IN ACCORDANCE WITH THE REGULATIONS ADOPTED BY THE DEPARTMENT.

(C) (1) SUBSECTIONS (F) THROUGH (K) AND SUBSECTION (N) OF THIS SECTION DO NOT APPLY TO COVENANTS, RESTRICTIONS, CONDITIONS, OR CONSERVATION EASEMENTS THAT WERE CREATED OR ENTERED INTO AT ANY TIME UNDER § 2-118 OF THE REAL PROPERTY ARTICLE FOR THE BENEFIT OF, OR HELD BY, A STATE AGENCY OR A LOCAL JURISDICTION FOR THE PURPOSE OF CONSERVING NATURAL RESOURCES OR AGRICULTURAL LAND.

(2) SUBSECTIONS (F) THROUGH (K) OF THIS SECTION MAY NOT BE CONSTRUED AS GRANTING ANY ADDITIONAL RIGHTS IN COVENANTS, RESTRICTIONS, CONDITIONS, OR CONSERVATION EASEMENTS THAT WERE CREATED OR ENTERED INTO AT ANY TIME UNDER § 2-118 OF THE REAL PROPERTY ARTICLE FOR THE BENEFIT OF, OR HELD BY, A STATE AGENCY OR A LOCAL JURISDICTION FOR THE PURPOSE OF CONSERVING NATURAL RESOURCES OR AGRICULTURAL LAND.

(D) SUBSECTIONS (F) THROUGH (K) AND SUBSECTION (N) OF THIS SECTION DO NOT:

(1) AFFECT A LOCAL TRANSFER OF DEVELOPMENT RIGHTS PROGRAM AUTHORIZED UNDER ARTICLE 25A, § 5(X), ARTICLE 28, § 8-101, OR ARTICLE 66B, § 11.01 OF THE CODE; OR

(2) DIMINISH THE LOCAL DEVELOPMENT RIGHTS TRANSFERRED IN THESE TRANSFER OF DEVELOPMENT RIGHTS PROGRAMS.

(E) SUBSECTIONS (F) THROUGH (K) AND SUBSECTION (N) OF THIS SECTION MAY NOT BE CONSTRUED AS PROHIBITING A LOCAL JURISDICTION FROM ALTERING THE DEFINITION OR DESCRIPTION OF A MAJOR OR MINOR SUBDIVISION IN A LOCAL ORDINANCE OR REGULATION FOR LOCAL ZONING OR DEVELOPMENT PURPOSES.

(F) ON OR AFTER DECEMBER 31, 2012, THE DEPARTMENT OR THE DEPARTMENT'S DESIGNEE:

(1) MAY NOT APPROVE A MAJOR RESIDENTIAL SUBDIVISION SERVED BY ON-SITE SEWAGE DISPOSAL SYSTEMS, COMMUNITY SEWERAGE SYSTEMS, OR SHARED SYSTEMS UNTIL THE LOCAL JURISDICTION ADOPTS THE GROWTH TIERS IN ACCORDANCE WITH ARTICLE 66B, § 1.05 OF THE CODE; OR

(2) IF THE LOCAL JURISDICTION HAS NOT ADOPTED THE GROWTH TIERS IN ACCORDANCE WITH ARTICLE 66B, § 1.05 OF THE CODE, MAY APPROVE:

(i) A MINOR RESIDENTIAL SUBDIVISION SERVED BY ON-SITE SEWAGE DISPOSAL SYSTEMS IF THE RESIDENTIAL SUBDIVISION OTHERWISE MEETS THE REQUIREMENTS OF THIS TITLE; OR

(ii) A MAJOR OR MINOR SUBDIVISION SERVED BY PUBLIC SEWER IN A TIER I AREA.

(G) (1);

and in line 21, strike “(E)(2)” and substitute “(F)(2)”.

On page 8, in lines 3 and 19, in each instance, strike “(C)” and substitute “(H)”; in line 4, strike “UTILIZING” and substitute “SERVED BY”; in line 13, after “PLANNING” insert “IN ACCORDANCE WITH SUBSECTIONS (I) AND (J) OF THIS SECTION”; in the same line, strike “TIER III OR TIER”; in line 14, strike “IV AREA IS” and substitute “GROWTH TIERS ARE”; in the same line, strike the colon and substitute “ARTICLE 66B, § 1.05 OF THE CODE.”; strike in their entirety lines 15 through 18, inclusive, and substitute:

“(2) ANY DELAY IN THE APPROVAL OF A RESIDENTIAL SUBDIVISION PLAT UNDER THIS SUBSECTION MAY NOT BE CONSTRUED AS APPLYING TO ANY DEADLINE FOR APPROVING OR DISAPPROVING A SUBDIVISION PLAT UNDER ARTICLE 28 OF THE CODE, ARTICLE 66B, § 5.04 OF THE CODE, OR A LOCAL ORDINANCE.”;

in line 20, strike “(B)(2)(III)” and substitute “(G)(1)(III)”; in line 22, strike “A” and substitute “AN”; after line 31, insert:

“(I) (1) IF TWO OR MORE LOCAL JURISDICTIONS ADOPT CONFLICTING GROWTH TIER DESIGNATIONS FOR THE SAME AREA, THE DEPARTMENT AND THE DEPARTMENT OF PLANNING SHALL CONFER WITH THE LOCAL JURISDICTIONS TO SEEK RESOLUTION OF THE CONFLICTING DESIGNATIONS.

(2) IF A CONFLICT IN GROWTH TIER DESIGNATIONS IS NOT RESOLVED, THE DEPARTMENT OF PLANNING SHALL RECOMMEND TO THE DEPARTMENT THE PREFERRED LOCAL JURISDICTION DESIGNATIONS AS DETERMINED BY THE DEPARTMENT OF PLANNING BASED ON THE FOLLOWING BEST PLANNING PRACTICES OR FACTORS:

(I) THE COMPREHENSIVE PLAN, INCLUDING THE MUNICIPAL GROWTH ELEMENT, THE WATER RESOURCES ELEMENT, THE LAND USE ELEMENT, AND, IF APPLICABLE, THE PRIORITY PRESERVATION ELEMENT;

(II) GROWTH PROJECTIONS AND DEVELOPMENT CAPACITY;
AND

(III) AVAILABILITY OF INFRASTRUCTURE.”;

in line 32, strike “(D)” and substitute “(J)”; in line 33, after “PLAT” insert “FOR A MAJOR SUBDIVISION IN A TIER III AREA”; and in the same line, strike “(B)” and substitute “(G)(1)(IV)”.

On page 9, in line 2, strike “TIER III OR TIER IV AREA IS” and substitute “GROWTH TIERS ARE”; in line 3, strike “OF A TIER III OR TIER IV AREA” and substitute “FOR THE GROWTH TIERS”; in line 4, strike “§ 1.04 OR § 3.05” and substitute “§ 1.05”; in line 5, after “THE” insert “COMPREHENSIVE PLAN, INCLUDING THE”; in the same line, after “ELEMENT,” insert “THE WATER RESOURCES ELEMENT, THE LAND USE ELEMENT, AND, IF APPLICABLE,”; strike beginning with the first comma in line 6 down through “PLAN” in line 7; strike in their entirety lines 8 through 22, inclusive; in line 23, strike “(F)” and substitute “(K)”; in line 27, after “PLAT” insert “FOR A MAJOR SUBDIVISION IN A TIER III AREA”; in

line 28, strike “FOR ADVICE UNDER SUBSECTION (D) OF THIS SECTION”; in line 30, strike “TIER III OR TIER IV AREA” and substitute “GROWTH TIER”; and in line 31, strike “(B)” and substitute “(G)”.

On page 10, strike in their entirety lines 1 and 2, inclusive; in lines 3, 10, and 21, strike “(H)”, “(I)”, and “(J)”, respectively, and substitute “(L)”, “(M)”, and “(N)”, respectively; and in line 10, strike “(H)” and substitute “(L)”.

AMENDMENT NO. 4

On page 11, in line 5, strike “AND”; in line 7, after “SUBDIVIDED” insert “; AND”

(III) THE SUBDIVISION PLAT IS SUBJECT TO STATE LAW AND LOCAL ORDINANCES AND REGULATIONS”;

in line 31, strike “AND”; and in line 33, after “SUBDIVIDED” insert “; AND”

3. THE SUBDIVISION PLAT IS SUBJECT TO STATE LAW AND LOCAL ORDINANCES AND REGULATIONS”.

On page 12, in line 2, after “PURPOSES” insert “, INCLUDING A FARM MARKET, AGRICULTURAL PROCESSING FACILITY, OR CREAMERY, AND THE OWNER MAY APPLY FOR APPROVAL OF AN ON-SITE SEWAGE DISPOSAL SYSTEM TO SERVE THE NONRESIDENTIAL AGRICULTURAL PURPOSES”; after line 2, insert:

“(O) (1) IN THIS SUBSECTION, “AGRICULTURAL ACTIVITIES” INCLUDES:

(I) PLOWING, TILLAGE, CROPPING, SEEDING, CULTIVATING, AND HARVESTING FOR THE PRODUCTION OF FOOD AND FIBER PRODUCTS; AND

(II) THE GRAZING OF LIVESTOCK.

(2) THIS SUBSECTION APPLIES ONLY TO LAND THAT IS ZONED FOR AGRICULTURAL USE.

(3) NOTWITHSTANDING ANY OTHER LAW, AN OWNER OF PROPERTY USED FOR AGRICULTURAL ACTIVITIES MAY INSTALL THE FOLLOWING NUMBER OF ON-SITE SEWAGE DISPOSAL SYSTEMS:

(I) THREE ON-SITE SEWAGE DISPOSAL SYSTEMS FOR A PROPERTY THAT IS NO MORE THAN 25 ACRES;

(II) FOUR ON-SITE SEWAGE DISPOSAL SYSTEMS FOR A PROPERTY THAT IS AT LEAST 25 ACRES AND LESS THAN 75 ACRES;

(III) FIVE ON-SITE SEWAGE DISPOSAL SYSTEMS FOR A PROPERTY THAT IS AT LEAST 75 ACRES AND LESS THAN 125 ACRES;

(IV) SIX ON-SITE SEWAGE DISPOSAL SYSTEMS FOR A PROPERTY THAT IS AT LEAST 125 ACRES AND LESS THAN 175 ACRES; AND

(V) SEVEN ON-SITE SEWAGE DISPOSAL SYSTEMS FOR A PROPERTY THAT IS 175 ACRES OR MORE.

(4) EXCEPT FOR AN ON-SITE SEWAGE DISPOSAL SYSTEM THAT SERVES THE MAIN FARM HOUSE ON THE PROPERTY, THE ON-SITE SEWAGE DISPOSAL SYSTEMS SHALL BE CLUSTERED TOGETHER.”;

and in line 27, after “(B)” insert “THIS SECTION MAY NOT BE CONSTRUED AS REQUIRING A LOCAL JURISDICTION TO:

(1) BE A CONTROLLING AUTHORITY; OR

(2) AUTHORIZE OR ALLOW THE USE OF A SHARED FACILITY OR A COMMUNITY SEWERAGE SYSTEM WITHIN THE LOCAL JURISDICTION.

(C)”.

On page 13, strike in their entirety lines 12 through 14, inclusive.

AMENDMENT NO. 5

On page 15, in line 29, after “(I),” insert “AND”; in the same line, strike “, AND”; in line 30, strike “(M)”; in the same line, after the second comma insert “AND”; in the same line, strike the third comma and substitute “;”; and strike in its entirety line 31.

On page 16, in line 4, after “§ 1.05” insert “(ADOPTION OF GROWTH TIERS);

(6) § 1.06”;

in lines 5, 6, 7, 9, 10, 12, 13, 14, 15, 16, 17, 18, 20, and 21, strike “(6)”, “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, “(12)”, “(13)”, “(14)”, “(15)”, “(16)”, “(17)”, “(18)”, and “(19)”, respectively, and substitute “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, “(12)”, “(13)”, “(14)”, “(15)”, “(16)”, “(17)”, “(18)”, “(19)”, and “(20)”, respectively; and strike in its entirety line 24.

On pages 17 through 19, strike in their entirety the lines beginning with line 1 on page 17 through line 18 on page 19, inclusive.

On page 19, after line 19, insert:

“(A) ON OR BEFORE DECEMBER 31, 2012, A LOCAL JURISDICTION MAY CERTIFY TO THE DEPARTMENT OF PLANNING THE MAPPED GROWTH TIERS DESIGNATED BY THE LOCAL JURISDICTION IN ACCORDANCE WITH THIS SECTION.

(B) BEFORE CERTIFICATION OF THE GROWTH TIERS, A LOCAL JURISDICTION MAY SUBMIT THE PROPOSED TIERS AND ANY RELEVANT INFORMATION TO THE DEPARTMENT OF PLANNING FOR:

(1) TECHNICAL ASSISTANCE, REVIEW, AND COMMENT; AND

(2) THE OPPORTUNITY FOR PUBLIC REVIEW.

(C) ON CERTIFICATION OF THE GROWTH TIERS, THE LOCAL JURISDICTION SHALL PROVIDE TO THE DEPARTMENT OF PLANNING ALL INFORMATION NECESSARY TO DEMONSTRATE THE PRECISE LOCATION OF THE TIERS, INCLUDING, AS APPROPRIATE:

(1) A MAP OF THE AREA SHOWING PLANNING AND ZONING CHARACTERISTICS OF EACH TIER; AND

(2) EXISTING AND PLANNED WATER AND SEWER SERVICES.

(D) THE DEPARTMENT OF PLANNING, AS APPROPRIATE, SHALL PROVIDE TO EACH STATE AGENCY AND POST ON THE DEPARTMENT OF PLANNING'S WEB SITE, COPIES OF MAPS ILLUSTRATING:

(1) GROWTH TIERS CERTIFIED BY LOCAL JURISDICTIONS; AND

(2) ANY COMMENTS BY THE DEPARTMENT OF PLANNING ON THE CERTIFIED TIERS.

(E) (1) SUBJECT TO PARAGRAPHS (2), (3), AND (4) OF THIS SUBSECTION, A LOCAL JURISDICTION THAT CHOOSES TO CERTIFY GROWTH TIERS TO THE DEPARTMENT OF PLANNING IS NOT REQUIRED TO ADOPT ALL OF THE TIERS.

(2) A MUNICIPAL CORPORATION THAT EXERCISES PLANNING AND ZONING AUTHORITY SHALL ADOPT TIER I AND MAY ADOPT TIER II.

(3) A COUNTY SHALL ADOPT TIERS I, III, AND IV, AND MAY ADOPT TIER II.

(4) IF A LOCAL JURISDICTION DOES NOT ADOPT ALL OF THE TIERS AUTHORIZED UNDER THIS SECTION, THE LOCAL JURISDICTION SHALL PROVIDE DOCUMENTATION TO THE DEPARTMENT OF PLANNING OF THE REASONS THE JURISDICTION IS NOT ADOPTING A PARTICULAR TIER.

(F) THE GROWTH TIERS CERTIFIED BY A LOCAL JURISDICTION SHALL MEET THE FOLLOWING CRITERIA:

(1) TIER I AREAS ARE AREAS THAT ARE:

(I) SERVED BY PUBLIC SEWERAGE SYSTEMS AND MAPPED
LOCALLY DESIGNATED GROWTH AREAS; OR

(II) A MUNICIPAL CORPORATION THAT IS A PRIORITY
FUNDING AREA THAT IS SERVED BY PUBLIC SEWERAGE SYSTEMS;

(2) TIER II AREAS ARE AREAS THAT ARE:

(I) 1. PLANNED TO BE SERVED BY PUBLIC SEWERAGE
SYSTEMS AND IN THE MUNICIPAL GROWTH ELEMENT; OR

2. MAPPED LOCALLY DESIGNATED GROWTH AREAS;

AND

(II) NEEDED TO SATISFY DEMAND FOR DEVELOPMENT AT
DENSITIES CONSISTENT WITH THE LONG-TERM DEVELOPMENT POLICY AFTER
CONSIDERATION OF THE CAPACITY OF LAND AREAS AVAILABLE FOR
DEVELOPMENT, INCLUDING IN-FILL AND REDEVELOPMENT, WITHIN THE LOCAL
JURISDICTION;

(3) TIER III AREAS ARE AREAS THAT ARE:

(I) NOT PLANNED FOR SEWERAGE SERVICE AND NOT
DOMINATED BY AGRICULTURAL OR FOREST LAND; AND

(II) ONE OF THE FOLLOWING:

1. MUNICIPAL CORPORATIONS NOT SERVED BY A
PUBLIC SEWERAGE SYSTEM;

2. ESTABLISHED COMMUNITIES PLANNED AND
ZONED FOR DEVELOPMENT;

3. RURAL VILLAGES AS DESCRIBED IN § 5-7B-03(F)
OF THE STATE FINANCE AND PROCUREMENT ARTICLE; OR

4. MAPPED LOCALLY DESIGNATED GROWTH AREAS;
OR

(III) ADJOINING AND CONTIGUOUS TO ONE OF THE FOLLOWING:

1. MUNICIPAL CORPORATIONS NOT SERVED BY A WASTEWATER TREATMENT PLANT;

2. ESTABLISHED COMMUNITIES PLANNED AND ZONED FOR DEVELOPMENT; OR

3. RURAL VILLAGES AS DESCRIBED IN § 5-7B-03(F) OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(4) TIER IV AREAS ARE AREAS THAT ARE NOT PLANNED FOR SEWERAGE SERVICE AND ARE:

(I) AREAS PLANNED OR ZONED FOR LAND, AGRICULTURAL, OR RESOURCE PROTECTION, PRESERVATION, OR CONSERVATION;

(II) AREAS DOMINATED BY AGRICULTURAL LANDS, FOREST LANDS, OR OTHER NATURAL AREAS; OR

(III) 1. RURAL LEGACY AREAS, PRIORITY PRESERVATION AREAS, OR AREAS MAPPED FOR ECOLOGICAL PRESERVATION BY THE DEPARTMENT OF NATURAL RESOURCES AT THE TIME OF THE ADOPTION OF THE PLAN OR AMENDMENT; OR

2. AREAS MAPPED FOR AGRICULTURAL PRESERVATION BY THE DEPARTMENT OF PLANNING AT THE TIME OF THE ADOPTION OF THE PLAN OR AMENDMENT.

(G) (1) A LOCAL JURISDICTION SHALL STRIVE TO AVOID CREATING A TIER III AREA THAT IS BOUNDED ON ALL SIDES BY LAND IN A TIER IV AREA.

(2) IF AN AREA NOT PLANNED FOR SEWERAGE SERVICE DOES NOT MEET THE DESCRIPTION OF A TIER III OR TIER IV AREA, THEN THE AREA IS A TIER IV AREA.

(H) (1) A LOCAL JURISDICTION THAT CERTIFIES GROWTH TIERS TO THE DEPARTMENT OF PLANNING SHALL INCORPORATE THE TIERS INTO THE LOCAL COMPREHENSIVE PLAN OR AN ELEMENT OF THE PLAN:

(I) WHEN THE LOCAL JURISDICTION CONDUCTS THE 6-YEAR REVIEW OF THE PLAN UNDER §§ 1.04(D) AND 3.05(B) OF THIS ARTICLE; AND

(II) IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(2) IF A LOCAL JURISDICTION DOES NOT INCORPORATE ALL OF THE GROWTH TIERS AUTHORIZED UNDER THIS SECTION INTO THE LOCAL COMPREHENSIVE PLAN OR AN ELEMENT OF THE PLAN, THE LOCAL JURISDICTION SHALL STATE THAT A TIER IS NOT ADOPTED.

1.06.”;

and strike beginning with “MEANS” in line 24 down through “2012” in line 27 and substitute “**HAS THE MEANING STATED IN § 9-206 OF THE ENVIRONMENT ARTICLE**”.

On page 20, in line 6, after “(B)” insert “**THIS SECTION APPLIES ONLY TO A RESIDENTIAL MAJOR SUBDIVISION IN A TIER III AREA SERVED BY:**

(1) ON-SITE SEWAGE DISPOSAL SYSTEMS;

(2) A SHARED FACILITY; OR

(3) A COMMUNITY SEWERAGE SYSTEM.

(C)”;

in line 6, strike “TIERS FOR” and substitute “THE”; strike beginning with “IN” in line 6 down through “PLAN” in line 7 and substitute “TIERS”; in line 7, strike “§ 1.04” and substitute “§ 1.05”; in line 8, strike “SUBHEADING OR § 3.05 OF THIS”; in line 8, after “SUBDIVISION” insert “IN A TIER III AREA”; in line 10, strike “A” and substitute “THE”; strike beginning with “SERVED” in line 11 down through “FACILITY” in line 14; in lines 15, 21, and 29, strike “(C)”, “(D)”, and “(E)”, respectively, and substitute “(D)”, “(E)”, and “(F)”, respectively; strike beginning with “SERVED” in line 16 down through “FACILITY” in line 17; in line 21, strike the first “THE” and substitute “A RESIDENTIAL”; in line 24, after “THE” insert “RESIDENTIAL”; in the same line, after “SUBDIVISION” insert “UNLESS A LOCAL JURISDICTION’S ADEQUATE PUBLIC FACILITIES ORDINANCE ALREADY REQUIRES A REVIEW OF GOVERNMENT SERVICES”; in line 25, after “THE” insert “POTENTIAL”; in the same line, strike “IMPACT OF” and substitute “ISSUES OR A NATURAL RESOURCES INVENTORY RELATED TO”; in the same line, after “PROPOSED” insert “RESIDENTIAL”; in line 27, strike “ACCORDING TO” and substitute “IF REQUIRED BY”; in line 28, strike “FOR THE” and substitute “AS A RESULT OF THE APPROVAL OF THE”; in line 28, after “PROPOSED” insert “RESIDENTIAL”; and in line 29, after “PROPOSED” insert “RESIDENTIAL”.

On pages 21 through 23, strike in their entirety the lines beginning with line 1 on page 21 through line 15 on page 23, inclusive.

On page 23, strike beginning with “(10)” in line 20 down through “§ 3-103” in line 23 and substitute “(3) “Growth tiers” means the tiers adopted by a local jurisdiction in accordance with [Article 66B, § 1.05 of the Code] TITLE 1, SUBTITLE 5”; after line 24, insert:

“(d) Subsections (f) through (k) and subsection (n) of this section do not:

(1) Affect a local transfer of development rights program authorized under Article 25A, § 5(x) [, Article 28, § 8-101, or Article 66B, § 11.01] of the Code OR TITLE 7, SUBTITLE 2 OR § 22-105 OF THE LAND USE ARTICLE; or”;

in line 25, strike “(b) (2)” and substitute “(G) (1)”; in the same line, strike “(e)(2)” and substitute “(H)(2)”; in line 26, strike “only”; and in line 27, after “plat” insert “ONLY”.

On page 24, in line 1, after “Planning” insert “IN ACCORDANCE WITH SUBSECTIONS (I) AND (J) OF THIS SECTION”; in line 2, strike “Tier III or Tier IV area is” and substitute “GROWTH TIERS ARE”; in the same line, strike the colon and substitute “[Article 66B, § 1.05 of the Code] TITLE 1, SUBTITLE 5 OF THE LAND USE ARTICLE”; strike beginning with “A.” in line 3 down through “applicable” in line 7; after line 7, insert:

“(2) Any delay in the approval of a residential subdivision plat under this section may not be construed as applying to any deadline for approving or disapproving a subdivision plat under [Article 66B, § 5.04 of the Code] ARTICLE 28 OF THE CODE, § 5-201 OF THE LAND USE ARTICLE, or a local ordinance.”;

in line 8, strike “(d)” and substitute “(J)”; in the same line, after “plat” insert “FOR A MAJOR SUBDIVISION IN A TIER III AREA”; in line 9, strike “(b)” and substitute “(D)”; in line 10, strike “Tier III or Tier IV area is” and substitute “GROWTH TIERS ARE”; in line 12, strike “a Tier III or Tier IV area” and substitute “THE TIERS”; in line 13, strike “§ 1-407 OR § 3-103” and substitute “TITLE 1, SUBTITLE 5”; in line 22, after “(M),” insert “AND”; in the same line, strike “, AND (R)”; in line 23, after the first comma, insert “AND”; in the same line, strike beginning with the second comma through the semicolon and substitute “;”; after line 28, insert:

“(8) TITLE 1, SUBTITLE 5 (GROWTH TIERS);”;

and in line 29, strike “(8)” and substitute “(9)”.

On page 25, in lines 1, 2, 3, 4, 5, 6, 8, 9, 10, 12, and 14, strike “(9)”, “(10)”, “(11)”, “(12)”, “(13)”, “(14)”, “(15)”, “(16)”, “(17)”, “(18)”, and “(19)”, respectively, and substitute “(10)”, “(11)”, “(12)”, “(13)”, “(14)”, “(15)”, “(16)”, “(17)”, “(18)”, “(19)”, and “(20)”, respectively.

On pages 25 through 30, strike in their entirety the lines beginning with line 17 on page 25 through line 31 on page 30, inclusive.

AMENDMENT NO. 6

On page 30, after line 31, insert:

“SUBTITLE 5. GROWTH TIERS.

1-501.

ON OR BEFORE DECEMBER 31, 2012, A LOCAL JURISDICTION MAY CERTIFY TO THE DEPARTMENT OF PLANNING THE MAPPED GROWTH TIERS DESIGNATED BY THE LOCAL JURISDICTION IN ACCORDANCE WITH THIS SUBTITLE.

1-502.

BEFORE CERTIFICATION OF THE GROWTH TIERS, A LOCAL JURISDICTION MAY SUBMIT THE PROPOSED TIERS AND ANY RELEVANT INFORMATION TO THE DEPARTMENT OF PLANNING FOR:

- (1) TECHNICAL ASSISTANCE, REVIEW, AND COMMENT; AND
- (2) THE OPPORTUNITY FOR PUBLIC REVIEW.

1-503.

ON CERTIFICATION OF THE GROWTH TIERS, THE LOCAL JURISDICTION SHALL PROVIDE TO THE DEPARTMENT OF PLANNING ALL INFORMATION NECESSARY TO DEMONSTRATE THE PRECISE LOCATION OF THE TIERS, INCLUDING, AS APPROPRIATE:

- (1) A MAP OF THE AREA SHOWING PLANNING AND ZONING CHARACTERISTICS OF EACH TIER; AND
- (2) EXISTING AND PLANNED WATER AND SEWER SERVICES.

1-504.

THE DEPARTMENT OF PLANNING, AS APPROPRIATE, SHALL PROVIDE TO EACH STATE AGENCY AND POST ON THE DEPARTMENT OF PLANNING’S WEB SITE, COPIES OF MAPS ILLUSTRATING:

(1) GROWTH TIERS CERTIFIED BY LOCAL JURISDICTIONS; AND

(2) ANY COMMENTS BY THE DEPARTMENT OF PLANNING ON THE CERTIFIED TIERS.

1-505.

(A) SUBJECT TO SUBSECTIONS (B), (C), AND (D) OF THIS SECTION, A LOCAL JURISDICTION THAT CHOOSES TO CERTIFY GROWTH TIERS TO THE DEPARTMENT OF PLANNING IS NOT REQUIRED TO ADOPT ALL OF THE TIERS.

(B) A MUNICIPAL CORPORATION THAT EXERCISES PLANNING AND ZONING AUTHORITY SHALL ADOPT TIER I AND MAY ADOPT TIER II.

(C) A COUNTY SHALL ADOPT TIERS I, III, AND IV, AND MAY ADOPT TIER II.

(D) IF A LOCAL JURISDICTION DOES NOT ADOPT ALL OF THE TIERS AUTHORIZED UNDER THIS SECTION, THE LOCAL JURISDICTION SHALL PROVIDE DOCUMENTATION TO THE DEPARTMENT OF PLANNING OF THE REASONS THE JURISDICTION IS NOT ADOPTING A PARTICULAR TIER.

1-506.

(A) THE GROWTH TIERS CERTIFIED BY A LOCAL JURISDICTION SHALL MEET THE FOLLOWING CRITERIA:

(1) TIER I AREAS ARE AREAS THAT ARE:

(I) SERVED BY PUBLIC SEWERAGE SYSTEMS AND MAPPED LOCALLY DESIGNATED GROWTH AREAS; OR

(II) A MUNICIPAL CORPORATION THAT IS A PRIORITY FUNDING AREA THAT IS SERVED BY PUBLIC SEWERAGE SYSTEMS;

(2) TIER II AREAS ARE AREAS THAT ARE:

(I) 1. PLANNED TO BE SERVED BY PUBLIC SEWERAGE SYSTEMS AND IN THE MUNICIPAL GROWTH ELEMENT; OR

2. MAPPED LOCALLY DESIGNATED GROWTH AREAS;
AND

(II) NEEDED TO SATISFY DEMAND FOR DEVELOPMENT AT DENSITIES CONSISTENT WITH THE LONG-TERM DEVELOPMENT POLICY AFTER CONSIDERATION OF THE CAPACITY OF LAND AREAS AVAILABLE FOR DEVELOPMENT, INCLUDING IN-FILL AND REDEVELOPMENT, WITHIN THE LOCAL JURISDICTION;

(3) TIER III AREAS ARE AREAS THAT ARE:

(I) NOT PLANNED FOR SEWERAGE SERVICE AND NOT DOMINATED BY AGRICULTURAL OR FOREST LAND; AND

(II) ONE OF THE FOLLOWING:

1. MUNICIPAL CORPORATIONS NOT SERVED BY A PUBLIC SEWERAGE SYSTEM;

2. ESTABLISHED COMMUNITIES PLANNED AND ZONED FOR DEVELOPMENT;

3. RURAL VILLAGES AS DESCRIBED IN § 5-7B-03(F) OF THE STATE FINANCE AND PROCUREMENT ARTICLE; OR

4. MAPPED LOCALLY DESIGNATED GROWTH AREAS;
OR

(III) ADJOINING AND CONTIGUOUS TO ONE OF THE FOLLOWING:

1. MUNICIPAL CORPORATIONS NOT SERVED BY A WASTEWATER TREATMENT PLANT;

2. ESTABLISHED COMMUNITIES PLANNED AND ZONED FOR DEVELOPMENT; OR

3. RURAL VILLAGES AS DESCRIBED IN § 5-7B-03(F) OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

(4) TIER IV AREAS ARE AREAS THAT ARE NOT PLANNED FOR SEWERAGE SERVICE AND ARE:

(I) AREAS PLANNED OR ZONED FOR LAND, AGRICULTURAL, OR RESOURCE PROTECTION, PRESERVATION, OR CONSERVATION;

(II) AREAS DOMINATED BY AGRICULTURAL LANDS, FOREST LANDS, OR OTHER NATURAL AREAS; OR

(III) RURAL LEGACY AREAS, PRIORITY PRESERVATION AREAS, OR AREAS MAPPED FOR ECOLOGICAL PRESERVATION BY THE DEPARTMENT OF NATURAL RESOURCES AT THE TIME OF THE ADOPTION OF THE PLAN OR AMENDMENT OR AREAS MAPPED FOR AGRICULTURAL PRESERVATION BY THE DEPARTMENT OF PLANNING AT THE TIME OF THE ADOPTION OF THE PLAN OR AMENDMENT.

(B) A LOCAL JURISDICTION SHALL STRIVE TO AVOID CREATING A TIER III AREA THAT IS BOUNDED ON ALL SIDES BY LAND IN A TIER IV AREA.

(C) IF AN AREA NOT PLANNED FOR SEWERAGE SERVICE DOES NOT MEET THE DESCRIPTION OF A TIER III OR TIER IV AREA, THEN THE AREA IS A TIER IV AREA.

1-507.

(A) A LOCAL JURISDICTION THAT CERTIFIES GROWTH TIERS TO THE DEPARTMENT OF PLANNING SHALL INCORPORATE THE TIERS INTO THE DEVELOPMENT REGULATIONS ELEMENT OF THE COMPREHENSIVE PLAN:

(1) WHEN THE LOCAL JURISDICTION CONDUCTS THE 6-YEAR REVIEW OF THE PLAN UNDER §§ 1-416(A) AND 3-301(A) OF THIS ARTICLE; AND

(2) IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(B) IF A LOCAL JURISDICTION DOES NOT INCORPORATE ALL OF THE GROWTH TIERS AUTHORIZED UNDER THIS SECTION INTO THE DEVELOPMENT REGULATIONS ELEMENT OF THE COMPREHENSIVE PLAN, THE LOCAL JURISDICTION SHALL STATE THAT A TIER IS NOT ADOPTED.”.

On page 31, strike beginning with “MEANS” in line 6 down through “2012” in line 9 and substitute “HAS THE MEANING STATED IN § 9-206 OF THE ENVIRONMENT ARTICLE”; in line 19, after “(B)” insert “THIS SECTION APPLIES ONLY TO A RESIDENTIAL MAJOR SUBDIVISION IN A TIER III AREA SERVED BY:

(1) ON-SITE SEWAGE DISPOSAL SYSTEMS;

(2) A SHARED FACILITY; OR

(3) A COMMUNITY SEWERAGE SYSTEM.

(C);

in line 19, strike “TIERS FOR” and substitute “THE”; strike beginning with “IN” in line 19 down through “PLAN” in line 20 and substitute “TIERS”; in the same line, strike “§ 1-407 OR §” and substitute “TITLE 1, SUBTITLE 5”; in line 21, strike “3-103”; in the same line, after “SUBDIVISION” insert “IN A TIER III AREA”; in line 23, strike “A” and substitute “THE”; strike beginning with “SERVED” in line 23 down through “FACILITY” in line 26; in line 27, strike “(C)” and substitute “(D)”; and strike beginning with “SERVED” in line 28 down through “FACILITY” in line 29.

On page 32, in lines 3 and 11, strike “(D)” and “(E)”, respectively, and substitute “(E)” and “(F)”, respectively; in line 3, strike the first “THE” and substitute “A RESIDENTIAL”; in line 6, after “THE” insert “RESIDENTIAL”; in the same line, after “SUBDIVISION” insert “UNLESS A LOCAL JURISDICTION’S ADEQUATE PUBLIC FACILITIES ORDINANCE ALREADY REQUIRES A REVIEW OF GOVERNMENT SERVICES”; in line 7, after the first “THE” insert “POTENTIAL”; in the same line, strike “IMPACT OF” and substitute “ISSUES OR A NATURAL RESOURCES INVENTORY RELATED TO”; in the same line, after “PROPOSED” insert “RESIDENTIAL”; in line 9, strike “ACCORDING TO” and substitute “IF REQUIRED BY”; in line 10, strike “FOR THE” and substitute “AS A RESULT OF THE APPROVAL OF THE”; in line 10, after “PROPOSED” insert “RESIDENTIAL”; and in line 11, after “PROPOSED” insert “RESIDENTIAL”; in line 21, after “subdivisions” insert “served by on-site septic systems”; in line 26, strike “§§ 1.04 and 3.05” and substitute “§ 1.05”; in the same line, strike “§§ 1–407” and substitute “Title 1, Subtitle 5”; in line 27, strike “and 3–103”; and in line 29, after “plan” insert “under Article 66B, § 1.05 of the Code or Title 1, Subtitle 5 of the Land Use Article”.

AMENDMENT NO. 7

On page 33, after line 3, insert:

SECTION 6. AND BE IT FURTHER ENACTED, That, if requested by a local jurisdiction to verify the actual overall yield for zoning in a Tier IV area under § 9–206(h) of the Environment Article, the Department of Planning shall:

(a) review the local zoning code, along with any relevant subdivision or development regulations or rules, to help determine the overall development yield;

(b) request, if appropriate, information from the local jurisdiction to help determine the overall yield of development in Tier IV;

(c) examine any additional information that the local jurisdiction provides supporting qualification of the jurisdiction’s zoning districts; and

(d) discuss any discrepancies or questions with the local jurisdiction before determining if the jurisdiction’s Tier IV area meets the overall actual yield of one dwelling unit per 25 acres within the Tier IV area.

SECTION 7. AND BE IT FURTHER ENACTED, That:

(a) each local jurisdiction shall submit any definition or description of a major or minor subdivision in the jurisdiction’s local ordinance or regulation to the Department of Planning on or before December 31, 2012, in accordance with the provisions of § 9–206 of the Environment Article; and

(b) the Department of Planning shall prepare a list of definitions and descriptions of major and minor subdivisions submitted by local jurisdictions for publication on the Web sites of the Department of Planning and the Department of the Environment on or after December 31, 2012.

SECTION 8. AND BE IT FURTHER ENACTED, That the provisions of this Act may not be construed to limit the authority granted to the Critical Area Commission under Chapter 119 of the Acts of 2008 to adopt regulations under § 8–1806(b) of the Natural Resources Article.”;

and in lines 4, 8, and 9, strike “6.”, “7.”, and “6”, respectively, and substitute “9.”, “10.”, and “9”, respectively.

The preceding 7 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR COMMITTEE AMENDMENT

SB0236/264238/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 236, AS AMENDED

AMENDMENT NO. 1

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments (SB0236/774530/2), in line 5 of Amendment No. 1, after “circumstances;” insert “authorizing a local jurisdiction to enact a local law or ordinance for the transfer of certain rights of an owner to subdivide certain property used for agricultural activities to the owner of certain other property used for agricultural activities under certain circumstances;”.

