

Journal *of* Proceedings

of the

Senate

of

Maryland

2016 Regular Session

Volume IV

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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Annapolis, Maryland
Legislative Day: March 27, 2016
Calendar Day: Thursday, March 31, 2016
10:00 A.M. Session

The Senate met at 10:09 A.M.

Prayer by Rabbi Joseph Greenfield (retired) guest of Senator Gladden.

(See Exhibit A of Appendix III)

QUORUM CALL

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

(See Roll Call No. 851)

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

The Journal of March 26, 2016 was read and approved.

CONFERENCE COMMITTEE REPORT

Senate Bill 191 – The President (By Request – Administration)

AN ACT concerning

**Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2016,
and the Maryland Consolidated Capital Bond Loans of 2007, 2008, 2009, 2011,
2012, 2013, 2014, and 2015**

**REPORT OF THE CONFERENCE COMMITTEE ON SENATE BILL 191 –
THE CAPITAL BUDGET BILL**

(See Exhibit O of Appendix III)

Conference Committee Report read and adopted by a roll call vote as follows:

Affirmative – 35 Negative – 11 (See Roll Call No. 852)

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 2 (See Roll Call No. 853)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #5

AMENDED IN THE HOUSE

Senate Bill 1 – Senator Kagan

AN ACT concerning

Health Insurance – In Vitro Fertilization – Use of Spouse’s Sperm – Exception

Senator Middleton moved that the Senate concur in the House amendment.

SB0001/636586/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 1

(Third Reading File Bill)

On page 4, in line 19, strike “or”; in the same line, before “in” insert “, or in force”; and in line 20, strike “January 1, 2017” and substitute “July 1, 2016”.

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 36 Negative – 10 (See Roll Call No. 854)

AMENDED IN THE HOUSE

Senate Bill 54 – Senators Middleton and Ferguson

EMERGENCY BILL

AN ACT concerning

**Public Utilities – Transportation Network Services and For-Hire
Transportation – Clarifications**

Senator Middleton moved that the Senate concur in the House amendment.

SB0054/333195/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 54
(Third Reading File Bill)

On page 3, in line 3, strike “without” and substitute “with”.

On page 13, in line 26, after “**2016**” insert a comma.

On page 18, in line 12, strike “SUBPARAGRAPH (IV)2” and substitute “SUBSUBPARAGRAPH 2”; and in the same line, strike “PARAGRAPH” and substitute “SUBPARAGRAPH”.

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 855)

CONCURRENCE CALENDAR #6

AMENDED IN THE HOUSE

**Senate Bill 1052 – Senators Ferguson, Miller, Currie, DeGrange, ~~Edwards,~~
Guzzone, King, Madaleno, Manno, McFadden, ~~Peters,~~ and Serafini and
Peters**

AN ACT concerning

University of Maryland Strategic Partnership Act of 2016

Senator Kasemeyer moved that the Senate concur in the House amendments.

SB1052/754966/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 1052

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “creating” and substitute “formalizing”; strike beginning with “requiring” in line 6 down through “Maryland;” in line 7 and substitute “altering a certain provision of law regarding the Higher Education Center for Research and Graduate and Professional Study; requiring the University of Maryland to ensure that certain rights, privileges, and agreements of certain employees are not impaired or reduced;”; and in line 14, after “located” insert “on a certain campus”.

On page 2, in line 4, strike “a certain amount” and substitute “certain amounts for certain fiscal years”; in line 5, strike “beginning in a certain fiscal year”; in line 8, strike “office” and substitute “corporate headquarters”; in line 10, after “date;” insert “requiring the Chancellor of the University System of Maryland to develop a certain plan to locate a certain corporate headquarters in Baltimore City and to submit the plan to the Department of Budget and Management and certain committees of the General Assembly on or before a certain date;”; in line 17, after “years;” insert “requiring the Board of Regents of the University System of Maryland to work in consultation with certain committees of the General Assembly on a certain strategy to enhance the funding guideline attainment for all institutions within the University System of Maryland; requiring the Board of Regents to submit a certain progress report to certain committees of the General Assembly on or before a certain date; requiring the Board of Regents to submit a certain report to the Governor on or before a certain date on a certain strategy to enhance the funding guideline attainment for all institutions within the University System of Maryland, and requiring copies of the report to be distributed to certain committees of the General Assembly;”; strike beginning with “providing” in line 24 down through “Baltimore;” in line 25; in line 26, strike “certain names and titles of a certain unit and officials” and substitute “the names of the University of Maryland, Baltimore and the University of Maryland, College Park”; in line 27, strike “the names and titles of the successor unit and officials” and substitute “the University of Maryland”; in line 29, after “Assembly;” insert “prohibiting certain State funding for certain University of Maryland centers established in accordance with this Act from being included in certain calculations of State funding for certain institutions of higher education under certain provisions of law;”; in line 32, after “terms;” insert “altering a certain definition;”; and in line 43, strike “and (f)” and substitute “, (f), and (g)”.

AMENDMENT NO. 2

On page 6, in lines 18 and 21, in each instance, strike “funding” and substitute “competitor state”.

On page 9, after line 16, insert:

“(g) The University System of Maryland shall maintain and enhance a coordinated Higher Education Center for Research and Graduate and Professional Study, in the Baltimore area[. Based] **BASED** on [their] **THE** joint graduate and research programs[.] **OF** the University of Maryland, Baltimore **CAMPUS** and the University of Maryland Baltimore County, **WHICH IS ONE OF THE STATE’S RESEARCH INSTITUTIONS** [shall be considered a single research institution for the purposes of determining peer institutions. Funding guidelines for the professional schools of the University of Maryland, Baltimore shall be based on peer comparisons separately established for each school].”

On page 10, in line 18, after the closing bracket, insert “**, WHICH IS A STRATEGIC PARTNERSHIP BETWEEN THE FOLLOWING TWO DISTINCT CAMPUSES WITHIN THE UNIVERSITY SYSTEM OF MARYLAND:**”

- 1. THE UNIVERSITY OF MARYLAND, BALTIMORE CAMPUS; AND**
- 2. THE UNIVERSITY OF MARYLAND, COLLEGE PARK CAMPUS”**.

On page 11, strike in their entirety lines 15 through 19, inclusive; in line 26, strike the opening bracket; and in the same line, strike “an office at the place” and substitute “**OFFICES AT THE PLACES**”.

On page 12, in line 1, strike the closing bracket; in lines 4, 6, and 8, in each instance, strike the brackets; in lines 4, 6, and 8, strike “**(5)**”, “**(6)**”, and “**(7)**”, respectively; and in line 14, strike “**MAINTAIN ITS**” and substitute “**ESTABLISH ITS CORPORATE**”.

On page 14, in lines 28 and 29, in each instance, after the second “**THE**” insert “**UNIVERSITY OF MARYLAND,**”; and strike beginning with the second “**OF**” in line 29 down through “**MARYLAND**” in line 30.

On page 15, in line 17, after “**MARYLAND**” insert “**, WHICH IS A STRATEGIC PARTNERSHIP BETWEEN THE FOLLOWING TWO DISTINCT CAMPUSES WITHIN THE UNIVERSITY SYSTEM OF MARYLAND:**”

- (I) THE UNIVERSITY OF MARYLAND, BALTIMORE CAMPUS;
AND
- (II) THE UNIVERSITY OF MARYLAND, COLLEGE PARK
CAMPUS”;

after line 17, insert:

“(2) THE UNIVERSITY OF MARYLAND STRATEGIC PARTNERSHIP IS A FORMAL STRATEGIC ALLIANCE WHICH LEVERAGES THE RESOURCES OF EACH CAMPUS WITHIN THE UNIVERSITY OF MARYLAND TO BENEFIT THE STATE AND IMPROVE AND ENHANCE:

- (I) ACADEMIC PROGRAMS AND EXPERIENCES FOR STUDENTS;
- (II) RESEARCH, TECHNOLOGY, TECHNOLOGY TRANSFER, AND COMMERCIALIZATION FOR ECONOMIC DEVELOPMENT; AND
- (III) PUBLIC SERVICE AND THE COMMITMENT TO COMMUNITY DEVELOPMENT.”;

strike in their entirety lines 18 through 20, inclusive; and after line 22, insert:

“(4) THE UNIVERSITY OF MARYLAND SHALL ENSURE THAT THE RIGHTS, PRIVILEGES, AND AGREEMENTS OF ITS EMPLOYEES UNDER DIVISION I OF THE STATE PERSONNEL AND PENSIONS ARTICLE OR UNDER ANY HIGHER EDUCATION PERSONNEL RULES OR POLICIES ARE NOT IMPAIRED OR REDUCED.”.

AMENDMENT NO. 3

On page 16, strike beginning with “THE” in line 4 down through “THE” in line 5 and substitute “THE”; in line 6, strike “HAVING THE PRIMARY” and substitute “SHALL HAVE THE”; in the same line, after “CAMPUS” insert “WITHIN THE UNIVERSITY OF MARYLAND”; and in line 15, strike “ASPIRATIONAL” and substitute “COMPETITOR STATE”.

On page 17, in line 1, after “(E)” insert “(1)”; in line 3, strike “AND” and substitute a comma; in the same line, after “INSTITUTIONS” insert “, AND ENTITIES INCLUDING THE UNIVERSITY OF MARYLAND MEDICAL SYSTEM”; after line 3, insert:

“(2) THE PRESIDENTS SHALL ACTIVELY SEEK COLLABORATION WITH OTHER INSTITUTIONS AND ENTITIES, PARTICULARLY IN THE BALTIMORE METROPOLITAN REGION, AS APPROPRIATE, TO BENEFIT THE STATE.”;

in line 20, strike “ASPIRATIONAL” and substitute “COMPETITOR STATE”; strike line 21 in its entirety; and in lines 22, 27, and 29, strike “(5)”, “(6)”, and “(7)”, respectively, and substitute “(4)”, “(5)”, and “(6)”, respectively.

On page 18, in line 4, after “LOCATED” insert “ON THE UNIVERSITY OF MARYLAND, BALTIMORE CAMPUS”.

On page 21, strike in their entirety lines 14 through 16, inclusive, and substitute:

“(D) THE GOVERNOR SHALL APPROPRIATE AT LEAST THE FOLLOWING AMOUNTS IN GENERAL FUNDS TO UMCEED FOR THE FOLLOWING FISCAL YEARS:

(1) \$2,000,000 FOR FISCAL YEAR 2018;

(2) \$4,000,000 FOR FISCAL YEAR 2019; AND

(3) \$6,000,000 FOR FISCAL YEAR 2020 AND EACH FISCAL YEAR THEREAFTER.”.

AMENDMENT NO. 4

On page 37, in line 30, strike “the” and substitute “:

(a) The”;

in line 31, after “Maryland” insert “corporate”; and after line 34, insert:

“(b) (1) The Chancellor of the University System of Maryland shall develop a plan for moving the corporate headquarters to Baltimore City.

(2) On or before December 1, 2016, the Chancellor shall submit the plan developed under paragraph (1) of this subsection, including an estimate of any costs associated with the plan, to the Department of Budget and Management and the Senate Budget and Taxation Committee and the House Appropriations Committee, in accordance with § 2–1246 of the State Government Article.”.

On page 38, after line 26, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) (1) The Board of Regents of the University System of Maryland shall work in collaboration with the Senate Budget and Taxation Committee and the House Appropriations Committee to develop a multiyear strategy to enhance the funding guideline attainment for all institutions within the University System of Maryland.

(2) The collaboration required under paragraph (1) of this subsection shall include a progress report on work completed to date submitted on or before September 15, 2016, by the Board of Regents to the Senate Budget and Taxation Committee and the House Appropriations Committee, in accordance with § 2–1246 of the State Government Article.

(b) (1) On or before December 1, 2016, the Board of Regents shall report to the Governor on the multiyear strategy to enhance the funding guideline attainment for all institutions within the University System of Maryland that was developed in consultation with the Senate Budget and Taxation Committee and the House Appropriations Committee.

(2) Copies of the report submitted to the Governor under paragraph (1) of this subsection shall be distributed to the Senate Budget and Taxation Committee and the House Appropriations Committee, in accordance with § 2–1246 of the State Government Article.”;

and in lines 27, 30, and 36, strike “5.”, “6.”, and “7.”, respectively, and substitute “6.”, “7.”, and “8.”, respectively.

AMENDMENT NO. 5

On page 39, in lines 1, 8, 14, 19, and 30, strike “8.”, “9.”, “10.”, “11.”, and “12.”, respectively, and substitute “9.”, “10.”, “11.”, “12.”, and “13.”, respectively; in line 2, after “campuses” insert “and other campuses serving the Baltimore metropolitan region”; strike beginning with “that” in line 2 down through “Park” in line 4; strike beginning with the

colon in line 8 down through “In” in line 11 and substitute “, in”; strike beginning with “those” in line 12 down through “agency” in line 13 and substitute “the University of Maryland, Baltimore and the University of Maryland, College Park mean the University of Maryland”; strike beginning with “of” in line 27 down through “unit” in line 28 and substitute “, the University of Maryland, the University of Maryland, Baltimore Campus, and the University of Maryland, College Park Campus”; and in line 29, strike “unit” and substitute “University of Maryland, Baltimore and the University of Maryland, College Park”.

On page 40, in lines 1, 11, and 18, strike “13.”, “14.”, and “15.”, respectively, and substitute “14.”, “16.”, and “17.”, respectively; in line 5, strike the second comma and substitute “**AND**”; strike beginning with “, and” in line 5 down through “investment” in line 6 and substitute “**SUPPORT**”; and after line 10, insert:

“SECTION 15. AND BE IT FURTHER ENACTED, That State funding for the University of Maryland centers established in accordance with this Act may not be included in the calculations of State funding under §§ 16–305, 16–512, and 17–104 of the Education Article.”.

The preceding 5 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 31 Negative – 13 (See Roll Call No. 856)

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

BILL NO.	SPONSOR	CONTENT
SB 51	Sen. Klausmeier	Natural Resources – Aquaculture Coordinating Council – Membership
SB 72	Sen. DeGrange	Citizens Com for the Enhancement of Cmnts Surrounding BWI Thurgood Marshall Airport – Mbrshp

BILL NO.	SPONSOR	CONTENT
SB 104	Chair, Education, Health, and Environmental Affairs Committee	Housing and Community Development – Local Government Infrastructure Projects – Financing
SB 110	Chair, Education, Health, and Environmental Affairs Committee	Agriculture – Young Farmers Advisory Board – Membership
SB 112	Chair, Education, Health, and Environmental Affairs Committee	Pest Control Compact – Repeal
SB 113	Chair, Education, Health, and Environmental Affairs Committee	Department of Agriculture – Bees, Bee Colonies, and Used Bee Equipment – Trnsprtn and Shipment
SB 146	Harford County Senators	Harford County – State’s Attorney – Salary
SB 173	Sen. Feldman	Local Govt – Clean Energy Loan Programs – Commercial Prprty Owners – Renewable Energy Prjcts
SB 194	Sen. Ready	Ethics Comm, Comm on Jud Dsblts, Jud Ethics Com, and Jt Ethics Com – Duties
SB 242	Sen. Kelley	Maryland Medical Assistance Program – Telemedicine – Modifications

BILL NO.	SPONSOR	CONTENT
SB 277	Sen. Middleton	Motor Fuel Suppliers and Retail Service Station Dealers – Promotion – Sales
SB 323	Sen. Pinsky	Greenhouse Gas Emissions Reduction Act – Reauthorization
SB 336	Sen. Kelley	Hospitals – Designation of Lay Caregivers
SB 344	Sen. Peters	State Retirement and Pension System – Local Fire and Police System – Commingling of Assets
SB 345	Sen. Peters	State Retirement and Pension System – Optional Retirement Allowances – Designated Beneficiaries
SB 373	Sen. Peters	Teachers’ Retirement and Pension Systems – Reemployment of Retirees – Clarification
SB 378	The President	State Employees – Merit Increases in Salary
SB 410	Sen. Ferguson	Distillery License Holders – Sale of Product to Participants in Guided Tours
SB 426	Sen. Astle	Maryland Emergency Management Assistance Compact – City of Annapolis
SB 460	Sen. Conway	Health Occupations – Dental Hygienists – Local Anesthesia
SB 469	Sen. McFadden	State Board of Pharmacy – Licensure Requirements for Pharmacists – Proof of Proficiency in English
SB 471	Sen. Pugh	Commercial Law – Debt Settlement Services – Fund and Sunset Repeal
SB 473	Sen. Peters	Correctional Officers’ Retirement System – Clifton T. Perkins Maximum Security Guards – Allowances
SB 477	Sen. Peters	State Retirement and Pension Sstm – Reemployment of Ordinary Dsblty Retirees – Earnings Limitation

BILL NO.	SPONSOR	CONTENT
SB 516	Washington County Senators	Washington County – Fire, Rescue, and Ambulance Service – Local Authority
SB 541	Sen. Feldman	Portable Electronics Insurance – Required Notices – Method of Mailing
SB 544	Sen. Middleton	Motor Vhcl Ins – Ins ID Card – Carrying Proof of Cvrg – Uninsured Motorist Ed and Enfrcmt Fnd
SB 600	Sen. Reilly	Freestanding Birthing Centers – Use of Ultrasound Imaging
SB 687	Sen. Middleton	Charles Co – Alchlc Bevs – Entertainment Concessionaire and Entertainment Facility Licenses
SB 825	Sen. Conway	Health Occupations – Dental Hygienists – Administration of Nitrous Oxide

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

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 253 – Delegate Otto

AN ACT concerning

Motor Vehicle Registration – Exception for Golf Carts – City of Crisfield

FOR the purpose of creating an exception from motor vehicle registration requirements under certain circumstances for golf carts in the City of Crisfield; providing that a person who operates a golf cart on a highway in the City of Crisfield may operate the golf cart only on certain roads at certain times and only if the golf cart is equipped with certain lighting devices; requiring a person who operates a golf cart on a highway in the City of Crisfield to keep as far to the right of the roadway as feasible and possess a valid driver's license; authorizing the State Highway Administration,

in consultation with the City of Crisfield, to develop a location in the City of Crisfield where a person operating a golf cart may cross over a certain highway; and generally relating to an exception to motor vehicle registration requirements for golf carts in the City of Crisfield.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 13–402(a)(1)
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–402(c)
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

BY adding to
Article – Transportation
Section 21–104.2
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

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

House Bill 399 – Delegates Afzali and K. Young, K. Young, Hammen, Angel, Barron, Bromwell, Cullison, Hayes, Hill, Kelly, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Morhaim, Oaks, Pena-Melnyk, Pendergrass, Rose, Saab, Sample-Hughes, and West

AN ACT concerning

Lyme Disease – Laboratory Test – Required Notice

FOR the purpose of requiring certain health care providers and certain medical laboratories to provide a certain notice to a patient for whom the health care provider or the medical laboratory orders performs a laboratory test for the presence of Lyme disease; providing immunity from liability, under certain circumstances, for certain health care providers for providing the notice; authorizing the Department of Health and Mental Hygiene to adopt certain regulations under certain circumstances; requiring the Department to provide certain written notice to certain committees of the General Assembly before submitting certain regulations for publication in the Maryland Register; prohibiting the provision of a certain notice from being the sole basis for a cause of action; and generally relating to laboratory tests for Lyme disease.