AMENDMENT NO. 2

On page 11 of the Education, Health, and Environmental Affairs Committee Amendments, in the second line from the bottom of Amendment No. 4, after "SUBSECTION" insert "AND SUBSECTION (P) OF THIS SECTION".

On page 12 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 4, strike beginning with "ZONED" in line 5 down through "USE" in line 6 and substitute "USED FOR AGRICULTURAL ACTIVITIES IN A TIER III OR TIER IV AREA"; in line 7, strike "NOTWITHSTANDING ANY OTHER LAW" and substitute "EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION"; and in line 8, after "INSTALL" insert ", IF APPROVED,".

AMENDMENT NO. 3

On page 13 of the Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 4, after "TOGETHER." insert:

"(P) (1) A LOCAL JURISDICTION MAY ENACT A LOCAL LAW OR ORDINANCE FOR THE TRANSFER OF THE RIGHT TO SUBDIVIDE, UP TO 7 LOTS, AS PROVIDED IN THIS SECTION, BY AN OWNER OF PROPERTY USED FOR AGRICULTURAL ACTIVITIES TO THE OWNER OF ANOTHER PROPERTY USED FOR AGRICULTURAL ACTIVITIES IN ACCORDANCE WITH THIS SUBSECTION.

(2) THE LOCAL LAW OR ORDINANCE SHALL PROVIDE FOR THE RECORDATION OF ANY RIGHTS TO SUBDIVIDE THAT ARE TRANSFERRED UNDER THIS SUBSECTION.

(3) A PROPERTY USED FOR AGRICULTURAL ACTIVITIES THE OWNER OF WHICH RECEIVES RIGHTS TO SUBDIVIDE UNDER THIS SUBSECTION:

(i) IS LIMITED TO A TOTAL OF 15 LOTS; AND

(ii) SHALL CLUSTER THE LOTS ON THE PROPERTY.

(4) RIGHTS TO SUBDIVIDE MAY NOT BE TRANSFERRED FROM THE OWNER OF PROPERTY USED FOR AGRICULTURAL ACTIVITIES IN A TIER III AREA TO THE OWNER OF PROPERTY USED FOR AGRICULTURAL ACTIVITIES IN A TIER IV AREA."

The preceding 3 amendments were read and adopted.

FLOOR AMENDMENT

SB0236/813228/1

BY: Senator Middleton

AMENDMENTS TO SENATE BILL 236, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0236/774530/2), in line 2 of Amendment No. 1, strike “and certify to the Department of Planning”; in line 6, strike “certification” and substitute “adoption”; in line 10, strike “certified” and substitute “adopted”; strike beginning with “requiring” in line 12 down through “site” in line 14; strike beginning with the first “the” in line 15 down through “approving” in line 16 and substitute “a local jurisdiction from authorizing”; strike beginning with the second “the” in line 17 down through “designee” in line 18 and substitute “a local jurisdiction”; strike beginning with “; authorizing” in line 20 down through “circumstances” in line 21; strike beginning with “provide” in line 23 down through “to” in line 24; and strike beginning with “requiring” in line 25 down through “Environment” in line 26.

On page 1 of the bill, strike beginning with “requiring” in line 20 down through “advice;” in line 22; and strike beginning with “requiring” in line 24 down through “circumstances;” in line 25.

On page 2 of the bill, strike beginning with “requiring” in line 6 down through “permit;” in line 7.

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments, in line 19 of Amendment No. 1, strike “1-507” and substitute “1-509”.

AMENDMENT NO. 2

On page 3 of the Education, Health, and Environmental Affairs Committee Amendments, in line 11 of Amendment No. 2, strike “IF” and substitute “**ADOPTED ON OR BEFORE DECEMBER 31, 2012, IF A LOCAL JURISDICTION CHOOSES TO CREATE A DEFINITION OR DESCRIPTION APPLICABLE SOLELY TO THIS SECTION**”

OR IF"; strike beginning with the comma in line 12 down through "DECEMBER 31, 2012" in line 13; and in line 18, strike "TWO" and substitute "MULTIPLE".

On page 4 of the Education, Health, and Environmental Affairs Committee Amendments, in line 14 of Amendment No. 2, strike "IF" and substitute "ADOPTED ON OR BEFORE DECEMBER 31, 2012, IF A LOCAL JURISDICTION CHOOSES TO CREATE A DEFINITION OR DESCRIPTION APPLICABLE SOLELY TO THIS SECTION OR IF"; and in line 16, strike "ADOPTED ON OR BEFORE DECEMBER 31, 2012,".

On page 5 of the Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 2, strike "TWO" and substitute "MULTIPLE".

AMENDMENT NO. 3

On page 6 of the bill, in line 28, strike "(I)".

On page 7 of the bill, strike in their entirety lines 1 through 6, inclusive.

On page 6 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 2, strike in their entirety lines 3 through 10, inclusive.

AMENDMENT NO. 4

On page 6 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 3, strike in their entirety lines 4 through 9, inclusive.

On page 7 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 3, strike beginning with "(3)" in line 1 down through "SUBSECTIONS" in line 2 and substitute "(2)SUBSECTIONS"; and strike in their entirety lines 4 through 11, inclusive.

On page 7 of the bill, strike in their entirety lines 13 through 20, inclusive, and substitute:

"(I) 1. BY OCTOBER 1, 2012, A SUBMISSION FOR PRELIMINARY PLAN APPROVAL IS MADE TO A LOCAL JURISDICTION THAT INCLUDES, AT A MINIMUM, THE PRELIMINARY ENGINEERING, DENSITY, ROAD

NETWORK, LOT LAYOUT, AND EXISTING FEATURES OF THE PROPOSED SITE DEVELOPMENT;

2. BY JULY 1, 2012, IN A LOCAL JURISDICTION THAT REQUIRES A SOIL PERCOLATION TEST BEFORE A SUBMISSION FOR PRELIMINARY APPROVAL:

A. AN APPLICATION FOR A SOIL PERCOLATION TEST APPROVAL FOR ALL LOTS THAT WILL BE INCLUDED IN THE SUBMISSION FOR PRELIMINARY APPROVAL IS MADE TO THE LOCAL HEALTH DEPARTMENT; AND

B. WITHIN 18 MONTHS AFTER APPROVAL OF THE SOIL PERCOLATION TESTS FOR THE LOTS THAT WILL BE INCLUDED IN THE SUBMISSION FOR PRELIMINARY APPROVAL, A SUBMISSION FOR PRELIMINARY APPROVAL IS MADE TO A LOCAL JURISDICTION THAT INCLUDES, AT A MINIMUM, THE PRELIMINARY ENGINEERING, DENSITY, ROAD NETWORK, LOT LAYOUT, AND EXISTING FEATURES OF THE PROPOSED SITE DEVELOPMENT; OR

3. BY JULY 1, 2012, IN A LOCAL JURISDICTION THAT REQUIRES A SOIL PERCOLATION TEST BEFORE A SUBMISSION FOR PRELIMINARY APPROVAL AND THE LOCAL JURISDICTION DOES NOT ACCEPT APPLICATIONS FOR SOIL PERCOLATION TESTS YEAR ROUND:

A. DOCUMENTATION THAT A MARYLAND PROFESSIONAL ENGINEER OR SURVEYOR HAS PREPARED AND CERTIFIED UNDER SEAL A SITE PLAN IN ANTICIPATION OF AN APPLICATION FOR SOIL PERCOLATION TESTS;

B. AN APPLICATION FOR A SOIL PERCOLATION TEST APPROVAL FOR ALL LOTS THAT WILL BE INCLUDED IN THE SUBMISSION FOR PRELIMINARY APPROVAL IS MADE TO THE LOCAL HEALTH DEPARTMENT AT THE NEXT AVAILABLE SOIL PERCOLATION TEST SEASON; AND

C. WITHIN 18 MONTHS AFTER APPROVAL OF THE SOIL PERCOLATION TESTS FOR THE LOTS THAT WILL BE INCLUDED IN THE SUBMISSION FOR PRELIMINARY APPROVAL, A SUBMISSION FOR PRELIMINARY

APPROVAL IS MADE TO A LOCAL JURISDICTION THAT INCLUDES, AT A MINIMUM, THE PRELIMINARY ENGINEERING, DENSITY, ROAD NETWORK, LOT LAYOUT, AND EXISTING FEATURES OF THE PROPOSED SITE DEVELOPMENT; AND

(II) BY OCTOBER 1, 2016, THE PRELIMINARY PLAN IS APPROVED.”;

and in line 22, strike beginning with the first “**THE**” through “**APPROVE**” and substitute “A LOCAL JURISDICTION MAY AUTHORIZE”.

On page 8 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 3, in lines 1 and 8, in each instance, strike “**(K)**” and substitute “**(I)**”; in lines 1 and 8, in each instance, strike “**(N)**” and substitute “**(L)**”; strike beginning with the first “**THE**” in line 13 down through “**DESIGNEE**” in line 14 and substitute “A LOCAL JURISDICTION”; and in lines 15 and 21, in each instance, strike “**APPROVE**” and substitute “AUTHORIZE”.

AMENDMENT NO. 5

On page 8 of the bill, strike beginning with the comma in line 8 down through “**SUBDIVISION**” in line 9 and substitute “AND”; strike beginning with the semicolon in line 11 down through “**APPLICABLE**” in line 18; in line 23, strike “**25**” and substitute “20”; and strike in their entirety lines 32 and 33, inclusive.

On page 9 of the bill, strike in their entirety lines 1 through 7, inclusive; and strike in their entirety lines 23 through 31, inclusive.

AMENDMENT NO. 6

On page 9 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 3, strike beginning with “**IN**” in line 10 down through “**SECTION**” in line 11; in line 12, strike “GROWTH TIERS ARE”; and in line 13, strike “ARTICLE 66B, § 1.05 OF THE CODE.”.

On page 10 of the Education, Health, and Environmental Affairs Committee Amendments, in line 14 of Amendment No. 3, strike “**(J)**”; strike beginning with “**FOR**” in line 14 down through “AREA” in line 15; in line 16, strike “**(G)(1)(IV)**”; in line 18, strike “GROWTH TIERS ARE”; in line 19, strike “**FOR THE GROWTH TIERS**”; in line 20, strike “§ 1.05”; strike beginning with “COMPREHENSIVE” in line 20 down through

the first “**THE**” in line 21; strike beginning with the second “**THE**” in line 21 down through “**APPLICABLE,**” in line 22; and in line 24, strike “**(K)**”.

On page 11 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 3, in line 1, strike beginning with “**FOR**” through “**AREA**”; in line 3, strike “**GROWTH TIER**”; in line 4, strike “**(G)**”; in line 6, strike “**(L)**”, “**(M)**”, and “**(N)**”, respectively, and substitute “**(J)**”, “**(K)**”, and “**(L)**”, respectively; and in line 7, strike “**(L)**” and substitute “**(I)**”.

On page 10 of the bill, in line 8, strike the second “and” and substitute:

“(3) DOCUMENTATION BY THE LOCAL JURISDICTION THAT A MAJOR SUBDIVISION ON-SITE SEWAGE DISPOSAL SYSTEM, A COMMUNITY SEWERAGE SYSTEM, OR A SHARED FACILITY IS IN A:

(I) TIER III AREA AS ADOPTED BY THE LOCAL JURISDICTION; OR

(II) TIER IV AREA IN A LOCAL JURISDICTION THAT IS EXEMPT FROM THE LIMITATION OF MINOR SUBDIVISIONS AS PROVIDED IN SUBSECTION (H) OF THIS SECTION; AND;

and in line 9, strike “(3)” and substitute “**(4)**”.

On page 11 of the Education, Health, and Environmental Affairs Committee Amendments, in line 11 of Amendment No. 4, strike “**(O)**” and substitute “**(M)**”.

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0236/264238/1), in line 3 of Amendment No. 2, strike “**(P)**” and substitute “**(N)**”.

On page 1 of Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 3, strike “**(P)**” and substitute “**(N)**”.

AMENDMENT NO. 7

On page 14 of the bill, in lines 23 and 24, strike “**§ 5-7B-02**” and substitute “**TITLE 5, SUBTITLE 2**”.

On page 14 of the Education, Health, and Environmental Affairs Committee Amendments (SB0236/774530/2), in line 4 of Amendment No. 5, after “(A)” insert “IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.”

(1) “PLANNING BOARD” MEANS A PLANNING BOARD ESTABLISHED UNDER THIS ARTICLE.

(2) “PLANNING BOARD” INCLUDES A PLANNING COMMISSION OR BOARD ESTABLISHED UNDER ARTICLE 25A OR ARTICLE 28 OF THE CODE.

(B)”;

in line 5, strike “CERTIFY TO THE DEPARTMENT OF PLANNING” and substitute “ADOPT”; in line 6, strike “DESIGNATED BY THE LOCAL JURISDICTION”; in line 8, strike “CERTIFICATION” and substitute “ADOPTION”; in line 13, strike “ON CERTIFICATION OF” and substitute “AFTER ADOPTION”; and in lines 8 and 13, strike “(B)” and “(C)”, respectively, and substitute “(C)” and “(D)”, respectively.

On page 15 of the Education, Health and Environmental Affairs Committee Amendments, in Amendment No. 5, strike beginning with “, AS” in line 1 down through “TIERS” in line 6 and substitute “MAY COMMENT ON THE GROWTH TIERS ADOPTED BY THE LOCAL JURISDICTIONS”; in line 8, strike “CERTIFY” and substitute “ADOPT”; in line 9, strike “TO THE DEPARTMENT OF PLANNING”; after line 18, insert:

“(G) (1) IF THE DEPARTMENT OF PLANNING COMMENTS UNDER SUBSECTION (E) OF THIS SECTION ON ANY OF THE TIERS OR ON AN AREA WITHIN ONE OF THE TIERS, THE LOCAL LEGISLATIVE BODY OR THE PLANNING BOARD SHALL HOLD AT LEAST ONE PUBLIC HEARING ON THE COMMENTS BY THE DEPARTMENT OF PLANNING.

(2) THE LOCAL LEGISLATIVE BODY OR THE PLANNING BOARD SHALL REVIEW THE MAPPED GROWTH TIERS ADOPTED BY THE LOCAL JURISDICTION IN LIGHT OF THE COMMENTS BY THE DEPARTMENT OF PLANNING.

(3) IF THE PLANNING BOARD HOLDS THE PUBLIC HEARING UNDER PARAGRAPH (1) OF THIS SECTION, AFTER THE PUBLIC HEARING AND THE CONSIDERATION OF THE COMMENTS BY THE DEPARTMENT OF PLANNING, THE PLANNING BOARD SHALL RECOMMEND TO THE LOCAL JURISDICTION THAT EITHER THE TIERS OR AN AREA WITHIN THE TIERS:

(I) BE CHANGED; OR

(II) THAT THE ADOPTED TIERS REMAIN UNCHANGED.

(4) IF THE PLANNING BOARD RECOMMENDS THAT THE TIERS OR AN AREA WITHIN THE TIERS BE CHANGED UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE PLANNING BOARD SHALL PROVIDE THE RECOMMENDED MAPPED GROWTH TIER CHANGES TO THE LOCAL JURISDICTION.”;

in line 19, strike “**CERTIFIED**” and substitute “**ADOPTED**”; and in lines 1, 7, and 19, strike “**(D)**”, “**(E)**”, and “**(F)**”, respectively, and substitute “**(E)**”, “**(F)**”, and “**(H)**”, respectively.

On page 16 of the Education, Health, and Environmental Affairs Committee Amendments, in line 15 of Amendment No. 5, strike the second “**ARE**”; in line 16, strike “**NOT**” and substitute “**ARE NOT**”; in line 17, strike “**AND**” and substitute:

“(II) ARE NOT PLANNED OR ZONED BY A LOCAL JURISDICTION FOR LAND, AGRICULTURAL, OR RESOURCE PROTECTION, PRESERVATION, OR CONSERVATION; AND”;

and in line 18, strike “**(II) ONE**” and substitute “**(III) ARE ONE**”.

On page 17 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 5, strike in their entirety lines 3 and 4; in lines 5 and 7, strike “**3.**” and “**4.**”, respectively, and substitute “**2.**” and “**3.**”, respectively; in line 6, strike “**OR**”; and after line 8, insert:

“4. AREAS PLANNED AND ZONED FOR LARGE LOT AND RURAL DEVELOPMENT; AND”;

strike in their entirety lines 9 through 16, inclusive; and in line 19, after “ZONED” insert “BY A LOCAL JURISDICTION”.

On page 18 of the Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 5, strike “1.”; strike beginning with “MAPPED” in line 4 down through “AMENDMENT” in line 9 and substitute “SUBJECT TO COVENANTS, RESTRICTIONS, CONDITIONS, OR CONSERVATION EASEMENTS FOR THE BENEFIT OF, OR HELD BY A STATE AGENCY, AS DEFINED IN § 9-206 OF THE ENVIRONMENT ARTICLE, OR A LOCAL JURISDICTION FOR THE PURPOSE OF CONSERVING NATURAL RESOURCES OR AGRICULTURAL LAND”; in line 10, strike “(1)”; strike in their entirety lines 12 through 14, inclusive; in line 15, strike “CERTIFIES” and substitute “ADOPTS”; and in lines 15 and 16, strike “TO THE DEPARTMENT OF PLANNING”.

On page 20 of the bill, in line 24, after “SUBDIVISION;” insert “AND”; strike beginning with “; AND” in line 26 down through “SUBDIVISION” in line 28.

On page 20 of the Education, Health, and Environmental Affairs Committee Amendments, in line 11 of Amendment No. 5, strike “IF REQUIRED BY”; in lines 11 and 12, strike “AS A RESULT OF THE APPROVAL OF THE”; and in line 13, strike “RESIDENTIAL”.

AMENDMENT NO. 8

On page 22 of the Education, Health, and Environmental Affairs Committee Amendments, after line 3 of Amendment No. 6, insert:

“(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

“(B) “PLANNING BOARD” MEANS A PLANNING BOARD ESTABLISHED UNDER THIS ARTICLE.

“(C) “PLANNING BOARD” INCLUDES A PLANNING COMMISSION OR BOARD ESTABLISHED UNDER ARTICLE 25A OR ARTICLE 28 OF THE CODE.

1-502.”;

in line 8, strike “1-502.” and substitute “1-503.”; in line 5, strike “CERTIFY TO THE DEPARTMENT OF PLANNING” and substitute “ADOPT”; in line 6, strike “DESIGNATED BY THE LOCAL JURISDICTION”; and in line 9, strike “CERTIFICATION” and substitute “ADOPTION”.

On page 23 of the Education, Health, and Environmental Affairs Committee Amendments, in line 2 of Amendment No. 6, strike “ON CERTIFICATION” and substitute “AFTER ADOPTION”; strike beginning with “,AS” in line 10 down through “TIERS” in line 15 and substitute “MAY COMMENT ON THE GROWTH TIERS ADOPTED BY THE LOCAL JURISDICTIONS”; in line 18, strike “CERTIFY” and substitute “ADOPT”; in lines 18 and 19, strike “TO THE DEPARTMENT OF PLANNING”; and in lines 1, 9, and 16, strike “1-503.”, “1-504.”, “1-505.”, respectively, and substitute “1-504.”, “1-505.”, and “1-506.”, respectively.

On page 24 of the Education, Health, and Environmental Affairs Committee Amendments, after line 8 of Amendment No. 6, insert:

“1-507.”

(A) IF THE DEPARTMENT OF PLANNING COMMENTS UNDER § 5-105 OF THIS SUBTITLE ON ANY OF THE TIERS OR ON AN AREA WITHIN ONE OF THE TIERS, THE LOCAL LEGISLATIVE BODY OR THE PLANNING BOARD SHALL HOLD AT LEAST ONE PUBLIC HEARING ON THE COMMENTS BY THE DEPARTMENT OF PLANNING.

(B) THE LOCAL LEGISLATIVE BODY OR THE PLANNING BOARD SHALL REVIEW THE MAPPED GROWTH TIERS ADOPTED BY THE LOCAL JURISDICTION IN LIGHT OF THE COMMENTS BY THE DEPARTMENT OF PLANNING.

(C) IF THE PLANNING BOARD HOLDS THE PUBLIC HEARING UNDER SUBSECTION (A) OF THIS SECTION, AFTER THE PUBLIC HEARING AND THE CONSIDERATION OF THE COMMENTS BY THE DEPARTMENT OF PLANNING, THE PLANNING BOARD SHALL RECOMMEND TO THE LOCAL JURISDICTION THAT EITHER THE TIERS OR AN AREA WITHIN THE TIERS:

(1) BE CHANGED; OR

(2) THAT THE ADOPTED TIERS REMAIN UNCHANGED.

(D) IF THE PLANNING BOARD RECOMMENDS THAT THE TIERS OR AN AREA WITHIN THE TIERS BE CHANGED UNDER SUBSECTION (C) OF THIS SECTION, THE PLANNING BOARD SHALL PROVIDE THE RECOMMENDED MAPPED GROWTH TIER CHANGES TO THE LOCAL JURISDICTION.”;

in line 9, strike “**1-506.**” and substitute “**1-508.**”; and in line 10, strike “**CERTIFIED**” and substitute “**ADOPTED**”.

On page 25 of the Education, Health and Environmental Affairs Committee Amendments, in line 8 of Amendment No. 6, strike the second “**ARE**”; in line 9, strike “**NOT**” and substitute “**ARE NOT**”; in line 10, strike “**AND**” and substitute:

“(II) ARE NOT PLANNED OR ZONED BY A LOCAL JURISDICTION FOR LAND, AGRICULTURAL, OR RESOURCE PROTECTION, PRESERVATION, OR CONSERVATION; AND”;

and in line 11, strike “**(II) ONE**” and substitute “**(III) ARE ONE**”; strike in their entirety lines 14 and 15; in lines 16 and 18, strike “**3.**” and “**4.**”, respectively, and substitute “**2.**” and “**3.**”, respectively; and after line 19, insert:

“4. AREAS PLANNED AND ZONED FOR LARGE LOT AND RURAL DEVELOPMENT; AND”.

On page 26 of the Education, Health, and Environmental Affairs Committee Amendments, strike in their entirety lines 1 through 8, inclusive, of Amendment No. 6; in line 11, after “**ZONED**” insert “**BY A LOCAL JURISDICTION**”; and strike beginning with “**MAPPED**” in line 16 down through “**AMENDMENT**” in line 20 and substitute “**SUBJECT TO COVENANTS, RESTRICTIONS, CONDITIONS, OR CONSERVATION EASEMENTS FOR THE BENEFIT OF, OR HELD BY A STATE AGENCY, AS DEFINED IN § 9-206 OF THE ENVIRONMENT ARTICLE, OR A LOCAL JURISDICTION FOR THE PURPOSE OF CONSERVING NATURAL RESOURCES OR AGRICULTURAL LAND**”.

On page 27 of the Education, Health, and Environmental Affairs Committee Amendments, strike in their entirety lines 3 through 5, inclusive; in line 6, strike

“1-507.” and substitute “1-509.”; in line 7, strike “CERTIFIES” and substitute “ADOPT”; and in lines 7 and 8, strike “TO THE DEPARTMENT OF PLANNING”.

On page 32 of the bill, in line 6, after “SUBDIVISION;” insert “AND”; and strike beginning with “; AND” in line 8 down through “SUBDIVISION” in line 10.

On page 28 of the Education, Health, and Environmental Affairs Committee Amendments, in lines 19 and 20 of Amendment No. 6, strike “IF REQUIRED BY”; in lines 20 and 21, strike “AS A RESULT OF THE APPROVAL OF THE”; and in line 22, strike “RESIDENTIAL”.

AMENDMENT NO. 9

On page 32 of the bill, strike in their entirety lines 20 through 22, inclusive; and in line 23, strike “5.” and substitute “4.”.

On page 28 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 6, strike beginning with “served” in line 22 down through “systems” in line 23.

On page 29 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 7, in lines 2 and 14, strike “6.” and “7.”, respectively, and substitute “5.” and “6.”, respectively; and in line 13, strike “25” and substitute “20”.

On page 30 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 7, in line 1, strike “8.” and substitute “7.”; and in lines 5 and 6, strike “9.”, “10.”, and “9”, respectively, and substitute “8.”, “9.”, and “8”, respectively.

The preceding 9 amendments were read only.

Senator Middleton moved, duly seconded, to make the Bill and Amendments a Special Order for P.M. session.

The motion was adopted.

INTRODUCTION OF BILLS

Senator Montgomery moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of

the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1100 – Senators Montgomery, Garagiola, Frosh, Madaleno, and Raskin

EMERGENCY BILL

AN ACT concerning

Montgomery County – Real Property – Enforceability of Recorded Covenants and Restrictions – Agricultural Activities and Structures

FOR the purpose of authorizing a certain person to bring an action in a court of competent jurisdiction to challenge certain provisions of certain recorded covenants and restrictions as unenforceable to a certain extent under certain circumstances; providing for a certain rebuttable presumption; providing that Montgomery County shall have standing to intervene in a certain case; providing for the construction and application of this Act; making this Act an emergency measure; and generally relating to the enforceability of certain recorded covenants and restrictions in Montgomery County.

BY adding to

Article – Real Property

Section 14–133

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

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

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 699)

RECESS

At 1:21 P.M. on motion of Senator Garagiola, seconded, the Senate recessed until 6:00 P.M. on Friday, March 23, 2012.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 20, 2012
Calendar Day: Friday, March 23, 2012

At 6:15 P.M. the Senate resumed its session.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 701)

On motion of Senator Garagiola it was ordered that Senators Robey and Zirkin be excused from today's session.

SPECIAL ORDERS

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

**Senate Bill 236 – The President (By Request – Administration) and Senators
Pinsky, Frosh, Madaleno, Montgomery, and Raskin**

AN ACT concerning

Sustainable Growth and Agricultural Preservation Act of 2012

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS
(9) OFFERED FROM THE FLOOR BY SENATOR MIDDLETON.

FLOOR AMENDMENT

SB0236/813228/1

BY: Senator Middleton

AMENDMENTS TO SENATE BILL 236, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0236/774530/2), in line 2 of Amendment No. 1, strike “and certify to the Department of Planning”; in line 6, strike “certification” and substitute “adoption”; in line 10, strike “certified” and substitute “adopted”; strike beginning with “requiring” in line 12 down through “site” in line 14; strike beginning with the first “the” in line 15 down through “approving” in line 16 and substitute “a local jurisdiction from authorizing”; strike beginning with the second “the” in line 17 down through “designee” in line 18 and substitute “a local jurisdiction”; strike beginning with “; authorizing” in line 20 down through “circumstances” in line 21; strike beginning with “provide” in line 23 down through “to” in line 24; and strike beginning with “requiring” in line 25 down through “Environment” in line 26.

On page 1 of the bill, strike beginning with “requiring” in line 20 down through “advice;” in line 22; and strike beginning with “requiring” in line 24 down through “circumstances;” in line 25.

On page 2 of the bill, strike beginning with “requiring” in line 6 down through “permit;” in line 7.

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments, in line 19 of Amendment No. 1, strike “1-507” and substitute “1-509”.

AMENDMENT NO. 2

On page 3 of the Education, Health, and Environmental Affairs Committee Amendments, in line 11 of Amendment No. 2, strike “IF” and substitute “ADOPTED ON OR BEFORE DECEMBER 31, 2012, IF A LOCAL JURISDICTION CHOOSES TO CREATE A DEFINITION OR DESCRIPTION APPLICABLE SOLELY TO THIS SECTION OR IF”; strike beginning with the comma in line 12 down through “DECEMBER 31, 2012” in line 13; and in line 18, strike “TWO” and substitute “MULTIPLE”.

On page 4 of the Education, Health, and Environmental Affairs Committee Amendments, in line 14 of Amendment No. 2, strike “IF” and substitute “ADOPTED ON OR BEFORE DECEMBER 31, 2012, IF A LOCAL JURISDICTION CHOOSES TO CREATE A DEFINITION OR DESCRIPTION APPLICABLE SOLELY TO THIS SECTION OR IF”; and in line 16, strike “ADOPTED ON OR BEFORE DECEMBER 31, 2012,”.

On page 5 of the Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 2, strike “TWO” and substitute “MULTIPLE”.

AMENDMENT NO. 3

On page 6 of the bill, in line 28, strike “(I)”.

On page 7 of the bill, strike in their entirety lines 1 through 6, inclusive.

On page 6 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 2, strike in their entirety lines 3 through 10, inclusive.

AMENDMENT NO. 4

On page 6 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 3, strike in their entirety lines 4 through 9, inclusive.

On page 7 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 3, strike beginning with “(3)” in line 1 down through “SUBSECTIONS” in line 2 and substitute “(2)SUBSECTIONS”; and strike in their entirety lines 4 through 11, inclusive.

On page 7 of the bill, strike in their entirety lines 13 through 20, inclusive, and substitute:

“(I) 1. BY OCTOBER 1, 2012, A SUBMISSION FOR PRELIMINARY PLAN APPROVAL IS MADE TO A LOCAL JURISDICTION THAT INCLUDES, AT A MINIMUM, THE PRELIMINARY ENGINEERING, DENSITY, ROAD NETWORK, LOT LAYOUT, AND EXISTING FEATURES OF THE PROPOSED SITE DEVELOPMENT;

2. BY JULY 1, 2012, IN A LOCAL JURISDICTION THAT REQUIRES A SOIL PERCOLATION TEST BEFORE A SUBMISSION FOR PRELIMINARY APPROVAL:

A. AN APPLICATION FOR A SOIL PERCOLATION TEST APPROVAL FOR ALL LOTS THAT WILL BE INCLUDED IN THE SUBMISSION FOR PRELIMINARY APPROVAL IS MADE TO THE LOCAL HEALTH DEPARTMENT; AND

B. WITHIN 18 MONTHS AFTER APPROVAL OF THE SOIL PERCOLATION TESTS FOR THE LOTS THAT WILL BE INCLUDED IN THE SUBMISSION FOR PRELIMINARY APPROVAL, A SUBMISSION FOR PRELIMINARY APPROVAL IS MADE TO A LOCAL JURISDICTION THAT INCLUDES, AT A MINIMUM, THE PRELIMINARY ENGINEERING, DENSITY, ROAD NETWORK, LOT LAYOUT, AND EXISTING FEATURES OF THE PROPOSED SITE DEVELOPMENT; OR

3. BY JULY 1, 2012, IN A LOCAL JURISDICTION THAT REQUIRES A SOIL PERCOLATION TEST BEFORE A SUBMISSION FOR PRELIMINARY APPROVAL AND THE LOCAL JURISDICTION DOES NOT ACCEPT APPLICATIONS FOR SOIL PERCOLATION TESTS YEAR ROUND:

A. DOCUMENTATION THAT A MARYLAND PROFESSIONAL ENGINEER OR SURVEYOR HAS PREPARED AND CERTIFIED UNDER SEAL A SITE PLAN IN ANTICIPATION OF AN APPLICATION FOR SOIL PERCOLATION TESTS;

B. AN APPLICATION FOR A SOIL PERCOLATION TEST APPROVAL FOR ALL LOTS THAT WILL BE INCLUDED IN THE SUBMISSION FOR PRELIMINARY APPROVAL IS MADE TO THE LOCAL HEALTH DEPARTMENT AT THE NEXT AVAILABLE SOIL PERCOLATION TEST SEASON; AND

C. WITHIN 18 MONTHS AFTER APPROVAL OF THE SOIL PERCOLATION TESTS FOR THE LOTS THAT WILL BE INCLUDED IN THE SUBMISSION FOR PRELIMINARY APPROVAL, A SUBMISSION FOR PRELIMINARY APPROVAL IS MADE TO A LOCAL JURISDICTION THAT INCLUDES, AT A MINIMUM, THE PRELIMINARY ENGINEERING, DENSITY, ROAD NETWORK, LOT LAYOUT, AND EXISTING FEATURES OF THE PROPOSED SITE DEVELOPMENT; AND

(II) BY OCTOBER 1, 2016, THE PRELIMINARY PLAN IS APPROVED.”;

and in line 22, strike beginning with the first “**THE**” through “**APPROVE**” and substitute “**A LOCAL JURISDICTION MAY AUTHORIZE**”.

On page 8 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 3, in lines 1 and 8, in each instance, strike “**(K)**” and substitute “**(I)**”; in lines 1 and 8, in each instance, strike “**(N)**” and substitute “**(L)**”; strike beginning with the first “**THE**” in line 13 down through “**DESIGNEE**” in line 14 and substitute “**A LOCAL JURISDICTION**”; and in lines 15 and 21, in each instance, strike “**APPROVE**” and substitute “**AUTHORIZE**”.

AMENDMENT NO. 5

On page 8 of the bill, strike beginning with the comma in line 8 down through “**SUBDIVISION**” in line 9 and substitute “**AND**”; strike beginning with the semicolon in line 11 down through “**APPLICABLE**” in line 18; in line 23, strike “**25**” and substitute “**20**”; and strike in their entirety lines 32 and 33, inclusive.

On page 9 of the bill, strike in their entirety lines 1 through 7, inclusive; and strike in their entirety lines 23 through 31, inclusive.

AMENDMENT NO. 6

On page 9 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 3, strike beginning with “**IN**” in line 10 down through “**SECTION**” in line 11; in line 12, strike “**GROWTH TIERS ARE**”; and in line 13, strike “**ARTICLE 66B, § 1.05 OF THE CODE.**”.

On page 10 of the Education, Health, and Environmental Affairs Committee Amendments, in line 14 of Amendment No. 3, strike “**(J)**”; strike beginning with “**FOR**” in line 14 down through “**AREA**” in line 15; in line 16, strike “**(G)(1)(IV)**”; in line 18, strike “**GROWTH TIERS ARE**”; in line 19, strike “**FOR THE GROWTH TIERS**”; in line 20, strike “**§ 1.05**”; strike beginning with “**COMPREHENSIVE**” in line 20 down through the first “**THE**” in line 21; strike beginning with the second “**THE**” in line 21 down through “**APPLICABLE,**” in line 22; and in line 24, strike “**(K)**”.

On page 11 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 3, in line 1, strike beginning with “**FOR**” through “**AREA**”; in line 3, strike “**GROWTH TIER**”; in line 4, strike “**(G)**”; in line 6, strike “**(L)**”,

“(M)”, and “(N)”, respectively, and substitute “(J)”, “(K)”, and “(L)”, respectively; and in line 7, strike “(L)” and substitute “(I)”.

On page 10 of the bill, in line 8, strike the second “and” and substitute:

“(3) DOCUMENTATION BY THE LOCAL JURISDICTION THAT A MAJOR SUBDIVISION ON-SITE SEWAGE DISPOSAL SYSTEM, A COMMUNITY SEWERAGE SYSTEM, OR A SHARED FACILITY IS IN A:

(I) TIER III AREA AS ADOPTED BY THE LOCAL JURISDICTION; OR

(II) TIER IV AREA IN A LOCAL JURISDICTION THAT IS EXEMPT FROM THE LIMITATION OF MINOR SUBDIVISIONS AS PROVIDED IN SUBSECTION (H) OF THIS SECTION; AND”;

and in line 9, strike “(3)” and substitute “(4)”.

On page 11 of the Education, Health, and Environmental Affairs Committee Amendments, in line 11 of Amendment No. 4, strike “(O)” and substitute “(M)”.

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0236/264238/1), in line 3 of Amendment No. 2, strike “(P)” and substitute “(N)”.

On page 1 of Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 3, strike “(P)” and substitute “(N)”.

AMENDMENT NO. 7

On page 14 of the bill, in lines 23 and 24, strike “§ 5-7B-02” and substitute “**TITLE 5, SUBTITLE 2**”.

On page 14 of the Education, Health, and Environmental Affairs Committee Amendments (SB0236/774530/2), in line 4 of Amendment No. 5, after “(A)” insert “**IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**”

(1) “PLANNING BOARD” MEANS A PLANNING BOARD ESTABLISHED UNDER THIS ARTICLE.

(2) “PLANNING BOARD” INCLUDES A PLANNING COMMISSION OR BOARD ESTABLISHED UNDER ARTICLE 25A OR ARTICLE 28 OF THE CODE.

(B);

in line 5, strike “CERTIFY TO THE DEPARTMENT OF PLANNING” and substitute “ADOPT”; in line 6, strike “DESIGNATED BY THE LOCAL JURISDICTION”; in line 8, strike “CERTIFICATION” and substitute “ADOPTION”; in line 13, strike “ON CERTIFICATION OF” and substitute “AFTER ADOPTION”; and in lines 8 and 13, strike “(B)” and “(C)”, respectively, and substitute “(C)” and “(D)”, respectively.

On page 15 of the Education, Health and Environmental Affairs Committee Amendments, in Amendment No. 5, strike beginning with “, AS” in line 1 down through “TIERS” in line 6 and substitute “MAY COMMENT ON THE GROWTH TIERS ADOPTED BY THE LOCAL JURISDICTIONS”; in line 8, strike “CERTIFY” and substitute “ADOPT”; in line 9, strike “TO THE DEPARTMENT OF PLANNING”; after line 18, insert:

“(G) (1) IF THE DEPARTMENT OF PLANNING COMMENTS UNDER SUBSECTION (E) OF THIS SECTION ON ANY OF THE TIERS OR ON AN AREA WITHIN ONE OF THE TIERS, THE LOCAL LEGISLATIVE BODY OR THE PLANNING BOARD SHALL HOLD AT LEAST ONE PUBLIC HEARING ON THE COMMENTS BY THE DEPARTMENT OF PLANNING.

(2) THE LOCAL LEGISLATIVE BODY OR THE PLANNING BOARD SHALL REVIEW THE MAPPED GROWTH TIERS ADOPTED BY THE LOCAL JURISDICTION IN LIGHT OF THE COMMENTS BY THE DEPARTMENT OF PLANNING.

(3) IF THE PLANNING BOARD HOLDS THE PUBLIC HEARING UNDER PARAGRAPH (1) OF THIS SECTION, AFTER THE PUBLIC HEARING AND THE CONSIDERATION OF THE COMMENTS BY THE DEPARTMENT OF PLANNING, THE PLANNING BOARD SHALL RECOMMEND TO THE LOCAL JURISDICTION THAT EITHER THE TIERS OR AN AREA WITHIN THE TIERS:

(I) BE CHANGED; OR

(II) THAT THE ADOPTED TIERS REMAIN UNCHANGED.

(4) IF THE PLANNING BOARD RECOMMENDS THAT THE TIERS OR AN AREA WITHIN THE TIERS BE CHANGED UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE PLANNING BOARD SHALL PROVIDE THE RECOMMENDED MAPPED GROWTH TIER CHANGES TO THE LOCAL JURISDICTION.;

in line 19, strike “**CERTIFIED**” and substitute “**ADOPTED**”; and in lines 1, 7, and 19, strike “**(D)**”, “**(E)**”, and “**(F)**”, respectively, and substitute “**(E)**”, “**(F)**”, and “**(H)**”, respectively.

On page 16 of the Education, Health, and Environmental Affairs Committee Amendments, in line 15 of Amendment No. 5, strike the second “**ARE**”; in line 16, strike “**NOT**” and substitute “**ARE NOT**”; in line 17, strike “**AND**” and substitute:

“(II) ARE NOT PLANNED OR ZONED BY A LOCAL JURISDICTION FOR LAND, AGRICULTURAL, OR RESOURCE PROTECTION, PRESERVATION, OR CONSERVATION; AND”;

and in line 18, strike “**(II) ONE**” and substitute “**(III) ARE ONE**”.

On page 17 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 5, strike in their entirety lines 3 and 4; in lines 5 and 7, strike “**3.**” and “**4.**”, respectively, and substitute “**2.**” and “**3.**”, respectively; in line 6, strike “**OR**”; and after line 8, insert:

“4. AREAS PLANNED AND ZONED FOR LARGE LOT AND RURAL DEVELOPMENT; AND”;

strike in their entirety lines 9 through 16, inclusive; and in line 19, after “**ZONED**” insert “**BY A LOCAL JURISDICTION**”.

On page 18 of the Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 5, strike “**1.**”; strike beginning with

“MAPPED” in line 4 down through “AMENDMENT” in line 9 and substitute “SUBJECT TO COVENANTS, RESTRICTIONS, CONDITIONS, OR CONSERVATION EASEMENTS FOR THE BENEFIT OF, OR HELD BY A STATE AGENCY, AS DEFINED IN § 9-206 OF THE ENVIRONMENT ARTICLE, OR A LOCAL JURISDICTION FOR THE PURPOSE OF CONSERVING NATURAL RESOURCES OR AGRICULTURAL LAND”; in line 10, strike “(1)”; strike in their entirety lines 12 through 14, inclusive; in line 15, strike “CERTIFIES” and substitute “ADOPTS”; and in lines 15 and 16, strike “TO THE DEPARTMENT OF PLANNING”.

On page 20 of the bill, in line 24, after “SUBDIVISION;” insert “AND”; strike beginning with “; AND” in line 26 down through “SUBDIVISION” in line 28.

On page 20 of the Education, Health, and Environmental Affairs Committee Amendments, in line 11 of Amendment No. 5, strike “IF REQUIRED BY”; in lines 11 and 12, strike “AS A RESULT OF THE APPROVAL OF THE”; and in line 13, strike “RESIDENTIAL”.

AMENDMENT NO. 8

On page 22 of the Education, Health, and Environmental Affairs Committee Amendments, after line 3 of Amendment No. 6, insert:

“(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “PLANNING BOARD” MEANS A PLANNING BOARD ESTABLISHED UNDER THIS ARTICLE.

(C) “PLANNING BOARD” INCLUDES A PLANNING COMMISSION OR BOARD ESTABLISHED UNDER ARTICLE 25A OR ARTICLE 28 OF THE CODE.

1-502.”;

in line 8, strike “1-502.” and substitute “1-503.”; in line 5, strike “CERTIFY TO THE DEPARTMENT OF PLANNING” and substitute “ADOPT”; in line 6, strike “DESIGNATED BY THE LOCAL JURISDICTION”; and in line 9, strike “CERTIFICATION” and substitute “ADOPTION”.

On page 23 of the Education, Health, and Environmental Affairs Committee Amendments, in line 2 of Amendment No. 6, strike "ON CERTIFICATION" and substitute "AFTER ADOPTION"; strike beginning with "AS" in line 10 down through "TIERS" in line 15 and substitute "MAY COMMENT ON THE GROWTH TIERS ADOPTED BY THE LOCAL JURISDICTIONS"; in line 18, strike "CERTIFY" and substitute "ADOPT"; in lines 18 and 19, strike "TO THE DEPARTMENT OF PLANNING"; and in lines 1, 9, and 16, strike "1-503.", "1-504.", "1-505.", respectively, and substitute "1-504.", "1-505.", and "1-506.", respectively.

On page 24 of the Education, Health, and Environmental Affairs Committee Amendments, after line 8 of Amendment No. 6, insert:

"1-507.

(A) IF THE DEPARTMENT OF PLANNING COMMENTS UNDER § 5-105 OF THIS SUBTITLE ON ANY OF THE TIERS OR ON AN AREA WITHIN ONE OF THE TIERS, THE LOCAL LEGISLATIVE BODY OR THE PLANNING BOARD SHALL HOLD AT LEAST ONE PUBLIC HEARING ON THE COMMENTS BY THE DEPARTMENT OF PLANNING.

(B) THE LOCAL LEGISLATIVE BODY OR THE PLANNING BOARD SHALL REVIEW THE MAPPED GROWTH TIERS ADOPTED BY THE LOCAL JURISDICTION IN LIGHT OF THE COMMENTS BY THE DEPARTMENT OF PLANNING.

(C) IF THE PLANNING BOARD HOLDS THE PUBLIC HEARING UNDER SUBSECTION (A) OF THIS SECTION, AFTER THE PUBLIC HEARING AND THE CONSIDERATION OF THE COMMENTS BY THE DEPARTMENT OF PLANNING, THE PLANNING BOARD SHALL RECOMMEND TO THE LOCAL JURISDICTION THAT EITHER THE TIERS OR AN AREA WITHIN THE TIERS:

(1) BE CHANGED; OR

(2) THAT THE ADOPTED TIERS REMAIN UNCHANGED.

(D) IF THE PLANNING BOARD RECOMMENDS THAT THE TIERS OR AN AREA WITHIN THE TIERS BE CHANGED UNDER SUBSECTION (C) OF THIS

SECTION, THE PLANNING BOARD SHALL PROVIDE THE RECOMMENDED MAPPED GROWTH TIER CHANGES TO THE LOCAL JURISDICTION.”;

in line 9, strike “**1-506.**” and substitute “**1-508.**”; and in line 10, strike “**CERTIFIED**” and substitute “**ADOPTED**”.

On page 25 of the Education, Health and Environmental Affairs Committee Amendments, in line 8 of Amendment No. 6, strike the second “**ARE**”; in line 9, strike “**NOT**” and substitute “**ARE NOT**”; in line 10, strike “**AND**” and substitute:

“(II) ARE NOT PLANNED OR ZONED BY A LOCAL JURISDICTION FOR LAND, AGRICULTURAL, OR RESOURCE PROTECTION, PRESERVATION, OR CONSERVATION; AND”;

and in line 11, strike “**(II) ONE**” and substitute “**(III) ARE ONE**”; strike in their entirety lines 14 and 15; in lines 16 and 18, strike “**3.**” and “**4.**”, respectively, and substitute “**2.**” and “**3.**”, respectively; and after line 19, insert:

“4. AREAS PLANNED AND ZONED FOR LARGE LOT AND RURAL DEVELOPMENT; AND”.

On page 26 of the Education, Health, and Environmental Affairs Committee Amendments, strike in their entirety lines 1 through 8, inclusive, of Amendment No. 6; in line 11, after “**ZONED**” insert “**BY A LOCAL JURISDICTION**”; and strike beginning with “**MAPPED**” in line 16 down through “**AMENDMENT**” in line 20 and substitute “**SUBJECT TO COVENANTS, RESTRICTIONS, CONDITIONS, OR CONSERVATION EASEMENTS FOR THE BENEFIT OF, OR HELD BY A STATE AGENCY, AS DEFINED IN § 9-206 OF THE ENVIRONMENT ARTICLE, OR A LOCAL JURISDICTION FOR THE PURPOSE OF CONSERVING NATURAL RESOURCES OR AGRICULTURAL LAND**”.

On page 27 of the Education, Health, and Environmental Affairs Committee Amendments, strike in their entirety lines 3 through 5, inclusive; in line 6, strike “**1-507.**” and substitute “**1-509.**”; in line 7, strike “**CERTIFIES**” and substitute “**ADOPT**”; and in lines 7 and 8, strike “**TO THE DEPARTMENT OF PLANNING**”.

On page 32 of the bill, in line 6, after “SUBDIVISION;” insert “AND”; and strike beginning with “; AND” in line 8 down through “SUBDIVISION” in line 10.

On page 28 of the Education, Health, and Environmental Affairs Committee Amendments, in lines 19 and 20 of Amendment No. 6, strike “IF REQUIRED BY”; in lines 20 and 21, strike “AS A RESULT OF THE APPROVAL OF THE”; and in line 22, strike “RESIDENTIAL”.

AMENDMENT NO. 9

On page 32 of the bill, strike in their entirety lines 20 through 22, inclusive; and in line 23, strike “5.” and substitute “4.”.

On page 28 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 6, strike beginning with “served” in line 22 down through “systems” in line 23.

On page 29 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 7, in lines 2 and 14, strike “6.” and “7.”, respectively, and substitute “5.” and “6.”, respectively; and in line 13, strike “25” and substitute “20”.

On page 30 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 7, in line 1, strike “8.” and substitute “7.”; and in lines 5 and 6, strike “9.”, “10.”, and “9.”, respectively, and substitute “8.”, “9.”, and “8.”, respectively.

The preceding 9 amendments were read only.

Senator Frosh moved, duly seconded, to make the Bill and Amendments a Special Order for the end of today’s business.

The motion was adopted.

Senate Bill 678 – Senator Forehand

AN ACT concerning

Criminal Procedure – Expungement of Criminal Charge Transferred to Juvenile Court

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 604 – Senators Kelley, Middleton, and Pugh

AN ACT concerning

Motor Vehicle Insurance – Uninsured Motorist Coverage – Effect of Consent to Offer of Settlement

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

Read the second time and ordered prepared for Third Reading.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #7

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #7
March 22, 2012

Arts Council, Maryland State

1. Carla R. Du Pree District 12
10391 May Wind Court
Columbia, MD 21044

Member of the Maryland State Arts Council; appointed to serve remainder of a term of three years from July 1, 2011

2. Sandra M. Oxx District 4
6704 Old Stonehouse Lane
New Market, MD 21774

Member of the Maryland State Arts Council; appointed to serve a term of three years from July 1, 2012

Chiropractic and Massage Therapy Examiners, State Board of

3. Joanne M. Bushman, D.C. District 38
30349 Holly Lane
Delmar, MD 21875

Member of the State Board of Chiropractic and Massage Therapy Examiners; appointed to serve a term of four years from July 1, 2011

Economic Development Commission, Maryland

4. Tracy Tyler District 37
3536 Indian Grant Road
East New Market, MD 21631

Member of the Maryland Economic Development Commission; appointed to serve a term of three years from July 1, 2009

Elections, State Board of

5. Bobbie Sue Mack District 25
3001 Marcando Lane
Upper Marlboro, MD 20774

Member of the State Board of Elections; reappointed to serve a term of four years from July 1, 2012

6. David J. McManus, Jr., Esq. District 42
6730 Charles Street Avenue
Towson, MD 21204

Member of the State Board of Elections; reappointed to serve a term of four years from July 1, 2011

7. Charles E. Thomann District 30
1606 Laurel Lane
Annapolis, MD 21409

Member of the State Board of Elections; reappointed to serve a term of four years from July 1, 2011

Health Benefit Exchange Board, Maryland

8. Thomas S. Saquella District 36
15 Greenwood Shoals
Grasonville, MD 21638

Member of the Maryland Health Benefit Exchange Board; appointed to serve a term to expire May 31, 2013

Historical Trust, Board of Trustees of the Maryland

9. Samuel J. Parker, Jr. District 22
5601 57th Avenue
Riverdale, MD 20737

Member of the Board of Trustees of the Maryland Historical Trust; appointed to serve remainder of a term of four years from July 1, 2010

Indian Affairs, Commission on

10. Virginia R. Busby District 7
3174 Freestone Court
Abingdon, MD 21009

Member of the Commission on Indian Affairs; reappointed to serve a term of three years from July 1, 2009 and a term of three years from July 1, 2012

11. Kathryn E.R. Fitzhugh District 37
2363 Elliott Island Road
Vienna, MD 21869

Member of the Commission on Indian Affairs; reappointed to serve a term of three years from July 1, 2011

12. Guy G. Wells District 36
201 S. 6th Street
Denton, MD 21629

Member of the Commission on Indian Affairs; reappointed to serve a term of three years from July 1, 2010

13. Thomas W. Windsor, II District 47
4917 78th Avenue
Hyattsville, MD 20784

Member of the Commission on Indian Affairs; reappointed to serve a term of three years from July 1, 2011

14. Leanora E. Winters District 27
9260 Sam Owings Place
Owings, MD 20736

Member of the Commission on Indian Affairs; appointed to serve a term of three years from July 1, 2011

Industrial Development Financing Authority, Maryland

15. Gregory A. Davis District 99
916 G Street, NW
Washington, DC 20001

Member of the Maryland Industrial Development Financing Authority; reappointed to serve a term of five years from July 1, 2009

Marine Contractors Licensing Board

16. Richard J. Ayella District 9
9879 Fox Hill Court
Ellicott City, MD 21042

Member of the Marine Contractors Licensing Board; appointed to serve a term of three years from October 1, 2010

17. Jack R. Beckwith District 29
28799 Three Notch Road
Mechanicsville, MD 20659

Member of the Marine Contractors Licensing Board; appointed to serve a term of three years from October 1, 2010

Maryland Legal Services Corporation Board of Directors

18. Glenn F. Ivey District 47
2700 Valley Way
Cheverly, MD 20785

Member of the Maryland Legal Services Corporation Board of Directors; appointed to serve a term of three years from July 1, 2012

Patuxent Institution Board of Review

19. Wayne S. Price, Sr. District 47
7212 Hawthorne Street
Landover, MD 20785

Member of the Patuxent Institution Board of Review; reappointed to serve a term of four years from March 21, 2012

Physical Therapy Examiners, State Board of

20. Delores Alexander District 10
9905 Shoshone Way
Randallstown, MD 21133

Member of the State Board of Physical Therapy Examiners; appointed to serve a term of four years from June 1, 2012

Physicians, State Board of

21. Devinder Singh, M.D. District 46
717 S. President Street, #505
Baltimore, MD 21202

Member of the State Board of Physicians; appointed to serve a term of four years from July 1, 2011

Procurement Advisory Council

22. Nancy C. West, Esq. District 42
905 Fairway Drive
Towson, MD 21286

Member of the Procurement Advisory Council; appointed to serve a term of two years from the first Monday in May, 2011

Professional Standards and Teacher Education Board

23. Dawn Pipkin District 29
P.O. Box 476
Hollywood, MD 20636

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2012

24. Valerie Saxton Sharpe District 9
5104 Bonnie Brae Court
Ellicott City, MD 21043

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2012

Psychologists, State Board of

25. Irene W. Leigh, Ph.D. District 16
10910 Brewer House Road
Rockville, MD 20852

Member of the State Board of Psychologists; appointed to serve remainder of a term of four years from July 1, 2008 and a term of four years from July 1, 2012

Real Estate Appraisers and Home Inspectors, State Commission of

26. Steven P. O'Farrell District 2
18825 Crofton Road
Hagerstown, MD 21742

Member of the State Commission of Real Estate Appraisers and Home Inspectors; appointed to serve remainder of a term of three years from January 1, 2010

27. Derek E. Owings District 9
482 Talon Lane
Sykesville, MD 21784

Member of the State Commission of Real Estate Appraisers and Home Inspectors; appointed to serve a term of three years from January 1, 2012

Rural Legacy Board, Advisory Committee to the

28. Edward A. Halle, Jr., Esq. District 5
4081 Mt. Zion Road
Upperco, MD 21155

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve a term of three years from July 1, 2011

Social Work Examiners, State Board of

29. Mark R. Lannon District 2
12738 Little Antietam Road
Hagerstown, MD 21742

Member of the State Board of Social Work Examiners; appointed to serve a term of four years from July 1, 2012

30. Thelma P. Rich District 44
2425 Harlem Avenue
Baltimore, MD 21216

Member of the State Board of Social Work Examiners; appointed to serve a term of four years from July 1, 2012

Technology Development Corporation Board of Directors, Maryland

31. Konstantina M. Katcheves, Esq. District 9
2821 Brian Court
Ellicott City, MD 21043

Member of the Maryland Technology Development Corporation Board of Directors; appointed to serve a term of four years from July 1, 2009

Tourism Development Board, Maryland

32. Gail E. Smith–Howard District 12
12109 Gold Ribbon Way
Columbia, MD 21044

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

Veterans' Home Commission, Maryland

33. Glynn E. Parker, (Ret.) District 26
1520 Birchwood Drive
Oxon Hill, MD 20745

Member of the Maryland Veterans' Home Commission; appointed to serve remainder of a term of five years from July 1, 2009

34. Terry T. Shima District 17
415 Russell Avenue #1005
Gaithersburg, MD 20877

Member of the Maryland Veterans' Home Commission; appointed to serve remainder of a term of five years from July 1, 2007

Veterinary Medical Examiners, State Board of

35. Sarah T. Hruda District 28
9185 Keechland Farm Road
Newburg, MD 20664

Member of the State Board of Veterinary Medical Examiners; appointed to serve a term of five years from June 1, 2012

Women, Maryland Commission for

36. Patricia J. Omana District 13
9440 Fens Hollow
Laurel, MD 20723

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

37. Patricia E. Owens District 4
6525 Fish Hatchery Road
Thurmont, MD 21788

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

38. Michelle C. Revells
6325 Stiles Place
Hughesville, MD 20637
- District 28

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

Statewide Nominees

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

Certified Interior Designers, State Board of

- S-1. Karen Zopf
716 Hickory Lot Road
Towson, MD 21286
- District 42

Member of the State Board of Certified Interior Designers; reappointed to serve a term of three years from July 1, 2012

Economic Development Commission, Maryland

- S-2. Tracy Tyler
3536 Indian Grant Road
East New Market, MD 21631
- District 37

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2012

Elections, State Board of

- S-3. Rachel T. McGuckian, Esq.
3500 King William Drive
Olney, MD 20832
- District 14

Member of the State Board of Elections; reappointed to serve a term of four years from July 1, 2011

Indian Affairs, Commission on

- S-4. Sherry L. Majors District 38
27499 Mount Vernon Road
Princess Anne, MD 21853

Member of the Commission on Indian Affairs; reappointed to serve a term of three years from July 1, 2010

Injured Workers' Insurance Fund, Board for the

- S-5. Leonard G. Schuler, Jr. District 5
3 Old Garrett Court
White Hall, MD 21161

Member of the Board for the Injured Workers' Insurance Fund; reappointed to serve a term of five years from June 1, 2012

Nursing Home Administrators, State Board of Examiners of

- S-6. Belinda B. Strayhorn District 32
110 Bunker Hill Lane
Odenton, MD 21113

Member of the State Board of Examiners of Nursing Home Administrators; reappointed to serve a term of four years from April 22, 2012

Optometry, State Board of Examiners in

- S-7. Kisha Fields Matthews District 11
8227 Township Drive
Owings Mills, MD 21117

Member of the State Board of Examiners in Optometry; reappointed to serve a term of four years from June 1, 2012

Parole Commission, Maryland

- S-8. Christopher John Reynolds, Esq. District 29
3411 Abelia Road
Port Republic, MD 20676

Member of the Maryland Parole Commission; reappointed to serve a term of six years from January 1, 2012

Patuxent Institution Board of Review

- S–9. Arnold J. Hopkins District 5
404 Rockfleet Road, Unit 204
Lutherville, MD 21093

Member of the Patuxent Institution Board of Review; reappointed to serve a term of four years from March 21, 2012

Pharmacy, State Board of

- S–10. Richard W. Matens District 45
2401 Pelham Avenue
Baltimore, MD 21213

Member of the State Board of Pharmacy; reappointed to serve a term of four years from July 1, 2012

Physicians, State Board of

- S–11. Laura E. Henderson, M.D. District 2
1303 Lindsay Lane
Hagerstown, MD 21742

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2011

- S–12. Beryl J. Rosenstein, M.D. District 11
3316 Woodvalley Drive
Baltimore, MD 21208

Member of the State Board of Physicians; appointed to serve a term of four years from July 1, 2011

Podiatric Medical Examiners, State Board of

- S–13. Barbara A. Crosby District 43
1014 Upnor Road
Baltimore, MD 21212

Member of the State Board of Podiatric Medical Examiners; reappointed to serve a term of four years from July 1, 2012

Police Training Commission

S-14. Charles H. Hinnant District 1
20 Bedford Street
Cumberland, MD 21502

Member of the Police Training Commission; reappointed to serve a term of three years from June 1, 2012

Professional Standards and Teacher Education Board

S-15. Shirley Brandman District 16
6715 Landon Lane
Bethesda, MD 20817

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2012

S-16. Ayana English-Brown District 27
9501 Meadow Lark Avenue
Upper Marlboro, MD 20772

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2012

S-17. Alyssia J. James, Ed.D. District 22
9105 Wellington Place
Lanham, MD 20706

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of 3 years from July 1, 2012

Psychologists, State Board of

S-18. Harriet B. Rakes District 13
8357 Tamar Drive, #423
Columbia, MD 21045

Member of the State Board of Psychologists; reappointed to serve a term of four years from July 1, 2012

S-19. Steven A. Sobelman, Ph.D.
2901 Boston Street, #410
Baltimore, MD 21224

District 46

Member of the State Board of Psychologists; reappointed to serve a term of four years from July 1, 2012

Racing Commission, State

S-20. Mary Louise Preis
810 Drohomer Place
Baltimore, MD 21210

District 41

Member of the State Racing Commission; reappointed to serve a term of four years from July 1, 2012

S-21. Charles G. Tildon, III
5616 Cross Country Boulevard
Baltimore, MD 21209

District 41

Member of the State Racing Commission; reappointed to serve a term of four years from July 1, 2012

Social Work Examiners, State Board of

S-22. Lillye McNeill Dumas-Wells
3662 Forest Hill Road
Baltimore, MD 21207

District 10

Member of the State Board of Social Work Examiners; reappointed to serve a term of four years from July 1, 2012

S-23. Annie Denise Peak
9909 Old Indian Head Road
Upper Marlboro, MD 20772

District 27

Member of the State Board of Social Work Examiners; reappointed to serve a term of four years from July 1, 2012

Transportation Authority, Maryland

S-24. Peter J. Basso District 17
514 Mannakee Street
Rockville, MD 20850

Member of the Maryland Transportation Authority; reappointed to serve a term of four years from July 1, 2011

S-25. William C. Calhoun, Sr. District 41
932 N. Central Avenue
Baltimore, MD 21202

Member of the Maryland Transportation Authority; reappointed to serve a term of four years from July 1, 2012

S-26. Mary Beyer Halsey District 34
207 Smith Road
Rising Sun, MD 21911

Member of the Maryland Transportation Authority; reappointed to serve a term of four years from July 1, 2011

S-27. A. Bradley Mims District 27
10007 Welshire Drive
Upper Marlboro, MD 20772

Member of the Maryland Transportation Authority; reappointed to serve a term of four years from July 1, 2012

S-28. Michael J. Whitson District 29
28264 Old Village Road
Mechanicsville, MD 20659

Member of the Maryland Transportation Authority; reappointed to serve a term of four years from July 1, 2012

S-29. Walter E. Woodford, Jr. District 36
212 Overlook Lane, P.O. Box 337
Centreville, MD 21617

Member of the Maryland Transportation Authority; reappointed to serve a term of four years from July 1, 2012

Veterans' Home Commission, Maryland

S-30. Terry T. Shima District 17
415 Russell Avenue, #1005
Gaithersburg, MD 20877

Member of the Maryland Veterans' Home Commission; reappointed to serve a term of five years from July 1, 2012

Waterworks and Waste Systems Operators, State Board of

S-31. Hiram Tanner District 23
12308 Longwater Drive
Mitchellville, MD 20721

Member of the State Board of Waterworks and Waste Systems Operators; reappointed to serve a term of four years from July 1, 2012

Local Nominees

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

Allegheny College Board of Trustees

L-1. James J. Ortiz District 1
705 Montgomery Avenue
Cumberland, MD 21502

Member of the Allegheny College Board of Trustees; reappointed to serve a term of six years from July 1, 2012

L-2. Barry P. Ronan District 1
15119 Trail Ridge Road, SW
Cumberland, MD 21502

Member of the Allegheny College Board of Trustees; reappointed to serve a term of six years from July 1, 2012

Anne Arundel Community College Board of Trustees

- L-3. Cassandra Holly District 32
714 Broadview Boulevard, North
Glen Burnie, MD 21061

Member of the Anne Arundel Community College Board of Trustees; appointed to serve a term of one year from July 1, 2012

- L-4. James H. Johnson, Jr., Ph.D. District 30
1045 Skidmore Drive
Annapolis, MD 21409

Member of the Anne Arundel Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2012

- L-5. Jerome W. Klasmeier District 33
1077 Overcrest Drive
Crownsville, MD 21032

Member of the Anne Arundel Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2012

College of Southern Maryland, Board of Trustees of the

- L-6. Michael L. Middleton District 28
8410 Evesham Place
La Plata, MD 20646

Member of the Board of Trustees of the College of Southern Maryland; reappointed to serve a term of five years from July 1, 2012

Frederick Community College Board of Trustees

- L-7. Marvin E. Ausherman District 3
6450 Christophers Crossing
Frederick, MD 21702

Member of the Frederick Community College Board of Trustees; appointed to serve a term of five years from July 1, 2012

Hagerstown Community College Board of Trustees

- L–8. L. William Proctor, Jr., Esq. District 2
19625 Spring Creek Road
Hagerstown, MD 21742

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

- L–9. John D. Williamson District 2
1004 The Terrace
Hagerstown, MD 21742

Member of the Hagerstown Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2006 and a term of six years from July 1, 2012

Montgomery Community College Board of Trustees

- L–10. Michael Knapp District 15
17525 Charity Lane
Germantown, MD 20874

Member of the Montgomery Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2006 and a term of six years from July 1, 2012

St. Mary's County Alcohol Beverage Board

- L–11. Moses P. Saldana, Jr. District 29
27910 Queentree Road
Mechanicsville, MD 20659

Member of the St. Mary's County Alcohol Beverage Board; reappointed to serve a term of four years from January 1, 2012

St. Mary's County Orphans' Court

- L–12. William M. Mattingly District 29
36325 Notley Woods Lane, P.O. Box 220
Chaptico, MD 20621

Member of the St. Mary's County Orphans' Court; appointed to serve remainder of a term of four years from the General Election of November 2010

Washington County Board of Elections

L-13. Williams G. Blazes, Jr. District 2
 11901 Beavertdale Road
 Smithsburg, MD 21783

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

Worcester County Board of Elections

L-14. Mark S. Frostrom, Sr. District 38
 940 Bishop Road
 Pocomoke City, MD 21851

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

STATUS: QUESTION IS WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATIONS OF THE EXECUTIVE?

The President of the Senate put the following question: "Will the Senate advise and consent to the above nominations of the Executive?"

The above nominations of the Executive, with the exception of Nominee No. S-29, Walter E. Woodford, Jr., member of the Maryland Transportation Authority, were all confirmed by roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 702)

Senator DeGrange moved, duly seconded, to make Nominee No. S-29, Walter E. Woodford, Jr., member of the Maryland Transportation Authority, a Special Order for April 9, 2012.

The motion was adopted.

YEAS AND NAYS**SENATE BILLS PASSED IN THE HOUSE**

NUMBER	SPONSOR	CONTENT
SB 848 (Emergency Bill)	Sen. King	Education – Maintenance of Effort

Endorsed as having been read the third time and passed by yeas and nays in the House of Delegates.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #10

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 294 – Senators Miller, Young, Astle, Benson, Brinkley, Colburn, DeGrange, Dyson, Edwards, Garagiola, Getty, Glassman, Jacobs, Jennings, Kasemeyer, King, Klausmeier, Manno, Mathias, McFadden, Middleton, Montgomery, Peters, Pinsky, Pipkin, Reilly, Robey, Shank, and Stone

AN ACT concerning

Family Farm Preservation Act of 2012

SB0294/679837/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 294

(First Reading File Bill)

On page 1, in the sponsor line, strike “and Stone” and substitute “Stone, Forehand, Jones–Rodwell, Kittleman, and Simonaire”.

On page 5, in line 1, strike “(III)” and substitute “**(5)**”; and in line 2, strike beginning with “PROVIDE” through “PARAGRAPH” and substitute “IMPLEMENT THIS SUBSECTION”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 296 – Senators Manno, Miller, Astle, Benson, Brinkley, Colburn, Conway, Currie, DeGrange, Edwards, Forehand, Garagiola, Glassman,

Jacobs, Jones–Rodwell, Kasemeyer, King, Klausmeier, Mathias, McFadden, Peters, Pipkin, Pugh, Ramirez, Reilly, Robey, Stone, and Young

AN ACT concerning

Income Tax Credit – Security Clearance Expenses

SB0296/569732/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 296

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Clearance Expenses” and substitute “Clearances – Employer Costs”; in line 5, after “clearances” insert “and to construct or renovate certain sensitive compartmented information facilities”; strike beginning with “requiring” in line 5 down through “certificates” in line 9, and substitute “providing for applications to the Department of Business and Economic Development for approval of the credit and certification by the Department to taxpayers of approved credit amounts; limiting the total amount of credits that the Department may approve for any calendar year to a certain amount; requiring the Department to approve a prorated credit for each applicant if the total amount applied for exceeds the maximum that may be approved; requiring certain individuals or certain corporations to file amended tax returns in a certain manner to claim a certain tax credit”; strike beginning with “providing” in line 9 down through “years;” in line 21; and in line 26, strike “incurred to obtain” and substitute “related to”.

AMENDMENT NO. 2

On page 2, strike beginning with “THE” in line 23 down through “CLEARANCE” in line 24 and substitute “COSTS, AS DEFINED UNDER § 10–731 OF THIS TITLE, FOR SECURITY CLEARANCE ADMINISTRATIVE EXPENSES AND CONSTRUCTION AND EQUIPMENT COSTS INCURRED TO CONSTRUCT OR RENOVATE A SENSITIVE COMPARTMENTED INFORMATION FACILITY”; in line 24, strike the first “THE” and substitute “AN”; and in line 25, strike “CERTIFICATE”.

On page 3, in line 5, strike beginning with “INCURRED” through “CLEARANCE” and substitute “FOR SECURITY CLEARANCE ADMINISTRATIVE EXPENSES AND”

CONSTRUCTION AND EQUIPMENT COSTS INCURRED TO CONSTRUCT OR RENOVATE A SENSITIVE COMPARTMENTED INFORMATION FACILITY”.

AMENDMENT NO. 3

On page 3, after line 8, insert:

“(2) “COSTS” MEANS THE COSTS TO AN INDIVIDUAL OR CORPORATION FOR:

(I) SECURITY CLEARANCE ADMINISTRATIVE EXPENSES INCURRED WITH REGARD TO AN EMPLOYEE IN THE STATE INCLUDING, BUT NOT LIMITED TO:

1. PROCESSING APPLICATION REQUESTS FOR CLEARANCES FOR EMPLOYEES IN THE STATE;

2. MAINTAINING, UPGRADING, OR INSTALLING COMPUTER SYSTEMS IN THE STATE REQUIRED TO OBTAIN FEDERAL SECURITY CLEARANCES; AND

3. TRAINING EMPLOYEES IN THE STATE TO ADMINISTER THE APPLICATION PROCESS; AND

(II) CONSTRUCTION AND EQUIPMENT COSTS INCURRED TO CONSTRUCT OR RENOVATE A SENSITIVE COMPARTMENTED INFORMATION FACILITY (“SCIF”) LOCATED IN THE STATE AS REQUIRED BY THE FEDERAL GOVERNMENT.”;

in line 9, strike “(2)” and substitute “(3)”; strike in their entirety lines 11 through 13, inclusive; and strike in their entirety lines 16 through 32, inclusive, and substitute:

“(B) SUBJECT TO THE LIMITATIONS OF THIS SECTION, FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2012, BUT BEFORE JANUARY 1, 2019, AN INDIVIDUAL OR A CORPORATION MAY CLAIM CREDITS AGAINST THE STATE INCOME TAX FOR:

(1) SECURITY CLEARANCE ADMINISTRATIVE EXPENSES, NOT TO EXCEED \$100,000; AND

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, CONSTRUCTION AND EQUIPMENT COSTS INCURRED TO CONSTRUCT OR RENOVATE A SINGLE SCIF IN AN AMOUNT EQUAL TO THE LESSER OF 50% OF THE COSTS OR \$100,000.

(II) THE TOTAL AMOUNT OF CONSTRUCTION AND EQUIPMENT COSTS INCURRED TO CONSTRUCT OR RENOVATE MULTIPLE SCIF'S FOR WHICH AN INDIVIDUAL OR A CORPORATION IS ELIGIBLE TO CLAIM AS A CREDIT AGAINST THE STATE INCOME TAX IS \$250,000.

(C) (1) BY SEPTEMBER 15 OF THE CALENDAR YEAR FOLLOWING THE END OF THE TAXABLE YEAR IN WHICH THE COSTS WERE INCURRED, AN INDIVIDUAL OR A CORPORATION SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT FOR THE CREDITS ALLOWED UNDER SUBSECTION (B)(1) AND (2) OF THIS SECTION.

(2) (I) THE TOTAL AMOUNT OF CREDITS APPROVED BY THE DEPARTMENT UNDER SUBSECTION (B) OF THIS SECTION MAY NOT EXCEED \$2,000,000 FOR ANY CALENDAR YEAR.

(II) IF THE TOTAL AMOUNT OF CREDITS APPLIED FOR BY ALL INDIVIDUALS AND CORPORATIONS UNDER SUBSECTION (B) OF THIS SECTION EXCEEDS THE MAXIMUM SPECIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEPARTMENT SHALL APPROVE A CREDIT UNDER SUBSECTION (B) OF THIS SECTION FOR EACH APPLICANT IN AN AMOUNT EQUAL TO THE PRODUCT OF MULTIPLYING THE CREDIT APPLIED FOR BY THE APPLICANT TIMES A FRACTION:

1. THE NUMERATOR OF WHICH IS THE MAXIMUM SPECIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH; AND

2. THE DENOMINATOR OF WHICH IS THE TOTAL OF ALL CREDITS APPLIED FOR BY ALL APPLICANTS UNDER SUBSECTION (B) OF THIS SECTION IN THE CALENDAR YEAR.

(3) BY DECEMBER 15 OF THE CALENDAR YEAR FOLLOWING THE END OF THE TAXABLE YEAR IN WHICH THE COSTS WERE INCURRED, THE DEPARTMENT SHALL CERTIFY TO THE INDIVIDUAL OR CORPORATION THE AMOUNT OF TAX CREDITS APPROVED BY THE DEPARTMENT FOR THE INDIVIDUAL OR CORPORATION UNDER THIS SECTION.

(4) TO CLAIM THE APPROVED CREDITS ALLOWED UNDER THIS SECTION, AN INDIVIDUAL OR A CORPORATION SHALL:

(I) FILE AN AMENDED INCOME TAX RETURN FOR THE TAXABLE YEAR IN WHICH THE COSTS WERE INCURRED; AND

(II) ATTACH A COPY OF THE DEPARTMENT'S CERTIFICATION OF THE APPROVED CREDIT AMOUNT TO THE AMENDED INCOME TAX RETURN."