BY adding to

Article – Health – General

Section 20–1701 to be under the new subtitle “Subtitle 17. Lyme Disease Information”

Annotated Code of Maryland
(2015 Replacement Volume)

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

House Bill 437 – Delegates Barron, Hammen, Jackson, Lisanti, Sample–Hughes, ~~and K. Young~~ K. Young, Angel, Bromwell, Hayes, Kelly, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Oaks, Pena–Melnik, Pendergrass, Rose, Saab, and West

AN ACT concerning

Department of Health and Mental Hygiene – Prescription Drug Monitoring Program – Modifications

FOR the purpose of requiring that certain authorized providers ~~and prescribers~~ be registered with the Prescription Drug Monitoring Program before obtaining a certain new or renewal registration ~~or by a certain date, whichever is sooner~~; requiring that certain prescribers be registered with the Program before obtaining a certain new or renewal registration or by a certain date, whichever is sooner; requiring that certain pharmacists be registered with the Program by a certain date; requiring a prescriber and a pharmacist to complete a certain course of instruction before registering with the Program; altering the mission of the Program; authorizing the Secretary of Health and Mental Hygiene to identify and publish a list of certain monitored prescription drugs; requiring the Secretary, in consultation with the Maryland Health Care Commission and the Advisory Board on Prescription Drug Monitoring, to educate pharmacists, prescriber delegates, and pharmacist delegates about the purpose and operation of the Program; requiring certain regulations adopted by the Secretary to specify a certain frequency for dispensers to submit certain information; ~~altering~~ repealing a requirement that certain regulations adopted by the Secretary specify that a prescriber or dispenser is not required or obligated to access or use certain prescription monitoring data ~~to instead require the regulations to specify the circumstances under which a prescriber or a pharmacist is required to request prescription monitoring data from the Program~~; requiring that certain regulations adopted by the Secretary specify a process for the Program’s review of prescription monitoring data and reporting of a possible violation of law or possible breach of professional standards; requiring certain prescribers ~~and pharmacists~~ to request and assess certain prescription monitoring data under certain circumstances; requiring a certain prescriber to document certain information in a patient’s medical records under certain circumstances; authorizing a certain prescriber or pharmacist to authorize a prescriber delegate or pharmacist delegate to request prescription monitoring data on behalf of the prescriber or pharmacist under certain circumstances; specifying the circumstances under which certain prescribers ~~and pharmacists~~ are not required to request prescription monitoring data from the

Program or to comply with certain provisions of this Act; requiring certain prescribers ~~and pharmacists~~ who do not access prescription monitoring data to take certain actions; requiring a pharmacist or pharmacist delegate to request prescription monitoring data before dispensing a monitored prescription drug under certain circumstances and for a certain purpose; providing that a pharmacist shall have the responsibility described in a certain federal regulation; authorizing the Secretary to adopt regulations regarding certain exemptions; requiring, instead of authorizing, the Program to review prescription monitoring data for signs of certain misuse or abuse and requiring, instead of authorizing, the Program to report the possible misuse or abuse to a certain prescriber or pharmacist; requiring authorizing, instead of requiring, the Program to obtain from a certain technical advisory committee certain guidance and interpretation of certain data; authorizing the Program to review prescription monitoring data for indications of a possible violation of law or a possible breach of professional standards by a prescriber or a pharmacist dispenser; requiring authorizing the Program to provide certain notification and information education under certain circumstances; requiring the Program to obtain certain guidance and certain interpretation of certain data before providing certain notification of certain possible violations; authorizing the Program, under certain circumstances, to request that a certain technical advisory committee review certain requests and provide certain clinical guidance; requiring the Program, in consultation with the Advisory Board on Prescription Drug Monitoring, to consider certain policies and procedures; altering the information that the Advisory Board on Prescription Drug Monitoring must report annually to the Governor and the General Assembly; altering the purpose and membership of a certain technical advisory committee; altering a certain immunity from liability or disciplinary action arising solely from certain actions; providing that prescribers, prescriber delegates, pharmacists, and pharmacist delegates shall be subject to disciplinary action by the appropriate licensing entity for certain violations; providing that a release of prescription monitoring data by a prescriber delegate, pharmacist, or pharmacist delegate under certain circumstances is not a violation of certain provisions of law; requiring the Department of Health and Mental Hygiene to report to certain committees, on or before certain dates, regarding the ongoing implementation and use of the Program; requiring the Department to report to certain committees, on or before a certain date, on certain matters, for a certain purpose; requiring the Department to develop and implement a certain plan; making certain provisions of this Act subject to certain contingencies; requiring the Secretary to give certain notice to the Department of Legislative Services and certain committees of the General Assembly within a certain time period after the Secretary makes a determination that certain contingencies have been satisfied; providing that certain provisions of this Act shall be null and void under certain circumstances; altering certain definitions; defining certain terms; making certain technical corrections; and generally relating to the Prescription Drug Monitoring Program.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 5–304
Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 21–2A–01(a), (e), and (f), 21–2A–02(c), and 21–2A–03(a)

Annotated Code of Maryland

(2015 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 21–2A–01(d), (g), (h), (i), (j), and (k), 21–2A–02(b), 21–2A–03(b) and (e),
21–2A–04, 21–2A–05(f)(3)(i) and (ii), 21–2A–06, 21–2A–07(b) and (c),
21–2A–08(b), and 21–2A–09

Annotated Code of Maryland

(2015 Replacement Volume)

BY adding to

Article – Health – General

Section 21–2A–01(h), (i), (k), (o), and (p), 21–2A–04.1, ~~and~~ 21–2A–04.2, and
21–2A–04.3

Annotated Code of Maryland

(2015 Replacement Volume)

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

House Bill 712 – ~~Delegates Grammer, Aumann, Bromwell, Brooks, Cluster, Impallaria, Jalisi, Lam, McDonough, Metzgar, Miele, Stein, Szeliga, West, and P. Young~~ Baltimore County Delegation

AN ACT concerning

Foreclosures – Baltimore County – Certificate of Vacancy or Certificate of Property Unfit for Human Habitation

FOR the purpose of requiring Baltimore County to issue a certificate of vacancy or a certificate of property unfit for human habitation under certain circumstances; requiring a certificate of vacancy or a certificate of property unfit for human habitation to be issued or denied in Baltimore County within a certain period of time; providing for a delayed effective date; and generally relating to the issuance of a certificate of vacancy or a certificate of property unfit for human habitation in Baltimore County.

BY repealing and reenacting, with amendments,

Article – Real Property

Section 7–105.11

Annotated Code of Maryland

(2015 Replacement Volume)

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

House Bill 722 – Delegates Hixson, Barkley, Barve, Brooks, Carr, Chang, Ebersole, Fraser-Hidalgo, Frick, Healey, Jackson, Kaiser, Kelly, Korman, Kramer, Lam, Luedtke, A. Miller, Moon, Morales, Pena-Melnyk, Platt, Reznik, S. Robinson, Smith, Turner, Valderrama, and Waldstreicher

AN ACT concerning

Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms – Funding

FOR the purpose of altering the amount of money, beginning in a certain fiscal year, the Governor is required to provide in the State budget for the Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms each fiscal year; altering a certain reporting date; and generally relating to funding for the Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms.

BY repealing and reenacting, with amendments,
Article – Education
Section 5–313
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–645(l)
Annotated Code of Maryland
(2008 Volume and 2015 Supplement)

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

House Bill 1504 – Delegates ~~Rosenberg and Waldstreicher~~, Waldstreicher, Angel, Barron, Bromwell, Hammen, Hayes, Hill, Kelly, Krebs, Morhaim, Oaks, Pena-Melnyk, Pendergrass, Sample-Hughes, West, and K. Young

AN ACT concerning

Department of Health and Mental Hygiene – Distribution of Tobacco Products to Minors – Prohibition and Enforcement

FOR the purpose of prohibiting ~~a person~~ certain persons from distributing certain tobacco products, certain paraphernalia, or certain coupons to a minor, with certain exceptions; providing that a person who violates a certain provision of this Act is subject to certain civil penalties; establishing a certain defense in a prosecution for

a certain violation; providing that a county health officer, or a designee of a county health officer, may issue a certain civil citation for a violation of a certain provision of this Act; requiring certain civil citations to include certain information and to be processed in a certain manner; providing for a certain election to stand trial; requiring the District Court to remit certain collected penalties in a certain manner; providing that adjudication of a violation of a certain provision of this Act is not a criminal conviction for any purpose; requiring the Comptroller's Office to provide certain information to the Prevention and Health Promotion Administration each year; requiring the Comptroller's Office to provide certain information to the General Assembly on or before a certain date each year; requiring local health departments to report certain violations to the Comptroller's Office; requiring the Department of Health and Mental Hygiene, in collaboration and consultation with certain agencies, to develop certain strategies; requiring the Department to report on the development of certain strategies and certain training and assistance on or before a certain date each year; defining a certain term; providing for the application of certain provisions of this Act; and generally relating to prohibitions on the distribution of tobacco products to minors.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 16–205
Annotated Code of Maryland
(2015 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–107 and 10–108
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

BY adding to
Article – Health – General
Section 24–307
Annotated Code of Maryland
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–107
Annotated Code of Maryland
(2010 Replacement Volume and 2015 Supplement)

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

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #69

Senate Bill 509 – Senator Waugh

AN ACT concerning

Real Property – Actions to Quiet Title

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

Affirmative – 46 Negative – 0 (See Roll Call No. 857)

The Bill was then sent to the House of Delegates.

Senate Bill 532 – Senator McFadden

AN ACT concerning

Correctional Officers’ Retirement System – Membership – Correctional Case Management Specialist

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

Affirmative – 46 Negative – 0 (See Roll Call No. 858)

The Bill was then sent to the House of Delegates.

Senate Bill 558 – Senators Ferguson, Currie, Guzzone, Klausmeier, Madaleno, McFadden, ~~and Pugh~~ Pugh, Nathan-Pulliam, and Conway

AN ACT concerning

Baltimore Regional Neighborhood Initiative Program – Codified

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

Affirmative – 32 Negative – 14 (See Roll Call No. 859)

The Bill was then sent to the House of Delegates.

Senate Bill 707 – ~~Senator Middleton~~ Senators Middleton, Hershey, and Mathias

AN ACT concerning

Freestanding Medical Facilities – Certificate of Need, Rates, and Definition

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

Affirmative – 46 Negative – 0 (See Roll Call No. 860)

The Bill was then sent to the House of Delegates.

Senate Bill 771 – The President (By Request – Office of the Attorney General)

AN ACT concerning

**Courts and Judicial Proceedings – Consumer Debt Collection
Actions – Restrictions**

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

Affirmative – 43 Negative – 3 (See Roll Call No. 861)

The Bill was then sent to the House of Delegates.

Senate Bill 1097 – Senators Mathias, Eckardt, Edwards, Hershey, and Middleton

AN ACT concerning

Local Government Tort Claims Act – Regional Development Councils

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

Affirmative – 46 Negative – 0 (See Roll Call No. 862)

The Bill was then sent to the House of Delegates.

Senate Bill 1143 – Senators Muse, Astle, Bates, Benson, Brochin, Cassilly, Conway, Currie, DeGrange, Eckardt, Edwards, Feldman, Ferguson, Gladden, Guzzone, Hershey, Hough, Jennings, Kagan, Kasemeyer, King, Klausmeier, Lee, Madaleno, Manno, Mathias, McFadden, Middleton, Nathan-Pulliam, Norman, Peters, Pinsky, Pugh, Ramirez, Raskin, Ready, Reilly, Rosapepe, Salling, Serafini, Simonaire, Waugh, Young, Zirkin, and Zucker

AN ACT concerning

~~Prince George's County~~ **Neshante and Chloe Davis Domestic Violence
Prevention Task Force**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 863)

The Bill was then sent to the House of Delegates.

Senate Bill 1173 – Senators Pugh, Conway, McFadden, Ferguson, and Nathan-Pulliam

AN ACT concerning

~~Department of Labor, Licensing and Regulation – Adult Education – Adult High Schools~~

Task Force to Study the Adult High School Concept

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

Affirmative – 46 Negative – 0 (See Roll Call No. 864)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #9

CONSENT CALENDAR #7

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 380	Del. B. Barnes	State Retirement and Pension System – Local Fire and Police System – Commingling of Assets	B&T
HB 382	Del. B. Barnes	State Retirement and Pension System – Optional Retirement Allowances – Designated Beneficiaries	B&T
HB 537	Del. B. Barnes	Teachers' Retirement and Pension Systems – Reemployment of Retirees – Clarification	B&T
HB 581	Del. B. Barnes	State Retirement and Pension Sstm – Reemployment of Ordinary Dsblty Retirees – Earnings Limitation	B&T

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 926	Del. Lierman	Optional Retirement Program – Eligibility – Alterations	B&T

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

All of the above listed bills on the Third Reading Consent Calendar No. 7 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 865)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #10

House Bill 137 – Charles County Delegation

AN ACT concerning

Charles County – Taxing Districts for Infrastructure Improvements – Repeal of Restriction

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

Affirmative – 46 Negative – 0 (See Roll Call No. 866)

The Bill was then sent to the House of Delegates.

House Bill 172 – ~~Delegate Sophocles (By Request – Anne Arundel County Administration)~~ Anne Arundel County Delegation

AN ACT concerning

~~Anne Arundel County – County Board of Education and School Board Nominating Commission – Membership~~

FLOOR AMENDMENT

HB0172/913422/1

BY: Senator Simonaire

AMENDMENT TO HOUSE BILL 172

(Third Reading File Bill)

On page 4, after line 16, insert:

“(3) THE COMMISSION SHALL REFLECT THE RICH CULTURAL, GEOGRAPHIC, ETHNIC, AND RACIAL DIVERSITY OF ANNE ARUNDEL COUNTY.”;

and in lines 17, 22, and 28, strike **“(3)”**, **“(4)”**, and **“(5)”**, respectively, and substitute **“(4)”**, **“(5)”**, and **“(6)”**, respectively.

On page 5, in lines 3, 5, 8, and 25, strike **“(6)”**, **“(7)”**, **“(8)”**, and **“(9)”**, respectively, and substitute **“(7)”**, **“(8)”**, **“(9)”**, and **“(10)”**, respectively.

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

Affirmative – 15 Negative – 31 (See Roll Call No. 867)

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

Affirmative – 32 Negative – 14 (See Roll Call No. 868)

The Bill was then sent to the House of Delegates.

**House Bill 352 – Delegates Ghrist, Arentz, Hornberger, S. Howard, ~~and Jacobs~~
Jacobs, and Jackson**

SECOND PRINTING

AN ACT concerning

Office of Legislative Audits – Local School System Audits—~~Repeal~~

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

Affirmative – 46 Negative – 0 (See Roll Call No. 869)

The Bill was then sent to the House of Delegates.

House Bill 378 – Delegates Tarlau, Anderson, D. Barnes, Carr, Clippinger, Ebersole, Fennell, Frush, Hayes, Hettleman, Hill, Jalisi, Kelly, Korman,

Luedtke, McCray, Moon, Morales, Patterson, Pena–Melnik, Pendergrass, Platt, Sanchez, Turner, Walker, A. Washington, and M. Washington

AN ACT concerning

Homeowners' Property Tax Credit Program – Eligibility Awareness Campaign

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

Affirmative – 46 Negative – 0 (See Roll Call No. 870)

The Bill was then sent to the House of Delegates.

House Bill 379 – Delegate B. Barnes (Chair, Joint Committee on Pensions)

AN ACT concerning

**Employees' and Teachers' Pension Systems – Reformed Contributory Pension
Benefit – Eligibility Service Clarifications**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 871)

The Bill was then sent to the House of Delegates.

House Bill 381 – Delegate B. Barnes (Chair, Joint Committee on Pensions)

AN ACT concerning

**State Retirement and Pension System – Board of Trustees – Designee
Appointments and Fiduciary Duties**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 872)

The Bill was then sent to the House of Delegates.

House Bill 447 – Charles County Delegation

AN ACT concerning

**Charles County – County Transfer Tax – Revenue Received by the Clerk of the
Circuit Court**

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

Affirmative – 45 Negative – 0 (See Roll Call No. 873)

The Bill was then sent to the House of Delegates.

House Bill 462 – The Speaker (By Request – Administration) and Delegates Adams, Afzali, Anderton, Arentz, Aumann, Beitzel, Bromwell, Buckel, Carozza, Cassilly, Ciliberti, Cluster, Fisher, Flanagan, Folden, Gaines, Ghrist, Glass, Hornberger, S. Howard, Jacobs, Kipke, Kittleman, Krebs, Long, Malone, Mautz, McComas, McDonough, McKay, Metzgar, Miele, W. Miller, Morgan, Otto, Reilly, Rose, Saab, Shoemaker, Simonaire, Szeliga, Vogt, West, B. Wilson, and Wivell

AN ACT concerning

~~State Transfer Tax – Distribution of Revenue~~
Program Open Space – Transfer Tax Repayment – Use of Funds

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

Affirmative – 46 Negative – 0 (See Roll Call No. 874)

The Bill was then sent to the House of Delegates.

House Bill 684 – Delegates Hammen, Anderson, Branch, Busch, Carey, Carter, Clippinger, Conaway, Glenn, Hayes, Haynes, Lafferty, Lierman, Lisanti, McCray, McIntosh, Oaks, Pena-Melnyk, Pendergrass, B. Robinson, S. Robinson, Rosenberg, Smith, Sophocleus, M. Washington, West, and P. Young

AN ACT concerning

Baltimore Regional Neighborhood Initiative Program – Codified

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

Affirmative – 31 Negative – 14 (See Roll Call No. 875)

The Bill was then sent to the House of Delegates.

House Bill 686 – Delegates Hammen, Anderson, Branch, Busch, Carey, Carter, Clippinger, Conaway, Glenn, Hayes, Haynes, Lafferty, Lierman, Lisanti, McCray, McIntosh, Oaks, Pena-Melnyk, Pendergrass, B. Robinson, S. Robinson, Rosenberg, Smith, Sophocleus, Walker, M. Washington, West, and P. Young

AN ACT concerning

**Department of Housing and Community Development – Strategic Demolition
and Smart Growth Impact Fund – Establishment**

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

Affirmative – 41 Negative – 5 (See Roll Call No. 876)

The Bill was then sent to the House of Delegates.

**House Bill 1406 – Delegates Clippinger, Anderson, Branch, Carter, Conaway,
Glenn, Hammen, Hayes, Haynes, Lierman, McCray, McIntosh, Oaks,
B. Robinson, Rosenberg, and M. Washington**

AN ACT concerning

~~**Department of Labor, Licensing and Regulation – Adult Education – Adult High
Schools**~~

Task Force to Study the Adult High School Concept

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

Affirmative – 46 Negative – 0 (See Roll Call No. 877)

The Bill was then sent to the House of Delegates.

House Bill 1581 – Harford County Delegation

EMERGENCY BILL

AN ACT concerning

**Harford County Deputy Sheriff Patrick Dailey Sheriffs Dailey and Logsdon
Benefits Memorial Act**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 878)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #11

**House Bill 1013 – Delegates Beidle, Lierman, B. Barnes, Branch, Brooks, Busch,
Clippinger, Fennell, Frush, Haynes, Healey, Hixson, Holmes, C. Howard,**

~~Jacobs~~, Krimm, Lafferty, McCray, McIntosh, Moon, Reznik, Tarlau, and P. Young

AN ACT concerning

Maryland Open Transportation Investment Decision Act of 2016

FLOOR AMENDMENT

HB1013/453329/1

BY: Senator Hershey

AMENDMENT TO HOUSE BILL 1013

(Third Reading File Bill)

On page 1, in line 14, after “Plan;” insert “establishing a Task Force to Create an Objective and Transparent System for Rating Transportation Projects; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to develop a prioritization process for highway and transit projects to be used in the Consolidated Transportation Plan; requiring the Task Force to make certain findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of certain provisions of this Act; providing for the effective dates of this Act;”.

On page 18, before line 1, insert:

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

(a) There is a Task Force to Create an Objective and Transparent System for Rating Transportation Projects.

(b) The Task Force consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) one member of the Senate of Maryland, appointed by the Minority Leader of the Senate;

(4) one member of the House of Delegates, appointed by the Minority Leader of the House; and

(5) the members of the Advisory Committee on Transportation Goals, Benchmarks, and Indicators.

(c) The Secretary of Transportation shall chair the Task Force.

(d) The Department of Transportation shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) (1) In consultation with the Task Force, the Department of Transportation shall develop a prioritization process for highway and transit projects to be used in the Consolidated Transportation Plan.

(2) The prioritization process shall be based on objective and quantifiable analysis that considers at a minimum the following factors relative to the cost of the project or strategy:

(i) congestion mitigation;

(ii) economic development;

(iii) accessibility;

(iv) equity and fairness; and

(v) safety and environmental quality.

(g) The prioritization process may:

(1) provide for the assignment of different weights to highway and transit projects of regional, statewide, or interstate importance;

(2) assign different weights to highway and transit projects depending on the needs of different regions of the State and the benefits to the public welfare attributable to different regions of the State;

(3) provide geographical equity to promote a consensus in support of a statewide transportation program; and

(4) provide a balance between different modes of transportation in order to promote a consensus in support of a statewide transportation program.

(h) The Secretary of Transportation in conjunction with the Task Force shall hold public hearings in Baltimore City and each county in order to solicit input from State and local officials, transit officials, transportation authorities, stakeholders, and members of the public regarding the Department's development of the prioritization process.

(i) On or before June 1, 2017, the Department shall submit a report of its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly regarding a prioritization process for highway and transit projects in accordance with this section.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect June 1, 2016. It shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2017, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.”;

in lines 1, 4, 8, and 11, strike “2.”, “3.”, “4.”, and “5.”, respectively, and substitute “4.”, “5.”, “6.”, and “7.”, respectively; in line 3, after “under” insert “Section 1 of”; and in line 11, after “That” insert “, except as provided in Section 3 of this Act.”.

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

Affirmative – 17 Negative – 29 (See Roll Call No. 879)

FLOOR AMENDMENT

HB1013/733129/1

BY: Senator Ready

AMENDMENTS TO HOUSE BILL 1013, AS AMENDED

(Third Reading File Bill)

AMENDMENT NO. 1

Strike the Budget and Taxation Committee Amendment (HB1013/499432/1) in its entirety.

On page 1 of the bill, in line 2, strike “Maryland Open Transportation Investment Decision Act of 2016” and substitute “Consolidated Transportation Program Coordinating Council”; strike beginning with “establishing” in line 3 down through “goals” in line 17 and substitute “establishing the Consolidated Transportation Program Coordinating Council; providing for the composition, chair, and staffing of the Council; prohibiting a member of the Council from receiving certain compensation, but authorizing the reimbursement of certain expenses; establishing the duties of the Council; requiring the Council 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 Consolidated Transportation Program Coordinating Council”.

On pages 1 and 2 of the bill, strike in their entirety the lines beginning with line 18 on page 1 through line 10 on page 2, inclusive.

On page 2 of the bill, in line 12, strike “the Laws of Maryland read as follows”.

AMENDMENT NO. 2

On page 2 of the bill, after line 12, insert:

“(a) There is a Consolidated Transportation Program Coordinating Council.

(b) The Council consists of the following members:

(1) three members of the Senate of Maryland, appointed by the President of the Senate;

(2) three members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Transportation, or the Secretary’s designee;

- (4) the Attorney General of Maryland, or the Attorney General's designee;
- (5) the Director of the Department of Transportation's Office of Planning and Capital Programming, or the Director's designee;
- (6) the Maryland Transit Administrator, or the Administrator's designee;
- (7) the Chairman of the Maryland Transportation Authority, or the Chairman's designee;
- (8) the State Highway Administrator, or the Administrator's designee; and
- (9) the following members, appointed by the Secretary of Transportation:
 - (i) one representative of county transportation interests, recommended by the Maryland Association of Counties;
 - (ii) one representative of municipal transportation interests, recommended by the Maryland Municipal League;
 - (iii) one representative of Baltimore City transportation interests, recommended by the Baltimore City Department of Transportation; and
 - (iv) any other member with expertise relevant to the work of the Council.
- (c) The Secretary of Transportation shall be the chair of the Council.
- (d) A member of the Council:
 - (1) may not receive compensation as a member of the Council; but
 - (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations.
- (e) The Council shall:

(1) convene an advisory stakeholder group that includes organizations with experience in:

- (i) transportation planning and capital programming;
- (ii) infrastructure preservation;
- (iii) public transportation;
- (iv) transportation equity and fairness;
- (v) environmental quality in transportation policy; and
- (vi) safety in transportation policy;

(2) in conjunction with the advisory stakeholder group, conduct roundtable discussion forums seeking public input in all geographic regions of the State; and

(3) using a data-driven approach:

(i) develop a statewide transportation program development and implementation policy framework that advances State transportation goals; and

(ii) study the development of a transparent and flexible process for the Department of Transportation to score or otherwise use data to prioritize highway and transit projects in a manner that meets the State's transportation goals and equity in the funding of transportation priorities from counties and municipalities.

(f) On or before June 1, 2017, the Council shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.”.

On pages 2 through 18 of the bill, strike in their entirety the lines beginning with line 13 on page 2 through line 12 on page 18, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016. It shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2017, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

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

Affirmative – 17 Negative – 29 (See Roll Call No. 880)

FLOOR AMENDMENT

HB1013/183229/2

BY: Senator Jennings

AMENDMENT TO HOUSE BILL 1013

(Third Reading File Bill)

On page 14, in line 12, after “GOAL” insert “, EXCEPT THAT THE GOAL OF SAFETY AND SECURITY SHALL BE ASSIGNED A SCORE FROM 1 TO 200,”.

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

Affirmative – 17 Negative – 29 (See Roll Call No. 881)

FLOOR AMENDMENT

HB1013/593029/1

BY: Senator Jennings

AMENDMENT TO HOUSE BILL 1013

(Third Reading File Bill)

On page 12, in lines 29 and 30, strike “OR THE MARYLAND TRANSIT ADMINISTRATION”; in line 32, strike “OR TRANSIT”; in the same line, after “CAPACITY;” insert “OR”; and in line 33, strike “IMPROVES TRANSIT STATIONS OR STATION AREAS;”.

On page 13, strike beginning with “OR” in line 1 down through “3.” in line 2; in line 7, strike “OR”; and in line 8, after “AUTHORITY” insert “, OR MARYLAND TRANSIT ADMINISTRATION”.

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

Affirmative – 17 Negative – 29 (See Roll Call No. 882)

FLOOR AMENDMENT

HB1013/483924/1

BY: Senator Jennings

AMENDMENTS TO HOUSE BILL 1013, AS AMENDED

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 11, after “scores;” insert “prohibiting a jurisdiction from submitting more than a certain number of major transportation projects each year for scoring under this Act;”.

AMENDMENT NO. 2

In the Budget and Taxation Committee Amendment (HB1013/499432/1), in line 12, after “**(E)**” insert “**A JURISDICTION MAY NOT SUBMIT MORE THAN FIVE MAJOR TRANSPORTATION PROJECTS EACH YEAR FOR SCORING UNDER THIS SECTION.**”

(F)”.

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

Affirmative – 18 Negative – 28 (See Roll Call No. 883)

FLOOR AMENDMENT

HB1013/263922/1

BY: Senator Cassilly

AMENDMENT TO HOUSE BILL 1013

(Third Reading File Bill)

On page 18, in line 6, strike “moved to the construction phase” and substitute “in the Consolidated Transportation Program”.

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

Affirmative – 17 Negative – 29 (See Roll Call No. 884)

FLOOR AMENDMENT

HB1013/129430/2

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1013

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the second “which” insert “certain”; in line 8, after “rank” insert “certain”; and in the same line, strike “draft and”.

AMENDMENT NO. 2

On page 4, in line 1, strike “current”; in line 6, strike “IF APPLICABLE, THE” and substitute “THE”; and in line 7, strike “CAPITAL” and substitute “TRANSPORTATION”.

On page 11, in line 22, after “MAJOR” insert “TRANSPORTATION”.

On page 14, in line 10, strike “CAPITAL” and substitute “TRANSPORTATION”.

The preceding 2 amendments were read and adopted.

Senator Guzzone moved, duly seconded, to make the Bill a Special Order for the end of today’s business.

The motion was adopted.

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

BILL NO.	SPONSOR	CONTENT
SB 78	Chair, Judicial Proceedings Committee	State Lottery and Video Lottery Facility Payouts – Remittance of Intercepted Prizes
SB 111	Chair, Education, Health, and Environmental Affairs Committee	State Lottery – Licensed Agents – Prize Payments

BILL NO.	SPONSOR	CONTENT
SB 169	Sen. Kagan	Special Elections – Voting by Mail – Canvass of Votes
SB 170	Sen. Kagan	Voter Rgstrtn – Affiliation Wth Pltcl Party and Prtcptn in Primary Elec, Caucus, or Convention
SB 408	Sen. Manno	Elec Lw – St Elected Offcls – Cmpgn Fund–Raising During Gen Asm Session – Civil Pnlty
SB 766	Sen. Madaleno	Lcl Incm Tax – Overpayments, Underpayments, and Wynne Repayments – Lcl Reserve Account Repayment

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

Endorsed as having been read the third time and passed by yeas and nays in the House of Delegates.

LAID OVER BILLS

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

Senate Bill 676 – Senators Kasemeyer, Currie, DeGrange, Ferguson, Guzzone, King, Madaleno, Manno, and Peters

AN ACT concerning

College Affordability Act of 2016

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (8) AND THE FAVORABLE REPORT.

SB0676/859832/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 676

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “prohibiting certain public institutions of higher education from referring certain delinquent student accounts or debts to the Central Collection Unit under certain circumstances; requiring certain public institutions of higher education to allow certain students with certain unpaid balances on certain student accounts to register for certain courses under certain circumstances; repealing a certain requirement that up to a certain percentage of a certain Part–Time Grant Program allocation be used for a certain purpose;”; in the same line, after “Board” insert “to develop and implement a certain marketing plan; requiring the Board to submit a certain marketing plan on or before a certain date; requiring the Board”; in line 13, after “circumstances;” insert “requiring certain account holders to make a certain contribution within a certain period of time to qualify for a certain State contribution;”; in line 19, after “assurance;” insert “providing for the recapture of a certain tax credit under certain circumstances;”; in line 24, after “credits;” insert “providing for a certain subtraction modification under certain circumstances;”; and strike beginning with “requiring” in line 28 down through “period;” in line 30 and substitute “establishing certain award amounts for certain financial assistance grants for certain semesters subject to certain conditions;”.

On page 2, in line 2, after “date;” insert “requiring the Commission, in consultation with the Department of Legislative Services, to retain a certain consultant to conduct a certain evaluation of the Office of Student Financial Assistance in the Commission; requiring the Commission and the Department of Legislative Services to report certain findings and recommendations on or before a certain date;”; after line 4, insert:

“BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 3–302(a)

Annotated Code of Maryland

(2015 Replacement Volume)

BY adding to

Article – Education

Section 15–119, 18–114, 18–1905.1, and 18–19A–04.1

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)”;

in line 7, after “18–302,” insert “18–303(a) and (b), 18–1401,”; in line 12, strike “18–303(a) and (b),” and substitute “18–304,”; in the same line, after “18–306,” insert “18–1402,”; strike in their entirety lines 15 through 19, inclusive; in line 22, after “Section” insert “10–207(a) and”; and in line 32, after “Section” insert “10–207(cc) and”.

AMENDMENT NO. 2

On page 2, after line 36, insert:

“Article – State Finance and Procurement

3–302.

(a) (1) Except as otherwise provided in subsection (b) of this section, PARAGRAPH (2)(II) OF THIS SUBSECTION, or in other law, the Central Collection Unit is responsible for the collection of each delinquent account or other debt that is owed to the State or any of its officials or units.

(2) (I) [An] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN official or unit of the State government shall refer to the Central Collection Unit each debt for which the Central Collection Unit has collection responsibility under this subsection and may not settle the debt.

(II) A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY NOT REFER A DELINQUENT STUDENT ACCOUNT OR DEBT TO THE CENTRAL COLLECTION UNIT UNLESS, IN ACCORDANCE WITH § 15–119 OF THE EDUCATION ARTICLE:

1. THE DELINQUENT ACCOUNT OR DEBT HAS NOT BEEN SETTLED BY THE END OF THE LATE REGISTRATION PERIOD OF THE SEMESTER AFTER THE STUDENT ACCOUNT BECAME DELINQUENT; OR

2. THE STUDENT HAS NOT ENTERED INTO OR MADE TIMELY PAYMENTS TO SATISFY AN INSTALLMENT PAYMENT PLAN.

(3) For the purposes of this subtitle, a community college or board of trustees for a community college established or operating under Title 16 of the Education Article is a unit of the State.”;

and after line 37, insert:

“15–119.

(A) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL ALLOW AN INDIVIDUAL WITH AN UNPAID BALANCE OF \$250 OR LESS ON A STUDENT ACCOUNT TO REGISTER FOR COURSES AT THE INSTITUTION IF THE INDIVIDUAL SETTLES THE BALANCE ON THE STUDENT ACCOUNT BY THE END OF THE LATE REGISTRATION PERIOD FOR THE NEXT SEMESTER.

(B) (1) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL ALLOW AN INDIVIDUAL WITH AN UNPAID BALANCE OF MORE THAN \$250 ON A STUDENT ACCOUNT TO REGISTER FOR COURSES AT THE INSTITUTION IF THE INDIVIDUAL ENTERS INTO AN INSTALLMENT PAYMENT PLAN BEFORE THE END OF THE LATE REGISTRATION PERIOD FOR THE CURRENT SEMESTER.

(2) THE INSTALLMENT PAYMENT PLAN UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL REQUIRE THE INDIVIDUAL TO MAKE PAYMENTS TO SETTLE THE UNPAID BALANCE ON THE STUDENT ACCOUNT BY THE AGREED ON DATE.

18-1401.

(a) In this section, "part-time student" means a student who:

(1) Is enrolled in a degree-granting program at an eligible institution and taking at least 3 but no more than 11 semester hours of courses each semester; or

(2) Is dually enrolled in a secondary school in the State and an institution of higher education.

(b) In cooperation with the institutions of higher education in the State, the Commission shall establish and administer a grant program for undergraduate part-time students.

(c) A recipient of a part-time grant shall:

(1) Be a resident of the State; and

(2) Have demonstrated a definite financial need according to criteria established by the Commission.

(d) For courses completed under the program, a recipient who is dually enrolled in a secondary school in the State and an institution of higher education may not be required to receive credit from a secondary school and an institution of higher education at the same time.

18-1402.

(a) [(1) Funds for the Part-Time Grant Program shall be allocated by the Commission to each institution of higher education based upon the number of undergraduate part-time students with demonstrated financial need who are enrolled in degree-granting programs at the institution.

[(2) An institution of higher education may use up to 10% of the part-time grant allocation to provide grants to students who are enrolled in at least 3 but less than 6 semester hours of courses each semester.

(b) In addition to the funds provided under § 18-14A-02(b) of this title, institutions may use up to 10% of the part-time grant allocation to provide grants to students who are dually enrolled.

(c)] (B) Funds for the grant program for part-time students shall be as provided in the annual budget of the Commission by the Governor.

18-1905.1.

(A) (1) THE BOARD SHALL DEVELOP AND IMPLEMENT A MARKETING PLAN TO INCREASE PARTICIPATION IN THE COLLEGE SAVINGS PLANS OF MARYLAND.

(2) (I) THE MARKETING PLAN SHALL IDENTIFY METHODS TO INCREASE GENERAL PARTICIPATION IN THE COLLEGE SAVINGS PLANS OF MARYLAND.

(II) THE BOARD SHALL COORDINATE WITH THE BOARD OF TRUSTEES OF THE MARYLAND TEACHERS AND STATE EMPLOYEES SUPPLEMENTAL RETIREMENT PLANS AND LOCAL SCHOOL SYSTEMS, RESPECTIVELY, TO IDENTIFY METHODS TO INCREASE PARTICIPATION IN THE COLLEGE SAVINGS PLANS OF MARYLAND AMONG:

1. STATE EMPLOYEES THAT PARTICIPATE IN OTHER STATE TAX SAVINGS PROGRAMS; AND

2. FAMILIES OF STUDENTS IN LOCAL SCHOOL SYSTEMS WITH LOWER RATES OF PARTICIPATION IN THE COLLEGE SAVINGS PLANS OF MARYLAND THAN THE STATE POPULATION.

(B) ON OR BEFORE DECEMBER 1, 2016, AND EVERY 3 YEARS THEREAFTER, THE BOARD SHALL SUBMIT THE MARKETING PLAN REQUIRED UNDER SUBSECTION (A) OF THIS SECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE HOUSE COMMITTEE ON WAYS AND MEANS, AND THE HOUSE APPROPRIATIONS COMMITTEE.”.

AMENDMENT NO. 3

On page 6, in line 4, strike “ACCOUNT HOLDER OR”; in line 6, after “BOARD” insert “**OR ITS DESIGNEE**”; and strike beginning with “NO” in line 7 down through “YEAR” in line 8 and substitute “**BETWEEN JANUARY 1 AND JUNE 1 OF EACH YEAR**”.

On page 7, in line 19, after “(E)” insert “**(1) AN ACCOUNT HOLDER WHO HAS BEEN APPROVED TO RECEIVE A STATE CONTRIBUTION SHALL MAKE A CONTRIBUTION BETWEEN JULY 1 AND NOVEMBER 1 OF EACH YEAR IN ORDER TO QUALIFY FOR THE STATE CONTRIBUTION.**”

(2)”;

in the same line, strike “IN” and substitute “**BY DECEMBER 31 OF**”; and in line 20, strike “FOLLOWING THE CONTRIBUTION OF THE ACCOUNT HOLDER” and substitute “**IN WHICH THE ACCOUNT HOLDER MADE THE CONTRIBUTION**”.

AMENDMENT NO. 4

On page 6, in line 10, strike “\$225,000” and substitute “**\$175,000**”; in line 22, strike “\$100,000” and substitute “**\$75,000**”; in line 28, strike “\$100,000” and substitute “**\$75,000**”; and in the same line, strike “\$175,000” and substitute “**\$125,000**”.

On page 7, in lines 2 and 3, in each instance, strike “LESS” and substitute “NO GREATER”; in line 3, strike “\$175,000” and substitute “\$125,000”; and in the same line, strike “\$225,000” and substitute “\$175,000”.

AMENDMENT NO. 5

On page 8, after line 16, insert:

“Article – Education

18-114.

THE COMMISSION AND THE DEPARTMENT SHALL WORK COLLABORATIVELY TO DEVELOP AN APPLICATION FOR USE ON DIGITAL DEVICES THAT PROVIDES:

(1) INFORMATION ABOUT STATE FINANCIAL AID PROGRAMS;

(2) CALENDAR NOTIFICATIONS FOR DATES AND DEADLINES ASSOCIATED WITH APPLYING FOR FINANCIAL AID; AND

(3) ANY OTHER INFORMATION THE COMMISSION AND THE DEPARTMENT DETERMINE TO BE NECESSARY OR HELPFUL TO PARENTS AND STUDENTS REGARDING FINANCIAL AID IN THE STATE.”.

On page 11, strike in their entirety lines 8 through 16, inclusive.

On page 8, after line 17, insert:

“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.

(CC) THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES AN AMOUNT CONTRIBUTED BY THE STATE INTO AN INVESTMENT ACCOUNT UNDER § 18-19A-04.1 OF THE EDUCATION ARTICLE.”.

AMENDMENT NO. 6

On page 10, after line 7, insert:

“(III) 1. THE TOTAL AMOUNT OF THE CREDIT CLAIMED UNDER THIS SECTION SHALL BE RECAPTURED IF THE INDIVIDUAL DOES NOT USE THE CREDIT APPROVED UNDER THIS SECTION FOR THE REPAYMENT OF THE INDIVIDUAL’S UNDERGRADUATE STUDENT LOAN DEBT WITHIN 2 YEARS FROM THE CLOSE OF THE TAXABLE YEAR FOR WHICH THE CREDIT IS CLAIMED.