On page 4, strike in their entirety lines 1 and 2, inclusive; in line 3, strike "(C)" and substitute "(D)"; in the same line, strike beginning with "(1)" in line 3 down through "(2)" in line 7; and strike in their entirety lines 12 through 33, inclusive.

On page 5, strike in their entirety lines 1 through 13, inclusive; in lines 14 and 17, strike "(F)" and "(G)" respectively, and substitute "(E)" and "(F)" respectively; in line 16, strike beginning with "AND" through "CREDIT"; in line 20, strike beginning with "CREDIT" through "ISSUED" and substitute "CREDITS CERTIFIED"; in the same line, strike "FISCAL" and substitute "CALENDAR"; and strike beginning with ", and" in line 22 down through "2011" in line 23.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 498 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Contribution Rates and Reinvestment of Savings – Technical Clarifications

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 542 – Senator Jones–Rodwell

AN ACT concerning

Local Government Investment Pool – Authorized Participants

SB0542/439031/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 542

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “renaming” in line 3 down through “Pool;” in line 4; in line 5, after “the” insert “Local Government”; and in line 8, strike “investment pools” and substitute “the Local Government Investment Pool”.

AMENDMENT NO. 2

On page 2, in line 14, after “THE” insert “LOCAL GOVERNMENT”; in line 15, strike the brackets; in the same line, strike “AN”; and in line 18, strike “local governments” and substitute “AUTHORIZED PARTICIPANTS”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 570 – Senators King, Brinkley, Colburn, Currie, Garagiola, Jones–Rodwell, Madaleno, Manno, McFadden, Peters, Pugh, and Young

AN ACT concerning

Income Tax Credit – Qualified Research and Development Expenses – Small Business Refund

SB0570/809932/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 570

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “– Small” in line 2 down through “Refund” in line 3; strike beginning with “defining” in line 4 down through “corporation;” in line 6; and strike beginning with “providing” in line 9 down through “refund;” in line 10.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 24 through 29, inclusive.

On page 4, in line 26, strike “(1)”; in lines 26, 31, and 32, in each instance, strike the brackets; strike beginning with “EXCEPT” in line 26 down through “IF” in line 27; in lines 31 and 32, strike “(I)” and “(II)”, respectively; and strike in their entirety lines 34 through 36, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 580 – Senators Peters, Conway, Currie, Ferguson, Garagiola, King, Manno, McFadden, Muse, Pugh, Ramirez, Raskin, and Robey

AN ACT concerning

Income Tax – Subtraction Modification – Mortgage Forgiveness Debt Relief

SB0580/949531/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 580

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Robey” and substitute “Robey, Kasemeyer, Brinkley, Colburn, DeGrange, Edwards, Jones–Rodwell, and Madaleno”.

On page 1, in lines 13 and 18, strike “10–208(a)” and “10–208(r)”, respectively, and substitute “10–207(a)” and “10–207(y)”, respectively.

AMENDMENT NO. 2

On page 2, strike beginning with “IN” in line 5 down through “YEAR” in line 6; in line 6, strike “§ 10–208(R)” and substitute “§ 10–207(Y)”; strike in their entirety lines 15 through 18, inclusive, and substitute:

“10–207.

(a) To the extent included in federal adjusted gross income, the amounts under this section are subtracted from the federal adjusted gross income of a resident to determine Maryland adjusted gross income.”;

and in line 19, strike “(R)” and substitute “(Y)”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 802 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Budgetary Processes

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 852 – Senators King, Brinkley, Colburn, DeGrange, Glassman, Jacobs, and Klausmeier

AN ACT concerning

Sales and Use Tax – Alcoholic Beverages – Calculation of Tax

SB0852/219337/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 852

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “altering” in line 3 down through “individuals;” in line 6; strike in their entirety lines 11 through 15, inclusive; and in line 18, strike “11–101(l)(5) and”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 4 through 14, inclusive; and in line 28, strike “**11 OR MORE**” and substitute “**MORE THAN 10**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 1066 – Senator Kasemeyer

AN ACT concerning

Income Tax – Film Production Credit – Extension and Increase

SB1066/149832/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 1066

(First Reading File Bill)

On page 1, in the sponsor line, strike “Senator Kasemeyer” and substitute “Senators Kasemeyer, Brinkley, Colburn, Currie, DeGrange, Edwards, Jones–Rodwell, King, Madaleno, Manno, McFadden, and Peters”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 1093 – Senator Dyson

AN ACT concerning

Calvert County – County Commissioners – Pensions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #11

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 273 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

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

SB0273/149438/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 273

(First Reading File Bill)

AMENDMENT NO. 1

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

AMENDMENT NO. 2

On page 1, after line 18, insert:

“21–303.

(d) (1) Except as provided in paragraph (2) of this subsection, each year, the Board of Trustees shall transfer from the accumulation fund of each State system to the expense fund of that system the amounts required by § 21–315 of this subtitle.

(2) The administrative and operational expenses of the Board of Trustees and the State Retirement Agency, not including amounts as authorized by the Board of Trustees necessary for investment management services, shall be paid by participating employers as provided in § 21–316 of this subtitle and may not be transferred from the accumulation fund of each system.

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

accumulation funds of the State Retirement and Pension System to the expense funds of the State Retirement and Pension System.

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

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

(II) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, IF THE BOARD OF TRUSTEES AND THE STATE RETIREMENT AGENCY RECEIVE ADMINISTRATIVE AND OPERATIONAL EXPENSES IN EXCESS OF THE AMOUNT EXPENDED, THE BOARD OF TRUSTEES SHALL OFFSET THE ANNUAL OR QUARTERLY ADMINISTRATIVE AND OPERATIONAL EXPENSE REIMBURSEMENTS OF THE APPROPRIATE EMPLOYERS ON OR BEFORE JUNE 30 OF THE SECOND FOLLOWING FISCAL YEAR BY THE EXCESS AMOUNT OF ADMINISTRATIVE AND OPERATIONAL EXPENSES RECEIVED.”.

AMENDMENT NO. 3

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

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

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 463 – Chair, Anne Arundel County Senators

AN ACT concerning

Local Government Self-Insurance Funds – Exclusion from Investment Guidelines

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 567 – Senators King, Colburn, Currie, Garagiola, Glassman, Jennings, Manno, McFadden, and Robey

AN ACT concerning

Telecommunications Taxes – Reform Commission and Moratorium

SB0567/259431/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 567

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “and Moratorium”; in lines 2 and 3, in each instance, strike “Telecommunications” and substitute “Communications”; in lines 8, 9, 12, 13, 15, 17, and 21, in each instance, strike “telecommunications” and substitute

“communications”; in line 24, strike “a”; in line 25, strike “date” and substitute “dates”; and strike beginning with “prohibiting” in line 25 down through “term;” in line 29.

On page 2, in line 2, strike “Telecommunications” and substitute “Communications”; in lines 5, 6, 10, 11, 14, 15, 18, 20, 22, 23, 24, 26, 29, 30, and 32, in each instance, strike “telecommunications” and substitute “communications”; in line 21, strike “and” and substitute a comma; in the same line, after “counties” insert “, and the municipal corporations”; and in lines 27 and 34, in each instance, strike “2013” and substitute “2014”.

AMENDMENT NO. 2

On page 3, in line 3, strike “Telecommunications” and substitute “Communications”; in line 13, strike “two” and substitute “four”; in the same line, after “Counties” insert “, representing different geographic regions of the State”; in line 14, strike “and” and substitute:

“(ii) two representatives of the Maryland Municipal League, one representing a municipality with a relatively small population and one representing a municipality with a relatively large population;

(iii) two citizens of the State who are consumers of communications services;

(iv) one representative of a labor union representing workers in the communications industry;

(v) one representative of the Tech Council of Maryland;

(vi) one representative of the Maryland Chamber of Commerce;
and”;

in line 15, strike “(ii)” and substitute “(vii)”; and in line 16, strike “telecommunications” and substitute “communications”.

AMENDMENT NO. 3

On page 4, in line 1, after the first “the” insert: “:

(1)”;

in lines 3, 4, 8, 15, 18, 23, 25, and 27, in each instance, strike “telecommunications” and substitute “communications”; strike beginning with “encourages” in line 3 down through “and” in line 4; in line 5, after “providers” insert: “; and

(2) efficacy of tax and other incentives to encourage investment in broadband networks and emerging technologies”;

in line 15, strike the semicolon and substitute “and fees; and”; strike beginning with “local” in line 16 down through “(7)” in line 18; in lines 22 and 26, in each instance, strike “each county government” and substitute “local governments”; in line 22, strike “current” and substitute “relevant”; in line 27, after “in” insert “relevant”; in line 28, strike “2011” and substitute “2012”; and in line 32, strike “September” and substitute “December”.

AMENDMENT NO. 4

On page 5, in lines 1, 6, and 11, strike “telecommunications” and substitute “communications”; in line 5, strike “county” and substitute “local”; in line 17, after “(i)” insert:

“(1) On or before December 31, 2012, the Commission shall make an interim report of its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

(2)”;

in line 17, strike “January 1, 2013” and substitute “June 30, 2013”; and in the same line, strike “report” and substitute “make a final report of”.

AMENDMENT NO. 5

On page 5, strike in their entirety lines 20 through 34, inclusive.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 672 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Investment Division – Salary Setting

SB0672/249135/2

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 672
(First Reading File Bill)

AMENDMENT NO.1

On page 1, in line 12, after “salaries” insert “of certain professional staff”; in the same line, after “Division” insert “and certain professional staff who terminated employment in the Investment Division during a certain fiscal year”; and in the same line, strike “providing for the termination of this Act;”.

AMENDMENT NO. 2

On page 2, in line 10, strike “**ES10**” and substitute “**ES11**”; and in line 13, strike “**ES8**” and substitute “**ES9**”.

AMENDMENT NO. 3

On page 2, after line 18, insert:

“(4) ON OR BEFORE OCTOBER 1, 2012, AND EACH OCTOBER 1 THEREAFTER, THE BOARD OF TRUSTEES SHALL REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE JOINT COMMITTEE ON PENSIONS, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE ON:

(I) THE CURRENT SALARIES OF THE DEPUTY CHIEF INVESTMENT OFFICER AND THE MANAGING DIRECTORS OF THE INVESTMENT DIVISION;

(II) ANY SALARY INCREASES THE DEPUTY CHIEF INVESTMENT OFFICER OR MANAGING DIRECTORS OF THE INVESTMENT

DIVISION HAVE RECEIVED IN THE FISCAL YEAR IMMEDIATELY PRECEDING THAT OCTOBER 1; AND

(III) 1. THE NUMBER OF INDIVIDUALS IN THE INVESTMENT DIVISION OF THE STATE RETIREMENT AGENCY WHO WERE EMPLOYED AS PROFESSIONAL INVESTMENT STAFF AND TERMINATED EMPLOYMENT WITH THE STATE RETIREMENT AGENCY IN THE FISCAL YEAR IMMEDIATELY PRECEDING THAT OCTOBER 1;

2. THE NUMBER OF YEARS OF EMPLOYMENT AN INDIVIDUAL DESCRIBED IN ITEM 1 OF THIS ITEM HAD ACCRUED WITH THE STATE RETIREMENT AGENCY AT THE TIME THE INDIVIDUAL TERMINATED EMPLOYMENT WITH THE STATE RETIREMENT AGENCY; AND

3. TO THE EXTENT POSSIBLE, THE NEW EMPLOYER, POSITION, AND SALARY THE INDIVIDUAL DESCRIBED IN ITEM 1 OF THIS ITEM ACCEPTED UPON TERMINATING EMPLOYMENT WITH THE STATE RETIREMENT AGENCY.”;

strike in their entirety lines 19 through 24, inclusive; in line 25, strike “3.” and substitute “2.”; and strike beginning with “It” in line 26 down through the period in line 28.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 779 – Senator Pugh

AN ACT concerning

State Retirement and Pension System – Study of Asset Management

SB0779/949039/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 779

(First Reading File Bill)

On page 1, in the sponsor line, strike “Senator Pugh” and substitute “Senators Pugh, Currie, Jones–Rodwell, and McFadden”.

On page 3, in line 2, after “classes” insert “, consistent with the fiduciary responsibilities of the Investment Division of the State Retirement Agency”; and in line 5, after “Agency” insert “, that are consistent with the fiduciary responsibilities of the Investment Division of the State Retirement Agency”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 807 – Senators Madaleno, Brinkley, Colburn, Currie, Glassman, Jones–Rodwell, Manno, Montgomery, Peters, Ramirez, and Raskin

AN ACT concerning

**Income Tax – Subtraction Modification – Land Acquisition for
Transportation–Related Projects**

SB0807/479435/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 807

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Raskin” and substitute “Raskin, and McFadden”; in line 3, strike “Transportation–Related Projects” and substitute “Department of Transportation”; in line 5, strike “State Highway Administration” and substitute “Maryland Department of Transportation”; in line 6, strike “for use in certain transportation projects”; and strike beginning with “State” in line 8 down

through “Administration” in line 9 and substitute “Maryland Department of Transportation”.

AMENDMENT NO. 2

On page 2, in line 5, strike “**STATE HIGHWAY ADMINISTRATION**” and substitute “MARYLAND DEPARTMENT OF TRANSPORTATION”; and in line 7, strike “**FOR USE IN A TRANSPORTATION–RELATED PROJECT**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 880 – Senator Jones–Rodwell

AN ACT concerning

State Retirement and Pension System – Transfer of Members Between Systems

SB0880/529738/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 880

(First Reading File Bill)

AMENDMENT NO. 1

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

AMENDMENT NO. 2

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

(1)”.

On page 2, in lines 2, 12, and 33, in each instance, strike “, BUT” and substitute “; AND

(2)”;

in line 2, after the second “THE” insert “SAME”; strike beginning with “THAT” in line 2 down through the second “REQUIREMENTS” in line 5 and substitute “TO WHICH AN INDIVIDUAL WHO WAS A MEMBER OF THE EMPLOYEES’ PENSION SYSTEM OR TEACHERS’ PENSION SYSTEM ON JUNE 30, 2011, AND REMAINS A MEMBER ON JULY 1, 2011, IS SUBJECT”; in lines 8, 18, and 29, in each instance, strike “SERVICE” and substitute “EMPLOYMENT”; in lines 10, 20, and 31, in each instance, after “INDIVIDUAL” insert “:

(1)”;

in line 12, after the third “THE” insert “SAME”; strike beginning with “THAT” in line 13 down through the second “REQUIREMENTS” in line 15 and substitute “TO WHICH AN INDIVIDUAL WHO WAS A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM ON JUNE 30, 2011, AND REMAINS A MEMBER ON JULY 1, 2011, IS SUBJECT”; strike beginning with the comma in line 22 down through “BUT” in line 23 and substitute “; AND

(2)”;

in lines 23 and 34, in each instance, after the first “THE” insert “SAME”; and strike beginning with “THAT” in line 23 down through “REQUIREMENTS” in line 26 and substitute “TO WHICH AN INDIVIDUAL WHO WAS A MEMBER OF THE CORRECTIONAL OFFICERS’ RETIREMENT SYSTEM ON JUNE 30, 2011, AND REMAINS A MEMBER ON JULY 1, 2011, IS SUBJECT”.

On page 2, strike beginning with “THAT” in line 34 down through “REQUIREMENTS” in line 37 and substitute “TO WHICH AN INDIVIDUAL WHO WAS A MEMBER OF THE LAW ENFORCEMENT OFFICERS’ PENSION SYSTEM ON JUNE 30, 2011, AND REMAINS A MEMBER ON JULY 1, 2011, IS SUBJECT”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 976 – Senators Middleton, Astle, Brinkley, Colburn, Dyson, Edwards, Garagiola, Getty, Glassman, Jennings, Klausmeier, Manno, Mathias, Miller, Pipkin, and Zirkin

AN ACT concerning

**Income Tax – Subtraction Modification – Enhanced Agricultural
Management Equipment**

SB0976/419036/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 976

(First Reading File Bill)

On page 1, in the sponsor line, strike “and Zirkin” and substitute “Zirkin, Kasemeyer, Currie, DeGrange, Jones–Rodwell, King, Madaleno, McFadden, and Peters”.

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 EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #28**

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs and Senator Frosh, Chair, for the Committee on Budget and Tax reported favorably with amendments:

Senate Bill 343 – Senators Pugh, Benson, Conway, Forehand, Gladden, Jones–Rodwell, Kelley, King, McFadden, Montgomery, Muse, Peters, Ramirez, Raskin, and Rosapepe

AN ACT concerning

**State Government – Brokerage and Investment Management Services – Use
of Minority Business Enterprises – Application**

SB0343/594533/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 343

(First Reading File Bill)

AMENDMENT NO. 1

On page 2, strike in their entirety lines 35 through 39, inclusive; and in line 11, strike “11.” and substitute “10.”.

On page 6, in line 4, strike “**11.**” and substitute “10.”.

AMENDMENT NO. 2

On pages 14 through 16, strike in their entirety the lines beginning with line 10 on page 14 through line 5 on page 16, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs and Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

**Senate Bill 415 – Senators Montgomery, Benson, Colburn, Forehand,
Garagiola, Madaleno, Manno, McFadden, Peters, Pugh, Ramirez,
Raskin, and Robey**

AN ACT concerning

Handling Human Remains with Dignity Act of 2012

SB0415/704036/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 415

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Robey” and substitute “Robey, and Stone”; and in line 4, after “decedent” insert “in accordance with all authorizations required by law”; in line 8, after “Directors” insert “or the Office of Cemetery Oversight”; in line 18, strike “Board” and substitute “State Board of Morticians and Funeral Directors and the Office of Cemetery Oversight”; and in line 19, after “licensee” insert “or permit holder”.

On page 1, after line 21, insert:

“BY repealing and reenacting, without amendments,

Article – Business Regulation

Section 5–101(a) and (g)

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 5–310(a)(11) and (12)

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

BY adding to

Article – Business Regulation

Section 5–310(a)(13)

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)”.

AMENDMENT NO. 2

On page 2, in line 18, after “**DECEDENT**” insert “**IN ACCORDANCE WITH ALL AUTHORIZATIONS REQUIRED BY LAW**”; in line 28, strike “**72**” and substitute “**48**”; and in lines 30 and 31, strike “**LOWER THAN 44 DEGREES FAHRENHEIT**” and substitute “**DETERMINED BY REGULATION**”.

AMENDMENT NO. 3

On page 3, in line 2, after “DIRECTORS” insert “OR THE OFFICE OF CEMETERY OVERSIGHT”; strike beginning with the second “A” in line 19 down through “CREMATORY” in line 21 and substitute “:

(1) A FUNERAL ESTABLISHMENT LICENSED UNDER TITLE 7 OF THE HEALTH OCCUPATIONS ARTICLE;

(2) A CREMATORY LICENSED UNDER TITLE 7 OF THE HEALTH OCCUPATIONS ARTICLE;

(3) A CREMATORY PERMITTED UNDER TITLE 5 OF THE BUSINESS REGULATION ARTICLE; OR

(4) ANOTHER FACILITY THAT HAS PASSED AN INSPECTION WITH THE STATE BOARD OF MORTICIANS AND FUNERAL DIRECTORS OR THE OFFICE OF CEMETERY OVERSIGHT WITHIN THE PAST 2 YEARS”;

in line 29, strike “OR” and substitute a comma; and in line 30, after “DIRECTORS” insert “, OR PERMITTED BY THE OFFICE OF CEMETERY OVERSIGHT”.

AMENDMENT NO. 4

On page 4, in line 1, strike “OR” and substitute a comma; in line 2, after “DIRECTORS” insert “, OR PERMITTED BY THE OFFICE OF CEMETERY OVERSIGHT”; in line 5, after “DIRECTORS” insert “OR THE OFFICE OF CEMETERY OVERSIGHT”; in line 8, strike “HAS” and substitute “:

1. HAS”;

and in line 9, after “FACILITY” insert “; OR

2. A. HAS GIVEN ORAL PERMISSION FOR THE BODY TO BE TRANSPORTED TO THE FACILITY; AND

B. WITHIN 36 HOURS AFTER GIVING ORAL PERMISSION, PROVIDES WRITTEN VERIFICATION OF THE ORAL PERMISSION”.

AMENDMENT NO. 5

On page 2, after line 15, insert:

“Article – Business Regulation

5–101.

- (a) In this title the following words have the meanings indicated.
- (g) “Director” means the Director of the Office of Cemetery Oversight.

5–310.

(a) Subject to the hearing provisions of § 5–312 of this subtitle, the Director may deny a registration or permit to an applicant, reprimand a person subject to the registration or permit provisions of this title, or suspend or revoke a registration or permit if an applicant, registrant, or permit holder, or an agent, employee, officer, director, or partner of the applicant, registrant, or permit holder:

(11) fails to comply with any terms of settlement under a binding arbitration agreement; [or]

(12) is found guilty by a court in this State of violating an unfair or deceptive trade practices provision under Title 13 of the Commercial Law Article; OR

(13) FAILS TO COMPLY WITH § 5–513 OF THE HEALTH – GENERAL ARTICLE.”.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 611 – Senators Benson, Klausmeier, and Montgomery

AN ACT concerning

Health – Pregnant Women – Hepatitis B Testing

SB0611/964635/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 611
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike “surface antigen”; and strike beginning with “providing” in line 7 down through “Act;” in line 8.

AMENDMENT NO. 2

On page 1, strike beginning with “**THIS**” in line 19 down through “**(1)**” in line 22.

On page 2, in lines 1, 3, 5, 7, and 9, strike “**(I)**”, “**(II)**”, “**1.**”, “**2.**”, and “**(2)**”, respectively, and substitute “**(1)**”, “**(2)**”, “**(I)**”, “**(II)**”, and “**(B)**”, respectively; in lines 8 and 11, in each instance, strike “**SURFACE ANTIGEN**”; and in line 10, strike “**PARAGRAPH (1) OF THIS SUBSECTION**” and substitute “**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.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 850 – Senator King

AN ACT concerning

**Health Occupations – Qualifications for Licensure – Mortuary Science,
Funeral Direction, and Apprenticeship**

SB0850/434939/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 850

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “Board;” insert “providing that certain provisions of this Act do not apply to certain individuals; requiring the Board to adopt certain regulations on or before a certain date;”.

AMENDMENT NO. 2

On page 2, after line 10, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That §§ 7–303 and 7–306 of the Health Occupations Article as enacted by Section 1 of this Act, regardless of whether the individual performed clinical embalming in a laboratory or a funeral home setting, do not apply to an individual who:

(1) applied for an apprentice license on or before October 1, 2011; and

(2) had completed two-thirds of the academic credits at an approved mortuary science program at the time of application.

SECTION 3. AND BE IT FURTHER ENACTED, That on or before December 1, 2012, the State Board of Morticians and Funeral Directors shall adopt regulations to implement §§ 7–303 and 7–306 of the Health Occupations Article as enacted by Section 1 of this Act.”;

and in line 11, strike “2.” and substitute “4.”.

The preceding 2 amendments were read only.

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

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 921 – Senator Conway

AN ACT concerning

State Board of Nursing – Sunset Extension and Revisions

SB0921/464538/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 921
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, strike “Board to contract with an independent entity” and substitute “Department of Budget and Management”; in line 16, after “date” insert “and to submit a certain study to certain committees of the General Assembly on or before a certain date”.

AMENDMENT NO. 2

On page 6, in line 1, strike “State Board of Nursing shall contract with an independent entity to” and substitute “Department of Budget and Management shall”; in line 2, after “staff” insert “to the State Board of Nursing”; and in line 16, after “2013” insert “and, in accordance with § 2–1246 of the State Government Article, shall be submitted to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee on or before December 1, 2013”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 969 – Senator Conway

AN ACT concerning

**State Board of Professional Counselors and Therapists – Licensure of
Clinical Professional Art Therapists**

SB0969/764135/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 969
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “to” in line 5 down through “therapists” in line 6; and in line 30, strike “certain members” and substitute “a certain member”.

On pages 1 and 2, strike beginning with “requiring” in line 30 on page 1 down through “Board;” in line 1 on page 2.

AMENDMENT NO. 2

On page 7, in lines 19 and 21, in each instance, strike the brackets; in the same lines, in each instance, strike “11”; in line 22, strike “THREE” and substitute “FOUR”; in line 24, strike the brackets; in the same line, strike “TWO”; in line 26, strike the brackets; in the same line, strike “TWO”; in line 28, strike “TWO” and substitute “ONE”; in the same line, after “AS” insert “A”; and in line 29, strike “THERAPISTS” and substitute “THERAPIST”.

AMENDMENT NO. 3

On page 9, in line 9, strike “(1)”; in line 11, after “therapy,” insert “CLINICAL PROFESSIONAL ART THERAPY,”; and strike in their entirety lines 13 through 15, inclusive.

AMENDMENT NO. 4

On page 10, in line 9, after “ASSOCIATION” insert “AND APPROVED BY THE BOARD”; in line 17, after “ASSOCIATION” insert “AND APPROVED BY THE BOARD”; in line 24, after “PROGRAM” insert “THAT IS”; and in line 25, after “ASSOCIATION” insert “, APPROVED BY THE BOARD, AND INCLUDES TRAINING IN:

(1) PERSONALITY DEVELOPMENT;

(2) DIAGNOSIS AND TREATMENT OF MENTAL AND EMOTIONAL DISORDERS;

(3) PSYCHOPATHOLOGY;

(4) PSYCHOTHERAPY;

- (5) MARRIAGE AND FAMILY THERAPY;
- (6) ADDICTIONS; AND
- (7) LIFESTYLE AND CAREER DEVELOPMENT”.

AMENDMENT NO. 5

On page 11, strike in their entirety lines 1 through 8, inclusive, and substitute:

“THE BOARD SHALL WAIVE THE REQUIREMENTS FOR THE PRACTICE OF LICENSED CLINICAL PROFESSIONAL ART THERAPY UNDER § 17-304.1(D) THROUGH (G) OF THIS SUBTITLE IF, ON OR BEFORE OCTOBER 1, 2014, THE APPLICANT PROVIDES THE BOARD WITH DOCUMENTATION SHOWING:

(1) CURRENT CERTIFICATION BY THE ART THERAPY CREDENTIALS BOARD, INC., AND

(2) COMPLETION OF 3 YEARS OF FULL-TIME EXPERIENCE PROVIDING ART THERAPY.”.

AMENDMENT NO. 6

On page 17, strike beginning with “OR” in line 36 down through “L.C.P.A.T” in line 37 and substitute “OR “L.C.P.A.T.””.

On page 18, strike beginning with “OR” in line 15 down through “L.G.P.A.T” in line 16 and substitute “OR “L.G.P.A.T.””; in line 24, strike the colon; in line 25, strike “(1)”; in the same line, strike “two”; in the same line, strike “members” and substitute “member”; and in line 28, strike “two vacancies” and substitute “vacancy”.

On pages 18 and 19, strike beginning with the comma in line 29 on page 18 down through “Act” in line 2 on page 19.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 1078 – Senator Dyson

AN ACT concerning

Election Law – Absentee Ballots – Internet or Facsimile Transmission

SB1078/174433/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 1078

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “ballot;” insert “requiring the State Board of Elections to report to certain committees of the General Assembly on or before a certain date concerning the implementation of this Act;”; after line 9, insert:

“BY repealing and reenacting, without amendments,

Article – Election Law

Section 1–101(q)

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)”;

and after line 17, insert:

“1–101.

(q) “Disabled” means having a temporary or permanent physical disability.”.

AMENDMENT NO. 2

On page 2, in line 1, strike “**A MILITARY OR OVERSEAS VOTER**” and substitute “AN ABSENT UNIFORMED SERVICES VOTER OR AN OVERSEAS VOTER, AS THOSE TERMS ARE DEFINED UNDER THE FEDERAL UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT”; in lines 6 and 7, strike “**IS NECESSARY TO ALLOW**” and substitute “WILL ASSIST”; in line 7, after the second “**THE**” insert “ACCESSIBLE”; and in line 8, strike “**9–308**” and substitute “9–308(C)”.

On page 3, in lines 5 and 6, strike “A MILITARY OR” and substitute “AN ABSENT UNIFORMED SERVICES VOTER OR AN”.

AMENDMENT NO. 3

On page 3, after line 32, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 31, 2013, the State Board of Elections shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means, in accordance with § 2–1246 of the State Government Article, on the implementation of this Act.”.

On page 4, in line 1, strike “2.” and substitute “3.”.

The preceding 3 amendments were read only.

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

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #29

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs and Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 318 – Senators Dyson and Colburn

AN ACT concerning

Natural Resources Police Force – Number of Officers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 708 – Senator Montgomery

AN ACT concerning

County Boards of Education – Green Product Cleaning Supplies – Written Policies

SB0708/344530/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 708

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “education” insert “, on or before a certain date,”; and in line 6, after “boards” insert “, on or before a certain date,”.

AMENDMENT NO. 2

On page 3, in line 26, after “**PRODUCTS**” insert “**AND SUPPLIES**”; in line 27, after “positive” insert “**HEALTH AND**”.

On page 4, in line 2, strike “and”; in line 3, after “use” insert “;**AND**”

6. LESSER OR REDUCED EFFECTS ON HUMAN HEALTH AND THE ENVIRONMENT WHEN COMPARED TO COMPETING PRODUCTS THAT SERVE THE SAME PURPOSE”;

and strike in their entirety lines 11 and 12 and substitute:

6. WALL CLEANERS;

7. DESK CLEANERS;

8. SURFACE CLEANERS;

9. WINDOW CLEANERS;

10. WHITEBOARD CLEANERS; AND

11. SOAP.

(III) “GREEN PRODUCT CLEANING SUPPLIES” DO NOT INCLUDE:

- 1. ROOM DEODORIZERS;**
- 2. AIR FRESHENERS;**
- 3. TOILET DEODORIZERS; OR**
- 4. HAND CLEANERS.”.**

AMENDMENT NO. 3

On page 5, in line 3, after the second closing bracket insert “**NATIONALLY RECOGNIZED**”; in line 4, strike “**CERTIFIER**” and substitute “**ENTITY THAT CERTIFIES ENVIRONMENTALLY PREFERABLE PRODUCTS THAT**”; in line 6, after “**SUBSECTION,**” insert “**ON OR BEFORE JULY 1, 2013,**”; in line 12, strike “**ESTABLISH**” and substitute “**ON OR BEFORE JULY 1, 2014, ESTABLISH**”; strike beginning with the first “**GREEN**” in line 14 down through “**OR**” in line 15; in line 16, strike “**CERTIFIER**” and substitute “**ENTITY THAT CERTIFIES ENVIRONMENTALLY PREFERABLE PRODUCTS AND ADHERES TO CONSENSUS STANDARDS FOR LESSER OR REDUCED EFFECTS ON HUMAN HEALTH AND THE ENVIRONMENT WHEN COMPARED TO COMPETING PRODUCTS THAT SERVE THE SAME PURPOSE**”; in line 19, after “**SUPPLIES**” insert “**TO ENSURE THAT THE OCCUPANTS OF A SCHOOL BUILDING DO NOT SUFFER ANY ADVERSE HEALTH EFFECTS AS THE RESULT OF THESE PRACTICES**”; and in line 22, strike “**A**” and substitute “**ON OR BEFORE JUNE 30 EACH YEAR, A**”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 1018 – Senator Kasemeyer

AN ACT concerning

Alcoholic Beverages – Rectifiers – Tours, Samples, and Sales

SB1018/674636/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 1018

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike the comma and substitute “and”; strike beginning with the first “, sell” in line 6 down through “merchandise” in line 8 and substitute “prohibiting a license holder or entity in which a license holder has a pecuniary interest from acting as a caterer of food; specifying the times when certain activities may be conducted; providing that a Class 2 manufacturer’s (rectifying) license allows the holder to operate a certain number of days a week, with a certain exception; requiring a license holder to file with the Comptroller a notice of a promotional event at least a certain time before the event is held; prohibiting a license holder from selling or allowing to be consumed at the licensed premises certain products, with a certain exception; providing that this Act does not limit the application of certain laws and regulations”.

AMENDMENT NO. 2

On page 1, in line 19, before “A” insert “**(A)**”.

On page 2, in line 14, after “**PREMISES;**” insert “**AND**”; and in line 19, strike the semicolon and substitute a period.

On pages 2 and 3, strike in their entirety the lines beginning with line 20 on page 2 through line 15 on page 3, inclusive.

On page 3, after line 15, insert:

“(B) A HOLDER OF A CLASS 2 MANUFACTURER’S (RECTIFYING) LICENSE OR ENTITY IN WHICH A HOLDER HAS A PECUNIARY INTEREST MAY NOT ACT AS A CATERER OF FOOD.

(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A LICENSE HOLDER MAY CONDUCT THE ACTIVITIES SPECIFIED IN SUBSECTION (A)(5) OF THIS SECTION:

(1) FOR CONSUMPTION OFF THE LICENSED PREMISES OF PRODUCTS MANUFACTURED AT THE LICENSED PREMISES AND FOR SAMPLING, EACH DAY FROM 10 A.M. TO 10 P.M.; AND

(2) FOR CONSUMPTION ON THE LICENSED PREMISES OF PRODUCTS MANUFACTURED AT THE LICENSED PREMISES:

(I) FROM 10 A.M. TO 6 P.M. EACH DAY; OR

(II) IF GUESTS ARE ATTENDING A PLANNED PROMOTIONAL EVENT OR OTHER ORGANIZED ACTIVITY ON THE LICENSED PREMISES, FROM 10 A.M. TO 10 P.M. EACH DAY.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A CLASS 2 MANUFACTURER'S (RECTIFYING) LICENSE ALLOWS THE HOLDER TO OPERATE 7 DAYS A WEEK.

(2) IN GARRETT COUNTY, A LICENSE HOLDER MAY OPEN ON SUNDAYS TO ENGAGE IN THE ACTIVITIES LISTED IN SUBSECTION (A)(5) OF THIS SECTION ONLY IN AN ELECTION DISTRICT WHERE THE VOTERS, IN A REFERENDUM AUTHORIZED BY LAW, HAVE APPROVED SUNDAY SALES AT A RECTIFYING FACILITY.

(E) AT LEAST 14 DAYS BEFORE HOLDING A PLANNED PROMOTIONAL EVENT AFTER 6 P.M., A LICENSE HOLDER SHALL FILE A NOTICE OF THE PROMOTIONAL EVENT WITH THE COMPTROLLER ON THE FORM THAT THE COMPTROLLER PROVIDES.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE HOLDER MAY NOT SELL OR ALLOW TO BE CONSUMED AT THE LICENSED PREMISES ANY PRODUCT OTHER THAN PRODUCTS PRODUCED BY THE LICENSE HOLDER UNDER THE AUTHORITY OF THIS SECTION.

(2) A HOLDER OF A CATERER’S LICENSE OR PRIVILEGE UNDER TITLE 6, SUBTITLE 7 OF THIS ARTICLE MAY EXERCISE THE PRIVILEGES OF THE LICENSE OR PRIVILEGE ON THE LICENSED PREMISES OF THE LICENSE HOLDER.

(G) NOTHING IN THIS SECTION LIMITS THE APPLICATION OF RELEVANT PROVISIONS OF TITLE 21 OF THE HEALTH – GENERAL ARTICLE, AND REGULATIONS ADOPTED UNDER THAT TITLE, TO A LICENSE HOLDER.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 1024 – Senator Astle

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Multiple Licenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 1032 – Senator Klausmeier

AN ACT concerning

Natural Resources – Fish and Fisheries – Gill Nets

SB1032/164137/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 1032
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Fish and Fisheries” and substitute “Technical Advisory Group”; strike beginning with “prohibiting” in line 3 down through “prohibiting” in line 6 and substitute “requiring the Department of Natural Resources to establish a technical advisory group on the use of gill nets; requiring the Secretary of Natural Resources to select the members of the technical advisory group; requiring the technical advisory group to be composed of certain numbers of certain individuals; requiring the technical advisory group to make certain recommendations and to submit the recommendations to the Secretary on or before a certain date; requiring the Secretary to consider the adoption of certain regulations based on certain recommendations; providing for the termination of this Act; and generally relating to”; strike in their entirety lines 7 through 22, inclusive; in line 24, strike “the Laws of Maryland read as follows”; and strike in its entirety line 25.

AMENDMENT NO. 2

On pages 2 through 6, strike in their entirety the lines beginning with line 1 on page 2 through line 27 on page 6, inclusive, and substitute:

“(a) The Department of Natural Resources shall establish a technical advisory group on the use of gill nets, including the effect of the use of gill nets on:

- (1) the population of fish in State waters; and
- (2) the enforcement of the State’s fishery laws.

(b) The technical advisory group shall be composed of individuals, selected by the Secretary of Natural Resources, with experience and expertise in both sportfishing and commercial fishing, and shall include:

- (1) two representatives of the Maryland Saltwater Sportfisherman’s Association;
- (2) two representatives of the Maryland Watermen’s Association;
- (3) at least one representative of the Natural Resources Police; and
- (4) employees of the Fisheries Service in the Department of Natural Resources.

(c) The technical advisory group shall develop recommendations for the regulation of the use of gill nets.

(d) In conducting its work, the technical advisory group shall solicit and obtain public input, including input from:

(1) individuals who work in the commercial fishing industry in the State;

(2) individuals who engage in sportfishing in the State; and

(3) individuals with expertise in marine science.

(e) On or before September 1, 2013, the technical advisory group shall submit its recommendations to the Secretary of Natural Resources.

(f) Based on the recommendations of the technical advisory group, the Secretary of Natural Resources shall consider the adoption of regulations regarding the use of gill nets for catching fish in State waters.”.

On page 6, in line 29, after “2012.” insert “It shall remain effective for a period of 1 year and, at the end of September 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 2 amendments were read only.

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

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 1040 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Middletown Wine Festival License

SB1040/124637/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 1040
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 8 through 10, inclusive.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 10 through 14, inclusive; and in lines 15, 16, 19, and 25, strike “(F)”, “(G)”, “(H)”, and “(I)”, respectively, and substitute “(E)”, “(F)”, “(G)”, and “(H)”, respectively.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 1075 – Senator Mathias

AN ACT concerning

Worcester County – Alcoholic Beverages – Beer and Wine Festivals

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

Senate Bill 814 – Senator Astle

AN ACT concerning

Public Safety – Elevators – Board Membership, Accessibility Lifts, and Lift Mechanics

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0814/347477/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 814

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Board” in line 2 down through “Mechanics” in line 3 and substitute “Accessibility Lift Mechanic License”; strike beginning with “altering” in line 4 down through the semicolon in line 6; in line 6, before “Board” insert “Elevator Safety Review”; in line 8, after “certain” insert “accessibility”; in the same line, after “mechanics;” insert “requiring the Board to adopt certain regulations to certify a licensed accessibility lift mechanic as an accessibility lift mechanic specialist; establishing that certain persons are not required to obtain certain licenses to conduct certain activities; authorizing an accessibility lift mechanic to provide the services of an accessibility lift mechanic specialist until the Board adopts certain regulations;”; in line 9, strike the first “a” and substitute “an accessibility”; in line 10, strike the first “a” and substitute “an accessibility”; in the same line, after “licensed” insert “accessibility”; in line 11, after “services;” insert “authorizing the Board to issue a certain conditional license for a certain period under certain circumstances; providing for a delayed effective date;”; in line 12, after “to” insert “accessibility”; in line 15, strike “12–820(a),”; and in line 20, strike “12–826(e)” and substitute “12–826(e) and (g)”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 2 through 5, inclusive; after line 5, insert:

“(B) “ACCESSIBILITY LIFT MECHANIC” MEANS A PERSON WHO IS ENGAGED IN ERECTING, CONSTRUCTING, WIRING, ALTERING, REPLACING, MAINTAINING, REPAIRING, DISMANTLING, OR SERVICING COMMERCIAL STAIRWAY CHAIRLIFTS, VERTICAL PLATFORM LIFTS, OR INCLINE PLATFORM LIFTS.

“(C) “ACCESSIBILITY LIFT MECHANIC SPECIALIST” MEANS A PERSON WHO IS LICENSED AS AN ACCESSIBILITY LIFT MECHANIC AND HAS BEEN CERTIFIED BY THE BOARD TO ERECT, CONSTRUCT, WIRE, ALTER, REPLACE, MAINTAIN, REPAIR, DISMANTLE, OR SERVICE PRIVATE RESIDENTIAL ELEVATORS.”;

in lines 6, 7, 9, 11, 14, 17, 20, 23, 28, and 33, strike “(b)”, “(c)”, “(d)”, “(e)”, “(f)”, “(g)”, “(h)”, “(i)”, “(j)”, and “(k)”, respectively, and substitute “(D)”, “(E)”, “(F)”, “(G)”, “(H)”, “(I)”, “(J)”, “(K)”, “(L)”, and “(M)”, respectively; and in lines 19 and 22, in each instance, after “elevator” insert “OR ACCESSIBILITY LIFT”.

On page 3, in lines 4, 6, 8, 18, 21, 25, and 27, strike “(l)”, “(m)”, “(n)”, “(P)”, “(Q)”, “(R)”, and “(S)”, respectively, and substitute “(N)”, “(O)”, “(P)”, “(Q)”, “(R)”, “(S)”, and “(T)”, respectively; after line 8, insert:

“(1) AN ACCESSIBILITY LIFT MECHANIC LICENSE;”;

in lines 9, 10, 11, and 12, strike “(1)”, “(2)”, “(3)”, and “(4)”, respectively, and substitute “(2)”, “(3)”, “(4)”, and “(5)”, respectively; in line 11, strike the brackets; strike beginning with the semicolon in line 12 down through “LICENSE” in line 13; and strike in their entirety lines 14 through 17, inclusive.

On page 4, strike in their entirety lines 6 through 24, inclusive.

AMENDMENT NO. 3

On page 5, in line 2, after “OR” insert “ACCESSIBILITY”; in line 10, strike “A” and substitute “AN ACCESSIBILITY”; strike beginning with “ACCESSIBILITY” in line 12 down through “STATE” in line 13 and substitute “COMMERCIAL STAIRWAY CHAIRLIFTS, VERTICAL PLATFORM LIFTS, OR INCLINE PLATFORM LIFTS IN THE STATE”; after line 26, insert:

“(4) A CRANE MECHANIC PERFORMING WORK ON ELEVATORS OR LIFTS LOCATED ON A PORT FACILITY OWNED, LEASED, OR OPERATED BY THE MARYLAND PORT ADMINISTRATION NEED NOT OBTAIN A LICENSE.

(5) A PERSON INSTALLING A RESIDENTIAL STAIRWAY CHAIRLIFT NEED NOT OBTAIN A LICENSE.

(6) A PERSON WHO IS LICENSED UNDER THIS SUBTITLE AS AN ELEVATOR MECHANIC NEED NOT OBTAIN A LICENSE TO PROVIDE THE SERVICES DESCRIBED IN SUBSECTION (E) OF THIS SECTION.

(G) (1) THE BOARD SHALL ADOPT REGULATIONS, INCLUDING EDUCATION AND EXPERIENCE REQUIREMENTS, TO CERTIFY ACCESSIBILITY LIFT MECHANIC SPECIALISTS TO ERECT, CONSTRUCT, WIRE, ALTER, REPLACE, MAINTAIN, REPAIR, DISMANTLE, OR SERVICE PRIVATE RESIDENTIAL ELEVATORS.

(2) UNTIL THE BOARD ADOPTS REGULATIONS TO CERTIFY ACCESSIBILITY LIFT MECHANIC SPECIALISTS TO PERFORM WORK ON PRIVATE RESIDENTIAL ELEVATORS, AN ACCESSIBILITY LIFT MECHANIC MAY PROVIDE THE SERVICES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

(3) A CANDIDATE ACTIVELY COMPLETING THE CERTIFICATION REQUIREMENTS ADOPTED BY THE BOARD UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY CONTINUE TO PERFORM THAT WORK WITHOUT CERTIFICATION FOR UP TO 4 YEARS AFTER THE EFFECTIVE DATE OF THE REGULATIONS.”;

in line 28, after “(D)” insert “(1)”; in the same line, strike “A” and substitute “AN ACCESSIBILITY”; in line 29, strike “(1) (I)” and substitute “(I) 1.”; and in line 31, after “INDUSTRY”, insert a comma.

On page 6, in lines 3, 5, 10, and 14, strike “(II)”, “(2) (I)”, “(II)”, and “(3)”, respectively, and substitute “2.”, “(II) 1.”, “2.”, and “(III)”, respectively; in line 7, after “INDUSTRY”, insert a comma; after line 19, insert:

“(2) THE BOARD MAY ISSUE A CONDITIONAL LICENSE UNDER THIS SUBSECTION THAT IS EFFECTIVE UNTIL JANUARY 1, 2017, TO A CANDIDATE ACTIVELY COMPLETING THE EDUCATIONAL REQUIREMENTS DESCRIBED IN PARAGRAPH (1)(II)2 OF THIS SUBSECTION.”;

in line 21, strike “A LIFT” and substitute “AN ACCESSIBILITY LIFT”; in the same line, strike “IT” and substitute “THE LICENSE”; in line 23, strike “ACCESSIBILITY LIFTS AND DUMBWAITERS” and substitute “COMMERCIAL STAIRWAY CHAIRLIFTS, VERTICAL PLATFORM LIFTS, OR INCLINE PLATFORM LIFTS”; and in line 26, strike “October 1, 2012” 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.

Senate Bill 901 – Senator Klausmeier

AN ACT concerning

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

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0901/877273/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 901

(First Reading File Bill)

AMENDMENT NO. 1

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

AMENDMENT NO. 2

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

AMENDMENT NO. 3

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

“(6) THE REFUNDABLE PORTION OF ANY FINANCED TAXES OR CHARGES, INCLUDING CHARGES FOR CREDIT LIFE INSURANCE, CREDIT HEALTH

INSURANCE, CREDIT INVOLUNTARY UNEMPLOYMENT BENEFIT INSURANCE, AND MECHANICAL REPAIR CONTRACTS; OR;

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

On page 3, after line 3, insert:

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

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

The preceding 3 amendments were read only.

Senator Raskin moved, duly seconded, to make the Bill and Amendments a Special Order for March 26, 2012.

The motion was adopted.

Senate Bill 529 – Senator Robey

AN ACT concerning

Motor Vehicles – Use of Text Messaging Device While Driving

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Senator Pipkin moved, duly seconded, to make the Bill and Report a Special Order for March 26, 2012.

The motion was adopted.

ADJOURNMENT

At 7:04 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 7:05 P.M. on Legislative Day March 21, 2012, Calendar Day, Friday, March 23, 2012.

Annapolis, Maryland
Legislative Day: March 21, 2012
Calendar Day: Friday, March 23, 2012
7:05 P.M. Session

The Senate met at 7:09 P.M.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 703)

The Journal of March 20, 2012 was read and approved.

On motion of Senator Garagiola it was ordered that Senators Robey and Zirkin be excused from today's session.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 556 – Senator Getty

AN ACT concerning

Real Property – Restrictions on Use of Property – Separate Parcels

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0556/558876/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 556

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “grantor” insert “under separate deeds”; in line 7, after “that” insert “, unless the deed granting the restriction expressly provides”

otherwise.”; and in line 9, after the semicolon insert “establishing that, notwithstanding any other provision of law, a certain conveyance of a separate parcel is not a subdivision or off-conveyance.”.

AMENDMENT NO. 2

On page 2, in line 27, after “GRANTOR” insert “UNDER SEPARATE DEEDS”; and in line 30, after “LAW,” insert “UNLESS THE DEED GRANTING THE RESTRICTION EXPRESSLY PROVIDES OTHERWISE.”.

AMENDMENT NO. 3

On page 3, after line 1, insert:

“(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A CONVEYANCE OF A SEPARATE PARCEL UNDER THIS SUBSECTION IS NOT A SUBDIVISION OR OFF-CONVEYANCE.”.

The preceding 3 amendments were read and adopted.

Senator Getty moved, duly seconded, to make the Bill and Report a Special Order for March 26, 2012.

The motion was adopted.

Senate Bill 238 – The President (By Request – Administration) and Senators King, Madaleno, Manno, Montgomery, Peters, Pinsky, Pugh, Raskin, Robey, and Rosapepe

AN ACT concerning

Maryland Health Benefit Exchange Act of 2012

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (17) AND THE FAVORABLE REPORT.

SB0238/847676/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 238

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Rosapepe” and substitute “Rosapepe, Kelley, Klausmeier, and Middleton”; in line 3, after “requiring” insert “the Board of Trustees of”; in the same line, after “Exchange” insert “, subject to a certain waiver, to submit certain regulations to certain legislative committees under certain circumstances; requiring the Board to have a certain number of standing advisory committees; requiring the Maryland Health Benefit Exchange”; in line 4, after “plans” insert “and qualified vision plans”; in line 5, after “date;” insert “requiring the Exchange, to the extent necessary, to modify a certain format to accommodate differences in certain plan options;”; in line 6, after “programs;” insert “prohibiting the Exchange from making available any vision plan that is not a qualified vision plan;”; in line 9, strike “use a certain market impact to pursue certain objectives” and substitute “decrease the number of State residents without health insurance coverage”; in line 11, after “circumstances” insert “and for a certain purpose; requiring certain participation requirements for certain carriers to be suspended under certain circumstances; requiring the Exchange, before employing an alternative contracting option or active purchasing strategy, to submit a certain plan, within a certain timeframe, to certain legislative committees for review and comment”; in line 16, strike “or” and substitute “, or a”; in the same line, after “carrier” insert “or a certain insurance holding company system;”; in the same line, after the semicolon insert “authorizing the SHOP Exchange to allow qualified employers to designate certain qualified dental plans and qualified vision plans to be made available to their employees;”; in line 18, after the semicolon insert “requiring the SHOP Exchange to implement any modification of offerings and choice through regulations adopted by the SHOP Exchange;”; in line 20, strike “authorizing” and substitute “requiring”; in line 21, after “navigator”, in each instance, insert “program”; in line 24, after the semicolon insert “prohibiting the Maryland Insurance Commissioner, in the Commissioner’s role as a member of the Board, from participating in certain matters under certain circumstances; providing that a carrier is not responsible for the activities and conduct of a SHOP Exchange navigator, an Individual Exchange navigator entity, or an Individual Exchange navigator;”; in line 27, strike “programs” and substitute “processes”; in line 28, after the semicolon insert “requiring the Individual Exchange to consult with the Commissioner and the Department of Health and Mental Hygiene for a certain purpose; requiring the Commissioner to enter into certain memoranda of understanding; authorizing the Commissioner to require the Individual Exchange to make certain information available to the Commissioner and submit a certain corrective plan under certain circumstances;”.

On page 2, in line 1, after the semicolon insert “specifying the consumer assistance services that are required, and are not required, to be provided by an”.

Individual Exchange navigator; providing for the authorization of Individual Exchange navigator entities; specifying the scope of the authorization; authorizing and requiring an Individual Exchange navigator entity to take certain actions; prohibiting an Individual Exchange navigator entity from receiving certain compensation and providing certain information or services; authorizing the Commissioner to take certain disciplinary actions against an Individual Exchange navigator entity under certain circumstances;”; in lines 2 and 3, strike “Maryland Insurance”; in line 6, after the semicolon insert “providing that certain provisions of this Act may not prohibit certain organizations or units of government from providing certain services, subject to certain requirements;”; in line 11, after “plans” insert “and certain vision plans as qualified vision plans”; in line 12, after the semicolon insert “authorizing the Exchange to determine whether a carrier may elect to include certain nonessential benefits in a qualified health plan; providing that a qualified health plan is not required to provide certain essential benefits under certain circumstances; altering certain provisions of law relating to the offering and pricing of oral and dental benefits; establishing certain requirements for qualified vision plans offered through the Exchange; providing that a managed care organization may not be required to offer a certain plan in the Exchange;”; in lines 18 and 19, strike “under certain circumstances” and substitute “unless the carriers also offer certain health benefit plans in the SHOP Exchange and the Individual Exchange”; in line 19, after the semicolon insert “establishing certain exemptions to the requirement that the carriers offer the plans; requiring the Commissioner to establish certain procedures for a carrier to submit certain evidence relating to certain exemptions;”; in line 22, after “terms,” insert “repealing and”; in line 23, strike “and” and substitute a comma; in the same line, after “clarifying” insert “, and conforming”; in line 31, after “date,” insert “providing that certain requirements of this Act shall be subject to certain clarification; authorizing the Board to adopt interim policies for a certain purpose, pending adoption of regulations and after receiving certain comment;”; after line 38, insert:

“BY repealing and reenacting, with amendments,

Article – Health – General

Section 15–101.1

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)”;

in line 41, after “15–1204,” insert “15–1205.”; and in the same line, after “31–102(d),” insert “31–106(c) and (g).”.

On page 3, in line 2, after “Section” insert “15–1204.1.”.

AMENDMENT NO. 2

On page 4, after line 21, insert:

“Article – Health – General

15–101.1.

(A) Except as otherwise provided in this subtitle, a managed care organization is not subject to the insurance laws of the State or to the provisions of Title 19 of this article.

(B) A MANAGED CARE ORGANIZATION MAY NOT BE REQUIRED TO OFFER A QUALIFIED PLAN, AS DEFINED IN § 31–101 OF THE INSURANCE ARTICLE, IN THE MARYLAND HEALTH BENEFIT EXCHANGE.”.

AMENDMENT NO. 3

On page 4, after line 23, insert:

“(A) THIS SECTION APPLIES TO A CARRIER WITH RESPECT TO ANY HEALTH BENEFIT PLAN THAT IS:

(1) A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT;

(2) ISSUED, DELIVERED, OR RENEWED IN THE STATE ON OR BEFORE DECEMBER 31, 2013; AND

(3) RENEWED IN THE STATE AFTER DECEMBER 31, 2013.”;

and in line 24, strike “(a)” and substitute “(B)”.

On page 5, strike in their entirety lines 1 through 25, inclusive.

On page 6, in line 10, strike “(b)” and substitute “(C)”; and after line 24, insert:

“15–1204.1.

(A) THIS SECTION APPLIES TO A CARRIER WITH RESPECT TO ANY HEALTH BENEFIT PLAN THAT:

(1) IS NOT A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT; AND

(2) IS ISSUED, DELIVERED, OR RENEWED IN THE STATE ON OR AFTER JANUARY 1, 2014.

(B) (1) EXCEPT AS PROVIDED IN THIS SUBSECTION AND § 31-110(F) OF THIS ARTICLE, A CARRIER MAY NOT OFFER HEALTH BENEFIT PLANS TO SMALL EMPLOYERS IN THE STATE UNLESS THE CARRIER ALSO OFFERS QUALIFIED HEALTH PLANS, AS DEFINED IN § 31-101 OF THIS ARTICLE, IN THE SMALL BUSINESS HEALTH OPTIONS PROGRAM OF THE MARYLAND HEALTH BENEFIT EXCHANGE IN COMPLIANCE WITH THE REQUIREMENTS OF TITLE 31 OF THIS ARTICLE.

(2) A CARRIER IS EXEMPT FROM THE REQUIREMENT IN PARAGRAPH (1) OF THIS SUBSECTION IF:

(I) THE REPORTED TOTAL AGGREGATE ANNUAL EARNED PREMIUM FROM ALL HEALTH BENEFIT PLANS OFFERED TO SMALL EMPLOYERS IN THE STATE FOR THE CARRIER AND ANY OTHER CARRIERS IN THE SAME INSURANCE HOLDING COMPANY SYSTEM, AS DEFINED IN § 7-101 OF THIS ARTICLE, IS LESS THAN \$20,000,000;

(II) THE COMMISSIONER DETERMINES THAT THE CARRIER COMPLIES WITH THE PROCEDURES ESTABLISHED UNDER PARAGRAPH (3) OF THIS SUBSECTION; AND

(III) WHEN THE CARRIER CEASES TO MEET THE REQUIREMENTS FOR THE EXEMPTION, THE CARRIER PROVIDES TO THE COMMISSIONER IMMEDIATE NOTICE AND ITS PLAN FOR COMPLYING WITH THE REQUIREMENT IN PARAGRAPH (1) OF THIS SUBSECTION.

(3) THE COMMISSIONER SHALL ESTABLISH PROCEDURES FOR A CARRIER TO SUBMIT EVIDENCE EACH YEAR THAT THE CARRIER MEETS THE REQUIREMENTS NECESSARY TO QUALIFY FOR AN EXEMPTION UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(4) NOTWITHSTANDING THE EXEMPTION PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSIONER, IN CONSULTATION WITH THE MARYLAND HEALTH BENEFIT EXCHANGE:

(I) MAY ASSESS THE IMPACT OF THE EXEMPTION PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND, BASED ON THAT ASSESSMENT, ALTER THE LIMIT ON THE AMOUNT OF ANNUAL PREMIUMS THAT MAY NOT BE EXCEEDED TO QUALIFY FOR THE EXEMPTION; AND

(II) SHALL MAKE ANY CHANGE IN THE EXEMPTION REQUIREMENT BY REGULATION.

15-1205.

(a) (1) THIS SUBSECTION APPLIES TO A CARRIER WITH RESPECT TO ANY HEALTH BENEFIT PLAN THAT IS:

(I) A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT;

(II) ISSUED, DELIVERED, OR RENEWED IN THE STATE ON OR BEFORE DECEMBER 31, 2013; AND

(III) RENEWED IN THE STATE AFTER DECEMBER 31, 2013.

[(1)] (2) In establishing a community rate for a health benefit plan, a carrier shall use a rating methodology that is based on the experience of all risks covered by that health benefit plan without regard to any factor not specifically authorized under this subsection or subsection [(f)] (G) of this section.

[(2)] (3) A carrier may adjust the community rate only for:

(i) age;

(ii) geography based on the following contiguous areas of the State:

1. the Baltimore metropolitan area;

2. the District of Columbia metropolitan area;

3. Western Maryland; and

4. Eastern and Southern Maryland; and

(iii) health status, as provided in subsection [(f)] (G) of this section.

[(3)] (4) Rates for a health benefit plan may vary based on family composition as approved by the Commissioner.

[(4)] (5) (i) Subject to subparagraph (ii) of this paragraph, after applying the risk adjustment factors under paragraph [(2)] (3) of this subsection, a carrier may offer a discount not to exceed 20% to a small employer for participation in a wellness program.

(ii) A discount offered under subparagraph (i) of this paragraph shall be:

1. applied to reduce the rate otherwise payable by the small employer;

2. actuarially justified;

3. offered uniformly to all small employers; and

4. approved by the Commissioner.

(B) (1) THIS SUBSECTION APPLIES TO A CARRIER WITH RESPECT TO ANY HEALTH BENEFIT PLAN THAT:

(I) IS NOT A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT; AND

(II) IS ISSUED, DELIVERED, OR RENEWED IN THE STATE ON OR AFTER JANUARY 1, 2014.

(2) IN ESTABLISHING A PREMIUM RATE FOR A HEALTH BENEFIT PLAN, A CARRIER SHALL USE A RATING METHODOLOGY THAT IS BASED ON THE EXPERIENCE OF ALL RISKS COVERED BY THAT HEALTH BENEFIT PLAN WITHOUT REGARD TO ANY FACTOR NOT SPECIFICALLY AUTHORIZED UNDER THIS SUBSECTION.

(3) IN ACCORDANCE WITH § 2701(A) OF THE AFFORDABLE CARE ACT, A PREMIUM RATE MAY VARY ONLY BY:

(I) WHETHER THE HEALTH BENEFIT PLAN COVERS AN INDIVIDUAL OR A FAMILY;

(II) RATING AREA;

(III) AGE, EXCEPT THAT A RATE MAY NOT VARY BY MORE THAN 3 TO 1 FOR ADULTS; AND

(IV) TOBACCO USE, EXCEPT THAT A RATE MAY NOT VARY BY MORE THAN 1.5 TO 1.

(4) A RATE MAY NOT VARY BY ANY FACTOR THAT IS NOT SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION.

[(b)] (C) (1) A carrier shall apply all risk adjustment factors under subsections (a) and [(f)] (G) of this section consistently with respect to all health benefit plans that are:

(I) issued, delivered, or renewed in the State; AND

(II) GRANDFATHERED HEALTH PLANS, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT.

(2) A CARRIER SHALL APPLY ALL RISK ADJUSTMENT FACTORS UNDER SUBSECTION (B) OF THIS SECTION CONSISTENTLY WITH RESPECT TO ALL HEALTH BENEFIT PLANS THAT ARE:

(I) ISSUED, DELIVERED, OR RENEWED IN THE STATE; AND

(II) ARE NOT GRANDFATHERED HEALTH PLANS, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT.

[(c)] (D) (1) Based on the adjustments allowed under subsection [(a)(2)(i)] (A)(3)(I) and (ii) of this section, a carrier may charge a rate that is 50% above or 50% below the community rate.

(2) (i) On or before October 1, 2007, the Commission shall adopt regulations that require carriers to collect and report to the Commission data on participation, by rate band, in health benefit plans issued, delivered, or renewed under this subtitle.

(ii) On or before January 1, 2013, the Commission shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Finance Committee and the House Health and Government Operations Committee regarding the effect of the 50% rate adjustments authorized under paragraph (1) of this subsection and the effect of the adjustment to the community rate for health status authorized under subsection [(f)](G) of this section on participation in health benefit plans issued, delivered, or renewed under this subtitle.

[(d)] (E) (1) A carrier shall base its rating methods and practices on commonly accepted actuarial assumptions and sound actuarial principles.

(2) A carrier that is a health maintenance organization and that includes a subrogation provision in its contract as authorized under § 19–713.1(d) of the Health – General Article shall:

(i) use in its rating methodology an adjustment that reflects the subrogation; and

(ii) identify in its rate filing with the Administration, and annually in a form approved by the Commissioner, all amounts recovered through subrogation.

[(e)] (F) (1) THIS SUBSECTION APPLIES TO A CARRIER WITH RESPECT TO ANY HEALTH BENEFIT PLAN THAT IS:

(I) A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT;

(II) ISSUED, DELIVERED, OR RENEWED IN THE STATE ON OR BEFORE DECEMBER 31, 2013; AND

(III) RENEWED IN THE STATE AFTER DECEMBER 31, 2013.

[(1)] (2) A carrier may offer an administrative discount to a small employer if the small employer elects to purchase, for its employees, an annuity, dental insurance, disability insurance, life insurance, long-term care insurance, vision insurance, or, with the approval of the Commissioner, any other insurance sold by the carrier.

[(2)] (3) The administrative discount shall be offered under the same terms and conditions for all qualifying small employers.

[(f)] (G) (1) A carrier may adjust the community rate for a health benefit plan THAT IS A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT, for health status only if a small employer has not offered a health benefit plan issued under this subtitle to its employees in the 12 months prior to the initial enrollment of the small employer in the health benefit plan.

(2) (i) Based on the adjustment allowed under paragraph (1) of this subsection, in addition to the adjustments allowed under subsection [(c)(1)] (D)(1) of this section, a carrier may charge:

1. in the first year of enrollment, a rate that is 10% above or below the community rate;

2. in the second year of enrollment, a rate that is 5% above or below the community rate; and

3. in the third year of enrollment, a rate that is 2% above or below the community rate.

(ii) A carrier may not make any adjustment for health status in the community rate of a health benefit plan issued under this subtitle after the third year of enrollment of a small employer in the health benefit plan.

(3) [A] FOR A HEALTH BENEFIT PLAN THAT IS A GRANDFATHERED HEALTH PLAN, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT, A carrier may use health statements, in a form approved by the Commissioner, and health screenings to establish an adjustment to the community rate for health status as provided in this subsection.

(4) A carrier may not limit coverage offered by the carrier, or refuse to issue a health benefit plan to any small employer that meets the requirements of this subtitle, based on a health status–related factor.

(5) It is an unfair trade practice for a carrier knowingly to provide coverage to a small employer that discriminates against an employee or applicant for employment, based on the health status of the employee or applicant or a dependent of the employee or applicant, with respect to participation in a health benefit plan sponsored by the small employer.”.

AMENDMENT NO. 4

On page 7, in line 3, after “SUBSECTION” insert “AND § 31–110(F) OF THIS ARTICLE”; in line 4, after “OFFER” insert “INDIVIDUAL”; in the same line, strike “IN THE INDIVIDUAL MARKET”; in line 5, after “PLANS” insert “, AS DEFINED IN § 31–101 OF THIS ARTICLE,”; strike beginning with “THAT” in line 8 down through “STATE” in line 10; after line 11, insert:

“(I) THE REPORTED TOTAL AGGREGATE ANNUAL EARNED PREMIUM FROM ALL INDIVIDUAL HEALTH BENEFIT PLANS IN THE STATE FOR THE CARRIER AND ANY OTHER CARRIERS IN THE SAME INSURANCE HOLDING COMPANY SYSTEM, AS DEFINED IN § 7–101 OF THIS ARTICLE, IS LESS THAN \$10,000,000;”;

in lines 12 and 16, strike “(I)” and “(II)”, respectively, and substitute “(II)” and “(III)”, respectively; strike beginning with “BY” in line 13 down through “EXEMPTION” in line 15 and substitute “UNDER PARAGRAPH (3) OF THIS SUBSECTION”; strike beginning with “COMING” in line 18 down through the second “EXCHANGE” in line 20 and substitute “COMPLYING WITH THE REQUIREMENT IN PARAGRAPH (1) OF THIS SUBSECTION”; after line 20, insert:

“(3) THE COMMISSIONER SHALL ESTABLISH PROCEDURES FOR A CARRIER TO SUBMIT EVIDENCE EACH YEAR THAT THE CARRIER MEETS THE REQUIREMENTS NECESSARY TO QUALIFY FOR AN EXEMPTION UNDER PARAGRAPH (2) OF THIS SUBSECTION.”;

in line 21, strike “(3)” and substitute “(4)”; in the same line, after “EXEMPTION” insert “PROVIDED”; in line 23, after “ACT” insert a comma; in the same line, strike “, MUST ALSO” and substitute “ALSO MUST”; in line 26, strike “(4)” and substitute “(5)”; in the same line, strike “THE” and substitute “NOTWITHSTANDING THE EXEMPTION PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE”; in line 27, strike the comma and substitute “:

(I);

in line 28, after “EXEMPTION” insert “PROVIDED”; in line 29, strike “AMOUNT OF ANNUAL PREMIUMS NECESSARY” and substitute “LIMIT ON THE AMOUNT OF ANNUAL PREMIUMS THAT MAY NOT BE EXCEEDED”; and in line 30, after “EXEMPTION” insert “;AND

(II) SHALL MAKE ANY CHANGE IN THE EXEMPTION REQUIREMENT BY REGULATION.”.

AMENDMENT NO. 5

On page 8, strike in their entirety lines 20 through 22, inclusive; strike in their entirety lines 23 through 26, inclusive; in lines 27 and 28, strike “(D)” and “(E)”, respectively, and substitute “(B)” and “(C)”, respectively.

On page 9, in line 5, strike “(F)” and substitute “(D)”; strike beginning with the first “A” in line 5 down through “COSTS” in line 7 and substitute “A LEVEL OF

COVERAGE, AS DEFINED IN § 1302 OF THE AFFORDABLE CARE ACT AND AS DETERMINED IN REGULATIONS ADOPTED BY THE SECRETARY, FOR A QUALIFIED HEALTH PLAN”; in lines 8, 14, and 16, in each instance, strike the brackets; and in the same lines, strike “(G)”, “(H)”, and “(I)”, respectively.

On page 10, in lines 31 and 33, strike “(J)” and “(K)”, respectively, and substitute “(H)” and “(I)”, respectively.

On page 11, in line 3, strike “PERFORMS THE FUNCTIONS UNDER § 31-113(C)” and substitute “PROVIDES THE SERVICES DESCRIBED IN § 31-113(D)(1)”; after line 4, insert:

“(J) “INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION” MEANS A CERTIFICATE ISSUED BY THE INDIVIDUAL EXCHANGE THAT AUTHORIZES AN INDIVIDUAL TO ACT AS AN INDIVIDUAL EXCHANGE NAVIGATOR.”;

in lines 5, 13, 17, 19, 22, and 25, strike “(L)”, “(N)”, “(O)”, “(P)”, “(Q)”, and “(R)”, respectively, and substitute “(K)”, “(M)”, “(N)”, “(O)”, “(P)”, and “(Q)”, respectively; in line 6, strike “ENGAGED” and substitute “OR A PARTNERSHIP OF ENTITIES THAT:

(1) IS AUTHORIZED”;

in line 7, strike “WHICH” and substitute “UNDER § 31-113(F) OF THIS TITLE; AND

(2)”;

in the same line, strike “CERTIFIED”; in line 8, strike “PERFORM THE FUNCTIONS IN § 31-113(C)” and substitute “PROVIDE THE SERVICES DESCRIBED IN § 31-113(D)(1)”; after line 9, insert:

“(L) “INDIVIDUAL EXCHANGE NAVIGATOR ENTITY AUTHORIZATION” MEANS A GRANT OF AUTHORITY FROM THE INDIVIDUAL EXCHANGE TO AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY UNDER § 31-113(F) OF THIS TITLE.”;

strike in their entirety lines 10 through 12, inclusive; in lines 15 and 16, strike “HEALTH PLANS AND QUALIFIED DENTAL”; and in line 23, strike “§ 31-108(b)” and substitute “§ 31-108(B)(2)”.

On page 12, in lines 1, 4, 14, 16, 18, 21, and 25, strike “(S)”, “(T)”, “(U)”, “(V)”, “(W)”, “(X)”, and “(Y)”, respectively, and substitute “(R)”, “(S)”, “(V)”, “(W)”, “(X)”, “(Y)”, and “(Z)”, respectively; after line 13, insert:

“(T) “QUALIFIED PLAN” MEANS A:

(1) QUALIFIED HEALTH PLAN;

(2) QUALIFIED DENTAL PLAN; AND

(3) QUALIFIED VISION PLAN.

(U) “QUALIFIED VISION PLAN” MEANS A VISION PLAN CERTIFIED BY THE EXCHANGE THAT PROVIDES LIMITED SCOPE VISION BENEFITS, AS DESCRIBED IN § 31-108(B)(3) OF THIS TITLE.”;

in line 17, strike “§ 31-108(b)(12)” and substitute “§ 31-108(B)(13)”; in line 19, after “EXCHANGE” insert “AND AUTHORIZED BY THE COMMISSIONER”; and in the same line, strike “PERFORM THE FUNCTIONS SET FORTH” and substitute “PROVIDE THE SERVICES DESCRIBED”.

On page 13, in line 16, strike “(Z)” and substitute “(AA)”; and strike beginning with “AND” in line 20 down through “EXCHANGE” in line 22 and substitute:

“(2) INDIVIDUAL HEALTH BENEFIT PLANS, EXCEPT GRANDFATHERED HEALTH PLANS, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT; AND

(3) HEALTH BENEFIT PLANS OFFERED TO SMALL EMPLOYERS, EXCEPT GRANDFATHERED HEALTH PLANS, AS DEFINED IN § 1251 OF THE AFFORDABLE CARE ACT”.

On page 14, in line 2, strike “OR” and substitute a comma; in the same line, after the second “PLANS” insert “, AND QUALIFIED VISION PLANS”; after line 2, insert:

“31–106.

(c) (1) In addition to the powers set forth elsewhere in this title, the Board may:

[(1)] (I) adopt and alter an official seal;

[(2)] (II) sue, be sued, plead, and be impleaded;

[(3)] (III) adopt bylaws, rules, and policies;

[(4)] (IV) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, adopt regulations to carry out this title:

[(i)] 1. in accordance with Title 10, Subtitle 1 of the State Government Article; and

[(ii)] 2. without conflicting with or preventing application of regulations adopted by the Secretary under Title 1, Subtitle D of the Affordable Care Act;

[(5)] (V) maintain an office at the place designated by the Board;

[(6)] (VI) enter into any agreements or contracts and execute the instruments necessary or convenient to manage its own affairs and carry out the purposes of this title;

[(7)] (VII) apply for and receive grants, contracts, or other public or private funding; and

[(8)] (VIII) do all things necessary or convenient to carry out the powers granted by this title.

(2) UNLESS WAIVED BY THE CHAIRS OF THE COMMITTEES, AT LEAST 30 DAYS BEFORE SUBMITTING ANY PROPOSED REGULATION TO THE MARYLAND REGISTER FOR PUBLICATION, THE BOARD SHALL SUBMIT THE PROPOSED REGULATION TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE.