2. THE INDIVIDUAL WHO CLAIMED THE CREDIT SHALL PAY THE TOTAL AMOUNT OF THE CREDIT CLAIMED AS TAXES PAYABLE TO THE STATE FOR THE TAXABLE YEAR IN WHICH THE EVENT REQUIRING RECAPTURE OF THE CREDIT OCCURS.”.

AMENDMENT NO. 7

On page 12, strike beginning with “AT” in line 21 down through “IN” in line 22; in line 22, strike the brackets; and after line 25, insert:

“18-304.

(a) (1) Except as provided in § 18-307 of this subtitle, the Office shall determine the amount of each Delegate Howard P. Rawlings Educational Excellence Award based on the financial need of the applicant.

(2) In determining the amount of financial need, the Office shall consider regional cost-of-living differences.

(3) In determining the percent of financial need used to calculate an award for a community college student receiving a Delegate Howard P. Rawlings Educational Excellence Award, the Commission shall use the following percentages:

(i) For fiscal year 2007, not less than 55%; and

(ii) For fiscal year 2008 and each fiscal year thereafter, not less than 60%.

(b) (1) Except as provided in [paragraph (2)] PARAGRAPHS (2) AND (3) of this subsection, a Delegate Howard P. Rawlings Educational Excellence Award may be

awarded in \$100 increments [and the award for a single year may not be less than \$400 or more than \$3,000].

(2) (I) THE AMOUNT OF AN EDUCATIONAL ASSISTANCE GRANT MADE TO A STUDENT IN THE STUDENT’S FIRST 2 SEMESTERS OF ENROLLMENT MAY NOT BE LESS THAN \$400 OR MORE THAN \$3,000.

(II) BEGINNING IN THE THIRD SEMESTER OF ENROLLMENT AND FOR EACH SEMESTER THEREAFTER:

1. IF THE STUDENT SUCCESSFULLY COMPLETED AT LEAST 15 CREDITS IN THE PRIOR SEMESTER, THE AMOUNT OF AN EDUCATIONAL ASSISTANCE GRANT MADE TO A STUDENT MAY NOT BE LESS THAN \$400 OR MORE THAN \$3,000; OR

2. IF THE STUDENT SUCCESSFULLY COMPLETED AT LEAST 12 BUT LESS THAN 15 CREDITS IN THE PRIOR SEMESTER, THE AWARD AMOUNT SHALL BE EQUAL TO THE AMOUNT THE STUDENT WOULD HAVE OTHERWISE RECEIVED MULTIPLIED BY THE RATIO OF THE NUMBER OF CREDITS SUCCESSFULLY COMPLETED DIVIDED BY 15.

[(2)](3) (i) All applicants who fulfill the requirements established in § 18–303(a) and (b) of this subtitle shall receive a Guaranteed Access Grant.

(ii) The amount of a Guaranteed Access Grant MADE TO A STUDENT IN THE STUDENT’S FIRST 2 SEMESTERS OF ENROLLMENT shall be equal to 100 percent of the student’s financial need as determined by the Office, not to exceed the equivalent annual expenses of a full–time resident undergraduate 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.

(III) BEGINNING IN THE THIRD SEMESTER OF ENROLLMENT AND FOR EACH SEMESTER THEREAFTER:

1. IF THE STUDENT SUCCESSFULLY COMPLETED AT LEAST 15 CREDITS IN THE PRIOR SEMESTER, THE AWARD AMOUNT SHALL BE EQUAL

TO 100 PERCENT OF THE STUDENT'S FINANCIAL NEED AS DETERMINED BY THE OFFICE, NOT TO EXCEED THE EQUIVALENT ANNUAL EXPENSES OF A FULL-TIME RESIDENT UNDERGRADUATE 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; OR

2. IF THE STUDENT SUCCESSFULLY COMPLETED AT LEAST 12 BUT LESS THAN 15 CREDITS IN THE PRIOR SEMESTER, THE AWARD AMOUNT SHALL BE EQUAL TO 100 PERCENT MULTIPLIED BY THE RATIO OF THE NUMBER OF CREDITS SUCCESSFULLY COMPLETED DIVIDED BY 15."

On page 13, strike beginning with "ENROLLED" in line 1 down through "SEMESTER," in line 2; and in lines 1 and 3, in each instance, strike the brackets.

AMENDMENT NO. 8

On page 14, after line 8, insert:

"SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Higher Education Commission, in consultation with the Department of Legislative Services, shall retain a consultant to conduct an independent evaluation of the effectiveness of the operation of the Office of Student Financial Assistance in the Maryland Higher Education Commission;

(b) In addition to the evaluation required under subsection (a) of this section, the consultant shall make recommendations on how to implement Section 3 of this Act and how to overcome any impediments the Office of Student Financial Assistance may encounter in implementing Section 3 of this Act; and

(c) On or before October 1, 2017, the Maryland Higher Education Commission and the Department of Legislative Services shall report the findings and recommendations required under subsections (a) and (b) of this section to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Budget and Taxation Committee, the Senate Education, Health, and Environmental Affairs Committee, the House Committee on Ways and Means, and the House Appropriations Committee."

in line 9, strike “5.” and substitute “6.”; in line 11, strike “2015” and substitute “2016”; and in the same line, strike “2017–2018” and substitute “2018–2019”.

The preceding 8 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0676/193925/1

BY: Senator Ready

AMENDMENTS TO SENATE BILL 676, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 16, after “date;” insert “establishing the Maryland Early Graduation Scholarship; establishing the maximum amount of the Scholarship; prohibiting a Scholarship from being renewed; providing for the purposes for which the Scholarship may be used; requiring the Office of Student Financial Assistance to adopt certain regulations; limiting the amount that may be included in the annual budget for a certain purpose;”.

On page 2 of the Budget and Taxation Committee Amendments (SB0676/859832/1), in line 6 of Amendment No. 1, after “18–19A–04.1” insert “; and 18–3101 to be under the new subtitle “Subtitle 31. Maryland Early Graduation Scholarship””.

AMENDMENT NO. 2

On page 8 of the bill, after line 14, insert:

“SUBTITLE 31. MARYLAND EARLY GRADUATION SCHOLARSHIP.

18–3101.

(A) IN THIS SECTION, “SCHOLARSHIP” MEANS THE MARYLAND EARLY GRADUATION SCHOLARSHIP.

(B) THERE IS A MARYLAND EARLY GRADUATION SCHOLARSHIP.

(C) A STUDENT IS ELIGIBLE TO RECEIVE A SCHOLARSHIP IF THE STUDENT:

(1) IS A RESIDENT OF THE STATE;

(2) WAS ENROLLED IN A PUBLIC HIGH SCHOOL LOCATED IN THE STATE FOR AT LEAST A FULL ACADEMIC YEAR;

(3) RECEIVED A MARYLAND HIGH SCHOOL DIPLOMA BY THE END OF THE ELEVENTH GRADE; AND

(4) ENROLLS IN AN INSTITUTION OF POSTSECONDARY EDUCATION IN THE STATE WITHIN 6 MONTHS OF RECEIVING A MARYLAND HIGH SCHOOL DIPLOMA.

(D) (1) THE AMOUNT OF THE SCHOLARSHIP SHALL BE UP TO \$6,000.

(2) THE SCHOLARSHIP MAY NOT BE RENEWED.

(E) A SCHOLARSHIP AWARDED UNDER THIS SECTION MAY BE USED FOR TUITION, MANDATORY FEES, ROOM AND BOARD FOR ON-CAMPUS HOUSING, BOOKS, AND OTHER RELATED PURPOSES AS DETERMINED BY THE OFFICE.

(F) THE OFFICE SHALL ADOPT REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.

(G) FUNDS FOR THE SCHOLARSHIP SHALL BE AS PROVIDED IN THE ANNUAL BUDGET NOT TO EXCEED \$3,500,000.”

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

Affirmative – 15 Negative – 31 (See Roll Call No. 885)

FLOOR AMENDMENT

SB0676/183421/1

BY: Senator Brochin

AMENDMENT TO SENATE BILL 676
(First Reading File Bill)

On page 1, in the sponsor line, strike “and Peters” and substitute “Peters, and Brochin”.

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0676/433421/1

BY: Senator Brochin

AMENDMENT TO SENATE BILL 676, AS AMENDED

On page 10 of the Budget and Taxation Committee Amendments (SB0676/859832/1), in line 7 of Amendment No. 7, strike “15” and substitute “12”; in line 11, strike “12” and substitute “9”; in the same line, strike “15” and substitute “12”; and in line 14, strike “15” and substitute “12”.

On page 11 of the Budget and Taxation Committee Amendments, in line 4 of Amendment No. 7, strike “15” and substitute “12”; in line 13, strike “12” and substitute “9”; in the same line, strike “15” and substitute “12”; and in line 15, strike “15” and substitute “12”.

The preceding amendment was read only.

Senator Pinsky moved, duly seconded, to make the Bill and Amendment a Special Order for the end of today’s business.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 886)

RECESS

At 1:04 P.M. on motion of Senator Pugh, seconded, the Senate recessed until 3:00 P.M. on Legislative Day, March 27, 2016, Calendar Day, Thursday, March 31, 2016.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 27, 2016
Calendar Day: Thursday, March 31, 2016

At 3:20 P.M. the Senate resumed its session.

QUORUM CALL

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

(See Roll Call No. 888)

On motion of Senator Pugh it was ordered that Senators Gladden and King be excused from today's session.

The Journal of March 26, 2016 was read and approved.

SPECIAL ORDERS

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

House Bill 1013 – Delegates Beidle, Lierman, B. Barnes, Branch, Brooks, Busch, Clippinger, Fennell, Frush, Haynes, Healey, Hixson, Holmes, C. Howard, ~~Jacobs~~, Krimm, Lafferty, McCray, McIntosh, Moon, Reznik, Tarlau, and P. Young

AN ACT concerning

Maryland Open Transportation Investment Decision Act of 2016

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

FLOOR AMENDMENT

HB1013/593125/1

BY: Senator Jennings

AMENDMENTS TO HOUSE BILL 1013, AS AMENDED

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 11, after “scores;” insert “prohibiting a jurisdiction from receiving more than a certain percentage of its total funding for certain major transportation projects each fiscal year from the Transportation Trust Fund;”.

AMENDMENT NO. 2

In the Budget and Taxation Committee Amendment (HB1013/499432/1), in line 12, after “(E)” insert “IN EACH FISCAL YEAR, A JURISDICTION MAY NOT RECEIVE MORE THAN 15% OF ITS TOTAL FUNDING FOR MAJOR TRANSPORTATION PROJECTS FROM THE TRANSPORTATION TRUST FUND.”

(F)”.

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

Affirmative – 17 Negative – 27 (See Roll Call No. 889)

FLOOR AMENDMENT

HB1013/703021/1

BY: Senator Reilly

AMENDMENT TO HOUSE BILL 1013

(Third Reading File Bill)

On page 13, in line 7, strike “OR”; and in line 8, after “AUTHORITY” insert “, OR THE MOTOR VEHICLE ADMINISTRATION”.

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

Affirmative – 17 Negative – 27 (See Roll Call No. 890)

FLOOR AMENDMENT

HB1013/953926/1

BY: Senator Hershey

AMENDMENT TO HOUSE BILL 1013

(Third Reading File Bill)

On page 13, in line 26, after “RANK” insert “THE STATE HIGHWAY ADMINISTRATION’S MAJOR TRANSPORTATION PROJECTS SEPARATELY FROM THE MARYLAND TRANSIT ADMINISTRATION’S”.

On page 17, in line 22, after “**(2)**” insert “**(1)**”; in line 23, after “SUBSECTION” insert “AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH”; and after line 26, insert:

“(II) THE STATE HIGHWAY ADMINISTRATION’S MAJOR TRANSPORTATION PROJECTS SHALL BE PRIORITIZED SEPARATELY FROM THE MARYLAND TRANSIT ADMINISTRATION’S MAJOR TRANSPORTATION PROJECTS.”

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

Affirmative – 17 Negative – 27 (See Roll Call No. 891)

FLOOR AMENDMENT

HB1013/953925/1

BY: Senator Hershey

AMENDMENTS TO HOUSE BILL 1013

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “regulations;” insert “requiring the Department to add a certain number of measures to the goals established under this Act; requiring the Department to ensure that each goal established under this Act has a certain number of measures;”.

AMENDMENT NO. 2

On page 13, in line 21, after “**(2)**” insert “**ADD AT LEAST ONE MEASURE TO EACH GOAL ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION;**

(3) ENSURE THAT EACH GOAL ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION INCLUDES AT LEAST THREE MEASURES;

(4)”;

in lines 23 and 25, strike “**(3)**” and “**(4)**”, respectively, and substitute “**(5)**” and “**(6)**”, respectively.

On page 14, in line 13, after “**MEASURES**” insert “**AND THE MEASURES ADDED BY THE DEPARTMENT UNDER SUBSECTION (B) OF THIS SECTION**”.

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

Affirmative – 17 Negative – 28 (See Roll Call No. 892)

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

Affirmative – 28 Negative – 17 (See Roll Call No. 893)

The Bill was then sent to the House of Delegates.

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

BILL NO.	SPONSOR	CONTENT
SB 33	Sen. Astle	Anne Arundel County – Alcoholic Beverages – Licenses
SB 130	Sen. Mathias	Worcester County – Alcoholic Beverages – Refillable Container Permit for Draft Beer
SB 435	Sen. Norman	Business Regulation – State and Harford County Juke Box Licenses – Repeal
SB 480	Sen. Astle	Public Utilities – Maryland Underground Facilities Damage Prevention Authority – Funding
SB 483	Sen. Edwards	Allegany County – Alcoholic Beverages – Minimum Age to Serve Liquor
SB 523	Washington County Senators	Alcoholic Beverages – Washington County – Local Penalties
SB 530	Sen. Eckardt	Dorchester County – Class B Beer, Wine, and Liquor License – Minimum Seating Requirement

BILL NO.	SPONSOR	CONTENT
SB 539	Sen. Conway	Real Estate Brokers – Licensure Requirement – Exemption for Lawyers
SB 634	Caroline County Senators	Caroline County – Alcoholic Beverages – Refillable Container Permit
SB 663	Sen. Benson	Commercial Sale of Dogs and Cats – Prohibited Acts (Companion Animal Welfare Act)
SB 670	Sen. Kasemeyer	Howard County – Alcoholic Beverages – Continuing Care Retirement Community License
SB 693	Sen. Young	Frederick County – Alcoholic Beverages – Hotel Lobby License
SB 694	Sen. Young	Frederick County – Alcohol Awareness Program – Absence From Licensed Premises
SB 695	Sen. Young	Frederick County – Alcoholic Beverages – Beauty Salon License
SB 746	Sen. Ready	Carroll County – Alcoholic Beverages – Beer, Wine, and Liquor Tasting License
SB 750	Sen. Klausmeier	Portable Electronics Ins – Comp of Vendor Empls – Rpl of Sunset and Reporting Reqmt
SB 824	Sen. Conway	Real Estate Licensees – Verification of Service Provider Licensing Status
SB 851	Sen. Astle	Prprty and Casualty Ins – Commercial Plcs and Wrkrs’ Comp Ins Plcs – Notices of Prm Increases
SB 912	Sen. Feldman	Clean Energy Loan Program – Residential Property – Study
SB 967	Sen. Mathias	Worcester County – Alcoholic Beverages – Class A Beer, Wine, and Liquor License

BILL NO.	SPONSOR	CONTENT
SB 1069	Sen. Middleton	Public Utlts – Application for a Cert of Public Convenience and Necessity – Public Notice

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

Endorsed as having been read the third time and passed by yeas and nays in the House of Delegates.

THE COMMITTEE ON FINANCE REPORT #34

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

Senate Bill 545 – Senators Pugh, Ferguson, and Rosapepe

AN ACT concerning

Labor and Employment – Apprenticeship Career Training in Our Neighborhoods (ACTION) Program – Establishment

SB0545/797871/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 545

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, strike “a certain maximum grant amount and”.

AMENDMENT NO. 2

On page 3, in line 19, after “APPRENTICES” insert “**THAT AN ELIGIBLE EMPLOYER EMPLOYS**”; in line 20, strike “**THAT THE ELIGIBLE EMPLOYER EMPLOYS**”; in line 21, strike the bracket; in the same line, strike “(i)” and substitute “**(H)**”; strike beginning with “in” in line 21 down through “entity” in line 22 and substitute “**THAT AN ELIGIBLE EMPLOYER EMPLOYS WHO SATISFIES THE CRITERIA IN SUBSECTION (D)(2) OF THIS SECTION**”; and strike in their entirety lines 23 through 27, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 1157 – Senator Klausmeier

AN ACT concerning

Public Service Company – Easement – Policy and Notice for Performing Work

SB1157/997377/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 1157

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Klausmeier” and substitute “Senators Klausmeier and Jennings”; in line 2, strike “Public Service” and substitute “Gas and Electric”; in the same line, after “Easement” insert “and Right-of-Way”; in the same line, strike “and Notice”; in the same line, strike “Performing Work” and substitute “Removing Encumbrances”; in line 3, strike “each public service” and substitute “a certain gas and electric”; in line 4, strike the first “that” and substitute “a certain gas and electric company to file a copy of”; strike beginning with “provide” in line 4 down through “property” in line 7 and substitute “with the Public Service Commission”; and in line 8, strike “public service” and substitute “certain gas and electric”.

AMENDMENT NO. 2

On page 1, in line 18, strike “PUBLIC SERVICE” and substitute “GAS AND ELECTRIC”; in the same line, after “COMPANY” insert “REGULATED BY THE COMMISSION”; in line 19, strike “PERFORMING WORK” and substitute “REMOVING ENCUMBRANCES”; in the same line, after “PROPERTY” insert “THAT:

(1) HAS AN UNDERGROUND GAS PIPELINE ON THE PROPERTY; AND

(2) IS”;

in lines 19 and 20, strike “**THE PUBLIC SERVICE**” and substitute “**THAT GAS AND ELECTRIC**”; and in the same line, after “**EASEMENT**” insert “**OR RIGHT-OF-WAY**”.

On pages 1 and 2, strike beginning with “**THE**” in line 21 on page 1 down through “**PROPERTY**” in line 2 on page 2 and substitute “**EACH GAS AND ELECTRIC COMPANY REGULATED BY THE COMMISSION SHALL FILE A COPY OF ITS POLICY AND PROCEDURES ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION WITH THE COMMISSION**”.

The preceding 2 amendments were read only.

Senator Klausmeier moved, duly seconded, to re–refer **Senate Bill 1157** to the Committee on Finance.

The motion was adopted.

THE COMMITTEE ON FINANCE REPORT #35

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

House Bill 290 – Delegates McCray, Barve, Brooks, Carter, Chang, Clippinger, Conaway, Frick, Glenn, Hayes, Haynes, Hill, Jalisi, Lierman, Lisanti, Luedtke, McIntosh, Moon, Morales, Oaks, Patterson, Platt, B. Robinson, Rosenberg, Sample–Hughes, Sydnor, Tarlau, Valderrama, Waldstreicher, M. Washington, West, and K. Young

AN ACT concerning

Labor and Employment – Apprenticeship Career Training in Our Neighborhoods (ACTION) Program – Establishment

HB0290/477872/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 290

(Third Reading File Bill)

On page 4, in line 1, strike “(i)” and substitute “**(H)**”.