(g) To carry out the purposes of this title, the Board shall:

(1) create and consult with advisory committees; [and]

(2) HAVE AT LEAST TWO STANDING ADVISORY COMMITTEES WHOSE MEMBERS, TO THE EXTENT PRACTICABLE, REFLECT THE GENDER, RACIAL, ETHNIC, AND GEOGRAPHIC DIVERSITY OF THE STATE; AND

[(2)] (3) appoint to the advisory committees representatives of:

(i) insurers or health maintenance organizations offering health benefit plans in the State;

(ii) nonprofit health service plans offering health benefit plans in the State;

(iii) licensed health insurance producers and advisers;

(iv) third-party administrators;

(v) health care providers, including:

1. hospitals;

2. long-term care facilities;

3. mental health providers;

4. developmental disability providers;

5. substance abuse treatment providers;

6. Federally Qualified Health Centers;
 7. physicians;
 8. nurses;
 9. experts in services and care coordination for criminal and juvenile justice populations;
 10. licensed hospice providers; and
 11. other health care professionals;
- (vi) managed care organizations;
- (vii) employers, including large, small, and minority-owned employers;
- (viii) public employee unions, including public employee union members who are caseworkers in local departments of social services with direct knowledge of information technology systems used for Medicaid eligibility determination;
- (ix) consumers, including individuals who:
1. reside in lower-income and racial or ethnic minority communities;
 2. have chronic diseases or disabilities; or
 3. belong to other hard-to-reach or special populations;
- (x) individuals with knowledge and expertise in advocacy for consumers described in item (ix) of this item;
- (xi) public health researchers and other academic experts with knowledge and background relevant to the functions and goals of the Exchange, including knowledge of the health needs and health disparities among the State's diverse communities; and

(xii) any other stakeholders identified by the Exchange as having knowledge or representing interests relevant to the functions and duties of the Exchange.”;

in lines 9 and 26, in each instance, strike “health plans AND QUALIFIED DENTAL”; in line 13, strike “or” and substitute a comma; in the same line, after “with” insert “, OR AS AN ENDORSEMENT TO”; after line 15, insert:

“(3) ALLOW A CARRIER TO OFFER A QUALIFIED VISION PLAN THROUGH THE EXCHANGE THAT PROVIDES LIMITED SCOPE VISION BENEFITS THAT MEET THE REQUIREMENTS OF § 9832(C)(2)(A) OF THE INTERNAL REVENUE CODE, EITHER SEPARATELY, IN CONJUNCTION WITH, OR AS AN ENDORSEMENT TO A QUALIFIED HEALTH PLAN, PROVIDED THAT THE QUALIFIED HEALTH PLAN PROVIDES PEDIATRIC VISION BENEFITS THAT MEET THE REQUIREMENTS OF § 1302(B)(1)(J) OF THE AFFORDABLE CARE ACT;”;

in line 16, strike “(3)” and substitute “**(4) CONSISTENT WITH THE GUIDELINES DEVELOPED BY THE SECRETARY UNDER § 1311(C) OF THE AFFORDABLE CARE ACT,**”; in line 17, after “of” insert “:

(I)”;

in the same line, strike “AND” and substitute “;

(II)”;

strike beginning with the comma in line 18 through “Act” in line 19 and substitute “;
AND

(III) VISION PLANS AS QUALIFIED VISION PLANS”;

in lines 20, 22, 25, and 29, strike “(4)”, “(5)”, “(6)”, and “(7)”, respectively, and substitute “**(5)**”, “**(6)**”, “**(7)**”, and “**(8)**”, respectively; in line 27, strike “and” and substitute a comma; in line 28, after “plans” insert “, AND QUALIFIED VISION PLANS”; and in lines 29, 30, 31, and 32, in each instance, strike “health PLAN AND QUALIFIED DENTAL”.

On page 15, in line 2, strike “LEVELS” and substitute “LEVEL”; in line 5, strike “(8)” and substitute “(9) (1)”; in the same line, strike “health PLAN AND QUALIFIED DENTAL”; in line 8, after the semicolon insert “AND

(II) TO THE EXTENT NECESSARY, MODIFY THE STANDARDIZED FORMAT TO ACCOMMODATE DIFFERENCES IN QUALIFIED HEALTH PLAN, QUALIFIED DENTAL PLAN, AND QUALIFIED VISION PLAN OPTIONS;”;

in lines 9, 17, 19, 24, and 28, strike “(9)”, “(10)”, “(11)”, “(12)”, and “(13)”, respectively, and substitute “(10)”, “(11)”, “(12)”, “(13)”, and “(14)”, respectively; in line 18, strike “(9)” and substitute “(10)”; and in line 20, strike “health plan and a qualified dental”.

On page 16, in lines 1, 16, 18, 21, and 29, strike “(14)”, “(15)”, “(16)”, “(17)”, and “(19)”, respectively, and substitute “(15)”, “(16)”, “(17)”, “(18)”, and “(19)”, respectively; strike in their entirety lines 23 through 28, inclusive; and in line 31, strike “the [Navigator Program]”.

On page 17, in line 1, strike “(4)” and substitute “(5)”; in line 5, strike “the” and substitute “AN”; in line 7, strike “an” and substitute “THE”; in line 17, strike “or”; in line 18, after the second “plan” insert “; OR

(3) ANY VISION PLAN THAT IS NOT A QUALIFIED VISION PLAN;”;

in lines 24, 25, 28, and 29, in each instance, strike “HEALTH PLANS AND QUALIFIED DENTAL”.

AMENDMENT NO. 7

On page 18, in lines 10, 29, and 30, in each instance, strike “HEALTH PLANS AND QUALIFIED DENTAL”; in line 12, after “EXCHANGE” insert “FIRST”; after line 14, insert:

“(2) DECREASE THE NUMBER OF STATE RESIDENTS WITHOUT HEALTH INSURANCE COVERAGE.”;

strike in their entirety lines 15 through 19, inclusive, and substitute:

“(B) (1) SUBJECT TO SUBSECTION (E) OF THIS SECTION, THE EXCHANGE, WITH THE MARKET IMPACT AND LEVERAGE ATTAINED THROUGH A ROBUST AND STABLE ENROLLMENT, MAY USE ALTERNATIVE CONTRACTING OPTIONS AND ACTIVE PURCHASING STRATEGIES TO INCREASE AFFORDABILITY AND QUALITY OF CARE FOR CONSUMERS AND LOWER COSTS IN THE HEALTH CARE SYSTEM OVERALL.

(2) THE EXCHANGE’S EFFORTS TO INCREASE AFFORDABILITY AND QUALITY OF CARE AND TO LOWER COSTS MAY INCLUDE PURSUING KEY OBJECTIVES SUCH AS HIGHER STANDARDS OF CARE, CONTINUITY OF CARE, DELIVERY SYSTEM REFORMS, HEALTH EQUITY, IMPROVED PATIENT EXPERIENCE AND OUTCOMES, AND MEANINGFUL COST CONTROLS WITHIN THE HEALTH CARE SYSTEM.”;

in line 20, strike “(B)” and substitute “(C)”; in line 21, strike “SUBSECTION (A) OF”; in the same line, after “CONSIDER” insert “, ON A CONTINUING BASIS,”; in line 26, strike “PROMOTION OF” and substitute “PROGRESS IN ACHIEVING”; and in lines 27 and 28, strike “(A)(2)” and “(C)”, respectively, and substitute “(B)(2)” and “(D)”, respectively.

On page 19, in lines 2, 3, 6, and 14, in each instance, strike “HEALTH PLANS AND QUALIFIED DENTAL”; in line 5, strike “(D)” and substitute “(E)”; in the same line, strike “AFTER DECEMBER 31, 2014,” and substitute “SUBJECT TO SUBSECTIONS (F) AND (G) OF THIS SECTION, BEGINNING JANUARY 1, 2016,”; in line 15, after the second comma insert “VALUE-BASED INSURANCE DESIGN,”; and strike in their entirety lines 17 through 26, inclusive, and substitute:

“(F) DURING ANY YEAR IN WHICH THE EXCHANGE EMPLOYS ALTERNATIVE CONTRACTING OPTIONS AND ACTIVE PURCHASING STRATEGIES, THE PARTICIPATION REQUIREMENTS SET FORTH IN §§ 15-1204.1(B) AND 15-1303(B) OF THIS ARTICLE FOR CARRIERS IN THE INDIVIDUAL AND SMALL GROUP MARKETS OUTSIDE THE EXCHANGE SHALL BE SUSPENDED.

(G) BEFORE EMPLOYING AN ALTERNATIVE CONTRACTING OPTION OR ACTIVE PURCHASING STRATEGY, THE EXCHANGE:

(1) ON OR AFTER DECEMBER 1, BUT NOT LATER THAN THE FIRST DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY, SHALL SUBMIT TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, A PLAN FOR THE USE OF THE ALTERNATIVE CONTRACTING OPTION OR ACTIVE PURCHASING STRATEGY, INCLUDING AN ANALYSIS OF:

(I) THE OBJECTIVES TO BE ACHIEVED THROUGH USE OF THE ALTERNATIVE CONTRACTING OPTION OR ACTIVE PURCHASING STRATEGY; AND

(II) THE IMPACT ON THE INSURANCE MARKETS INSIDE AND OUTSIDE THE EXCHANGE AND ON CONSUMERS; AND

(2) SHALL ALLOW THE COMMITTEES TO HAVE 90 DAYS FOR REVIEW AND COMMENT.” .

AMENDMENT NO. 8

On page 20, in line 10, strike “AND”; in line 13, after “PLANS” insert “; AND”

(4) THE NEED TO FACILITATE CONTINUITY OF CARE FOR EMPLOYEES WHO CHANGE EMPLOYERS OR HEALTH BENEFIT PLANS”;

in line 18, after “CARRIER” insert “OR AN INSURANCE HOLDING COMPANY SYSTEM, AS DEFINED IN § 7-101 OF THIS ARTICLE,”; in line 19, after “CARRIER” insert “OR THE INSURANCE HOLDING COMPANY SYSTEM”; after line 20, insert:

“(D) IN ADDITION TO THE OPTIONS SET FORTH IN SUBSECTION (C) OF THIS SECTION, THE SHOP EXCHANGE ALSO MAY ALLOW QUALIFIED EMPLOYERS TO DESIGNATE ONE OR MORE QUALIFIED DENTAL PLANS AND QUALIFIED VISION PLANS TO BE MADE AVAILABLE TO THEIR EMPLOYEES.”;

in line 21, strike “(D)” and substitute “(E)”; and in line 29, strike “AND”.

On page 21, in line 2, after “EMPLOYMENT” insert “; AND”

(3) SHALL IMPLEMENT ANY MODIFICATION OF OFFERINGS AND CHOICE THROUGH REGULATIONS ADOPTED BY THE SHOP EXCHANGE;

in line 5, strike the colon; in line 6, strike “(1)”; strike beginning with the semicolon in line 8 down through “EXCHANGE” in line 12; in line 13, strike “ACHIEVE THESE OBJECTIVES” and substitute “CARRY OUT ITS PURPOSE”; strike beginning with “A” in line 14 down through “MAY” in line 16 and substitute “THE SHOP EXCHANGE NAVIGATOR PROGRAM, WITH RESPECT ONLY TO QUALIFIED PLANS OFFERED IN THE SHOP EXCHANGE, SHALL PROVIDE COMPREHENSIVE CONSUMER ASSISTANCE SERVICES, INCLUDING”; in line 17, strike “CONDUCT” and substitute “CONDUCTING”; in line 19, strike “DISTRIBUTE” and substitute “DISTRIBUTING”; in line 20, after “INCLUDING” insert “INFORMATION ABOUT”; in line 24, strike “HEALTH PLANS AND QUALIFIED DENTAL”; strike in their entirety lines 26 and 27; in line 28, strike “(IV) FACILITATE” and substitute “(III) FACILITATING”;

1.”;

in lines 28 and 29, strike “HEALTH PLAN AND QUALIFIED DENTAL”; in line 29, after “SELECTION,” insert “BASED ON THE NEEDS OF THE EMPLOYEE”;

2.”;

in the same line, after “PROCESSES” strike the comma and substitute “;

3.”;

in the same line, after “ENROLLMENT” strike the comma and substitute “;

4.”;

in line 30, after “RENEWALS” strike the comma and substitute a semicolon; and in the same line, after “AND” insert “5.”.

On page 22, in lines 1, 3, 5, and 8, strike “(V)”, “(VI)”, “(VII)”, and “(VIII)”, respectively, and substitute “(IV)”, “(V)”, “(VI)”, “(VII)”, respectively; in the same lines, strike “CONDUCT”, “PROVIDE”, “PROVIDE”, and “PROVIDE”, respectively, and substitute “CONDUCTING”, “PROVIDING”, “PROVIDING”, and “PROVIDING”,

respectively; in line 1, strike “TAX CREDIT”; in line 2, after “REDETERMINATIONS” insert “FOR TAX CREDITS”; in line 3, strike “FOR” and substitute “, INCLUDING THE ATTORNEY GENERAL’S HEALTH EDUCATION AND ADVOCACY UNIT AND THE ADMINISTRATION, FOR APPLICANTS AND”; in line 4, strike “APPEALS,”; in line 9, strike the second comma and substitute “AND”; in line 10, strike “, RENEWAL,”; in the same line, after “IN” insert “AND RENEWAL OF”; in lines 10 and 11, strike “HEALTH PLANS AND QUALIFIED DENTAL”; strike in their entirety lines 12 through 19, inclusive; in line 20, strike “(3)” and substitute “(2)”; in line 25, after “BY” insert “AND RECEIVE COMPENSATION ONLY THROUGH”; and strike beginning with “SHALL” in line 26 down through the semicolon in line 28 and substitute “MAY NOT RECEIVE COMPENSATION FROM OR OTHERWISE BE AFFILIATED WITH A CARRIER, AN INSURANCE PRODUCER, A THIRD-PARTY ADMINISTRATOR, OR ANY OTHER PERSON CONNECTED TO THE INSURANCE INDUSTRY; AND”.

On page 23, in line 3, strike “(F)” and substitute “(H)”; strike beginning with the semicolon in line 3 down through “PRODUCER” in line 5; after line 5, insert:

“(3) WITH RESPECT TO THE INSURANCE MARKET OUTSIDE THE EXCHANGE, A SHOP EXCHANGE NAVIGATOR:

(I) MAY NOT PROVIDE ANY INFORMATION OR SERVICES RELATED TO HEALTH BENEFIT PLANS OR OTHER PRODUCTS NOT OFFERED IN THE EXCHANGE, EXCEPT FOR GENERAL INFORMATION ABOUT THE INSURANCE MARKET OUTSIDE THE EXCHANGE, WHICH SHALL BE LIMITED TO THE INFORMATION PROVIDED IN A CONSUMER EDUCATION DOCUMENT DEVELOPED BY THE EXCHANGE AND THE COMMISSIONER;

(II) SHALL REFER ANY INQUIRIES ABOUT HEALTH BENEFIT PLANS OR OTHER PRODUCTS NOT OFFERED IN THE EXCHANGE TO:

1. ANY RESOURCES THAT MAY BE MAINTAINED BY THE EXCHANGE; OR

2. CARRIERS AND LICENSED INSURANCE PRODUCERS;

(III) MAY NOT SEEK TO REPLACE ANY HEALTH BENEFIT PLAN ALREADY OFFERED BY A SMALL EMPLOYER UNLESS THE SMALL EMPLOYER IS ELIGIBLE FOR A FEDERAL TAX CREDIT AVAILABLE ONLY THROUGH THE SHOP EXCHANGE; AND

(IV) SHALL REFER TO THE INDIVIDUAL EXCHANGE NAVIGATOR PROGRAM ANY INQUIRIES ABOUT INFORMATION OR SERVICES RELATED TO:

1. QUALIFIED PLANS OFFERED IN THE INDIVIDUAL EXCHANGE; OR

2. THE MARYLAND MEDICAL ASSISTANCE PROGRAM AND THE MARYLAND CHILDREN'S HEALTH PROGRAM.”;

in line 16, strike “DENIAL” and substitute “SUSPENSION OR REVOCATION”; strike beginning with “DENY” in line 25 down through “OR” in line 26; and in line 29, strike “APPLICANT OR”.

On page 24, in line 1, after “HAS” insert “WILLFULLY”; in line 3, strike “MADE A MATERIAL MISSTATEMENT” and substitute “INTENTIONALLY MISREPRESENTED OR CONCEALED A MATERIAL FACT”; after line 4, insert:

“(III) HAS OBTAINED THE LICENSE BY MISREPRESENTATION, CONCEALMENT, OR OTHER FRAUD;”;

in lines 5, 7, 9, 11, and 14, strike “(III)”, “(IV)”, “(V)”, “(VI)”, and “(VII)”, respectively, and substitute “(IV)”, “(V)”, “(VII)”, “(VIII)”, and “(XII)”, respectively; in line 6, after “PRACTICES” insert “IN CONDUCTING ACTIVITIES UNDER THE LICENSE”; in line 8, after “MONEY” insert “IN CONDUCTING ACTIVITIES UNDER THE LICENSE”; after line 8, insert:

“(VI) HAS FAILED OR REFUSED TO PAY OVER ON DEMAND MONEY THAT BELONGS TO A PERSON ENTITLED TO THE MONEY;”;

in line 9, after “HAS” insert “WILLFULLY AND”; in line 10, strike “HEALTH PLAN OR QUALIFIED DENTAL”; in line 13, strike “OR”; after line, 13 insert:

“(IX) HAS FAILED AN EXAMINATION REQUIRED BY THIS ARTICLE OR REGULATIONS ADOPTED UNDER THIS ARTICLE;

(X) HAS FORGED ANOTHER’S NAME ON AN APPLICATION FOR A QUALIFIED PLAN OR ON ANY OTHER DOCUMENT IN CONDUCTING ACTIVITIES UNDER THE LICENSE;

(XI) HAS OTHERWISE SHOWN A LACK OF TRUSTWORTHINESS OR COMPETENCE TO ACT AS A SHOP EXCHANGE NAVIGATOR; OR”;

in line 14, after “HAS” insert “WILLFULLY”; and in line 15, after “ORDER” insert “OR SUBPOENA”.

On page 25, in line 1, after “THE” insert “SHOP”; in line 3, strike “THE” and substitute “A”; after line 4, insert:

“(6) THE COMMISSIONER, IN THE COMMISSIONER’S ROLE AS A MEMBER OF THE BOARD, MAY NOT PARTICIPATE IN ANY MATTER THAT INVOLVES THE SHOP EXCHANGE’S NAVIGATOR PROGRAM IF, IN THE COMMISSIONER’S JUDGMENT, THE COMMISSIONER’S PARTICIPATION MIGHT CREATE A CONFLICT OF INTEREST WITH RESPECT TO THE COMMISSIONER’S REGULATORY AUTHORITY OVER THE SHOP EXCHANGE’S NAVIGATOR PROGRAM.

(7) A CARRIER IS NOT RESPONSIBLE FOR THE ACTIVITIES AND CONDUCT OF A SHOP EXCHANGE NAVIGATOR.”;

in line 9, strike “HEALTH PLANS AND QUALIFIED DENTAL”; in line 16, strike “DENY,”; strike beginning with the colon in line 18 down through “4.” in line 25; in line 25, strike “IN VIOLATION OF” and substitute “DESCRIBED IN”; in line 26, strike “(E)” and substitute “(E)(1)”; and in the same line, strike the second “SUBSECTION” and substitute “SECTION WITH RESPECT TO THE AUTHORIZATION”.

On page 26, in lines 4 and 16, in each instance, strike “HEALTH PLAN OR QUALIFIED DENTAL”; in lines 7 and 23, in each instance, strike “HEALTH PLANS

AND QUALIFIED DENTAL”; in line 10, strike “AND”; in line 13, after “SECTION” insert “; AND”

(III) IN PROVIDING ASSISTANCE TO A SMALL EMPLOYER SEEKING INFORMATION ABOUT OFFERING HEALTH INSURANCE, INFORM THE SMALL EMPLOYER OF:

1. ALL QUALIFIED HEALTH PLANS AVAILABLE TO EMPLOYEES IN THE SHOP EXCHANGE; AND

2. ALL OPTIONS AVAILABLE TO THE SMALL EMPLOYER IN THE SHOP EXCHANGE FOR OFFERING QUALIFIED HEALTH PLANS TO EMPLOYEES”;

and in line 16, after “PLAN” insert “OFFERED”.

AMENDMENT NO. 9

On page 27, in line 2, after “(A)” insert “(1)”; after line 3, insert:

“(2) THE NAVIGATOR PROGRAM FOR THE INDIVIDUAL EXCHANGE SHALL BE:

(I) ADMINISTERED BY THE INDIVIDUAL EXCHANGE; AND

(II) REGULATED BY THE COMMISSIONER.

(3) IN ADMINISTERING THE NAVIGATOR PROGRAM, THE INDIVIDUAL EXCHANGE SHALL CONSULT WITH THE COMMISSIONER AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO ENSURE CONSISTENCY AND COMPLIANCE WITH ALL LAWS, REGULATIONS, AND POLICIES GOVERNING:

(I) THE SALE, SOLICITATION, AND NEGOTIATION OF HEALTH INSURANCE; AND

(II) THE MARYLAND MEDICAL ASSISTANCE PROGRAM AND THE MARYLAND CHILDREN’S HEALTH PROGRAM.

(4) IN REGULATING THE NAVIGATOR PROGRAM, THE COMMISSIONER SHALL ENTER INTO ONE OR MORE MEMORANDA OF UNDERSTANDING WITH THE EXCHANGE AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO FACILITATE ENFORCEMENT OF THIS SECTION.

(5) THE COMMISSIONER MAY REQUIRE THE INDIVIDUAL EXCHANGE TO:

(I) MAKE AVAILABLE TO THE COMMISSIONER ALL RECORDS, DOCUMENTS, DATA, AND OTHER INFORMATION RELATING TO THE NAVIGATOR PROGRAM, INCLUDING THE AUTHORIZATION OF INDIVIDUAL EXCHANGE NAVIGATOR ENTITIES AND THE CERTIFICATION OF INDIVIDUAL EXCHANGE NAVIGATORS; AND

(II) SUBMIT A CORRECTIVE PLAN TO TAKE APPROPRIATE ACTION TO ADDRESS ANY PROBLEMS OR DEFICIENCIES IDENTIFIED BY THE COMMISSIONER IN THE INDIVIDUAL EXCHANGE NAVIGATOR ENTITY AUTHORIZATION PROCESS OR THE INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION PROCESS.

(6) THE COMMISSIONER, IN THE COMMISSIONER’S ROLE AS A MEMBER OF THE BOARD, MAY NOT PARTICIPATE IN ANY MATTER THAT INVOLVES THE INDIVIDUAL EXCHANGE’S NAVIGATOR PROGRAM IF, IN THE COMMISSIONER’S JUDGMENT, THE COMMISSIONER’S PARTICIPATION MIGHT CREATE A CONFLICT OF INTEREST WITH RESPECT TO THE COMMISSIONER’S REGULATORY AUTHORITY OVER THE INDIVIDUAL EXCHANGE’S NAVIGATOR PROGRAM.”;

in lines 6 and 7, strike “PROVIDE ENROLLMENT AND ELIGIBILITY SERVICE TO” and substitute “SERVICES ON”; in line 9, strike “, AS”; in lines 9 and 10, strike “, COMMUNITY–BASED ORGANIZATIONS AND OTHER ENTITIES”; in line 11, strike “ARE FAMILIAR” and substitute “HAVE EXPERTISE IN WORKING”; in lines 18 and 19, strike “QUALIFIED HEALTH PLANS,”; in line 19, strike “DENTAL”; in line 21, strike “PROGRAM PLANS” and substitute “TYPES OF COVERAGE DESCRIBED IN ITEM (I) OF THIS ITEM OR HAVE LAPSED ENROLLMENT”; in line 25, strike “ACHIEVE THESE

OBJECTIVES” and substitute “CARRY OUT ITS PURPOSES”; in line 26, strike “AN” and substitute “THE”; in the same line, after “NAVIGATOR” insert “PROGRAM”; in lines 28 and 29, strike “HEALTH PLANS AND QUALIFIED DENTAL”; in line 29, strike “MAY” and substitute “SHALL PROVIDE COMPREHENSIVE CONSUMER ASSISTANCE SERVICES, INCLUDING”; and in line 30, strike “CONDUCT” and substitute “CONDUCTING”.

On page 28, in line 1, strike “DISTRIBUTE” and substitute “DISTRIBUTING”; in line 3, after “SUBSIDIES” insert “AND COST-SHARING ASSISTANCE”; in lines 9 and 30 and 31, in each instance, strike “HEALTH PLANS AND QUALIFIED DENTAL”; in line 10, after “THE” insert “INDIVIDUAL”; strike beginning with “FACILITATE” in line 11 down through “DISENROLLMENT” in line 13 and substitute “WITH RESPECT TO QUALIFIED PLANS, FACILITATING”:

(I) PLAN SELECTION, BASED ON THE NEEDS OF THE INDIVIDUAL SEEKING TO ENROLL;

(II) ASSESSMENT OF TAX IMPLICATIONS AND PREMIUM AND COST-SHARING REQUIREMENTS; AND

(III) APPLICATION, ENROLLMENT, RENEWAL, AND DISENROLLMENT PROCESSES”;

in line 14, strike “FACILITATE” and substitute “FACILITATING”; in line 17, after “ORGANIZATIONS,” insert “AND”; in the same line, after “APPLICATION” insert “, ENROLLMENT, AND DISENROLLMENT”; in lines 17 and 18, strike “, ENROLLMENT, AND DISENROLLMENT”; in line 19, strike “CONDUCT” and substitute “CONDUCTING”; in line 20, after “SUBSIDIES” insert “AND COST-SHARING ASSISTANCE”; in line 21, strike “PROVIDE” and substitute “PROVIDING”; in the same line, strike “FOR” and substitute “, INCLUDING THE ATTORNEY GENERAL’S HEALTH EDUCATION AND ADVOCACY UNIT AND THE ADMINISTRATION, FOR APPLICANTS AND”; in lines 24 and 27, in each instance, strike “PROVIDE” and substitute “PROVIDING”; in line 31, after “THE” insert “INDIVIDUAL”; and in line 32, after “(D)” insert “(1) THE CONSUMER ASSISTANCE SERVICES DESCRIBED IN SUBSECTION (C) OF THIS SECTION THAT MUST BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR ARE THOSE SERVICES THAT INVOLVE THE SALE,

SOLICITATION, AND NEGOTIATION OF QUALIFIED PLANS OFFERED IN THE INDIVIDUAL EXCHANGE, INCLUDING:

(I) EXAMINING OR OFFERING TO EXAMINE A QUALIFIED PLAN FOR THE PURPOSE OF GIVING, OR OFFERING TO GIVE, ADVICE OR INFORMATION ABOUT THE TERMS, CONDITIONS, BENEFITS, COVERAGE, OR PREMIUM OF A QUALIFIED PLAN;

(II) FACILITATING:

1. QUALIFIED PLAN SELECTION;

2. THE APPLICATION OF PREMIUM TAX SUBSIDIES TO SELECTED QUALIFIED HEALTH PLANS;

3. PLAN APPLICATION, ENROLLMENT, RENEWAL, AND DISENROLLMENT PROCESSES; AND

(III) PROVIDING ONGOING SUPPORT WITH RESPECT TO ISSUES RELATING TO QUALIFIED PLAN ENROLLMENT, APPLICATION OF PREMIUM TAX SUBSIDIES, RENEWAL, AND DISENROLLMENT.

(2) THE CONSUMER ASSISTANCE SERVICES DESCRIBED IN SUBSECTION (C) OF THIS SECTION THAT DO NOT HAVE TO BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR ARE:

(I) CONDUCTING GENERAL EDUCATION AND OUTREACH;

(II) FACILITATING ELIGIBILITY DETERMINATIONS AND REDETERMINATIONS FOR PREMIUM TAX SUBSIDIES, THE MARYLAND MEDICAL ASSISTANCE PROGRAM, AND THE MARYLAND CHILDREN'S HEALTH PROGRAM; AND

(III) FACILITATING AND PROVIDING ONGOING SUPPORT WITH RESPECT TO THE SELECTION OF MANAGED CARE ORGANIZATIONS, APPLICATION PROCESSES, ENROLLMENT, AND DISENROLLMENT FOR THE

MARYLAND MEDICAL ASSISTANCE PROGRAM AND THE MARYLAND CHILDREN'S HEALTH PROGRAM.

(E) (1) THE EXCHANGE MAY AUTHORIZE AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY TO PROVIDE CONSUMER ASSISTANCE SERVICES THAT:

(I) ARE REQUIRED TO BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR; OR

(II) SUBJECT TO PARAGRAPH (2)(III) OF THIS SUBSECTION, RESULT IN A CONSUMER'S ENROLLMENT IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN'S HEALTH PROGRAM.

(2) THE EXCHANGE:

(I) MAY LIMIT THE AUTHORIZATION OF AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY TO THE PROVISION OF A SUBSET OF SERVICES, DEPENDING ON THE NEEDS OF THE INDIVIDUAL EXCHANGE NAVIGATOR PROGRAM AND THE CAPACITY OF THE INDIVIDUAL EXCHANGE NAVIGATOR ENTITY, PROVIDED THAT THE NAVIGATOR PROGRAM OVERALL PROVIDES THE TOTALITY OF SERVICES REQUIRED BY THE AFFORDABLE CARE ACT AND THIS SUBTITLE;

(II) PURSUANT TO CONTRACTUAL AGREEMENT, MAY REQUIRE AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY TO PROVIDE EDUCATION, OUTREACH, AND OTHER CONSUMER ASSISTANCE SERVICES IN ADDITION TO THE SERVICES PROVIDED UNDER THE INDIVIDUAL EXCHANGE NAVIGATOR ENTITY'S AUTHORIZATION IN ORDER TO ACHIEVE ALL OF THE OBJECTIVES OF THE NAVIGATOR PROGRAM; AND

(III) MAY NOT AUTHORIZE AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY TO PROVIDE SERVICES THAT RESULT IN A CONSUMER'S ENROLLMENT IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN'S HEALTH PROGRAM WITHOUT THE APPROVAL OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

(F) AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY:

(1) SHALL OBTAIN AUTHORIZATION FROM THE INDIVIDUAL EXCHANGE TO PROVIDE SERVICES THAT:

(i) ARE REQUIRED TO BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR; OR

(ii) RESULT IN A CONSUMER'S ENROLLMENT IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN'S HEALTH PROGRAM;

(2) MAY PROVIDE:

(i) THOSE SERVICES THAT ARE WITHIN THE SCOPE OF THE INDIVIDUAL EXCHANGE NAVIGATOR ENTITY'S AUTHORIZATION; AND

(ii) ANY OTHER CONSUMER ASSISTANCE SERVICES THAT:

1. ARE NOT REQUIRED TO BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR; OR

2. DO NOT REQUIRE AUTHORIZATION UNDER THIS SUBSECTION;

(3) TO THE EXTENT THE SCOPE OF ITS AUTHORIZATION INCLUDES SERVICES THAT MUST BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR, SHALL PROVIDE THOSE SERVICES ONLY THROUGH INDIVIDUAL EXCHANGE NAVIGATORS;

(4) IN ADDITION TO THE SERVICES IT MAY PROVIDE UNDER ITS AUTHORIZATION, MAY EMPLOY OR ENGAGE OTHER INDIVIDUALS TO CONDUCT:

(i) CONSUMER EDUCATION AND OUTREACH; AND

(II) DETERMINATIONS OF ELIGIBILITY FOR PREMIUM SUBSIDIES AND COST-SHARING ASSISTANCE, THE MARYLAND MEDICAL ASSISTANCE PROGRAM, AND THE MARYLAND CHILDREN'S HEALTH PROGRAM;

(5) MAY EMPLOY OR ENGAGE INDIVIDUALS TO PERFORM ACTIVITIES THAT:

(I) ARE EXECUTIVE, ADMINISTRATIVE, MANAGERIAL, OR CLERICAL; AND

(II) RELATE ONLY INDIRECTLY TO SERVICES THAT MUST BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR OR RESULT IN A CONSUMER'S ENROLLMENT IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN'S HEALTH PROGRAM;

(6) SHALL COMPLY WITH ALL STATE AND FEDERAL LAWS, REGULATIONS, AND POLICIES GOVERNING THE MARYLAND MEDICAL ASSISTANCE PROGRAM AND THE MARYLAND CHILDREN'S HEALTH PROGRAM;

(7) MAY NOT RECEIVE ANY COMPENSATION, DIRECTLY OR INDIRECTLY:

(I) FROM A CARRIER, AN INSURANCE PRODUCER, OR A THIRD-PARTY ADMINISTRATOR IN CONNECTION WITH THE ENROLLMENT OF A QUALIFIED INDIVIDUAL IN A QUALIFIED HEALTH PLAN; OR

(II) FROM ANY MANAGED CARE ORGANIZATION THAT PARTICIPATES IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM IN CONNECTION WITH THE ENROLLMENT OF AN INDIVIDUAL IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN'S HEALTH PROGRAM; AND

(8) WITH RESPECT TO THE INSURANCE MARKET OUTSIDE THE EXCHANGE:

(I) MAY NOT PROVIDE ANY INFORMATION OR SERVICES RELATED TO HEALTH BENEFIT PLANS OR OTHER PRODUCTS NOT OFFERED IN THE EXCHANGE, EXCEPT FOR GENERAL INFORMATION ABOUT THE INSURANCE MARKET OUTSIDE THE EXCHANGE, WHICH SHALL BE LIMITED TO THE INFORMATION PROVIDED IN A CONSUMER EDUCATION DOCUMENT DEVELOPED BY THE EXCHANGE AND THE COMMISSIONER;

(II) SHALL REFER ANY INQUIRIES ABOUT HEALTH BENEFIT PLANS OR OTHER PRODUCTS NOT OFFERED IN THE EXCHANGE TO:

1. ANY RESOURCES THAT MAY BE MAINTAINED BY THE EXCHANGE; OR

2. CARRIERS AND LICENSED INSURANCE PRODUCERS; AND

(III) ON CONTACT WITH AN INDIVIDUAL WHO ACKNOWLEDGES HAVING EXISTING HEALTH INSURANCE COVERAGE OBTAINED THROUGH AN INSURANCE PRODUCER, SHALL REFER THE INDIVIDUAL BACK TO THE INSURANCE PRODUCER FOR INFORMATION AND SERVICES UNLESS:

1. THE INDIVIDUAL IS ELIGIBLE FOR BUT HAS NOT OBTAINED A FEDERAL PREMIUM SUBSIDY AND COST-SHARING ASSISTANCE AVAILABLE ONLY THROUGH THE INDIVIDUAL EXCHANGE;

2. THE INSURANCE PRODUCER IS NOT AUTHORIZED TO SELL QUALIFIED PLANS IN THE INDIVIDUAL EXCHANGE; OR

3. THE INDIVIDUAL WOULD PREFER NOT TO SEEK FURTHER ASSISTANCE FROM THE INDIVIDUAL'S INSURANCE PRODUCER.

(G) (1) THE COMMISSIONER MAY SUSPEND OR REVOKE AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY AUTHORIZATION AFTER NOTICE AND OPPORTUNITY FOR A HEARING UNDER §§ 2-210 THROUGH 2-214 OF THIS ARTICLE IF THE INDIVIDUAL EXCHANGE NAVIGATOR ENTITY:

(I) HAS WILLFULLY VIOLATED THIS ARTICLE OR ANY REGULATION ADOPTED UNDER THIS ARTICLE;

(II) HAS ENGAGED IN FRAUDULENT OR DISHONEST PRACTICES IN CONDUCTING ACTIVITIES UNDER THE INDIVIDUAL EXCHANGE NAVIGATOR ENTITY AUTHORIZATION;

(III) HAS HAD ANY PROFESSIONAL LICENSE OR CERTIFICATION SUSPENDED OR REVOKED FOR A FRAUDULENT OR DISHONEST PRACTICE;

(IV) HAS BEEN CONVICTED OF A FELONY, A CRIME OF MORAL TURPITUDE, OR ANY CRIMINAL OFFENSE INVOLVING DISHONESTY OR BREACH OF TRUST; OR

(V) HAS WILLFULLY FAILED TO COMPLY WITH OR VIOLATED A PROPER ORDER OR SUBPOENA OF THE COMMISSIONER.

(2) INSTEAD OF OR IN ADDITION TO SUSPENDING OR REVOKING AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY AUTHORIZATION, THE COMMISSIONER MAY:

(I) IMPOSE A PENALTY OF NOT LESS THAN \$100 BUT NOT EXCEEDING \$500 FOR EACH VIOLATION OF THIS ARTICLE; AND

(II) REQUIRE THAT RESTITUTION BE MADE TO ANY PERSON WHO HAS SUFFERED FINANCIAL INJURY BECAUSE OF THE INDIVIDUAL EXCHANGE NAVIGATOR ENTITY'S VIOLATION OF THIS ARTICLE.

(3) THE PENALTIES AVAILABLE TO THE COMMISSIONER UNDER THIS SUBSECTION SHALL BE IN ADDITION TO ANY CRIMINAL OR CIVIL PENALTIES IMPOSED FOR FRAUD OR OTHER MISCONDUCT UNDER ANY OTHER STATE OR FEDERAL LAW.

(4) THE COMMISSIONER SHALL NOTIFY THE INDIVIDUAL EXCHANGE OF ANY DECISION AFFECTING THE AUTHORIZATION OF AN

INDIVIDUAL EXCHANGE NAVIGATOR ENTITY OR ANY SANCTION IMPOSED ON AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY UNDER THIS SUBSECTION.

(5) A CARRIER IS NOT RESPONSIBLE FOR THE ACTIVITIES AND CONDUCT OF INDIVIDUAL EXCHANGE NAVIGATOR ENTITIES.

(H)”.