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 BUDGET AND TAXATION REPORT #27

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

House Bill 668 – Delegates Rosenberg and Platt

AN ACT concerning

Preschool Development Grants – Expansion Grants – Required State Funding

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #46**

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

Senate Bill 1162 – Senator Salling

AN ACT concerning

**Education – Career Exploration and Development Activities – Caffeinated
Beverages
(Java Act)**

SB1162/744336/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 1162
(First Reading File Bill)

AMENDMENT NO. 1

In line 2, before “Education” insert “Baltimore County –”; in lines 2 and 3, strike “Caffeinated Beverages” and substitute “Coffee”; in lines 6 and 8, in each instance, strike

“caffeinated beverages” and substitute “coffee”; in line 7, strike “the State” and substitute “Baltimore County; providing for the termination of this Act”; and in line 9, after “school” insert “in Baltimore County”.

AMENDMENT NO. 2

After line 18, insert:

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

in line 19, before “**AN**” insert “**(B)**”; in line 20, strike “**CAFFEINATED BEVERAGES**” and substitute “**COFFEE**”; in line 21, strike “**IN THE STATE**”; and in line 23, after “2016.” insert “It shall remain effective for a period of 3 years and, at the end of June 30, 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #32

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

House Bill 59 – Chair, Economic Matters Committee (By Request – Departmental – Commerce)

AN ACT concerning

Department of Economic Competitiveness and Commerce – Renaming and Reorganization

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 70 – Delegate Luedtke

AN ACT concerning

Business Regulation – Billiard Table License – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 78 – Chair, Judiciary Committee (By Request – Departmental – State Police)

AN ACT concerning

State Fire Marshal – Reporting Requirements – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 164 – Chair, Appropriations Committee (By Request – Departmental – Comptroller)

SECOND PRINTING

AN ACT concerning

State Personnel Management System – Background Investigation and Criminal History Records Check – Prospective and Current Employees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 262 – Delegates M. Washington, Cullison, Hettleman, and C. Howard

AN ACT concerning

**Senior Citizen Activities Center Operating Fund – ~~Funding and Distribution~~
Distributions – Alteration**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 411 – Delegates M. Washington, McKay, Hettleman, Krimm, and Lierman

AN ACT concerning

General Assembly – Joint Committee on Ending Homelessness – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 501 – Delegate Chang

AN ACT concerning

Motor Vehicle Insurance – Volunteer Drivers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 631 – Howard County Delegation

AN ACT concerning

**Workers' Compensation – Permanent Partial Disability – Howard County
Deputy Sheriffs
Ho. Co. 11-16**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

**House Bill 798 – Chair, Health and Government Operations Committee (By
Request – Departmental – Maryland Insurance Administration)**

AN ACT concerning

Health Insurance – Reporting Requirements – RepealFavorable report adopted.Read the second time and ordered prepared for Third Reading.**THE COMMITTEE ON FINANCE REPORT #33****CONSENT CALENDAR #52**

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

BILL NO.	REPORT	SPONSOR	CONTENT
<u>FAVORABLE</u>			
HB 280	FAV	Del. Moon	Birth Certificates – Homeless Individuals – Prohibition on Collection of Fee
HB 387	FAV	Del. Barkley	Clean Energy Loan Program – Residential Property – Study
HB 682	FAV	Del. Rosenberg	Bhvrl Health Advrsry Cncl – Clinical Crisis Walk–In Services and Mobile Crisis Teams – Strategic Plan
HB 884	FAV	St. Mary’s County Delegation	St. Mary’s County – Taxicabs – Repeal of Local Provisions
HB 919	FAV	Del. Jameson	Portable Electronics Ins – Comp of Vendor Empls – Rpl of Sunset and Reporting Reqmt
HB 1113	FAV	Del. Kramer	Commercial Sale of Dogs and Cats – Prohibited Acts (Companion Animal Welfare Act)
HB 1162	FAV	Del. Reznik	Foster Youth Summer Internship Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 764 – ~~Delegates Saab, Beidle, Carey, Chang, Frush, S. Howard, Kipke, Malone, McMillan, Simonaire, and Sophocleus~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Charitable Gaming

FOR the purpose of authorizing certain organizations in Anne Arundel County to conduct a card game, card tournament, or casino event under certain circumstances; requiring an organization to obtain a permit from the County Department of Inspections and Permits before conducting a card game, card tournament, or casino event; requiring an organization that seeks a permit to meet certain requirements; specifying that a card game, card tournament, or casino event may be managed and ~~organized~~ operated by certain organizations; requiring an individual who participates in or volunteers as an operator of a card game, card tournament, or casino event to be of a certain age; specifying that a permit holder may receive a certain maximum number of permits in a calendar year; ~~providing a certain time limit on a card game, card tournament, or casino event;~~ specifying that a permit is not transferable; requiring that proceeds from a card game, card tournament, or casino event be used for certain purposes and may not be used for certain other purposes ~~subject to a certain exception;~~ specifying that the operation of a card game, card tournament, or casino event may ~~not occur during a certain time~~ be authorized only during certain times; authorizing a permit holder under this Act to charge only a preset entrance fee; requiring participants in a card game, card tournament, or casino event to use tokens and not cash for wagering under certain circumstances; authorizing the serving or sale of alcoholic beverages under certain circumstances; prohibiting a permit holder from exchanging tokens under certain circumstances; requiring a permit holder to submit a financial report and certain information about winners of certain prizes to the County Department of Inspections and Permits under certain circumstances; authorizing the County Executive and County Council to adopt certain regulations; providing a certain penalty; defining certain terms; and generally relating to gaming in Anne Arundel County.

BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 13–401

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–404 and 13–408
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

BY adding to
Article – Criminal Law
Section 13–404.1
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

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

House Bill 1344 – Delegate Arentz

AN ACT concerning

**Queen Anne’s County – County Commissioners Election ~~and Terms~~
Method – Straw Ballot**

FOR the purpose of requiring that a certain question be placed on the ballot in Queen Anne’s County at the November general election of 2016 to determine the sense of the voters of the County on the issue of the method of electing the members of the Board of County Commissioners ~~and staggered terms for the members of the Board of County Commissioners~~; providing for the carrying out of the straw ballot; and generally relating to the holding of a straw ballot in Queen Anne’s County.

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

MOTION

Senator Raskin 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 #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.

Jamie Raskin
Chair

**Senate Executive Nominations Committee
Report #6
March 31, 2016**

Apprenticeship and Training Council

1. Allen B. Clinedinst, III District 5
1912 Ridgewood Court
Hampstead, MD 21074

Member of the Apprenticeship and Training Council; appointed to serve a term of four years from July 1, 2014

Certified Interior Designers, State Board of

2. Robyn I. Dubick District 13
9630 Stirling Bridge Drive
Columbia, MD 21046

Member of the State Board of Certified Interior Designers; reappointed to serve a term of three years from July 1, 2016

Economic Development Corporation Board of Directors, Maryland

3. David J. Schellhardt District 15
24014 Burnt Hill Road
Clarksburg, MD 20871

Member of the Maryland Economic Development Corporation Board of Directors; appointed to serve a term of four years from July 1, 2015

Elections, State Board of

4. Michael R. Cogan, Esq. District 36
250 Concerto Avenue
Centreville, MD 21617

Member of the State Board of Elections; appointed to serve a term of four years from July 1, 2015

Ethics Commission, State

5. Geneau M. Thames District 34
708 Edgehill Drive
Bel Air, MD 21014

Member of the State Ethics Commission; appointed to serve a term of five years from July 1, 2016

Handgun Permit Review Board

6. Jacques R. Cowan District 33
924 Waterview Drive
Crownsville, MD 21032

Member of the Handgun Permit Review Board; appointed to serve remainder of a term of three years from March 27, 2013 and a term of three years from March 27, 2016

7. Richard Lee Jurgena District 15
15711 Pagano Lane
Darnestown, MD 20874

Member of the Handgun Permit Review Board; appointed to serve remainder of a term of three years from March 27, 2014

8. Patricia S. West District 44
623 Braeside Road
Baltimore, MD 21229

Member of the Handgun Permit Review Board; appointed to serve a term of three years from March 27, 2014

9. Courtney M. White District 41
3303 Bateman Avenue
Baltimore, MD 21216

Member of the Handgun Permit Review Board; appointed to serve a term of three years from March 27, 2014

10. Robert D.H. Wilson District 36
400 Cove Road
Queenstown, MD 21658

Member of the Handgun Permit Review Board; appointed to serve a term of three years from March 27, 2015

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

11. Ronald C. Harvey District 10
8938 Harkate Way
Randallstown, MD 21133

Member of the Board of Review of the Department of Health and Mental Hygiene; appointed to serve a term of three years from July 1, 2016

12. Daniel Yeeles, Jr. District 4
201 Greenwich Drive
Walkersville, MD 21793

Member of the Board of Review of the Department of Health and Mental Hygiene; appointed to serve a term of three years from July 1, 2014

Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors, State Board of

13. Ezio S. Rebechi, Jr. District 13
6736 Hunter Road
Elkridge, MD 21075

Member of the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors; reappointed to serve a term of three years from January 1, 2016

14. Stephen J. Schmidt District 4
2494A Scrael Road
Myersville, MD 21773

Member of the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors; appointed to serve a term of three years from January 1, 2016

Higher Education Commission, Maryland

15. Mariyah S. Bryant District 25
703 Haack Place
Largo, MD 20774

Student Member of the Maryland Higher Education Commission; appointed to serve a term of one year from July 1, 2015

Infants and Toddlers, Interagency Coordinating Council for

16. Anne Blackfield District 46
222 E. Saratoga Street, Apt. 708
Baltimore, MD 21202

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve remainder of a term of three years from July 1, 2013 and a term of three years from July 1, 2016

Land Reclamation Committee

17. Jeffrey S. Barclay District 1
14921 Lone Oak Road
Cresaptown, MD 21502

Member of the Land Reclamation Committee; appointed to serve a term of three years from July 1, 2015

Maryland Public–Private Partnership Marketing Corporation, Board of Directors of the

18. Henry Fawell District 30
1311 Blackwalnut Court
Annapolis, MD 21403

Member of the Maryland Public–Private Partnership Marketing Corporation, Board of Directors of the; appointed to serve a term to expire September 30, 2020

19. Julie M. Garner District 46
1023 Covington Street
Baltimore, MD 21230

Member of the Maryland Public–Private Partnership Marketing Corporation, Board of Directors of the; appointed to serve a term to expire September 30, 2018

20. Keasha N. Haythe District 37
8671 Camac Street
Easton, MD 21601

Member of the Maryland Public–Private Partnership Marketing Corporation, Board of Directors of the; appointed to serve a term to expire September 30, 2019

21. Joshua Martin District 2
10516 Connor Drive
Williamsport, MD 21795

Member of the Maryland Public–Private Partnership Marketing Corporation, Board of Directors of the; appointed to serve a term to expire September 30, 2019

22. Eric A. Nielsen District 42
32 Sherwood Road
Cockeysville, MD 21030

Member of the Maryland Public–Private Partnership Marketing Corporation, Board of Directors of the; appointed to serve a term to expire September 30, 2021

23. Paul B. Nolan District 16
9029 Bronson Drive
Potomac, MD 20854

Member of the Maryland Public–Private Partnership Marketing Corporation, Board of Directors of the; appointed to serve a term to expire September 30, 2020

24. Leonard R. Raley District 21
605 Crawfords Ridge Road
Odenton, MD 21113

Member of the Maryland Public–Private Partnership Marketing Corporation, Board of Directors of the; appointed to serve a term to expire September 30, 2020

25. J. Thomas Sadowski District 35
3368 Ady Road
Street, MD 21154

Member of the Maryland Public–Private Partnership Marketing Corporation, Board of Directors of the; appointed to serve a term to expire September 30, 2019

26. Marcus T. Stephens District 14
1200 Magnolia Road
Silver Spring, MD 20905

Member of the Maryland Public–Private Partnership Marketing Corporation, Board of Directors of the; appointed to serve a term to expire September 30, 2018

27. Angela Sweeney District 46
1200 Steuart Street, #1113
Baltimore, MD 21230

Member of the Maryland Public–Private Partnership Marketing Corporation, Board of Directors of the; appointed to serve a term to expire September 30, 2021

28. Aaron N. Tomarchio District 46
731 S. Luzerne Avenue
Baltimore, MD 21224

Member of the Maryland Public–Private Partnership Marketing Corporation, Board of Directors of the; appointed to serve a term to expire September 30, 2021

Physicians, State Board of

29. Marie–Alberte Boursiquot, M.D. District 13
7160 Natures Road
Columbia, MD 21046

Member of the State Board of Physicians; appointed to serve a term of four years from July 1, 2016

30. Beryl J. Rosenstein, M.D. District 11
3401 Terrapin Road
Pikesville, MD 21208

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2015

31. Moody D. Wharam, Jr., M.D. District 11
4 Valley Ridge Court
Timonium, MD 21093

Member of the State Board of Physicians; appointed to serve a term of four years from July 1, 2014

Plumbing, State Board of

32. Richard C. Bowers District 36
270 Northfield Way
Centreville, MD 21617

Member of the State Board of Plumbing; appointed to serve a term of three years from May 1, 2015

Podiatric Medical Examiners, State Board of

33. Frona L. Kroopnick District 11
1305 Saint Albans Road
Baltimore, MD 21208

Member of the State Board of Podiatric Medical Examiners; appointed to serve a term of four years from July 1, 2016

Port Commission, Maryland

34. Walter A. Tilley, Jr. District 7
2707 Pleasantville Road
Fallston, MD 21047

Member of the Maryland Port Commission; appointed to serve a term of three years from July 1, 2015

Professional Standards and Teacher Education Board

35. Jennifer Berkley District 34
3813 Longley Road
Abingdon, MD 21009

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2015

36. Daniel N. Lessard District 36
104 Coleman Drive
Chestertown, MD 21620

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2016

37. Karen R. Saar District 43
621 East 34th Street
Baltimore, MD 21218

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2016

38. Geralda Thompson District 10
8 Adams Ridge Court
Windsor Mills, MD 21244

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2015

Psychologists, State Board of

39. Reginald Nettles, Ph.D. District 13
6217 Ironwood Way
Columbia, MD 21045

Member of the State Board of Psychologists; appointed to serve a term of four years from July 1, 2016

40. Raj Razdan District 11
912 Chestnut Ridge Drive
Lutherville, MD 21093

Member of the State Board of Psychologists; appointed to serve a term of four years from July 1, 2016

Public Defender, Office of the Board of Trustees of the

41. Andrew Radding, Esq. District 11
50 River Oaks Circle
Pikesville, MD 21208

Member of the Board of Trustees of the Office of the Public Defender; appointed to serve a term of three years from June 1, 2015

Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors, State Commission of

42. Joseph Norman District 8
9003 Hedgerow Way
Baltimore, MD 21236

Member of the State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors; appointed to serve a term of three years from January 1, 2016

43. Mike Ranelli District 36
610 Love Point Road
Stevensville, MD 21666

Member of the State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors; appointed to serve a term of three years from January 1, 2015

44. James C. Smith, III District 26
8111 Button Bush Court
Clinton, MD 20735

Member of the State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors; appointed to serve a term of three years from January 1, 2016

Residential Boarding Education Programs, Board of Trustees of

45. R. Christopher Rosenthal District 30
61 Slama Road
Edgewater, MD 21037

Member of the Board of Trustees of Residential Boarding Education Programs; appointed to serve remainder of a term of three years from July 1, 2013 and a term of three years from July 1, 2016

46. G. C. William Whiting District 11
311 Chattolane Hill
Owings Mills, MD 21117

Member of the Board of Trustees of Residential Boarding Education Programs; appointed to serve a term of three years from July 1, 2015

Retirement and Pension Systems, Board of Trustees for the Maryland State

47. Eric D. Brotman District 11
6 Laurel Circle
Lutherville, MD 21093

Member of the Board of Trustees for the Maryland State Retirement and Pension Systems; appointed to serve a term of four years from July 1, 2015

Rural Legacy Board, Advisory Committee to the

48. Frank E. Dudek District 7
19903 Mikes Way
Parkton, MD 21120

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve a term of three years from July 1, 2016

49. Joshua A. Hastings District 38
725 Canvasback Court
Salisbury, MD 21804

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve a term of three years from July 1, 2015

50. Kyle Murray District 30
1618 Hilltop Road
Edgewater, MD 21037

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve a term of three years from July 1, 2014

Seafood Marketing Advisory Commission

51. William S. Kreamer, III District 27
5847 Valley Drive
St. Leonard, MD 20685

Member of the Seafood Marketing Advisory Commission; appointed to serve a term of four years from July 1, 2015

Social Work Examiners, State Board of

52. Letha Fay Meyer Moszer District 36
192 Hollywood Beach Road
Chesapeake City, MD 21915

Member of the State Board of Social Work Examiners; appointed to serve a term of four years from July 1, 2016

St. Mary's College of Maryland, Board of Trustees

53. Danielle E. Troyan District 99
146 Ingle Place
Alexandria, VA 22304-7601

Member of the Board of Trustees of St. Mary's College of Maryland; appointed to serve a term of six years from June 1, 2015

Stadium Authority, Maryland

54. Jodi C. Stanalonis District 29
42142 Cider Lane
Hollywood, MD 20636

Member of the Maryland Stadium Authority; appointed to serve remainder of a term of four years from July 1, 2012 and a term of four years from July 1, 2016

Tourism Development Board, Maryland

55. Michael James District 38
12805 Kings Court
Ocean City, MD 21842

Member of the Maryland Tourism Development Board; appointed to serve a term of three years from July 1, 2016

Veterinary Medical Examiners, State Board of

56. Victoria K. Wright-Conner District 2
126 N. Colonial Drive
Hagerstown, MD 21742

Member of the State Board of Veterinary Medical Examiners; appointed to serve a term of five years from June 1, 2016

Waterworks and Waste Systems Operators, State Board of

57. Joseph D. Johnson District 9
2850 Bethany Lane
Ellicott City, MD 21042

Member of the State Board of Waterworks and Waste Systems Operators; reappointed to serve a term of four years from July 1, 2014

58. Douglas E. Myers District 5
2631 Bert Fowler Road
Manchester, MD 21102

Member of the State Board of Waterworks and Waste Systems Operators; appointed to serve a term of four years from July 1, 2014

Well Drillers, State Board of

59. Robert Peoples District 35
745 Little New York Road
Rising Sun, MD 21911

Member of the State Board of Well Drillers; appointed to serve a term of two years from July 1, 2014 and a term of two years from July 1, 2016

60. Heather A. Quinn District 30
1217 McKinley Street
Annapolis, MD 21403

Member of the State Board of Well Drillers; appointed to serve a term of two years from July 1, 2014 and a term of two years from July 1, 2016

Women, Maryland Commission for

61. Twanda Bailey District 3
2614 Warren Way
Frederick, MD 21701

Member of the Maryland Commission for Women; appointed to serve a term of four years from July 1, 2012 and a term of four years from July 1, 2016

62. Deborah L. Cartee District 31
8028 Horicon Point Drive
Millersville, MD 21108

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2012 and a term of four years from July 1, 2016

63. Nicole S.A. Ingram District 2
17624 Gettysburg Way
Hagerstown, MD 21740

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2013

64. April M. Nyman District 30

437 Penwood Drive
Edgewater, MD 21037

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2012 and a term of four years from July 1, 2016

65. Ummu Bradley Thomas District 36
1200 Foster Holly Court
Denton, MD 21629

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2012 and a term of four years from July 1, 2016

66. Marylou N. Yam, Ph.D. District 43
100 St. Albans Way
Baltimore, MD 21212

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2013

Youth Camp Safety, Advisory Council on

67. Carla L. Dewitt District 30
432 Penwood Drive
Edgewater, MD 21037

Member of the Advisory Council on Youth Camp Safety; appointed to serve remainder of a term of three years from July 1, 2014

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.