On page 29, in line 2, strike “(F)” and substitute “(J)”;

“(2) MAY PROVIDE CONSUMER ASSISTANCE SERVICES THAT ARE REQUIRED TO BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR UNDER SUBSECTION (D)(1) OF THIS SECTION;”;

in lines 3, 5, and 7, strike “(2)”, “(3)”, and “(4)”, respectively, and substitute “(3)”, “(4)”, and “(5)”, respectively; in line 3, after “PRODUCER” insert “OR ADVISER”; strike in their entirety lines 10 through 24, inclusive, and substitute:

“(6) MAY NOT RECEIVE ANY COMPENSATION, DIRECTLY OR INDIRECTLY:

(I) FROM A CARRIER, AN INSURANCE PRODUCER, OR A THIRD-PARTY ADMINISTRATOR IN CONNECTION WITH THE ENROLLMENT OF A QUALIFIED INDIVIDUAL IN A QUALIFIED HEALTH PLAN; OR

(II) FROM A MANAGED CARE ORGANIZATION THAT PARTICIPATES IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM IN CONNECTION WITH THE ENROLLMENT OF AN INDIVIDUAL IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN’S HEALTH PROGRAM;

(7) WITH RESPECT TO THE INSURANCE MARKET OUTSIDE THE EXCHANGE, IS SUBJECT TO THE SAME REQUIREMENTS APPLICABLE TO INDIVIDUAL EXCHANGE NAVIGATOR ENTITIES AS SET FORTH IN SUBSECTION (F)(8) OF THIS SECTION; AND”;

in line 25, strike the second “AND” and substitute a comma; in line 26, after “REGULATIONS” insert “, AND POLICIES”; in line 28, strike “(E) (1)” and substitute “(I)”; in line 29, strike “(I)” and substitute “(1)”; and in line 30, strike “PROGRAM” and substitute “PROCESS”.

On page 30, strike in their entirety lines 1 through 9, inclusive, and substitute:

“(2) IN CONSULTATION WITH THE COMMISSIONER AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBSECTION; AND

(3) MAY IMPLEMENT THE INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION PROCESS WITH THE ASSISTANCE OF THE COMMISSIONER AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, IN ACCORDANCE WITH ONE OR MORE MEMORANDA OF UNDERSTANDING.”;

strike in their entirety lines 10 through 19, inclusive; in line 20, strike “(F)” and substitute “(J)”; in line 29, strike “(G)” and substitute “(K)”; and after line 31, insert:

“(3) A CERTIFICATION SHALL EXPIRE 2 YEARS AFTER THE DATE IT IS ISSUED UNLESS IT IS RENEWED.”.

On page 31, strike in their entirety lines 1 through 5, inclusive, and substitute:

“(K) (1) THE EXCHANGE, WITH THE APPROVAL OF THE COMMISSIONER AND IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND STAKEHOLDERS, SHALL DEVELOP, IMPLEMENT, AND, AS APPROPRIATE, UPDATE A TRAINING PROGRAM FOR THE CERTIFICATION OF INDIVIDUAL EXCHANGE NAVIGATORS.”;

in line 7, strike “AFFORD” and substitute “PROVIDE”; in the same line, after “NAVIGATORS” insert “WITH”; in lines 14 and 15, strike “HEALTH PLANS AND QUALIFIED DENTAL”; in lines 15 and 19, in each instance, after “THE” insert “INDIVIDUAL”; and strike in their entirety lines 26 through 34, inclusive.

On page 32, in line 1, strike “(4)” and substitute “(3)”; strike beginning with “COMMISSIONER” in line 2 down through “PROGRAM” in line 3 and substitute “THE

DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND WITH THE APPROVAL OF THE COMMISSIONER"; in line 6, strike "A" and substitute "AN INDIVIDUAL EXCHANGE NAVIGATOR"; strike beginning with "CERTIFICATE" in line 10 down through "ENTITY" in line 13 and substitute "INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION OR THE REACTIVATION OF AN INACTIVE INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION"; in line 14, strike "(H)" and substitute "(L)"; in line 17, strike "APPLICANT OR"; in line 18, after "HAS" insert "WILLFULLY"; in the same line, strike the colon; and in line 19, strike "1."

On pages 32 and 33, strike beginning with "OR" in line 20 on page 32 down through "COMMISSIONER" in line 5 on page 33 and substitute:

"(II) HAS INTENTIONALLY MISREPRESENTED OR CONCEALED A MATERIAL FACT IN THE APPLICATION FOR THE INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION;

(III) HAS OBTAINED THE INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION BY MISREPRESENTATION, CONCEALMENT, OR OTHER FRAUD;

(IV) HAS ENGAGED IN FRAUDULENT OR DISHONEST PRACTICES IN CONDUCTING ACTIVITIES UNDER THE INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION;

(V) HAS MISAPPROPRIATED, CONVERTED, OR UNLAWFULLY WITHHELD MONEY IN CONDUCTING ACTIVITIES UNDER THE INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION;

(VI) HAS FAILED OR REFUSED TO PAY OVER ON DEMAND MONEY THAT BELONGS TO A PERSON ENTITLED TO THE MONEY;

(VII) HAS WILLFULLY AND MATERIALLY MISREPRESENTED THE PROVISIONS OF A QUALIFIED PLAN;

(VIII) HAS BEEN CONVICTED OF A FELONY, A CRIME OF MORAL TURPITUDE, OR ANY CRIMINAL OFFENSE INVOLVING DISHONESTY OR BREACH OF TRUST;

(IX) HAS FAILED AN EXAMINATION REQUIRED BY THIS ARTICLE OR REGULATIONS ADOPTED UNDER THIS ARTICLE;

(X) HAS FORGED ANOTHER'S NAME ON AN APPLICATION FOR A QUALIFIED PLAN OR ON ANY OTHER DOCUMENT IN CONDUCTING ACTIVITIES UNDER THE INDIVIDUAL EXCHANGE NAVIGATOR CERTIFICATION;

(XI) HAS OTHERWISE SHOWN A LACK OF TRUSTWORTHINESS OR COMPETENCE TO ACT AS AN INDIVIDUAL EXCHANGE NAVIGATOR; OR

(XII) HAS WILLFULLY FAILED TO COMPLY WITH OR VIOLATED A PROPER ORDER OR SUBPOENA OF THE COMMISSIONER”;

in line 18, after “EXCHANGE” insert “AND THE INDIVIDUAL EXCHANGE NAVIGATOR ENTITY FOR WHICH THE INDIVIDUAL EXCHANGE NAVIGATOR WORKS”; after line 20, insert:

“(5) A CARRIER IS NOT RESPONSIBLE FOR THE ACTIVITIES AND CONDUCT OF INDIVIDUAL EXCHANGE NAVIGATORS.”;

in line 21, strike “(I)” and substitute “(M)”; in lines 22 and 24, in each instance, strike “PROGRAM” and substitute “PROCESS”; in line 26, strike “HEALTH PLANS AND QUALIFIED DENTAL”; and in line 27, strike “(J)” and substitute “(N)”.

On page 34, in line 3, strike “DENY,”; strike beginning with the colon in line 5 down through “4.” in line 12; in line 12, strike “IN VIOLATION OF” and substitute “DESCRIBED IN”; in line 13, strike “(H)” and substitute “(M)(1)”; in the same line, after “SECTION” insert “WITH RESPECT TO THE AUTHORIZATION”; in line 17, strike “IN CONSULTATION”; in the same line, after “THE” insert “APPROVAL OF THE”; in line 19, strike “(J)” and substitute “(N)”; in line 22, strike “HEALTH PLAN OR QUALIFIED DENTAL”; in line 24, strike “LICENSED” and substitute “CERTIFIED”; in

line 25, strike “HEALTH PLANS AND QUALIFIED DENTAL”; and in line 31, strike “(K)” and substitute “(O)”.

On page 35, in lines 7 and 8, strike “HEALTH PLAN OR A QUALIFIED DENTAL”; in line 10, strike “(K)” and substitute “(O)”; in line 12, strike “HEALTH PLANS AND QUALIFIED DENTAL”; after line 21, insert:

“(P) NOTHING IN THIS SECTION SHALL PROHIBIT A COMMUNITY-BASED ORGANIZATION OR A UNIT OF STATE OR LOCAL GOVERNMENT FROM PROVIDING THE CONSUMER ASSISTANCE SERVICES DESCRIBED IN SUBSECTION (C) OF THIS SECTION THAT ARE NOT REQUIRED TO BE PROVIDED BY AN INDIVIDUAL EXCHANGE NAVIGATOR, IF THE ENTITY PROVIDING THE SERVICES AND ITS EMPLOYEES DO NOT:

(1) RECEIVE ANY COMPENSATION, DIRECTLY OR INDIRECTLY, FROM A CARRIER, AN INSURANCE PRODUCER, OR A THIRD-PARTY ADMINISTRATOR IN CONNECTION WITH THE ENROLLMENT OF A QUALIFIED INDIVIDUAL IN A QUALIFIED HEALTH PLAN;

(2) RECEIVE ANY COMPENSATION, DIRECTLY OR INDIRECTLY, FROM A MANAGED CARE ORGANIZATION THAT PARTICIPATES IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR THE MARYLAND CHILDREN’S HEALTH PROGRAM; AND

(3) IDENTIFY THEMSELVES TO THE PUBLIC AS AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITIES OR INDIVIDUAL EXCHANGE NAVIGATORS.”;

and in line 26, after “NAVIGATOR” insert “OR AN INDIVIDUAL EXCHANGE NAVIGATOR ENTITY”.

AMENDMENT NO. 10

On page 36, in line 3, strike “AND”; in line 7, strike “BUNDLED WITH” and substitute “SOLD IN CONJUNCTION WITH OR AS AN ENDORSEMENT TO”; and in line 8, after “PLANS” insert “; AND”

(3) VISION PLANS AS QUALIFIED VISION PLANS, WHICH MAY BE OFFERED BY CARRIERS AS:

(I) STAND-ALONE VISION PLANS; OR**(II) VISION PLANS SOLD IN CONJUNCTION WITH OR AS AN ENDORSEMENT TO QUALIFIED HEALTH PLANS**.

On page 37, in line 25, strike the third “AND”; in line 27, strike “HEALTH PLANS AND QUALIFIED DENTAL”; in line 28, after “ENROLLMENT” insert “;AND

(III) DEMONSTRATING COMPLIANCE WITH THE FEDERAL MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008;

in line 29, after “(c)” insert “**(1)**”; in line 30, strike “(g)” and substitute “**(H)**”; and in line 32, strike “(1)” and substitute “**(I)**”.

On page 38, in lines 1, 3, and 5, strike “(2)”, “(i)”, and “(ii)”, respectively, and substitute “**(II)**”, “**1.**”, and “**2.**”, respectively; in line 3, after “pediatric” insert “DENTAL”; after line 7, insert:

“(2) THE EXCHANGE MAY DETERMINE WHETHER A CARRIER MAY ELECT TO INCLUDE NONESSENTIAL ORAL AND DENTAL BENEFITS IN A QUALIFIED HEALTH PLAN.**(D) (1) A QUALIFIED HEALTH PLAN IS NOT REQUIRED TO PROVIDE ESSENTIAL BENEFITS THAT DUPLICATE THE MINIMUM BENEFITS OF QUALIFIED VISION PLANS, AS PROVIDED IN SUBSECTION (I) OF THIS SECTION, IF:****(I) THE EXCHANGE HAS DETERMINED THAT AT LEAST ONE QUALIFIED VISION PLAN IS AVAILABLE TO SUPPLEMENT THE QUALIFIED HEALTH PLAN’S COVERAGE; AND****(II) AT THE TIME THE CARRIER OFFERS THE QUALIFIED HEALTH PLAN, THE CARRIER DISCLOSES IN A FORM APPROVED BY THE EXCHANGE THAT:****1. THE PLAN DOES NOT PROVIDE THE FULL RANGE OF ESSENTIAL PEDIATRIC VISION BENEFITS; AND**

2. QUALIFIED VISION PLANS PROVIDING THESE AND OTHER VISION BENEFITS ALSO NOT PROVIDED BY THE QUALIFIED HEALTH PLAN ARE OFFERED THROUGH THE EXCHANGE.

(2) THE EXCHANGE MAY DETERMINE WHETHER A CARRIER MAY ELECT TO INCLUDE NONESSENTIAL VISION BENEFITS IN A QUALIFIED HEALTH PLAN.”;

and in lines 8, 13, and 21, strike “(d)”, “(e)”, and “(f)”, respectively, and substitute “**(E)**”, “**(F)**”, and “**(G)**”, respectively.

AMENDMENT NO. 11

On page 39, in line 13, strike “(g)” and substitute “**(H)**”; in the same line, strike “(2), (3), [and] (4), AND (5)” and substitute “**(2) THROUGH (5)**”; in line 15, after “plans” insert “**TO THE EXTENT RELEVANT, WHETHER OFFERED IN CONJUNCTION WITH OR AS AN ENDORSEMENT TO QUALIFIED HEALTH PLANS OR AS STAND-ALONE DENTAL PLANS**”; strike beginning with “Carriers” in line 27 down through “jointly” in line 31 and substitute “**(I) THE EXCHANGE MAY DETERMINE:**

1. THE MANNER IN WHICH CARRIERS MUST DISCLOSE THE PRICE OF ORAL AND DENTAL BENEFITS AND, TO THE EXTENT RELEVANT, MEDICAL BENEFITS, WHEN OFFERED:

A. TO THE EXTENT PERMITTED BY THE EXCHANGE, IN A QUALIFIED HEALTH PLAN;

B. IN CONJUNCTION WITH OR AS AN ENDORSEMENT TO A QUALIFIED HEALTH PLAN; OR

C. AS A STAND-ALONE PLAN; AND

2. WHEN A CARRIER OFFERS A QUALIFIED DENTAL PLAN IN CONJUNCTION WITH A QUALIFIED HEALTH PLAN, WHETHER THE CARRIER ALSO MUST MAKE THE QUALIFIED HEALTH PLAN, THE QUALIFIED

DENTAL PLAN, OR BOTH QUALIFIED PLANS AVAILABLE ON A STAND-ALONE BASIS.

(II) IN DETERMINING THE MANNER IN WHICH CARRIERS MUST OFFER AND DISCLOSE THE PRICE OF MEDICAL, ORAL, AND DENTAL BENEFITS UNDER THIS PARAGRAPH, THE EXCHANGE SHALL BALANCE THE OBJECTIVES OF TRANSPARENCY AND AFFORDABILITY FOR CONSUMERS”;

and in line 32, after “MAY” insert “:

(I) EXEMPT QUALIFIED DENTAL PLANS FROM A REQUIREMENT APPLICABLE TO QUALIFIED HEALTH PLANS UNDER THIS TITLE TO THE EXTENT THE EXCHANGE DETERMINES THE REQUIREMENT IS NOT RELEVANT TO QUALIFIED DENTAL PLANS; AND

(II)”.

AMENDMENT NO. 12

On page 40, after line 2, insert:

“(I) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) THROUGH (5) OF THIS SUBSECTION, THE REQUIREMENTS APPLICABLE TO QUALIFIED HEALTH PLANS UNDER THIS TITLE ALSO SHALL APPLY TO QUALIFIED VISION PLANS TO THE EXTENT RELEVANT, WHETHER OFFERED IN CONJUNCTION WITH OR AS AN ENDORSEMENT TO QUALIFIED HEALTH PLANS OR AS STAND-ALONE VISION PLANS.

(2) A CARRIER OFFERING A QUALIFIED VISION PLAN SHALL BE LICENSED TO OFFER VISION COVERAGE BUT NEED NOT BE LICENSED TO OFFER OTHER HEALTH BENEFITS.

(3) A QUALIFIED VISION PLAN SHALL:

(I) BE LIMITED TO VISION AND EYE HEALTH BENEFITS, WITHOUT SUBSTANTIAL DUPLICATION OF OTHER BENEFITS TYPICALLY OFFERED BY HEALTH BENEFIT PLANS WITHOUT VISION COVERAGE; AND

(II) INCLUDE AT A MINIMUM:

1. THE ESSENTIAL PEDIATRIC VISION BENEFITS REQUIRED BY THE SECRETARY UNDER § 1302(B)(1)(J) OF THE AFFORDABLE CARE ACT; AND

2. OTHER VISION BENEFITS REQUIRED BY THE SECRETARY OR THE EXCHANGE.

(4) (I) THE EXCHANGE MAY DETERMINE:

1. THE MANNER IN WHICH CARRIERS MUST DISCLOSE THE PRICE OF VISION BENEFITS AND, TO THE EXTENT RELEVANT, MEDICAL BENEFITS, WHEN OFFERED:

A. TO THE EXTENT PERMITTED BY THE EXCHANGE, IN A QUALIFIED HEALTH PLAN;

B. IN CONJUNCTION WITH OR AS AN ENDORSEMENT TO A QUALIFIED HEALTH PLAN; OR

C. AS A STAND-ALONE PLAN; AND

2. WHEN A CARRIER OFFERS A QUALIFIED VISION PLAN IN CONJUNCTION WITH A QUALIFIED HEALTH PLAN, WHETHER THE CARRIER ALSO MUST MAKE THE QUALIFIED HEALTH PLAN, THE QUALIFIED VISION PLAN, OR BOTH QUALIFIED PLANS AVAILABLE ON A STAND-ALONE BASIS.

(II) IN DETERMINING THE MANNER IN WHICH CARRIERS MUST OFFER AND DISCLOSE THE PRICE OF MEDICAL AND VISION BENEFITS UNDER THIS PARAGRAPH, THE EXCHANGE SHALL BALANCE THE OBJECTIVES OF TRANSPARENCY AND AFFORDABILITY FOR CONSUMERS.

(5) THE EXCHANGE MAY:

(I) EXEMPT QUALIFIED VISION PLANS FROM A REQUIREMENT APPLICABLE TO QUALIFIED HEALTH PLANS UNDER THIS TITLE TO THE EXTENT THE EXCHANGE DETERMINES THE REQUIREMENT IS NOT RELEVANT TO QUALIFIED VISION PLANS; AND

(II) ESTABLISH ADDITIONAL REQUIREMENTS FOR QUALIFIED VISION PLANS IN CONJUNCTION WITH ITS ESTABLISHMENT OF ADDITIONAL REQUIREMENTS FOR QUALIFIED HEALTH PLANS UNDER SUBSECTION (B)(9) OF THIS SECTION.

(J) A MANAGED CARE ORGANIZATION MAY NOT BE REQUIRED TO OFFER A QUALIFIED PLAN IN THE EXCHANGE.”.

AMENDMENT NO. 13

On page 40, in line 8, strike “PROVISION OF” and substitute “BENEFITS MANDATED BY STATE”; in line 10, after “ALL” insert “INDIVIDUAL”; in the same line, after “PLANS” insert “AND HEALTH BENEFIT PLANS OFFERED TO SMALL EMPLOYERS”; in line 11, after “GRANDFATHERED” insert “HEALTH”; in the same line, after “PLANS” insert a comma; in line 12, strike “IN THE INDIVIDUAL AND SMALL GROUP MARKET”; and in line 14, after “(II)” insert “SUBJECT TO § 31-115(C) AND (D) OF THIS TITLE,”.

On page 41, in lines 12, 14, 15, 18, 20, 22, 25, and 27, strike “(4)”, “(I)”, “1.”, “2.”, “(II)”, “1.”, “2.”, and “(5)”, respectively, and substitute “(D)”, “(1)”, “(I)”, “(II)”, “(2)”, “(I)”, “(III)”, and “(E)”, respectively; in line 19, strike “AND”; in line 20, after “STATE” insert “, INCLUDING MEMBERS OF THE GENERAL ASSEMBLY”; in line 21, after “PUBLIC” insert a comma; in line 24, after “STAKEHOLDERS” insert “, INCLUDING:”

1. INDIVIDUALS WITH KNOWLEDGE OF AND EXPERTISE IN ADVOCATING FOR CONSUMERS REPRESENTING LOWER INCOME, RACIAL, ETHNIC, OR OTHER MINORITIES, INDIVIDUALS WITH CHRONIC DISEASES AND OTHER DISABILITIES, AND VULNERABLE POPULATIONS;

2. PUBLIC HEALTH RESEARCHERS AND OTHER ACADEMIC EXPERTS WITH RELEVANT KNOWLEDGE AND BACKGROUND,

INCLUDING KNOWLEDGE AND BACKGROUND RELATING TO DISPARITIES AND THE HEALTH NEEDS OF DIVERSE POPULATIONS; AND

3. CARRIERS, HEALTH CARE PROVIDERS, AND OTHER INDUSTRY REPRESENTATIVES WITH KNOWLEDGE AND EXPERTISE RELEVANT TO HEALTH PLAN BENEFITS AND DESIGN;

(II) TO THE EXTENT PRACTICABLE, APPOINTING INDIVIDUALS TO THE ADVISORY GROUP WHO REFLECT THE GENDER, RACIAL, ETHNIC, AND GEOGRAPHIC DIVERSITY OF THE STATE”;

in line 25, after “FOR” insert “MEMBERS OF THE GENERAL ASSEMBLY AND”; in line 26, after “TO” insert “:

1. BE KEPT INFORMED BY ELECTRONIC MAIL; AND

2.”;

and in the same line, after “COMMENT” insert “; AND

(3) SELECT A PLAN THAT COMPLIES WITH ALL REQUIREMENTS OF THIS TITLE AND THE AFFORDABLE CARE ACT, THE FEDERAL MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008, AND ANY OTHER FEDERAL LAWS, REGULATIONS, POLICIES, OR GUIDANCE APPLICABLE TO STATE BENCHMARK PLANS AND ESSENTIAL HEALTH BENEFITS”.

AMENDMENT NO. 14

On page 43, in line 2, strike “SECRETARY” and substitute “COMMISSIONER”.

AMENDMENT NO. 15

On page 45, in line 10, after “(1)” insert “(i)”; in the same line, strike “Maryland-specific”; in line 11, after “program” insert “as an alternative to the federal or Maryland-specific model selected under Title 31 of the Insurance Article”; in lines 11 and 12, strike “than the federal model”; line 14, strike “(2)” and substitute “(ii)”; in the same line, strike “Maryland” and substitute “alternative”; in line 15, after “implemented” insert “:

(2) whether strategies should be implemented to mitigate the impact of the inclusion in the individual market of individuals enrolled in the Maryland Health Insurance Plan; and

(3) whether the State should develop a Maryland-specific reinsurance program to ensure the affordability of premiums in the individual market”;

in line 28, strike “and”; and in line 30, after “House” insert “; and

(8) the Attorney General, or the Attorney General’s designee”.

AMENDMENT NO. 16

On page 46, in line 6, after “(1)” insert “(i)”; in line 8, after the semicolon, insert “and

(ii) in assessing total funds needed to sustain the Exchange and to minimize duplication of functions and costs, consider the expertise of and functions already performed by the Department of Health and Mental Hygiene, the Maryland Health Care Commission, the Maryland Insurance Administration, and the Health Services Cost Review Commission;”;

after line 21, insert:

“(4) taking into account all of the ramifications of and funding available under the Affordable Care Act and changes in the State’s health care delivery system, consider the impact of any funding mechanism on health insurance premiums and the State’s Medicare waiver;”;

and in lines 22 and 25, strike “(4)” and “(5)”, respectively, and substitute “(5)” and “(6)”, respectively.

AMENDMENT NO. 17

On page 47, in line 9, after “with” insert “the Maryland Insurance Commissioner, the Department of Health and Mental Hygiene,”; after line 18, insert:

“SECTION 8. AND BE IT FURTHER ENACTED, That the requirements of § 31-116(a)(2)(i) of the Insurance Article, as enacted by Section 2 of this Act, shall be subject to any clarification regarding essential pediatric benefits that may be provided by the U.S. Department of Health and Human Services.

SECTION 9. AND BE IT FURTHER ENACTED, That, with respect to the preparation and certification of qualified plans to be offered through the Maryland Health Benefit Exchange in 2014, pending adoption of regulations under Title 31 of the Insurance Article, and after receiving comment from the Joint Committee on Administrative, Executive, and Legislative Review, the Senate Finance Committee, the House Health and Government Operations Committee, carriers, and the public, the Board of Trustees of the Exchange may adopt interim policies, if necessary, to:

(1) comply with federal law and regulations; and

(2) allow carriers offering qualified plans in the Exchange in 2014 sufficient time to design and develop qualified plans and file rates with the Maryland Insurance Administration.”;

and in line 19, strike “8.” and substitute “10.”.

The preceding 17 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0238/613026/1

BY: Senator Middleton

AMENDMENTS TO SENATE BILL 238, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 3 of the Health and Government Operations Committee Amendments (HB0443/396881/2), in line 11 of Amendment No. 1, after the semicolon insert “providing for the effective dates of this Act.”.

AMENDMENT NO. 2

On page 4 of the Health and Government Operations Committee Amendments, in Amendment No. 3, strike beginning with the colon in line 3 down through “**(1)**” in line 4; and strike beginning with the semicolon in line 5 down through “**2013**” in line 8.

On page 6 of the Health and Government Operations Committee Amendments, in Amendment No. 3, strike beginning with the colon in line 20 down through “(1)” in line 21.

On pages 6 and 7 of the Health and Government Operations Committee Amendments, in Amendment No. 3, strike beginning with the semicolon in line 22 on page 6 down through “2013” in line 3 on page 7.

On page 10 of the Health and Government Operations Committee Amendments, in line 5 of Amendment No. 3, strike “ARE”; in line 7, after “(1)” insert “THIS SUBSECTION APPLIES TO A CARRIER WITH RESPECT TO ANY HEALTH BENEFIT PLAN THAT IS A GRANDFATHERED HEALTH PLAN.”

“(2)”;

and in line 10, strike “(2)” and substitute “(3)”.

On page 11 of the Health and Government Operations Committee Amendments, in Amendment No. 3, strike beginning with the colon in line 10 down through “(1)” in line 11; and strike beginning with the semicolon in line 12 down through “2013” in line 15.

AMENDMENT NO. 3

On page 8 of the bill, after line 17, insert:

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

Article – Insurance”.

On page 45 of the bill, in lines 5 and 16, strike “3.” and “4.”, respectively, and substitute “4.” and “5.”, respectively.

On page 46 of the bill, in line 28, strike “5.” and substitute “6.”.

On page 47 of the bill, in lines 1 and 8, strike “6.” and “7.”, respectively, and substitute “7.” and “8.”, respectively.

AMENDMENT NO. 4

On page 56 of the Health and Government Operations Committee Amendments, in Amendment No. 17, in lines 1, 5, and 16, strike “8.”, “9.”, and “10.”, respectively, and substitute “9.”, “10.”, and “12.”, respectively; and after line 15, insert:

“SECTION 11. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1, 2014.”.

AMENDMENT NO. 5

On page 47 of the bill, in line 19, after “That” insert “, except as provided in Section 11 of this Act.”.

The preceding 5 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 783 – Senators Pugh, Manno, Montgomery, Peters, Pinsky, Ramirez, Rosapepe, and Young

AN ACT concerning

State Personnel – Collective Bargaining – Applicability

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

SB0783/197470/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 783

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “Board” insert “at the request of a certain exclusive representative”; in the same line, strike “create” and substitute “determine”; and in the same line, after “employees” insert “, accrete certain State employees into certain bargaining units, and hold a self-determination election for certain accreted employees”.

AMENDMENT NO. 2

On page 5, in line 17, after “(C)” insert “(1)”; in the same line, strike “SHALL” and substitute “MAY NOT”; and after line 19, insert:

“(2) AT THE REQUEST OF THE EXCLUSIVE REPRESENTATIVE, THE BOARD SHALL:

(I) DETERMINE THE APPROPRIATE EXISTING BARGAINING UNIT INTO WHICH TO ASSIGN EACH EMPLOYEE IN THE UNITS OF GOVERNMENT IDENTIFIED IN § 3-102(A)(1)(VI) THROUGH (IX) OF THIS TITLE; AND

(II) ACCRETE ALL POSITIONS TO APPROPRIATE EXISTING BARGAINING UNITS.

(3) (I) NOTWITHSTANDING SUBTITLE 4 OF THIS TITLE, AT THE REQUEST OF THE EXCLUSIVE REPRESENTATIVE, THE BOARD SHALL CONDUCT A SELF-DETERMINATION ELECTION FOR EACH BARGAINING UNIT REPRESENTATIVE FOR THE ACCRETED EMPLOYEES IN UNITS OF GOVERNMENT IDENTIFIED IN § 3-102(A)(1)(VI) THROUGH (IX) OF THIS TITLE.

(II) ALL ELECTIONS SHALL BE CONDUCTED BY SECRET BALLOT.

(III) FOR EACH ELECTION, THE BOARD SHALL PLACE THE FOLLOWING CHOICES ON THE BALLOT:

1. THE NAME OF THE INCUMBENT EXCLUSIVE REPRESENTATIVE; AND

2. A PROVISION FOR “NO EXCLUSIVE REPRESENTATIVE”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

Senate Bill 236 – The President (By Request – Administration) and Senators Pinsky, Frosh, Madaleno, Montgomery, and Raskin

AN ACT concerning

Sustainable Growth and Agricultural Preservation Act of 2012

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (9) OFFERED FROM THE FLOOR BY SENATOR MIDDLETON.

FLOOR AMENDMENT

SB0236/813228/1

BY: Senator Middleton

AMENDMENTS TO SENATE BILL 236, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0236/774530/2), in line 2 of Amendment No. 1, strike “and certify to the Department of Planning”; in line 6, strike “certification” and substitute “adoption”; in line 10, strike “certified” and substitute “adopted”; strike beginning with “requiring” in line 12 down through “site” in line 14; strike beginning with the first “the” in line 15 down through “approving” in line 16 and substitute “a local jurisdiction from authorizing”; strike beginning with the second “the” in line 17 down through “designee” in line 18 and substitute “a local jurisdiction”; strike beginning with “; authorizing” in line 20 down through “circumstances” in line 21; strike beginning with “provide” in line 23 down through “to” in line 24; and strike beginning with “requiring” in line 25 down through “Environment” in line 26.

On page 1 of the bill, strike beginning with “requiring” in line 20 down through “advice;” in line 22; and strike beginning with “requiring” in line 24 down through “circumstances;” in line 25.

On page 2 of the bill, strike beginning with “requiring” in line 6 down through “permit;” in line 7.

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments, in line 19 of Amendment No. 1, strike "1-507" and substitute "1-509".

AMENDMENT NO. 2

On page 3 of the Education, Health, and Environmental Affairs Committee Amendments, in line 11 of Amendment No. 2, strike "IF" and substitute "ADOPTED ON OR BEFORE DECEMBER 31, 2012, IF A LOCAL JURISDICTION CHOOSES TO CREATE A DEFINITION OR DESCRIPTION APPLICABLE SOLELY TO THIS SECTION OR IF"; strike beginning with the comma in line 12 down through "DECEMBER 31, 2012" in line 13; and in line 18, strike "TWO" and substitute "MULTIPLE".

On page 4 of the Education, Health, and Environmental Affairs Committee Amendments, in line 14 of Amendment No. 2, strike "IF" and substitute "ADOPTED ON OR BEFORE DECEMBER 31, 2012, IF A LOCAL JURISDICTION CHOOSES TO CREATE A DEFINITION OR DESCRIPTION APPLICABLE SOLELY TO THIS SECTION OR IF"; and in line 16, strike "ADOPTED ON OR BEFORE DECEMBER 31, 2012,".

On page 5 of the Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 2, strike "TWO" and substitute "MULTIPLE".

AMENDMENT NO. 3

On page 6 of the bill, in line 28, strike "(I)".

On page 7 of the bill, strike in their entirety lines 1 through 6, inclusive.

On page 6 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 2, strike in their entirety lines 3 through 10, inclusive.

AMENDMENT NO. 4

On page 6 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 3, strike in their entirety lines 4 through 9, inclusive.

On page 7 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 3, strike beginning with "(3)" in line 1 down through

“SUBSECTIONS” in line 2 and substitute “(2)SUBSECTIONS”; and strike in their entirety lines 4 through 11, inclusive.

On page 7 of the bill, strike in their entirety lines 13 through 20, inclusive, and substitute:

“(1) 1. BY OCTOBER 1, 2012, A SUBMISSION FOR PRELIMINARY PLAN APPROVAL IS MADE TO A LOCAL JURISDICTION THAT INCLUDES, AT A MINIMUM, THE PRELIMINARY ENGINEERING, DENSITY, ROAD NETWORK, LOT LAYOUT, AND EXISTING FEATURES OF THE PROPOSED SITE DEVELOPMENT;

2. BY JULY 1, 2012, IN A LOCAL JURISDICTION THAT REQUIRES A SOIL PERCOLATION TEST BEFORE A SUBMISSION FOR PRELIMINARY APPROVAL:

A. AN APPLICATION FOR A SOIL PERCOLATION TEST APPROVAL FOR ALL LOTS THAT WILL BE INCLUDED IN THE SUBMISSION FOR PRELIMINARY APPROVAL IS MADE TO THE LOCAL HEALTH DEPARTMENT; AND

B. WITHIN 18 MONTHS AFTER APPROVAL OF THE SOIL PERCOLATION TESTS FOR THE LOTS THAT WILL BE INCLUDED IN THE SUBMISSION FOR PRELIMINARY APPROVAL, A SUBMISSION FOR PRELIMINARY APPROVAL IS MADE TO A LOCAL JURISDICTION THAT INCLUDES, AT A MINIMUM, THE PRELIMINARY ENGINEERING, DENSITY, ROAD NETWORK, LOT LAYOUT, AND EXISTING FEATURES OF THE PROPOSED SITE DEVELOPMENT; OR

3. BY JULY 1, 2012, IN A LOCAL JURISDICTION THAT REQUIRES A SOIL PERCOLATION TEST BEFORE A SUBMISSION FOR PRELIMINARY APPROVAL AND THE LOCAL JURISDICTION DOES NOT ACCEPT APPLICATIONS FOR SOIL PERCOLATION TESTS YEAR ROUND:

A. DOCUMENTATION THAT A MARYLAND PROFESSIONAL ENGINEER OR SURVEYOR HAS PREPARED AND CERTIFIED UNDER SEAL A SITE PLAN IN ANTICIPATION OF AN APPLICATION FOR SOIL PERCOLATION TESTS;

B. AN APPLICATION FOR A SOIL PERCOLATION TEST APPROVAL FOR ALL LOTS THAT WILL BE INCLUDED IN THE SUBMISSION FOR PRELIMINARY APPROVAL IS MADE TO THE LOCAL HEALTH DEPARTMENT AT THE NEXT AVAILABLE SOIL PERCOLATION TEST SEASON; AND

C. WITHIN 18 MONTHS AFTER APPROVAL OF THE SOIL PERCOLATION TESTS FOR THE LOTS THAT WILL BE INCLUDED IN THE SUBMISSION FOR PRELIMINARY APPROVAL, A SUBMISSION FOR PRELIMINARY APPROVAL IS MADE TO A LOCAL JURISDICTION THAT INCLUDES, AT A MINIMUM, THE PRELIMINARY ENGINEERING, DENSITY, ROAD NETWORK, LOT LAYOUT, AND EXISTING FEATURES OF THE PROPOSED SITE DEVELOPMENT; AND

(II) BY OCTOBER 1, 2016, THE PRELIMINARY PLAN IS APPROVED.”;

and in line 22, strike beginning with the first “**THE**” through “**APPROVE**” and substitute “**A LOCAL JURISDICTION MAY AUTHORIZE**”.

On page 8 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 3, in lines 1 and 8, in each instance, strike “**(K)**” and substitute “**(I)**”; in lines 1 and 8, in each instance, strike “**(N)**” and substitute “**(L)**”; strike beginning with the first “**THE**” in line 13 down through “**DESIGNEE**” in line 14 and substitute “**A LOCAL JURISDICTION**”; and in lines 15 and 21, in each instance, strike “**APPROVE**” and substitute “**AUTHORIZE**”.

AMENDMENT NO. 5

On page 8 of the bill, strike beginning with the comma in line 8 down through “**SUBDIVISION**” in line 9 and substitute “**AND**”; strike beginning with the semicolon in line 11 down through “**APPLICABLE**” in line 18; in line 23, strike “**25**” and substitute “**20**”; and strike in their entirety lines 32 and 33, inclusive.

On page 9 of the bill, strike in their entirety lines 1 through 7, inclusive; and strike in their entirety lines 23 through 31, inclusive.

AMENDMENT NO. 6

On page 9 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 3, strike beginning with “**IN**” in line 10 down

through “SECTION” in line 11; in line 12, strike “GROWTH TIERS ARE”; and in line 13, strike “ARTICLE 66B, § 1.05 OF THE CODE.”.

On page 10 of the Education, Health, and Environmental Affairs Committee Amendments, in line 14 of Amendment No. 3, strike “(J)”; strike beginning with “FOR” in line 14 down through “AREA” in line 15; in line 16, strike “(G)(1)(IV)”; in line 18, strike “GROWTH TIERS ARE”; in line 19, strike “FOR THE GROWTH TIERS”; in line 20, strike “§ 1.05”; strike beginning with “COMPREHENSIVE” in line 20 down through the first “THE” in line 21; strike beginning with the second “THE” in line 21 down through “APPLICABLE,” in line 22; and in line 24, strike “(K)”.

On page 11 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 3, in line 1, strike beginning with “FOR” through “AREA”; in line 3, strike “GROWTH TIER”; in line 4, strike “(G)”; in line 6, strike “(L)”, “(M)”, and “(N)”, respectively, and substitute “(J)”, “(K)”, and “(L)”, respectively; and in line 7, strike “(L)” and substitute “(I)”.