Lottery and Gaming Control Agency, State

- S-1. James J. Stakem District 1
427 Crest View Drive
Frostburg, MD 21532

Member of the State Lottery and Gaming Control Agency; reappointed to serve a term of five years from October 1, 2015

Plumbing, State Board of

S-2. Keith R. Horton District 45
5223 Cedgate Road
Baltimore, MD 21206

Member of the State Board of Plumbing; reappointed to serve a term of three years from May 1, 2015

Residential Boarding Education Programs, Board of Trustees of

S-3. Dawn Kirstaetter District 46
1000 Fell Street, Unit 402
Baltimore, MD 21231

Member of the Board of Trustees of Residential Boarding Education Programs; reappointed to serve a term of three years from July 1, 2016

S-4. Kevin Liles District 99
75 Rockefeller Plaza, 32nd Floor
New York, NY 20019

Member of the Board of Trustees of Residential Boarding Education Programs; reappointed to serve a term of three years from July 1, 2014

Rural Legacy Board, Advisory Committee to the

S-5. Maureen V. Heimbuch District 33
195 Harwood Road, P.O. Box 213
Harwood, MD 20776

Member of the Advisory Committee to the Rural Legacy Board; reappointed to serve a term of three years from July 1, 2016

Social Work Examiners, State Board of

S-6. Angela D. Anderson-Smith District 43
2815 Goodwood Road
Baltimore, MD 21214

Member of the State Board of Social Work Examiners; reappointed to serve a term of four years from July 1, 2016

S-7. Mark Lannon District 2
17238 Little Antietam Road
Hagerstown, MD 21742

Member of the State Board of Social Work Examiners; reappointed to serve a term of four years from July 1, 2016

Tourism Development Board, Maryland

- S–8. Anthony Cohen District 14
18733 Tanterra Way
Brookeville, MD 20833

Member of the Maryland Tourism Development Board; reappointed to serve a term of four years from July 1, 2016

- S–9. Heather Renz District 11
507 Hilltop Drive
Lutherville, MD 21093

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2015

Transportation Authority, Maryland

- S–10. John F. Von Paris District 7
11730 Franklinville Road
Upper Falls, MD 21156

Member of the Maryland Transportation Authority; appointed to serve a term of four years from July 1, 2016

Veterans' Home Commission, Maryland

- S–11. Jason E. Franklin District 14
19404 Olney Mill Road
Olney, MD 20832

Member of the Maryland Veterans' Home Commission; reappointed to serve a term of five years from July 1, 2016

Waterworks and Waste Systems Operators, State Board of

- S–12. Sterling Bruce Darner District 4
6224 Harley Road
Middletown, MD 21769

Member of the State Board of Waterworks and Waste Systems Operators; appointed to serve a term of four years from July 1, 2016

- S–13. Nancy Hausrath District 1
13610 Scofield Road
Flintstone, MD 21530

Member of the State Board of Waterworks and Waste Systems Operators; reappointed to serve a term of four years from July 1, 2014

Well Drillers, State Board of

S-14. Hahns S. Hairston District 44
5943 Charles Street
Baltimore, MD 21207

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2014 and a term of two years from July 1, 2016

S-15. John T. Shannahan, Sr. District 37
8101 Tricefield Road
St. Michaels, MD 21663

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2014 and a term of two years from July 1, 2016

Women, Maryland Commission for

S-16. Mythili Bachu District 14
15014 Blackburn Road
Burtonsville, MD 20866

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2015

S-17. Betsy H. Ramirez District 47
5828 Dewey Street
Cheverly, MD 20785

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2016

Local Nominees

Please Note: Local Nominees are not required to appear before the Senate Executive Nominations Committee.

Anne Arundel Community College Board of Trustees

L-1. Paula J. Darrah, Esq. District 32
206 Hawthorne Road
Linthicum, MD 21090

Member of the Anne Arundel Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2015

- L-2. Adam J. Hertz District 32
105 Charles Road
Linthicum Heights, MD 21090

Student Member of the Anne Arundel Community College Board of Trustees; appointed to serve a term of one year from July 1, 2016

- L-3. Lawrence W. Ulvila, Jr. District 30
5 Park Place, #319
Annapolis, MD 21401

Member of the Anne Arundel Community College Board of Trustees; appointed to serve a term of six years from July 1, 2016

Baltimore County Community College, Board of Trustees

- L-4. Gayle Johnson Adams District 6
357 Hopkins Landing Drive
Essex, MD 21221

Member of the Board of Trustees of Baltimore County Community College; appointed to serve remainder of a term of five years from July 1, 2011 and a term of five years from July 1, 2016

- L-5. Jerry Gietka District 42
13405 Bladon Road
Phoenix, MD 21131

Member of the Board of Trustees of Baltimore County Community College; appointed to serve a term of five years from July 1, 2014

- L-6. James G. Gresham District 10
4 Plum Tree Court
Randallstown, MD 21133

Member of the Board of Trustees of Baltimore County Community College; reappointed to serve a term of five years from July 1, 2015

- L-7. Erness Abron Hill, Ph.D. District 10
103 Persimmon Circle
Reisterstown, MD 21136

Member of the Board of Trustees of Baltimore County Community College; appointed to serve a term of five years from July 1, 2015

- L-8. Richard Manski District 10
7 Folly Farms Court
Reisterstown, MD 21136

Member of the Board of Trustees of Baltimore County Community College; appointed to serve a term of five years from July 1, 2014

- L-9. Stephen J. Nolan, Esq. District 42
303 Ivy Church Road
Timonium, MD 21093

Member of the Board of Trustees of Baltimore County Community College; reappointed to serve a term of five years from July 1, 2014

- L-10. Mary Margaret O'Hare District 42
3012 Summit Avenue
Baltimore, MD 21234

Member of the Board of Trustees of Baltimore County Community College; appointed to serve a term of five years from July 1, 2015

- L-11. Richard Yaffe District 11
3229 Hunting Tweed Drive
Owings Mills, MD 21117

Member of the Board of Trustees of Baltimore County Community College; appointed to serve a term of five years from July 1, 2013

Carroll Community College Board of Trustees

- L-12. Mary Kay Nevius-Maurer District 5
2206 Old Fridinger Mill Road
Westminster, MD 21157

Member of the Carroll Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2011

Frederick County Board of License Commissioners

- L-13. Jesse T. Pippy District 4
8514 Indian Springs Road
Frederick, MD 21702

Member of the Frederick County Board of License Commissioners; appointed to serve a term of five years from July 1, 2016

Howard Community College Board of Trustees

L–14. Felicita Sola–Carter District 9
4305 Snowdrop Court
Ellicott City, MD 21042

Member of the Howard Community College Board of Trustees; appointed to serve a term of six years from July 1, 2014

Montgomery College Board of Trustees

L–15. Marsha S. Smith District 14
2204 Eaglesham Court
Olney, MD 20832

Member of the Montgomery College Board of Trustees; reappointed to serve a term of six years from July 1, 2016

Somerset County Liquor Control Board

L–16. Robert R. Hogg District 38
13957 Allen Road
Princess Anne, MD 21853

Member of the Somerset County Liquor Control Board; appointed to serve a term of four years from July 1, 2015

L–17. George D. Tawes District 38
103 Williams Street, Unit 212
Crisfield, MD 21817

Member of the Somerset County Liquor Control Board; appointed to serve a term of four years from June 1, 2015

Senator Raskin moved, duly seconded, to make the Report a Special Order for April 1, 2016.

The motion was adopted.

LAID OVER BILLS

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

Senate Bill 942 – Senators Ramirez, Lee, and Manno

AN ACT concerning

**State Government – Administrative Procedure Act – Contested Cases
– Judicial Review**

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

SB0942/528179/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 942
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “agency” insert “in certain contested cases”; and strike beginning with the first “in” in line 6 down through “employment” in line 7.

AMENDMENT NO. 2

On page 3, in lines 19 and 20, strike “: (I)”; in lines 21, 22, 24, 25, and 26, in each instance, strike the brackets; in lines 21, 22, 24, 25, and 26, strike “1.”, “2.”, “3.”, “4.”, and “5.”, respectively; in line 27, strike “or”; and after line 27, insert:

“(VI) IN A CASE INVOLVING TERMINATION OF EMPLOYMENT OR EMPLOYEE DISCIPLINE, FAILS TO REASONABLY STATE THE BASIS FOR THE TERMINATION OR THE NATURE AND EXTENT OF THE PENALTY OR SANCTION IMPOSED BY THE AGENCY; OR”.

On page 4, in line 1, strike “[vi]”; in the same line, strike “6.” and substitute “(VII)”; and strike beginning with “; AND” in line 1 down through “MISCONDUCT” in line 13.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 676 – Senators Kasemeyer, Currie, DeGrange, Ferguson, Guzzone, King, Madaleno, Manno, and Peters

AN ACT concerning

College Affordability Act of 2016

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENT OFFERED FROM THE FLOOR BY SENATOR BROCHIN.

FLOOR AMENDMENT

SB0676/433421/1

BY: Senator Brochin

AMENDMENT TO SENATE BILL 676, AS AMENDED

On page 10 of the Budget and Taxation Committee Amendments (SB0676/859832/1), in line 7 of Amendment No. 7, strike "**15**" and substitute "**12**"; in line 11, strike "**12**" and substitute "**9**"; in the same line, strike "**15**" and substitute "**12**"; and in line 14, strike "**15**" and substitute "**12**".

On page 11 of the Budget and Taxation Committee Amendments, in line 4 of Amendment No. 7, strike "**15**" and substitute "**12**"; in line 13, strike "**12**" and substitute "**9**"; in the same line, strike "**15**" and substitute "**12**"; and in line 15, strike "**15**" and substitute "**12**".

The preceding amendment was withdrawn.

FLOOR AMENDMENT

SB0676/233321/1

BY: Senator Pinsky

AMENDMENTS TO SENATE BILL 676, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (SB0676/859832/1), in line 17 of Amendment No. 1, strike "semesters" and substitute "academic years".

AMENDMENT NO. 2

On page 9 of the Budget and Taxation Committee Amendments, in Amendment No. 7, after line 3, insert:

“(A) IN THIS SECTION, “ACADEMIC YEAR” MEANS:

(1) THE FALL, SPRING, AND SUMMER SEMESTERS; AND

(2) ANY SEMESTER SHORTER IN LENGTH THAN THE TERM OF A REGULAR SEMESTER.”;

and in lines 4 and 15, strike “(a)” and “(b)”, respectively, and substitute “(B)” and “(C)”, respectively.

On page 10 of the Budget and Taxation Committee Amendments, in Amendment No. 7, in lines 2 and 18, in each instance, strike “SEMESTERS” and substitute “ACADEMIC YEARS”; in lines 4, 5, 7, and 11, in each instance, strike “SEMESTER” and substitute “ACADEMIC YEAR”; in lines 7, 11, and 14, in each instance, strike “15” and substitute “30”; and in line 11, strike “12” and substitute “24”.

On page 11 of the Budget and Taxation Committee Amendments, in Amendment No. 7, in lines 1, 2, 4, and 13, in each instance, strike “SEMESTER” and substitute “ACADEMIC YEAR”; in lines 4, 13, and 15, in each instance, strike “15” and substitute “30”; and in line 13, strike “12” and substitute “24”.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 1014 – Delegates Jones, Kaiser, Atterbeary, B. Barnes, Barve, Branch, Busch, Chang, Clippinger, Cullison, Davis, Ebersole, Frick, Frush, Gaines, Gutierrez, Hayes, Haynes, Hettleman, Hill, Hixson, Holmes, C. Howard, Jackson, Jalisi, Korman, Krimm, Lafferty, Lam, Lierman, Lisanti, Luedtke, McIntosh, A. Miller, Moon, Morhaim, Patterson, Platt, Reznik, B. Robinson, Sample-Hughes, Sanchez, Smith, Stein, Turner, Vallario, Waldstreicher, M. Washington, K. Young, and P. Young

AN ACT concerning

College Affordability Act of 2016

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

HB1014/519230/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 1014
(Third Reading File Bill)

On page 4, strike beginning with “IN” in line 5 down through the first “A” in line 6 and substitute “A”.

On page 10, in lines 25 and 26, in each instance, strike “LESS” and substitute “NO GREATER”.

On page 12, after line 10, insert:

“Article – Education

18–114.

THE COMMISSION AND THE DEPARTMENT SHALL WORK COLLABORATIVELY TO DEVELOP AN APPLICATION FOR USE ON DIGITAL DEVICES THAT PROVIDES:

(1) INFORMATION ABOUT STATE FINANCIAL AID PROGRAMS;

(2) CALENDAR NOTIFICATIONS FOR DATES AND DEADLINES ASSOCIATED WITH APPLYING FOR FINANCIAL AID; AND

(3) ANY OTHER INFORMATION THE COMMISSION AND THE DEPARTMENT DETERMINE TO BE NECESSARY OR HELPFUL TO PARENTS AND STUDENTS REGARDING FINANCIAL AID IN THE STATE.”.

On page 15, strike in their entirety lines 15 through 23, inclusive.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB1014/883126/1

BY: Senator Pinsky

AMENDMENTS TO HOUSE BILL 1014
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 24, strike “semesters” and substitute “academic years”.

AMENDMENT NO. 2

On page 17, after line 1, insert:

“(A) IN THIS SECTION, “ACADEMIC YEAR” MEANS:

(1) THE FALL, SPRING, AND SUMMER SEMESTERS; AND

(2) ANY SEMESTER SHORTER IN LENGTH THAN THE TERM OF A REGULAR SEMESTER.”;

in lines 2 and 13, strike “(a)” and “(b)”, respectively, and substitute “(B)” and “(C)”, respectively; in line 18, strike “SEMESTERS” and substitute “ACADEMIC YEARS”; in lines 20, 21, 23, and 27, in each instance, strike “SEMESTER” and substitute “ACADEMIC YEAR”; in lines 23, 27, and 30, in each instance, strike “15” and substitute “30”; and in line 27, strike “12” and substitute “24”.

On page 18, in line 2, strike “SEMESTERS” and substitute “ACADEMIC YEARS”; in lines 8, 9, 11, and 20, in each instance, strike “SEMESTER” and substitute “ACADEMIC YEAR”; in lines 11, 20, and 22, in each instance, strike “15” and substitute “30”; and in line 20, strike “12” and substitute “24”.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 894)

ADJOURNMENT

At 4:03 P.M. on motion of Senator Pugh, seconded, the Senate adjourned until 11:00 A.M. on Legislative Day March 28, 2016, Calendar Day, Friday, April 1, 2016.

Annapolis, Maryland
Legislative Day: March 28, 2016
Calendar Day: Friday, April 1, 2016
11:00 A.M. Session

The Senate met at 11:03 A.M.

Prayer by Reverend Mandy Sayers, Covenant United Methodist Church, guest of Senator King.

(See Exhibit A of Appendix III)

QUORUM CALL

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

(See Roll Call No. 896)

On motion of Senator Klausmeier it was ordered that Senators Gladden and Pugh be excused from today's session.

The Journal of March 27, 2016 was read and approved.

CONCURRENCE CALENDAR #8

AMENDED IN THE HOUSE

**Senate Bill 587 – Senators Madaleno, Nathan–Pulliam, Rosapepe, ~~and Young~~
Young, Conway, Simonaire, Bates, Salling, and Zucker**

AN ACT concerning

Alcoholic Beverages – Sale of Powdered Alcohol – Prohibition

Senator Conway moved that the Senate not concur in the House amendments.

SB0587/603691/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 587

(Third Reading File Bill)

On page 1, in line 5, after “penalty;” insert “providing for the termination of this Act;”.

On page 2, in line 14, after “2016.” insert “It shall remain effective for a period of 2 years and, at the end of June 30, 2018, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding amendment was read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: **SB0587**
SPONSOR: Senator Madaleno, et al
SUBJECT: Alcoholic Beverages – Sale of Powdered Alcohol – Prohibition

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

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.
Secretary

Read and adopted.

CONCURRENCE CALENDAR #7

AMENDED IN THE HOUSE

Senate Bill 132 – Senator Mathias (Chair, Joint Committee on the Chesapeake and Atlantic Coastal Bays Critical Areas)

AN ACT concerning

**Critical Area Commission for the Chesapeake and Atlantic Coastal Bays
– Membership From Ocean City**

Senator Conway moved that the Senate concur in the House amendments.

SB0132/800613/1

BY: Environment and Transportation Committee

AMENDMENTS TO SENATE BILL 132
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “Bays” insert “; establishing that a certain member of the Commission who is the Mayor of Ocean City or the designee of the Mayor is not subject to the advice and consent of the Senate; and generally relating to membership from Ocean City on the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays”.

AMENDMENT NO. 2

On page 3, in line 4, after “(2)” insert “**(I)**”; and after line 5, insert:

“(II) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, A MEMBER FROM THE ATLANTIC COASTAL BAYS WATERSHED WHO IS THE MAYOR OF OCEAN CITY OR THE DESIGNEE OF THE MAYOR IS NOT SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE.”

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 897)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #70

Senate Bill 545 – Senators Pugh, Ferguson, and Rosapepe

AN ACT concerning

**Labor and Employment – Apprenticeship Career Training in Our
Neighborhoods (ACTION) Program – Establishment**

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

Affirmative – 45 Negative – 0 (See Roll Call No. 898)

The Bill was then sent to the House of Delegates.

**Senate Bill 676 – Senators Kasemeyer, Currie, DeGrange, Ferguson, Guzzone,
King, Madaleno, Manno, ~~and Peters~~ Peters, and Brochin**

AN ACT concerning

College Affordability Act of 2016

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

Affirmative – 34 Negative – 11 (See Roll Call No. 899)

The Bill was then sent to the House of Delegates.

Senate Bill 942 – Senators Ramirez, Lee, and Manno

AN ACT concerning

**State Government – Administrative Procedure Act – Contested Cases
– Judicial Review**

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

Affirmative – 41 Negative – 3 (See Roll Call No. 900)

The Bill was then sent to the House of Delegates.

Senate Bill 1162 – Senator Salling

AN ACT concerning

**Baltimore County – Education – Career Exploration and Development Activities
– ~~Caffeinated Beverages~~ Coffee
(Java Act)**

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

Affirmative – 41 Negative – 4 (See Roll Call No. 901)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 549 – Senator Jim Rosapepe:

Be it hereby known to all that
 The Senate of Maryland
 offers its sincerest congratulations to
 The World War II 100th Infantry Battalion
 442nd Regimental Combat Team and Military Intelligence Service
 in recognition of
 the World War II Japanese American Veterans, who fought the enemy abroad and
 prejudice at home.

The entire membership extends its best wishes on
 this memorable occasion and directs this resolution
 be presented on this 1st day of April 2016.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 902)

THIRD READING CALENDAR (HOUSE BILLS) #12

CONSENT CALENDAR #8

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 280	Del. Moon	Birth Certificates – Homeless Individuals – Prohibition on Collection of Fee	FIN
HB 387	Del. Barkley	Clean Energy Loan Program – Residential Property – Study	FIN
HB 682	Del. Rosenberg	Bhvrl Health Advrsry Cncl – Clinical Crisis Walk-In Services and Mobile Crisis Teams – Strategic Plan	FIN
HB 884	St. Mary's County Delegation	St. Mary's County – Taxicabs – Repeal of Local Provisions	FIN

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 919	Del. Jameson	Portable Electronics Ins – Comp of Vendor Empls – Rpl of Sunset and Reporting Reqmt	FIN
HB 1113	Del. Kramer	Commercial Sale of Dogs and Cats – Prohibited Acts (Companion Animal Welfare Act)	FIN
HB 1162	Del. Reznik	Foster Youth Summer Internship Program	FIN

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

All of the above listed bills on the Third Reading Consent Calendar No. 8 were read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 903)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #13

House Bill 59 – Chair, Economic Matters Committee (By Request – Departmental – Commerce)

AN ACT concerning

Department of Economic Competitiveness and Commerce – Renaming and Reorganization

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

Affirmative – 45 Negative – 0 (See Roll Call No. 904)

The Bill was then sent to the House of Delegates.

House Bill 70 – Delegate Luedtke

AN ACT concerning

Business Regulation – Billiard Table License – Repeal

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

Affirmative – 45 Negative – 0 (See Roll Call No. 905)

The Bill was then sent to the House of Delegates.

House Bill 78 – Chair, Judiciary Committee (By Request – Departmental – State Police)

AN ACT concerning

State Fire Marshal – Reporting Requirements – Repeal

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

Affirmative – 45 Negative – 0 (See Roll Call No. 906)

The Bill was then sent to the House of Delegates.

House Bill 164 – Chair, Appropriations Committee (By Request – Departmental – Comptroller)

SECOND PRINTING

AN ACT concerning

State Personnel Management System – Background Investigation and Criminal History Records Check – Prospective and Current Employees

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

Affirmative – 45 Negative – 0 (See Roll Call No. 907)

The Bill was then sent to the House of Delegates.

House Bill 262 – Delegates M. Washington, Cullison, Hettleman, and C. Howard

AN ACT concerning

**Senior Citizen Activities Center Operating Fund – ~~Funding and Distribution~~
Distributions – Alteration**

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

Affirmative – 32 Negative – 13 (See Roll Call No. 908)

The Bill was then sent to the House of Delegates.

House Bill 290 – Delegates McCray, Barve, Brooks, Carter, Chang, Clippinger, Conaway, Frick, Glenn, Hayes, Haynes, Hill, Jalisi, Lierman, Lisanti, Luedtke, McIntosh, Moon, Morales, Oaks, Patterson, Platt, B. Robinson, Rosenberg, Sample–Hughes, Sydnor, Tarlau, Valderrama, Waldstreicher, M. Washington, West, and K. Young

AN ACT concerning

Labor and Employment – Apprenticeship Career Training in Our Neighborhoods (ACTION) Program – Establishment

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

Affirmative – 45 Negative – 0 (See Roll Call No. 909)

The Bill was then sent to the House of Delegates.

House Bill 411 – Delegates M. Washington, McKay, Hettleman, Krimm, and Lierman

AN ACT concerning

General Assembly – Joint Committee on Ending Homelessness – Membership

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

Affirmative – 45 Negative – 0 (See Roll Call No. 910)

The Bill was then sent to the House of Delegates.

House Bill 501 – Delegate Chang

AN ACT concerning

Motor Vehicle Insurance – Volunteer Drivers

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

Affirmative – 45 Negative – 0 (See Roll Call No. 911)

The Bill was then sent to the House of Delegates.

House Bill 631 – Howard County Delegation

AN ACT concerning

**Workers' Compensation – Permanent Partial Disability – Howard County
Deputy Sheriffs
Ho. Co. 11-16**

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

Affirmative – 45 Negative – 0 (See Roll Call No. 912)

The Bill was then sent to the House of Delegates.

House Bill 668 – Delegates Rosenberg and Platt

AN ACT concerning

Preschool Development Grants – Expansion Grants – Required State Funding

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

Affirmative – 31 Negative – 14 (See Roll Call No. 913)

The Bill was then sent to the House of Delegates.

**House Bill 798 – Chair, Health and Government Operations Committee (By
Request – Departmental – Maryland Insurance Administration)**

AN ACT concerning

Health Insurance – Reporting Requirements – Repeal

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

Affirmative – 45 Negative – 0 (See Roll Call No. 914)

The Bill was then sent to the House of Delegates.

**House Bill 1014 – Delegates Jones, Kaiser, Atterbeary, B. Barnes, Barve, Branch,
Busch, Chang, Clippinger, Cullison, Davis, Ebersole, Frick, Frush, Gaines,
Gutierrez, Hayes, Haynes, Hettleman, Hill, Hixson, Holmes, C. Howard,
Jackson, Jalisi, Korman, Krimm, Lafferty, Lam, Lierman, Lisanti, Luedtke,
McIntosh, A. Miller, Moon, Morhaim, Patterson, Platt, Reznik, B. Robinson,
Sample-Hughes, Sanchez, Smith, Stein, Turner, Vallario, Waldstreicher,
M. Washington, K. Young, and P. Young**

AN ACT concerning

College Affordability Act of 2016

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

Affirmative – 32 Negative – 13 (See Roll Call No. 915)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON FINANCE REPORT #38

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

Senate Bill 921 – Senators Pugh, Feldman, Benson, Madaleno, Mathias, and Middleton

AN ACT concerning

Clean Energy Jobs – Renewable Energy Portfolio Standard Revisions

SB0921/457976/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 921

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Middleton” and substitute “Middleton, Pinsky, and Raskin”; strike beginning with “establishing” in line 3 down through “report;” in line 8; and strike beginning with “requiring” in line 15 down through “Act;” in line 23.

On pages 1 and 2, strike beginning with “establishing” in line 29 on page 1 down through “manner;” in line 5 on page 2 and substitute “authorizing the Small, Minority, and Women-Owned Businesses Account to receive money from the Strategic Energy Investment Fund; requiring any money that the Account receives from the Fund to be used for a certain purpose; authorizing the Maryland Energy Administration to use the Strategic Energy Investment Fund for a certain purpose; requiring the Department of Labor, Licensing, and Regulation to study the workforce development training needs for the clean energy industry in the State; requiring the Department to seek input from certain agencies and stakeholders and identify certain information; requiring the Department to report to

the General Assembly on or before a certain date on certain findings and recommendations;”.

On page 2, in line 6, strike “certain terms” and substitute “a certain term”; strike in their entirety lines 9 through 18, inclusive; in line 21, strike “7–703(b)(12)” and substitute “7–703(a)(2)(iii), (b)(12)”; strike in their entirety lines 24 through 28; in line 31, strike the first comma and substitute “and”; in the same line, strike “, and 9–20B–05(f) and (i) through (l)”; after line 33, insert:

“BY repealing and reenacting, without amendments,

Article – State Government

Section 9–20B–05(f)

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)”;

and in line 36, strike “9–20B–05(i)” and substitute “9–20B–05(f–1)”.

AMENDMENT NO. 2

On pages 3 through 5, strike beginning with line 1 on page 3 through line 10 on page 5, inclusive.

AMENDMENT NO. 3

On page 5, in line 24, after the semicolon insert “AND”.

On pages 5 and 6, strike beginning with the semicolon in line 28 on page 5 down through “**DATA**” in line 4 on page 6.

On page 6, after line 5, insert:

“(a) (2) A renewable energy portfolio standard may not apply to electricity sales at retail by any electricity supplier:

(iii) to a customer served by an electric cooperative under an electricity supplier purchase agreement that existed on October 1, 2004, until the expiration of the agreement, AS THE AGREEMENT MAY BE RENEWED OR AMENDED.”.

AMENDMENT NO. 4

On pages 7 and 8, strike beginning with line 9 on page 7 through line 3 on page 8, inclusive.

On pages 10 and 11, strike beginning with line 28 on page 10 through line 5 on page 11, inclusive.

On page 11, in lines 6, 8, 23, 24, 27, and 30, in each instance, strike the bracket; in lines 6, 8, 9, 23, 24, 27, and 30, strike “(B)”, “(C)”, “(I)”, “(D)”, “(D)”, “(2)”, and “(2)”, respectively; in line 8, after “(1)” insert “(I)”; in the same line, strike the colon; strike beginning with the semicolon in line 9 down through “SECTION” in line 11; and after line 11, insert:

“(II) THE ACCOUNT MAY RECEIVE MONEY FROM THE STRATEGIC ENERGY INVESTMENT FUND UNDER § 9-20B-05 OF THIS TITLE.”

On page 12, strike in their entirety lines 3 through 20, inclusive, and substitute:

“(D) ANY MONEY RECEIVED FROM THE STRATEGIC ENERGY INVESTMENT FUND SHALL BE USED TO BENEFIT SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES IN THE CLEAN ENERGY INDUSTRY IN THE STATE.”;

in lines 21 and 28, strike “(F)” and “(G)”, respectively, and substitute “(E)” and “(F)”, respectively; in line 25, strike the brackets; in the same line, strike “(D)”; and strike beginning with “EXCEPT” in line 28 down through the comma in line 30.

On page 13, in line 5, strike the brackets; in line 3, strike “(H)” and substitute “(G)”; and in line 5, strike “(D)(2)”.

On page 14, in line 30, strike the brackets; and strike in their entirety lines 31 and 32.

On page 15, strike in their entirety lines 1 through 5, inclusive; in line 6, strike the brackets; in the same line, strike “(11)”; and strike in their entirety lines 7 through 14, inclusive, and substitute:

“(F-1) THE ADMINISTRATION MAY USE THE FUND, INCLUDING MONEY THAT THE FUND RECEIVES UNDER PUBLIC SERVICE COMMISSION ORDER NUMBER 86372, TO PROVIDE FUNDING FOR ACCESS TO CAPITAL FOR SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES IN THE CLEAN ENERGY INDUSTRY UNDER § 9-1A-35 OF THIS TITLE.”

On pages 15 and 16, strike beginning with line 15 on page 15 through line 9 on page 16, inclusive.

AMENDMENT NO. 5

On page 16, before line 10, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Labor, Licensing, and Regulation shall:

(1) study the workforce development training needs for the clean energy industry in the State;

(2) in conducting the study required under item (1) of this section, seek input from:

(i) State agencies, including the Department of Budget and Management, the Department of Commerce, the Governor’s Office of Minority Affairs, the Maryland Energy Administration, and the Maryland Clean Energy Center;

(ii) clean energy industry stakeholders; and

(iii) any other persons that the Department determines appropriate;

(3) identify:

(i) existing programs that could help address the clean energy industry workforce needs;

(ii) any new program that could be developed to provide workforce development training for the clean energy workforce;

(iii) ways to advance clean energy job training and employment opportunities for:

1. individuals from economically distressed areas; and

2. disadvantaged workers who have barriers to entry into the labor force, including homelessness, prior criminal records, receipt of public assistance,

unemployment with no high school education, veterans of the armed forces of the United States, and former foster care youth;

(iv) barriers to entry for small, minority, and women-owned businesses in the clean energy industry;

(v) funding ways that may be used to provide incentives for the development of clean energy workforce development training programs, including through tax credits, grants, or other forms; and

(vi) options for funding sources, including the Strategic Energy Investment Fund, money directed by Public Service Commission orders, and other sources; and

(4) on or before July 1, 2017, report, in accordance with § 2-1246 of the State Government Article, to the General Assembly its findings and any recommendations.”;

and in lines 10, 13, and 18, strike “2.”, “3.”, and “4.”, respectively, and substitute “3.”, “4.”, and “5.”, respectively.

The preceding 5 amendments were read only.

Senator Middleton 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 1009 – Senators Benson, Kelley, Middleton, and Pugh

AN ACT concerning

Procurement – Prevailing Wage – Liquidated Damages

SB1009/567879/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 1009

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Benson,” insert “Manno,”; strike beginning with “altering” in line 3 down through “liable” in line 5 and substitute “making a certain contractor liable to a public body for a higher amount of liquidated damages”; and in line 6, after “rates” insert “under certain circumstances”.

AMENDMENT NO. 2

On page 1, in line 19, strike the brackets; and in the same line, strike “\$50”.

On page 2, in line 5, strike “\$500” and substitute “\$250”.

The preceding 2 amendments were read only.

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

The motion was adopted.

THE COMMITTEE ON FINANCE REPORT #39

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

House Bill 689 – Delegate Frick

AN ACT concerning

Procurement – Prevailing Wage – Liquidated Damages

Senator Ready moved, duly seconded, to make the Bill and Report a Special Order for April 4, 2016.

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #22

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 815 – Senator Muse

AN ACT concerning

Residential Real Property – Sales Contracts – Notice of Water and Sewer Charges

SB0815/618977/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 815

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after the semicolon insert “providing for the application of certain provisions of this Act;”.

AMENDMENT NO. 2

On page 2, in line 30, after “(5)” insert “(I) THIS PARAGRAPH DOES NOT APPLY IN A COUNTY THAT HAS ADOPTED A DISCLOSURE REQUIREMENT THAT IS SUBSTANTIALLY SIMILAR TO THE DISCLOSURE REQUIREMENT IN SUBPARAGRAPH (II) OF THIS PARAGRAPH.

(II)”.

On page 3, in line 4, after “MAINTAINING” insert “DURING CONSTRUCTION”.

AMENDMENT NO. 3

On page 4, in line 4, strike “OPEN LIEN” and substitute “FEE”; and in the same line, after “DISCLOSED” insert “, UNLESS THE SELLER WAS NEVER CHARGED A FEE OR ASSESSMENT TO DEFRAY THE COSTS OF PUBLIC WATER OR WASTEWATER FACILITIES BY THE DEVELOPER, A SUCCESSOR OF THE DEVELOPER, OR A SUBSEQUENT ASSIGNEE”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 934 – Senator Manno

AN ACT concerning

Local Government Tort Claims Act – Notice Requirement – Exception**SB0934/288577/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 934

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– Exception”; strike beginning with “providing” in line 3 down through “Act” in line 5 and substitute “requiring a court to entertain a certain action against a local government or its employee even though a certain notice was not given, under certain circumstances”; in line 7, after “repealing” insert “and reenacting, with amendments,”; and strike in their entirety lines 12 through 16, inclusive.

AMENDMENT NO. 2

On page 2, in line 22, strike “and for good cause shown”; and in the same line, strike “may” and substitute “SHALL”.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 24 on page 2 through line 19 on page 3, inclusive.

The preceding 3 amendments were read only.

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

The motion was adopted.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 935 – Senator Manno

AN ACT concerning

Maryland Tort Claims Act – Certain Claim Requirement – Exception**SB0935/218072/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 935

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– Exception”; strike beginning with “providing” in line 3 down through “Act” in line 5 and substitute “requiring a court to entertain an action under the Maryland Tort Claims Act even if a claimant fails to submit a certain written claim, under certain circumstances”; in line 6, strike “repealing a certain requirement” and substitute “claim requirements”; and strike in their entirety lines 13 through 17, inclusive.

AMENDMENT NO. 2

On page 2, in line 9, strike “and for good cause shown”; and in line 10, strike “may” and substitute “SHALL”.

AMENDMENT NO. 3

On page 2, in line 8, strike “(1)”.

On pages 2 and 3, strike in their entirety the lines beginning with line 12 on page 2 through line 8 on page 3, inclusive.

The preceding 3 amendments were read only.

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

The motion was adopted.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 1106 – Senators Simonaire, Astle, Cassilly, DeGrange, Jennings, Norman, Reilly, and Rosapepe

AN ACT concerning

Anne Arundel County and Harford County – Courthouse Dog and Child Witness Pilot Program

SB1106/428974/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 1106
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after “rules;” insert “defining certain terms;”.

AMENDMENT NO. 2

On page 1, in line 18, after “(a)” insert:

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

(2) “Child witness” means a witness who is a minor when the witness testifies in a criminal proceeding.

(3) “Facility dog” means a dog that has:

(i) graduated from a program of an assistance dog organization that trains dogs for the purpose of reducing stress in a child witness;

(ii) received 2 years of training;

(iii) passed the same public access test as a service dog; and

(iv) been teamed with a facility dog handler.

(4) “Facility dog handler” means a person who has received training on:

(i) offering the person’s animal for assistance purposes from an organization accredited by Assistance Dogs International or an equivalent organization;
and

(ii) court protocol and policies, including the expected role of an animal assistance team and how not to interfere with evidence collection or the effective administration of justice.

(5) “Therapy dog” means a dog that has:

(i) received training to provide affection and comfort to children who need emotional support; and

(ii) been teamed with a therapy dog handler.

(6) “Therapy dog handler” means a person who has received training on:

(i) offering the person’s animal for assistance purposes from an organization that insures, registers, or certifies therapy dogs and their handlers; and

(ii) court protocol and policies, including the expected role of an animal assistance team and how not to interfere with evidence collection or the effective administration of justice.

(b)”;

and in lines 20 and 23, strike “(b)” and “(c)”, respectively, and substitute “(c)” and “(d)”, respectively.

On page 2, strike in their entirety lines 1 through 6, inclusive; in lines 7 and 9, strike “(4)” and “(5)”, respectively, and substitute “(2)” and “(3)”, respectively; in lines 10 and 13, strike “(d)” and “(e)”, respectively, and substitute “(e)” and “(f)”, respectively; in line 8, after “therapy” insert “dog and therapy dog handler”; and in the same line, after “dog” insert “and facility dog handler”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 1167 – Senator Ready

AN ACT concerning

Carroll County – Local Government Tort Claims Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #29

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

Senate Bill 455 – Senator McFadden

AN ACT concerning

State Education Aid – Real Property Valuation – Tax Increment Financing

SB0455/899436/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 455

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “assessed” in line 3 down through “terms;” in line 6 and substitute “State Department of Assessments and Taxation to certify annually the amount of assessable base for certain real property; requiring certain State education aid to be calculated in a certain manner for each fiscal year;”; in line 6, after “Act;” insert “declaring the intent of the General Assembly regarding the consideration of the impact of certain economic development incentives in certain jurisdictions in making certain recommendations of a certain study; requiring a certain study and a certain commission to make certain recommendations on certain issues; providing for the termination of this Act;”; strike line 10 in its entirety and substitute “Section 5–202(a)(1), (3), (4), (9) through (11), and (14) and (b)”; after line 12, insert:

“BY adding to

Article – Education

Section 5–202(l)

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)”;

and strike in their entirety lines 13 through 17, inclusive.

AMENDMENT NO. 2

On page 2, in line 1, strike “(I)”; in the same line, strike the brackets; strike beginning with “EXCEPT” in line 1 down through “ASSESSED” in line 2; and strike in their entirety lines 7 through 20, inclusive.

AMENDMENT NO. 3

On page 3, after line 7, insert:

“(L) (1) EXCEPT FOR SUBSECTION (K) OF THIS SECTION, THIS SUBSECTION APPLIES TO EDUCATION PROGRAMS THAT USE WEALTH TO CALCULATE STATE AID FORMULAS UNDER THIS SUBTITLE.

(2) (I) THE CALCULATIONS IN THIS PARAGRAPH APPLY ONLY TO A COUNTY THAT:

1. ESTABLISHES A DEVELOPMENT DISTRICT UNDER TITLE 12, SUBTITLE 2 OF THE ECONOMIC DEVELOPMENT ARTICLE OR ARTICLE II, § 62 OF THE CHARTER OF BALTIMORE CITY AFTER MAY 1, 2016; AND

2. QUALIFIES FOR A DISPARITY GRANT UNDER § 16-501 OF THE LOCAL GOVERNMENT ARTICLE.

(II) THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION SHALL CERTIFY THE ORIGINAL AMOUNT OF ASSESSABLE BASE FOR REAL PROPERTY THAT IS LOCATED IN A DEVELOPMENT DISTRICT THAT MEETS THE REQUIREMENTS IN SUBPARAGRAPH (I) OF THIS PARAGRAPH AS OF JANUARY 1 OF THE YEAR PRECEDING THE YEAR IN WHICH THE ORDINANCE OR RESOLUTION ESTABLISHING THE DEVELOPMENT DISTRICT BECOMES EFFECTIVE.

(III) FOR A DEVELOPMENT DISTRICT THAT MEETS THE REQUIREMENTS IN SUBPARAGRAPH (I) OF THIS PARAGRAPH AND IS STILL IN EFFECT, THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION SHALL ANNUALLY CERTIFY THE AMOUNT OF ASSESSABLE BASE FOR REAL PROPERTY THAT IS LOCATED IN THE DEVELOPMENT DISTRICT AS OF JULY 1 OF THE FIRST COMPLETED FISCAL YEAR BEFORE THE SCHOOL YEAR FOR WHICH THE CALCULATION IS MADE UNDER THIS SECTION.