On page 10 of the bill, in line 8, strike the second “and” and substitute:

“(3) DOCUMENTATION BY THE LOCAL JURISDICTION THAT A MAJOR SUBDIVISION ON-SITE SEWAGE DISPOSAL SYSTEM, A COMMUNITY SEWERAGE SYSTEM, OR A SHARED FACILITY IS IN A:

(I) TIER III AREA AS ADOPTED BY THE LOCAL JURISDICTION; OR

(II) TIER IV AREA IN A LOCAL JURISDICTION THAT IS EXEMPT FROM THE LIMITATION OF MINOR SUBDIVISIONS AS PROVIDED IN SUBSECTION (H) OF THIS SECTION; AND”;

and in line 9, strike “(3)” and substitute “(4)”.

On page 11 of the Education, Health, and Environmental Affairs Committee Amendments, in line 11 of Amendment No. 4, strike “(O)” and substitute “(M)”.

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0236/264238/1), in line 3 of Amendment No. 2, strike “**(P)**” and substitute “**(N)**”.

On page 1 of Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 3, strike “**(P)**” and substitute “**(N)**”.

AMENDMENT NO. 7

On page 14 of the bill, in lines 23 and 24, strike “**§ 5-7B-02**” and substitute “**TITLE 5, SUBTITLE 2**”.

On page 14 of the Education, Health, and Environmental Affairs Committee Amendments (SB0236/774530/2), in line 4 of Amendment No. 5, after “**(A)**” insert “**IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**”

(1) “PLANNING BOARD” MEANS A PLANNING BOARD ESTABLISHED UNDER THIS ARTICLE.

(2) “PLANNING BOARD” INCLUDES A PLANNING COMMISSION OR BOARD ESTABLISHED UNDER ARTICLE 25A OR ARTICLE 28 OF THE CODE.

(B)”;

in line 5, strike “**CERTIFY TO THE DEPARTMENT OF PLANNING**” and substitute “**ADOPT**”; in line 6, strike “**DESIGNATED BY THE LOCAL JURISDICTION**”; in line 8, strike “**CERTIFICATION**” and substitute “**ADOPTION**”; in line 13, strike “**ON CERTIFICATION OF**” and substitute “**AFTER ADOPTION**”; and in lines 8 and 13, strike “**(B)**” and “**(C)**”, respectively, and substitute “**(C)**” and “**(D)**”, respectively.

On page 15 of the Education, Health and Environmental Affairs Committee Amendments, in Amendment No. 5, strike beginning with “**, AS**” in line 1 down through “**TIERS**” in line 6 and substitute “**MAY COMMENT ON THE GROWTH TIERS ADOPTED BY THE LOCAL JURISDICTIONS**”; in line 8, strike “**CERTIFY**” and substitute “**ADOPT**”; in line 9, strike “**TO THE DEPARTMENT OF PLANNING**”; after line 18, insert:

“(G) (1) IF THE DEPARTMENT OF PLANNING COMMENTS UNDER SUBSECTION (E) OF THIS SECTION ON ANY OF THE TIERS OR ON AN AREA WITHIN ONE OF THE TIERS, THE LOCAL LEGISLATIVE BODY OR THE PLANNING BOARD SHALL HOLD AT LEAST ONE PUBLIC HEARING ON THE COMMENTS BY THE DEPARTMENT OF PLANNING.

(2) THE LOCAL LEGISLATIVE BODY OR THE PLANNING BOARD SHALL REVIEW THE MAPPED GROWTH TIERS ADOPTED BY THE LOCAL JURISDICTION IN LIGHT OF THE COMMENTS BY THE DEPARTMENT OF PLANNING.

(3) IF THE PLANNING BOARD HOLDS THE PUBLIC HEARING UNDER PARAGRAPH (1) OF THIS SECTION, AFTER THE PUBLIC HEARING AND THE CONSIDERATION OF THE COMMENTS BY THE DEPARTMENT OF PLANNING, THE PLANNING BOARD SHALL RECOMMEND TO THE LOCAL JURISDICTION THAT EITHER THE TIERS OR AN AREA WITHIN THE TIERS:

(I) BE CHANGED; OR

(II) THAT THE ADOPTED TIERS REMAIN UNCHANGED.

(4) IF THE PLANNING BOARD RECOMMENDS THAT THE TIERS OR AN AREA WITHIN THE TIERS BE CHANGED UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE PLANNING BOARD SHALL PROVIDE THE RECOMMENDED MAPPED GROWTH TIER CHANGES TO THE LOCAL JURISDICTION.”;

in line 19, strike “CERTIFIED” and substitute “ADOPTED”; and in lines 1, 7, and 19, strike “(D)”, “(E)”, and “(F)”, respectively, and substitute “(E)”, “(F)”, and “(H)”, respectively.

On page 16 of the Education, Health, and Environmental Affairs Committee Amendments, in line 15 of Amendment No. 5, strike the second “ARE”; in line 16, strike “NOT” and substitute “ARE NOT”; in line 17, strike “AND” and substitute:

“(II) ARE NOT PLANNED OR ZONED BY A LOCAL JURISDICTION FOR LAND, AGRICULTURAL, OR RESOURCE PROTECTION, PRESERVATION, OR CONSERVATION; AND”;

and in line 18, strike “(II) ONE” and substitute “(III) ARE ONE”.

On page 17 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 5, strike in their entirety lines 3 and 4; in lines 5 and 7, strike “3.” and “4.”, respectively, and substitute “2.” and “3.”, respectively; in line 6, strike “OR”; and after line 8, insert:

“4. AREAS PLANNED AND ZONED FOR LARGE LOT AND RURAL DEVELOPMENT; AND”;

strike in their entirety lines 9 through 16, inclusive; and in line 19, after “ZONED” insert “BY A LOCAL JURISDICTION”.

On page 18 of the Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 5, strike “1.”; strike beginning with “MAPPED” in line 4 down through “AMENDMENT” in line 9 and substitute “SUBJECT TO COVENANTS, RESTRICTIONS, CONDITIONS, OR CONSERVATION EASEMENTS FOR THE BENEFIT OF, OR HELD BY A STATE AGENCY, AS DEFINED IN § 9-206 OF THE ENVIRONMENT ARTICLE, OR A LOCAL JURISDICTION FOR THE PURPOSE OF CONSERVING NATURAL RESOURCES OR AGRICULTURAL LAND”; in line 10, strike “(1)”; strike in their entirety lines 12 through 14, inclusive; in line 15, strike “CERTIFIES” and substitute “ADOPTS”; and in lines 15 and 16, strike “TO THE DEPARTMENT OF PLANNING”.

On page 20 of the bill, in line 24, after “SUBDIVISION;” insert “AND”; strike beginning with “; AND” in line 26 down through “SUBDIVISION” in line 28.

On page 20 of the Education, Health, and Environmental Affairs Committee Amendments, in line 11 of Amendment No. 5, strike “IF REQUIRED BY”; in lines 11 and 12, strike “AS A RESULT OF THE APPROVAL OF THE”; and in line 13, strike “RESIDENTIAL”.

AMENDMENT NO. 8

On page 22 of the Education, Health, and Environmental Affairs Committee Amendments, after line 3 of Amendment No. 6, insert:

“(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

“(B) “PLANNING BOARD” MEANS A PLANNING BOARD ESTABLISHED UNDER THIS ARTICLE.

“(C) “PLANNING BOARD” INCLUDES A PLANNING COMMISSION OR BOARD ESTABLISHED UNDER ARTICLE 25A OR ARTICLE 28 OF THE CODE.

1-502.”;

in line 8, strike “1-502.” and substitute “1-503.”; in line 5, strike “CERTIFY TO THE DEPARTMENT OF PLANNING” and substitute “ADOPT”; in line 6, strike “DESIGNATED BY THE LOCAL JURISDICTION”; and in line 9, strike “CERTIFICATION” and substitute “ADOPTION”.

On page 23 of the Education, Health, and Environmental Affairs Committee Amendments, in line 2 of Amendment No. 6, strike “ON CERTIFICATION” and substitute “AFTER ADOPTION”; strike beginning with “, AS” in line 10 down through “TIERS” in line 15 and substitute “MAY COMMENT ON THE GROWTH TIERS ADOPTED BY THE LOCAL JURISDICTIONS”; in line 18, strike “CERTIFY” and substitute “ADOPT”; in lines 18 and 19, strike “TO THE DEPARTMENT OF PLANNING”; and in lines 1, 9, and 16, strike “1-503.”, “1-504.”, “1-505.”, respectively, and substitute “1-504.”, “1-505.”, and “1-506.”, respectively.

On page 24 of the Education, Health, and Environmental Affairs Committee Amendments, after line 8 of Amendment No. 6, insert:

“1-507.

“(A) IF THE DEPARTMENT OF PLANNING COMMENTS UNDER § 5-105 OF THIS SUBTITLE ON ANY OF THE TIERS OR ON AN AREA WITHIN ONE OF THE TIERS, THE LOCAL LEGISLATIVE BODY OR THE PLANNING BOARD SHALL HOLD AT LEAST ONE PUBLIC HEARING ON THE COMMENTS BY THE DEPARTMENT OF PLANNING.

(B) THE LOCAL LEGISLATIVE BODY OR THE PLANNING BOARD SHALL REVIEW THE MAPPED GROWTH TIERS ADOPTED BY THE LOCAL JURISDICTION IN LIGHT OF THE COMMENTS BY THE DEPARTMENT OF PLANNING.

(C) IF THE PLANNING BOARD HOLDS THE PUBLIC HEARING UNDER SUBSECTION (A) OF THIS SECTION, AFTER THE PUBLIC HEARING AND THE CONSIDERATION OF THE COMMENTS BY THE DEPARTMENT OF PLANNING, THE PLANNING BOARD SHALL RECOMMEND TO THE LOCAL JURISDICTION THAT EITHER THE TIERS OR AN AREA WITHIN THE TIERS:

(1) BE CHANGED; OR

(2) THAT THE ADOPTED TIERS REMAIN UNCHANGED.

(D) IF THE PLANNING BOARD RECOMMENDS THAT THE TIERS OR AN AREA WITHIN THE TIERS BE CHANGED UNDER SUBSECTION (C) OF THIS SECTION, THE PLANNING BOARD SHALL PROVIDE THE RECOMMENDED MAPPED GROWTH TIER CHANGES TO THE LOCAL JURISDICTION.”;

in line 9, strike “**1-506.**” and substitute “**1-508.**”; and in line 10, strike “**CERTIFIED**” and substitute “**ADOPTED**”.

On page 25 of the Education, Health, and Environmental Affairs Committee Amendments, in line 8 of Amendment No. 6, strike the second “**ARE**”; in line 9, strike “**NOT**” and substitute “**ARE NOT**”; in line 10, strike “**AND**” and substitute:

“(II) ARE NOT PLANNED OR ZONED BY A LOCAL JURISDICTION FOR LAND, AGRICULTURAL, OR RESOURCE PROTECTION, PRESERVATION, OR CONSERVATION; AND”;

and in line 11, strike “**(II) ONE**” and substitute “**(III) ARE ONE**”; strike in their entirety lines 14 and 15; in lines 16 and 18, strike “**3.**” and “**4.**”, respectively, and substitute “**2.**” and “**3.**”, respectively; and after line 19, insert:

“4. AREAS PLANNED AND ZONED FOR LARGE LOT AND RURAL DEVELOPMENT; AND”.

On page 26 of the Education, Health, and Environmental Affairs Committee Amendments, strike in their entirety lines 1 through 8, inclusive, of Amendment No. 6; in line 11, after “ZONED” insert “BY A LOCAL JURISDICTION”; and strike beginning with “MAPPED” in line 16 down through “AMENDMENT” in line 20 and substitute “SUBJECT TO COVENANTS, RESTRICTIONS, CONDITIONS, OR CONSERVATION EASEMENTS FOR THE BENEFIT OF, OR HELD BY A STATE AGENCY, AS DEFINED IN § 9-206 OF THE ENVIRONMENT ARTICLE, OR A LOCAL JURISDICTION FOR THE PURPOSE OF CONSERVING NATURAL RESOURCES OR AGRICULTURAL LAND”.

On page 27 of the Education, Health, and Environmental Affairs Committee Amendments, strike in their entirety lines 3 through 5, inclusive; in line 6, strike “1-507.” and substitute “1-509.”; in line 7, strike “CERTIFIES” and substitute “ADOPT”; and in lines 7 and 8, strike “TO THE DEPARTMENT OF PLANNING”.

On page 32 of the bill, in line 6, after “SUBDIVISION;” insert “AND”; and strike beginning with “; AND” in line 8 down through “SUBDIVISION” in line 10.

On page 28 of the Education, Health, and Environmental Affairs Committee Amendments, in lines 19 and 20 of Amendment No. 6, strike “IF REQUIRED BY”; in lines 20 and 21, strike “AS A RESULT OF THE APPROVAL OF THE”; and in line 22, strike “RESIDENTIAL”.

AMENDMENT NO. 9

On page 32 of the bill, strike in their entirety lines 20 through 22, inclusive; and in line 23, strike “5.” and substitute “4.”.

On page 28 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 6, strike beginning with “served” in line 22 down through “systems” in line 23.

On page 29 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 7, in lines 2 and 14, strike “6.” and “7.”, respectively, and substitute “5.” and “6.”, respectively; and in line 13, strike “25” and substitute “20”.

On page 30 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 7, in line 1, strike “8.” and substitute “7.”; and in

lines 5 and 6, strike “9.”, “10.”, and “9.”, respectively, and substitute “8.”, “9.”, and “8.”, respectively.

The preceding 9 amendments were read and adopted by a roll call vote as follows:

Affirmative – 31 Negative – 14 (See Roll Call No. 704)

FLOOR AMENDMENT

SB0236/503027/1

BY: Senator Frosh

AMENDMENT TO SENATE BILL 236, AS AMENDED

On page 4 of Senator Middleton’s Amendments (SB0236/813228/1), in line 15 of Amendment No. 4, strike “2016” and substitute “2014”.

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

Affirmative – 16 Negative – 28 (See Roll Call No. 705)

FLOOR AMENDMENT

SB0236/813320/2

BY: Senator Glassman

AMENDMENTS TO SENATE BILL 236

(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 4, after “system;” insert “authorizing an owner of agricultural land to claim a credit against the State income tax for certain diminution in value of real property resulting from the enactment of this Act in a certain amount in certain taxable years if substantiated in a certain manner; authorizing the Comptroller to adopt certain regulations;”; and after line 22, insert:

“BY adding to

Article – Tax – General

Section 10–731

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)”.

AMENDMENT NO. 2

On page 13, after line 14, insert:

“Article – Tax – General

10-731.

(A) IN THIS SECTION, “AGRICULTURAL LAND” MEANS REAL PROPERTY THAT IS ASSESSED ON THE BASIS OF FARM OR AGRICULTURAL USE UNDER § 8-209 OF THE TAX – PROPERTY ARTICLE.

(B) SUBJECT TO THE LIMITATIONS OF THIS SECTION, AN OWNER OF AGRICULTURAL LAND MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX IN AN AMOUNT EQUAL TO ANY DIMINISHED VALUE OF THE REAL PROPERTY THAT OCCURS AS A RESULT OF THE ENACTMENT OF THE SUSTAINABLE GROWTH AND AGRICULTURAL PRESERVATION ACT OF 2012 (CHAPTER (S.B. 236) OF THE ACTS OF THE GENERAL ASSEMBLY OF 2012).

(C) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SECTION IS THE AMOUNT BY WHICH THE FAIR MARKET VALUE OF THE PROPERTY BEFORE THE ENACTMENT OF THE SUSTAINABLE GROWTH AND AGRICULTURAL PRESERVATION ACT OF 2012 EXCEEDS THE FAIR MARKET VALUE OF THE PROPERTY WITHIN 5 YEARS AFTER THE ENACTMENT OF THE ACT.

(2) (I) THE FAIR MARKET VALUE OF THE PROPERTY BEFORE AND AFTER THE ENACTMENT OF THE SUSTAINABLE GROWTH AND AGRICULTURAL PRESERVATION ACT OF 2012 SHALL BE SUBSTANTIATED BY AN APPRAISAL PREPARED BY A CERTIFIED REAL ESTATE APPRAISER, AS DEFINED UNDER § 16-101 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.

(II) IN DETERMINING THE BEFORE VALUE OF THE REAL PROPERTY, THE APPRAISER SHALL CONSIDER:

1. THE EXISTING USE AND ZONING OF THE PROPERTY;

2. ANY CONSERVATION, AGRICULTURAL PRESERVATION, HISTORIC PRESERVATION, OR OTHER EASEMENTS, LAWS, OR REGULATIONS THAT RESTRICT THE USE OF THE PROPERTY; AND

3. THE LIKELIHOOD THAT THE PROPERTY WOULD BE DEVELOPED ABSENT THE SPECIFIC RESTRICTIONS IMPOSED BY THE SUSTAINABLE GROWTH AND AGRICULTURAL PRESERVATION ACT OF 2012.

(III) IN DETERMINING THE AFTER VALUE OF THE REAL PROPERTY, THE APPRAISER SHALL CONSIDER THE SPECIFIC RESTRICTIONS IMPOSED BY THE SUSTAINABLE GROWTH AND AGRICULTURAL PRESERVATION ACT OF 2012 ON THE PROPERTY AND ON COMPARABLE PROPERTIES.

(3) TO CLAIM THE CREDIT ALLOWED UNDER THIS SECTION, AN OWNER OF AGRICULTURAL LAND SHALL PROVIDE TO THE COMPTROLLER WITH THE OWNER'S INCOME TAX RETURN FOR THE TAXABLE YEAR IN WHICH THE CREDIT IS CLAIMED:

(I) THE APPRAISAL REQUIRED BY PARAGRAPH (2) OF THIS SUBSECTION; AND

(II) ANY ADDITIONAL INFORMATION REQUIRED IN REGULATION BY THE COMPTROLLER.

(D) (1) FOR ANY TAXABLE YEAR, THE CREDIT CLAIMED UNDER THIS SECTION MAY NOT EXCEED THE STATE INCOME TAX FOR THAT TAXABLE YEAR.

(2) IF THE CREDIT ALLOWED UNDER THIS SECTION IN ANY TAXABLE YEAR EXCEEDS THE STATE INCOME TAX FOR THAT TAXABLE YEAR, AN OWNER OF AGRICULTURAL LAND MAY APPLY THE EXCESS AS A CREDIT AGAINST THE STATE INCOME TAX FOR SUCCEEDING TAXABLE YEARS UNTIL THE FULL AMOUNT OF THE EXCESS IS USED.

(E) THE COMPTROLLER MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION."

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

Affirmative – 19 Negative – 24 (See Roll Call No. 706)

FLOOR AMENDMENT

SB0236/383822/1

BY: Senator Reilly

AMENDMENTS TO SENATE BILL 236, AS AMENDED

On page 5 of the Education, Health, and Environmental Affairs Committee Amendments (SB0236/774530/2), in line 17 of Amendment No. 2, strike “OR”; in line 19, after “COMMISSION” insert “; OR”

(v) THE MARYLAND HISTORICAL TRUST”.

On page 7 of the Education, Health, and Environmental Affairs Committee Amendments, in line 17 of Amendment No. 3, strike “OR” and substitute a comma; in the same line, after “LAND” insert “, OR HISTORIC QUALITIES”; in line 24, strike “OR” and substitute a comma; and in the same line, after “LAND” insert “, OR HISTORIC QUALITIES”.

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

Affirmative – 13 Negative – 29 (See Roll Call No. 707)

FLOOR AMENDMENT

SB0236/503529/1

BY: Senator Reilly

AMENDMENTS TO SENATE BILL 236

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “approval” insert “or a local planning department in a subdivision review process established by the local jurisdiction approves the subdivision”; strike beginning with “by” in line 7 down through the first “board” in line

8; and in line 8, after “hearing” insert “or a local planning board to ensure that a public meeting is held”.

AMENDMENT NO. 2

On page 8, in line 10, after “BOARD” insert “, OR APPROVED BY THE LOCAL PLANNING DEPARTMENT IN A SUBDIVISION REVIEW PROCESS ESTABLISHED BY THE LOCAL JURISDICTION,”.

On page 20, in line 11, after “AREA” insert “OR THE LOCAL PLANNING DEPARTMENT HAS REVIEWED AND APPROVED THE MAJOR SUBDIVISION IN A SUBDIVISION REVIEW PROCESS ESTABLISHED BY THE LOCAL JURISDICTION”; in line 15, after “(1)” insert “(I)”; in line 18, strike the period and substitute “; AND”; in line 19, strike “(2)” and substitute “(II)”; in line 20, strike the period and substitute “; OR”; after line 20, insert:

“(2) BEFORE APPROVING A PROPOSED MAJOR SUBDIVISION IN A TIER III AREA, THE LOCAL PLANNING DEPARTMENT SHALL ENSURE THAT AT LEAST ONE PUBLIC MEETING HAS BEEN HELD IN ACCORDANCE WITH A SUBDIVISION REVIEW AND APPROVAL PROCESS ESTABLISHED BY THE LOCAL JURISDICTION.”;

and in line 21, strike “BY THE PLANNING BOARD”.

On page 23, in line 32, after “board” insert “, OR APPROVED BY THE LOCAL PLANNING DEPARTMENT IN A SUBDIVISION REVIEW PROCESS ESTABLISHED BY THE LOCAL JURISDICTION,”.

On page 31, in line 23, after “AREA” insert “OR THE LOCAL PLANNING DEPARTMENT HAS REVIEWED AND APPROVED THE MAJOR SUBDIVISION IN A SUBDIVISION REVIEW PROCESS ESTABLISHED BY THE LOCAL JURISDICTION”; in line 27, after “(1)” insert “(I)”; and in line 30, strike the period and substitute “; AND”.

On page 32, in line 1, strike “(2)” and substitute “(II)”; in line 2, strike the period and substitute “; OR”; after line 2, insert:

“(2) BEFORE APPROVING A PROPOSED MAJOR SUBDIVISION IN A TIER III AREA, THE LOCAL PLANNING DEPARTMENT SHALL ENSURE THAT AT

LEAST ONE PUBLIC MEETING HAS BEEN HELD IN ACCORDANCE WITH A SUBDIVISION REVIEW AND APPROVAL PROCESS ESTABLISHED BY THE LOCAL JURISDICTION.”;

and in line 3, strike “**BY THE PLANNING BOARD**”.

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

Affirmative – 13 Negative – 31 (See Roll Call No. 708)

Senator Reilly moved, duly seconded, to make the Bill a Special Order for March 26, 2012.

The motion was rejected by a roll call vote as follows:

Affirmative – 16 Negative – 28 (See Roll Call No. 709)

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #12

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 264 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Raffles

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 447 – Senator Colburn

AN ACT concerning

Dorchester County – Restriction on Sunday Gaming – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 622 – Senators Shank, Edwards, and Young

AN ACT concerning

Washington County – Amusement Devices – Tip Jars

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 661 – Carroll County Senators

AN ACT concerning

Carroll County – Gaming

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 670 – Senators Shank and Edwards

AN ACT concerning

Washington County – Tip Jars – Accountability and Oversight

SB0670/659536/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 670

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, strike “on or before a certain date”.

AMENDMENT NO. 2

On page 2, in line 29, strike “ON OR BEFORE MAY 15”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 892 – Senators Peters, Colburn, King, Madaleno, Manno, McFadden, and Robey

AN ACT concerning

Gaming – Video Lottery Terminals and Table Games

SB0892/709636/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 892

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “CONSTITUTIONAL AMENDMENT”; in the sponsor line, strike “and Robey” and substitute “Robey, and Klausmeier”; in line 5, after “County;” insert “requiring, after a certain date, certain video lottery terminal devices be owned or leased by certain video lottery operation licenses;”; in line 9, strike “altering” and substitute “establishing”; in the same line, strike “pays” and substitute “must pay”; in line 10, after “terminals” insert “at certain locations”; strike beginning with “creating” in line 12 down through “law;” in line 20; and strike beginning with “specifying” in line 25 down through “County;” in line 27.

On page 2, in line 2, after “circumstances;” insert “providing for the calculation of net taxable income for the calculation of certain State aid for education beginning in a certain fiscal year; providing for the calculation of a grant resulting from certain calculations; altering the uses of the Education Trust Fund; prohibiting the Video Lottery Facility Location Commission from awarding a video lottery facility operation license for a facility in a county where a majority of the voters voting on a certain”

referendum voted against the referred law; proposing an amendment to the Maryland Constitution to provide that, in a certain referendum on the approval of an additional form or expansion of commercial gaming in a single county or Baltimore City, the additional form or expansion of commercial gaming must receive approval by a majority of the qualified voters of the affected county or Baltimore City; submitting the amendment to the qualified voters of the State for their adoption or rejection; making a certain provision of this Act contingent on the adoption of a certain constitutional amendment;”; in line 3, after “submitting” insert “certain provisions of”; in line 4, after “rejection;” insert “providing for a delayed effective date for certain provisions of this Act;”; strike beginning with “BY” in line 6 down through “Supplement)” in line 20; in line 23, after “Section” insert “9-1A-02(c)(1).”; in the same line, after “(d),” insert “9-1A-21(a).”; in the same line, strike “and 9-1A-36(f) through (j)” and substitute “9-1A-30(c), and 9-1A-36(f), (g), (h), (i)”; strike beginning with “BY” in line 27 down through “Supplement)” in line 31; after line 31, insert:

“BY proposing an amendment to the Maryland Constitution
Article XIX – Video Lottery Terminals
Section 1

BY repealing and reenacting, with amendments,
Article – Education
Section 5-202(a)(9)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – Education
Section 5-202(a-1)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)”.

On pages 2 through 3, strike in their entirety the lines beginning with line 34 on page 2 through line 10 on page 3, inclusive.

AMENDMENT NO. 2

On page 3, after line 11, insert:

“9-1A-02.

(c) (1) This subtitle authorizes the operation of video lottery terminals [owned or leased by the State] that are connected to a central monitor and control system owned or leased by the State that allows the Commission to monitor a video lottery terminal.”.

AMENDMENT NO. 3

On page 4, after line 9, insert:

“9-1A-21.

(a) (1) [Each] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH video lottery terminal device, the central monitor and control system, and the associated equipment and software shall be:

[(1)] (I) owned or leased by the Commission; and

[(2)] (II) under the control of the Commission.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH AFTER JUNE 30, 2013, EACH VIDEO LOTTERY TERMINAL DEVICE AND THE ASSOCIATED EQUIPMENT AND SOFTWARE SHALL BE OWNED OR LEASED BY THE VIDEO LOTTERY OPERATION LICENSEE.

(II) FOR A VIDEO LOTTERY FACILITY LOCATED IN ALLEGANY COUNTY, EACH VIDEO LOTTERY TERMINAL DEVICE AND THE ASSOCIATED EQUIPMENT AND SOFTWARE SHALL BE OWNED OR LEASED BY THE COMMISSION.”.

AMENDMENT NO. 4

On page 7, in line 15, strike “40%”; strike beginning with the bracket in line 15 down through the comma in line 16 and substitute “, A PERCENTAGE”; in line 16, after “exceed” insert “:

(I) ON OR BEFORE JUNE 30, 2013,”;

in the same line, strike the bracket; and in the same line, after the semicolon insert:

“(II) ON OR AFTER JULY 1, 2013, 41%; OR

(III) IF A LICENSE IS ISSUED FOR A SIXTH VIDEO LOTTERY FACILITY, 48%.”.

AMENDMENT NO. 5

On page 8, in line 13, after “section” insert “, **EXCEPT THAT THE VIDEO LOTTERY OPERATION LICENSEE IN ALLEGANY COUNTY SHALL RECEIVE 40% OF THE PROCEEDS FROM VIDEO LOTTERY TERMINALS AT THE VIDEO LOTTERY FACILITY IN ALLEGANY COUNTY**”; in line 22, strike “40%” and substitute “**48%**”; strike beginning with the first “TO” in line 23 down through “COUNTY” in line 24 and substitute “**IN LOCAL IMPACT GRANTS, IN ACCORDANCE WITH § 9-1A-31 OF THIS SUBTITLE**”; strike in their entirety lines 25 through 29, inclusive; and in line 30, strike “**(6)**” and substitute “**(4)**”.

On page 9, in line 1, strike “**(7)**” and substitute “**(5)**”; and in line 3, after “**(D)**” insert:

“ON A PROPERLY APPROVED TRANSMITTAL PREPARED BY THE COMMISSION, THE COMPTROLLER SHALL PAY THE FOLLOWING AMOUNTS FROM THE PROCEEDS OF TABLE GAMES AT EACH VIDEO LOTTERY FACILITY:

(1) 10% TO THE LOCAL JURISDICTION IN WHICH THE VIDEO LOTTERY FACILITY IS LOCATED; AND

(2) 90% TO THE VIDEO LOTTERY OPERATION LICENSEE.

(E)”.

AMENDMENT NO. 6

On page 9, after line 8, insert:

“9-1A-30.

(c) Money in the Education Trust Fund shall be used to:

(1) provide funding for public elementary and secondary education, through:

(I) continuation of the funding and formulas established under the programs commonly known as the Bridge to Excellence in Public Schools Act, first enacted by Chapter 288 of the Acts of the General Assembly of 2002, including the funding for regional differences in the cost of education under § 5–202(f) of the Education Article; AND

(II) ADJUSTMENTS TO THE NET TAXABLE INCOME CALCULATION UNDER § 5–202(A) OF THE EDUCATION ARTICLE USED TO CALCULATE STATE EDUCATION AID FORMULAS THAT USE WEALTH, INCLUDING A GRANT TO ASSIST COUNTIES THAT WOULD RECEIVE LESS STATE AID AS A RESULT OF THE CALCULATION BASED ON TAX RETURNS FILED ON OR BEFORE NOVEMBER 1;

(2) provide funds to construct public school buildings and provide public school capital improvements in accordance with §§ 5–301 through 5–303 of the Education Article; [and]

(3) provide funds for capital projects at community colleges and public senior higher education institutions; AND

(4) EXPAND PUBLIC EARLY CHILDHOOD EDUCATION PROGRAMS IN THE STATE.”.

On pages 9 and 10, strike in their entirety the lines beginning with line 9 on page 9 through line 10 on page 10, inclusive.

AMENDMENT NO. 7

On page 10, strike in their entirety lines 16 through 23, inclusive.

AMENDMENT NO. 8

On page 13, strike in their entirety lines 11 through 34, inclusive.

AMENDMENT NO. 9

On page 14, after line 22, insert:

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

Article – State Government

9-1A-36.

(g) The Video Lottery Facility Location Commission may not:

(1) award more than one video lottery facility operation license in a single county or Baltimore City; OR

(2) AWARD A VIDEO LOTTERY FACILITY OPERATION LICENSE FOR A FACILITY IN A COUNTY WHERE A MAJORITY OF THE VOTERS VOTING ON A REFERENDUM AUTHORIZING AN EXPANSION OF GAMING VOTED AGAINST THE REFERRED LAW.

SECTION 4. AND BE IT FURTHER ENACTED, (Three-fifths of all the members elected to each of the two Houses concurring), That it be proposed that the Maryland Constitution read as follows:

Article XIX – Video Lottery Terminals

1.

(a) This article does not apply to:

(1) Lotteries conducted under Title 9, Subtitle 1 of the State Government Article of the Annotated Code of Maryland;

(2) Wagering on horse racing conducted under Title 11 of the Business Regulation Article of the Annotated Code of Maryland; or

(3) Gaming conducted under Title 12 or Title 13 of the Criminal Law Article of the Annotated Code of Maryland.

(b) In this article, “video lottery operation license” means a license issued to a person that allows players to operate video lottery terminals.

(c) (1) Except as provided in subsection (e) of this section, the State may issue up to five video lottery operation licenses throughout the State for the primary purpose of raising revenue for:

(i) Education for the children of the State in public schools, prekindergarten through grade 12;

(ii) Public school construction and public school capital improvements; and

(iii) Construction of capital projects at community colleges and public senior higher education institutions.

(2) Except as provided in subsection (e) of this section, the State may not authorize the operation of more than 15,000 video lottery terminals in the State.

(3) Except as provided in subsection (e) of this section, a video lottery operation license only may be awarded for a video lottery facility in the following locations:

(i) Anne Arundel County, within 2 miles of MD Route 295;

(ii) Cecil County, within 2 miles of Interstate 95;

(iii) Worcester County, within 1 mile of the intersection of Route 50 and Route 589;

(iv) On State property located within Rocky Gap State Park in Allegany County; or

(v) Baltimore City, if the video lottery facility is:

1. Located:

A. In a nonresidential area;

B. Within one-half mile of Interstate 95;

C. Within one-half mile of MD Route 295; and

D. On property that is owned by Baltimore City on the date on which the application for a video lottery operation license is submitted; and

2. Not adjacent to or within one-quarter mile of property that is:

A. Zoned for residential use; and

B. Used for a residential dwelling on the date the application for a video lottery operation license is submitted.

(4) Except as provided in subsection (e) of this section, the State may not award more than one video lottery operation license in a single county or Baltimore City.

(5) A video lottery facility shall comply with all applicable planning and zoning laws of the local jurisdiction.

(d) Except as provided in subsection (e) of this section, on or after November 15, 2008, the General Assembly may not authorize any additional forms or expansion of commercial gaming.

(e) The General Assembly may only authorize additional forms or expansion of commercial gaming if approval is granted through a referendum, authorized by an act of the General Assembly, in a general election by:

(1) a majority of the qualified voters in the State; AND

(2) IF THE ADDITIONAL FORM OR EXPANSION OF COMMERCIAL GAMING IS PROPOSED FOR A SINGLE COUNTY OR BALTIMORE CITY, BY A MAJORITY OF THE QUALIFIED VOTERS OF THE AFFECTED COUNTY OR BALTIMORE CITY.

(f) The General Assembly may, from time to time, enact such laws not inconsistent with this section, as may be necessary and proper to carry out its provisions.

SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

5–202.

(a) (9) “Net taxable income” means the amount certified by the State Comptroller for the second completed calendar year before the school year for which the calculation of State aid under this section is made, based on tax returns filed on or before [September] NOVEMBER 1 after this calendar year.

(A–1) (1) IN THIS SUBSECTION, “NET TAXABLE INCOME ADJUSTMENT” MEANS, WITH RESPECT TO EDUCATION FORMULAS THAT USE WEALTH TO CALCULATE THE AMOUNT OF STATE AID, THE DECREASE IN STATE AID THAT RESULTS FROM THE DIFFERENCE IN THE NET TAXABLE INCOME CALCULATED BASED ON TAX RETURNS FILED ON OR BEFORE SEPTEMBER 1 AND NOVEMBER 1.

(2) BEGINNING IN FISCAL YEAR 2016, THE AMOUNT THAT RESULTS FROM THE CALCULATION OF THE NET TAXABLE INCOME ADJUSTMENT SHALL BE PROVIDED AS A GRANT TO EACH COUNTY THAT WOULD RECEIVE LESS STATE AID FOR EDUCATION USING TAX RETURNS FILED ON OR BEFORE NOVEMBER 1 INSTEAD OF SEPTEMBER 1.”.

AMENDMENT NO. 10

On page 14, in line 6, after “Commission” insert “and subject to § 9–1A–27(d) of the State Government Article”; in line 23, strike “3.” and substitute “6.”; in line 28, strike “4” and substitute “7”; in line 31, strike “4.” and substitute “7.”.

AMENDMENT NO. 11

On page 15, after line 5, insert:

“SECTION 8. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by Section 4 of this Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland Constitution concerning local approval of constitutional amendments do not apply.

SECTION 9. AND BE IT FURTHER ENACTED, That Section 4 of this Act proposed as an amendment to the Maryland Constitution shall be submitted to the qualified voters of the State at the next general election to be held in November, 2012 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that general election, the vote on this proposed amendment to the Constitution shall be by ballot, and upon each ballot there shall be printed the words “For the Constitutional Amendment” and “Against the Constitutional Amendment,” as now provided by law. Immediately after the election, all returns shall be made to the Governor of the vote for and against the proposed amendment, as directed by Article XIV of the Maryland Constitution, and further proceedings had in accordance with Article XIV.

SECTION 10. AND BE IT FURTHER ENACTED, That Section 3 of this Act is contingent on the passage of Section 4 of this Act, a constitutional amendment, and its ratification by the voters of the State.

SECTION 11. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 10 of this Act, Section 3 of this Act shall take effect on the proclamation of the Governor that the constitutional amendment proposed by Section 4 of this Act, having received a majority of the votes cast at the general election, has been adopted by the people of Maryland.

SECTION 12. AND BE IT FURTHER ENACTED, That, Section 5 of this Act shall take effect July 1, 2015.”;

in line 6, strike “5.” and substitute “13.”; in line 7, strike “Section 4” and substitute “Sections 7 and 9 through 12”; and strike beginning with “and” in line 7 down through “Act,” in line 8.

The preceding 11 amendments were read only.

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

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 710)

ADJOURNMENT

At 8:28 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 6:00 P.M. on Legislative Day March 22, 2012, Calendar Day, Monday, March 26, 2012.