(IV) THE DIFFERENCE BETWEEN THE AMOUNT OF ASSESSABLE BASE FOR REAL PROPERTY CERTIFIED UNDER SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH IS THE TAX INCREMENT FOR THE DEVELOPMENT DISTRICT.

(3) FOR EACH FISCAL YEAR, USING NET TAXABLE INCOME BASED ON TAX RETURNS FILED ON OR BEFORE NOVEMBER 1, STATE AID SHALL BE CALCULATED AS FOLLOWS:

(I) ONCE USING THE ASSESSED VALUATION OF REAL PROPERTY ESTIMATE UNDER SUBSECTION (A) OF THIS SECTION; AND

(II) AGAIN USING THE ASSESSED VALUATION OF REAL PROPERTY ESTIMATE UNDER SUBSECTION (A) OF THIS SECTION REDUCED BY THE SUM OF THE TAX INCREMENTS CALCULATED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(4) IF THE AMOUNT OF STATE AID CALCULATED UNDER PARAGRAPH (3)(II) OF THIS SUBSECTION IS GREATER THAN THE AMOUNT CALCULATED UNDER PARAGRAPH (3)(I) OF THIS SUBSECTION, THE ADDITIONAL STATE AID SHALL BE PROVIDED AS A GRANT TO THE COUNTY BOARD.”;

strike in their entirety lines 8 through 19, inclusive; in line 22, strike “2016” and substitute “2017”; after line 22, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) It is the intent of the General Assembly that the final recommendations of the study of the adequacy of education funding being conducted as required by Chapter 288 of 2002, as amended by Chapter 397 of 2011, and any commission that may be established to make recommendations on the adequacy study, shall consider the impact of economic development incentives in low wealth jurisdictions on State education aid, including the exclusion provided under § 5–202(l) of the Education Article as enacted by this Act.

(b) The adequacy study and any commission shall make recommendations on:

(1) whether the assessed value of tax increment financing districts should be excluded from the calculation of wealth for State education aid purposes and, if so, any limits on the exclusions that should be considered; and

(2) the continuation of the hold harmless grants established by this Act.”;

in line 23, strike “3.” and substitute “4.”; and in line 24, after “2016.” insert “It shall remain effective for a period of 3 years and 1 month and, at the end of June 30, 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #28

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

House Bill 285 – Delegates McIntosh, M. Washington, Brooks, Barron, Ebersole, Fennell, Frush, Healey, Lafferty, Lierman, Patterson, B. Robinson, Stein, Tarlau, Waldstreicher, and K. Young

AN ACT concerning

State Education Aid – Real Property Valuation – Tax Increment Financing

Favorable report 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:

House Bill 671 – Howard County Delegation

AN ACT concerning

**Howard County – Practice of Massage – Regulation
Ho. Co. 13–16**

The bill was re-referred to the Committee on Education, Health, and Environmental Affairs.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #47**

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

House Bill 57 – Delegate Cassilly

AN ACT concerning

**Public Safety – Maryland Building Performance Standards – Adoption,
Implementation, and Enforcement of Modifications**

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:

**House Bill 788 – Chair, Health and Government Operations Committee (By
Request – Departmental – Office of Minority Affairs)**

AN ACT concerning

**Procurement – Small Business Reserve Program – Program Oversight and
Continuation**

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:

House Bill 799 – Delegate O’Donnell

AN ACT concerning

Aquaculture – Liability for Trespass

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:

House Bill 1024 – Prince George’s County Delegation and Montgomery County Delegation

AN ACT concerning

**Montgomery County – Municipal Authority to Regulate Structures – Clarification
PG/MC 112–16**

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:

House Bill 1101 – Montgomery County Delegation

AN ACT concerning

**Municipal Corporations – Closed Swimming Lake – Regulation
MC 32–16**

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:

House Bill 1527 – Delegate O’Donnell

EMERGENCY BILL

AN ACT concerning

Environment – Water Appropriation Permit – Aquaculture Exemption

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #36

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

**House Bill 60 – Chair, Economic Matters Committee (By Request – Departmental
– Maryland Insurance Administration)**

AN ACT concerning

**Insurance – Certificate of Qualification, Licensing, and Registration –
Electronic Means**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 131 – Delegates Waldstreicher, Moon, Kramer, and C. Wilson

AN ACT concerning

**Commercial Law – Nondisparagement Clauses in Consumer Contracts
– Prohibition**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 523 – Delegate Stein

AN ACT concerning

**E-ZPass Accounts – Transponder Theft – ~~Notice~~ Reporting and Unauthorized
Charges**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

**House Bill 639 – Delegates Kelly, Frick, Jalisi, Korman, Lam, Reznik, ~~and
Waldstreicher~~ Waldstreicher, Hill, Hammen, Angel, Barron, Bromwell,
Cullison, Hayes, Kipke, Krebs, McDonough, McMillan, Miele, Morgan,
Morhaim, Oaks, Pena-Melnyk, Pendergrass, Rose, Saab, Sample-Hughes,
West, and K. Young**

AN ACT concerning

**Health Insurance – Provider Claims – Payment by Credit Card – ~~Prohibited or~~
Electronic Funds Transfer Payment Method**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 718 – Delegates Kramer, Afzali, Angel, Barkley, B. Barnes, Barve, Beitzel, Branch, Brooks, Buckel, Chang, Cullison, Fraser–Hidalgo, Frick, Frush, Hayes, Healey, Jalisi, Krebs, Krimm, Lafferty, Luedtke, McComas, Morales, Morhaim, Pena–Melnyk, Platt, Reznik, Stein, Valderrama, ~~and Waldstreicher~~ Waldstreicher, Adams, Arentz, Aumann, Carey, Clippinger, Davis, Glenn, S. Howard, Jameson, Lisanti, Vaughn, and C. Wilson

AN ACT concerning

Consumer Protection – Asset Recovery for Exploited Seniors Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #37

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

House Bill 803 – Delegates Rosenberg, Carter, Kipke, Morhaim, Oaks, West, ~~and K. Young~~ K. Young, Saab, Pendergrass, Rose, Barron, Hammen, Pena–Melnyk, and Sample–Hughes

AN ACT concerning

Life Insurance – Freedom to Travel Act

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:

House Bill 928 – Delegate Kramer

AN ACT concerning

State Personnel – Individuals With Disabilities – Hiring Preferences

HB0928/157473/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 928

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “requiring” insert “a”; strike beginning with “authorities” in line 5 down through “branches” in line 6 and substitute “authority for a certain position in the Executive Branch”; and in line 14, strike “2-310” and substitute “2-204”.

AMENDMENT NO. 2

On page 2, in line 8, strike “**2-310.**” and substitute “**2-204.**”; and strike beginning with “**APPOINTING**” in line 9 down through “**BRANCHES**” in line 10 and substitute “**AN APPOINTING AUTHORITY FOR A POSITION IN THE EXECUTIVE BRANCH**”.

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:

House Bill 1144 – Delegate W. Miller

AN ACT concerning

Gas and Electric Companies – Retail Choice Customer Education and Protection Fund

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1150 – Delegates McMillan, Angel, Cullison, Hayes, Kipke, Miele, Morgan, Oaks, Pena–Melnik, Saab, and West

Health Insurance – Consumer Health Claim Filing Fairness Act

AN ACT concerning

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1303 – ~~Delegate Angel~~ Delegates Angel, Hammen, Barron, Bromwell, Cullison, Hayes, Hill, Kelly, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Morhaim, Pena–Melnik, Pendergrass, Rose, Sample–Hughes, West, and K. Young

AN ACT concerning

Freestanding Birthing Centers – Use of Ultrasound Imaging

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1503 – Delegates Simonaire, D. Barnes, Buckel, Fennell, Folden, Glass, McKay, Metzgar, A. Washington, and M. Washington

AN ACT concerning

Adult Education – GED Testing Fees – Exemption for Homeless Youth

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #23

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 98 – ~~Delegate B. Wilson~~ Delegates B. Wilson, Sydnor, Barron, and Moon

AN ACT concerning

Criminal Law – Participation in Court Proceedings – Retaliation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 220 – Delegates Barron, Carter, and Anderson

AN ACT concerning

Criminal Procedure – Partial Expungement

HB0220/978577/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 220

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Partial”; strike beginning with “authorizing” in line 3 down through “records” in line 12 and substitute “authorizing a person to file a petition for expungement of certain misdemeanor convictions; specifying certain convictions that are eligible for expungement; requiring a person to file a petition for expungement in a certain court; providing that a petition for expungement of certain misdemeanor convictions may not be filed earlier than a certain time; providing that a person is not eligible for expungement under certain circumstances; requiring the court to serve a copy of a petition on the State’s Attorney and provide notice of the petition to certain victims; requiring the court to order the expungement of certain records under certain circumstances; requiring the court to hold a hearing on the petition under certain circumstances; authorizing the court to order the expungement of certain records after a hearing if the court makes certain findings on the record; requiring the court to deny a certain petition under certain circumstances; requiring certain custodians of certain records to destroy the records within a certain time after an order granting a petition; providing that the State’s Attorney is a party to a certain proceeding; providing that a party to the proceeding is entitled to appellate review; and generally relating to expungement”; in line 13, strike “repealing and reenacting, with amendments,” and substitute “adding to”; in line 15, strike “10–105” and substitute “10–110”; and strike in their entirety lines 18 through 22, inclusive.

AMENDMENT NO. 2

On pages 2 through 6, strike in their entirety the lines beginning with line 4 on page 2 through line 33 on page 6, inclusive, and substitute:

“10-110.

(A) A PERSON MAY FILE A PETITION LISTING RELEVANT FACTS FOR EXPUNGEMENT OF A POLICE RECORD, COURT RECORD, OR OTHER RECORD MAINTAINED BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE IF THE PERSON IS CONVICTED OF A MISDEMEANOR THAT IS A VIOLATION OF:

- (1) § 6-320 OF THE ALCOHOLIC BEVERAGES ARTICLE;
- (2) AN OFFENSE LISTED IN § 17-613(A) OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE;
- (3) § 5-712, § 19-304, § 19-308, OR TITLE 5, SUBTITLE 6 OR SUBTITLE 9 OF THE BUSINESS REGULATION ARTICLE;
- (4) § 3-1508 OR § 10-402 OF THE COURTS ARTICLE;
- (5) § 14-1915, § 14-2902, OR § 14-2903 OF THE COMMERCIAL LAW ARTICLE;
- (6) § 5-211 OF THE CRIMINAL PROCEDURE ARTICLE;
- (7) § 3-203 OR § 3-808 OF THE CRIMINAL LAW ARTICLE;
- (8) § 5-601, § 5-618, § 5-619, § 5-620, § 5-703, § 5-708, OR § 5-902 OF THE CRIMINAL LAW ARTICLE;
- (9) § 6-105, § 6-108, § 6-206, § 6-303, § 6-306, § 6-307, § 6-402, OR § 6-503 OF THE CRIMINAL LAW ARTICLE;
- (10) § 7-104, § 7-203, § 7-205, § 7-304, § 7-308, OR § 7-309 OF THE CRIMINAL LAW ARTICLE;

(11) § 8-103, § 8-206, § 8-401, § 8-402, § 8-404, § 8-406, § 8-408, § 8-503, § 8-521, § 8-523, OR § 8-904 OF THE CRIMINAL LAW ARTICLE;

(12) § 9-204, § 9-205, § 9-503, OR § 9-506 OF THE CRIMINAL LAW ARTICLE;

(13) § 10-110, § 10-201, § 10-402, § 10-404, OR § 10-502 OF THE CRIMINAL LAW ARTICLE;

(14) § 11-306(A) OF THE CRIMINAL LAW ARTICLE;

(15) § 12-102, § 12-103, § 12-104, § 12-105, § 12-109, § 12-203, § 12-204, § 12-205, OR § 12-302 OF THE CRIMINAL LAW ARTICLE;

(16) § 13-401, § 13-602, OR § 16-201 OF THE ELECTION LAW ARTICLE;

(17) § 4-509 OF THE FAMILY LAW ARTICLE;

(18) § 18-215 OF THE HEALTH – GENERAL ARTICLE;

(19) § 4-411 OR § 4-2005 OF THE HUMAN SERVICES ARTICLE;

(20) § 27-403, § 27-404, § 27-405, § 27-406, § 27-406.1, § 27-407, § 27-407.1, OR § 27-407.2 OF THE INSURANCE ARTICLE;

(21) § 5-307, § 5-308, § 6-602, § 7-402, OR § 14-114 OF THE PUBLIC SAFETY ARTICLE;

(22) § 7-318.1, § 7-509, OR § 10-507 OF THE REAL PROPERTY ARTICLE;

(23) § 9-124 OF THE STATE GOVERNMENT ARTICLE;

(24) § 13-1001, § 13-1004, § 13-1007, OR § 13-1024 OF THE TAX – GENERAL ARTICLE;

(25) THE COMMON LAW OFFENSES OF AFFRAY, RIOTING, CRIMINAL CONTEMPT, OR HINDERING; OR

(26) AN ATTEMPT, CONSPIRACY, OR SOLICITATION OF ANY OFFENSE LISTED IN ITEMS (1) THROUGH (25) OF THIS SUBSECTION.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A PERSON SHALL FILE A PETITION FOR EXPUNGEMENT IN THE COURT IN WHICH THE PROCEEDING BEGAN.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF THE PROCEEDING BEGAN IN ONE COURT AND WAS TRANSFERRED TO ANOTHER COURT, THE PERSON SHALL FILE THE PETITION IN THE COURT TO WHICH THE PROCEEDING WAS TRANSFERRED.

(II) IF THE PROCEEDING BEGAN IN ONE COURT AND WAS TRANSFERRED TO THE JUVENILE COURT UNDER § 4-202 OR § 4-202.2 OF THIS ARTICLE, THE PERSON SHALL FILE THE PETITION IN THE COURT OF ORIGINAL JURISDICTION FROM WHICH THE ORDER OF TRANSFER WAS ENTERED.

(3) (I) IF THE PROCEEDING IN A COURT OF ORIGINAL JURISDICTION WAS APPEALED TO A COURT EXERCISING APPELLATE JURISDICTION, THE PERSON SHALL FILE THE PETITION IN THE APPELLATE COURT.

(II) THE APPELLATE COURT MAY REMAND THE MATTER TO THE COURT OF ORIGINAL JURISDICTION.

(C) A PETITION FOR EXPUNGEMENT UNDER THIS SECTION MAY NOT BE FILED EARLIER THAN 10 YEARS AFTER THE PERSON SATISFIES THE SENTENCE OR SENTENCES IMPOSED FOR ALL CONVICTIONS FOR WHICH EXPUNGEMENT IS REQUESTED, INCLUDING PAROLE, PROBATION, OR MANDATORY SUPERVISION.

(D) (1) IF THE PERSON IS CONVICTED OF A NEW CRIME DURING THE APPLICABLE TIME PERIOD SET FORTH IN SUBSECTION (C) OF THIS SECTION, THE

ORIGINAL CONVICTION OR CONVICTIONS ARE NOT ELIGIBLE FOR EXPUNGEMENT UNLESS THE NEW CONVICTION BECOMES ELIGIBLE FOR EXPUNGEMENT.

(2) A PERSON IS NOT ELIGIBLE FOR EXPUNGEMENT IF THE PERSON IS A DEFENDANT IN A PENDING CRIMINAL PROCEEDING.

(3) IF A PERSON IS NOT ELIGIBLE FOR EXPUNGEMENT OF ONE CONVICTION IN A UNIT, THE PERSON IS NOT ELIGIBLE FOR EXPUNGEMENT OF ANY OTHER CONVICTION IN THE UNIT.

(E) (1) THE COURT SHALL HAVE A COPY OF A PETITION FOR EXPUNGEMENT SERVED ON THE STATE'S ATTORNEY.

(2) THE COURT SHALL SEND WRITTEN NOTICE OF THE EXPUNGEMENT REQUEST TO ALL LISTED VICTIMS IN THE CASE IN WHICH THE PETITIONER IS SEEKING EXPUNGEMENT AT THE ADDRESS LISTED IN THE COURT FILE, ADVISING THE VICTIM OR VICTIMS OF THE RIGHT TO OFFER ADDITIONAL INFORMATION RELEVANT TO THE EXPUNGEMENT PETITION TO THE COURT.

(3) UNLESS THE STATE'S ATTORNEY OR A VICTIM FILES AN OBJECTION TO THE PETITION FOR EXPUNGEMENT WITHIN 30 DAYS AFTER THE PETITION IS SERVED, THE COURT SHALL PASS AN ORDER REQUIRING THE EXPUNGEMENT OF ALL POLICE RECORDS AND COURT RECORDS ABOUT THE CHARGE.

(F) (1) IF THE STATE'S ATTORNEY OR A VICTIM FILES A TIMELY OBJECTION TO THE PETITION, THE COURT SHALL HOLD A HEARING.

(2) THE COURT SHALL ORDER THE EXPUNGEMENT OF ALL POLICE RECORDS AND COURT RECORDS ABOUT THE CHARGE AFTER A HEARING, IF THE COURT FINDS AND STATES ON THE RECORD:

(I) THAT THE CONVICTION IS ELIGIBLE FOR EXPUNGEMENT UNDER SUBSECTION (A) OF THIS SECTION;

(II) THAT THE PERSON IS ELIGIBLE FOR EXPUNGEMENT UNDER SUBSECTION (D) OF THIS SECTION;

(III) THAT GIVING DUE REGARD TO THE NATURE OF THE CRIME, THE HISTORY AND CHARACTER OF THE PERSON, AND THE PERSON'S SUCCESS AT REHABILITATION, THE PERSON IS NOT A RISK TO PUBLIC SAFETY; AND

(IV) THAT AN EXPUNGEMENT WOULD BE IN THE INTEREST OF JUSTICE.

(G) IF AT A HEARING THE COURT FINDS THAT A PERSON IS NOT ENTITLED TO EXPUNGEMENT, THE COURT SHALL DENY THE PETITION.

(H) UNLESS AN ORDER IS STAYED PENDING APPEAL, WITHIN 60 DAYS AFTER ENTRY OF ORDER, EVERY CUSTODIAN OF THE POLICE RECORDS AND COURT RECORDS THAT ARE SUBJECT TO THE ORDER OF EXPUNGEMENT SHALL ADVISE IN WRITING THE COURT AND THE PERSON WHO IS SEEKING EXPUNGEMENT OF COMPLIANCE WITH THE ORDER.

(I) (1) THE STATE'S ATTORNEY IS A PARTY TO THE PROCEEDING.

(2) A PARTY AGGRIEVED BY THE DECISION OF THE COURT IS ENTITLED TO THE APPELLATE REVIEW AS PROVIDED IN THE COURTS 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 Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 312 – Delegates Saab, Afzali, Arentz, Aumann, Beitzel, Buckel, Carey, Cassilly, Cluster, Folden, Ghrist, Glass, Grammer, Hornberger, S. Howard, Kittleman, Krebs, Malone, McComas, McKay, Metzgar, Miele, W. Miller, Morgan, Otto, Reilly, Rey, Rose, Shoemaker, Simonaire, Sophocleus, Vogt, West, B. Wilson, and Wivell

AN ACT concerning

Public Safety – Renewal of Handgun Permits – Fingerprinting

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 374 – Delegate Anderson (By Request – Baltimore City Administration)

AN ACT concerning

Criminal Law – Pretrial Release – Prior Crime of Violence

HB0374/288873/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 374

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Crime of Violence” and substitute “Crimes”; in line 4, after “with” insert “a crime of violence if the defendant has previously been convicted of a certain crime; prohibiting a District Court commissioner from authorizing release of a defendant charged with”; and in line 18, strike “5–202(f)” and substitute “5–202(c) and (f)”.

AMENDMENT NO. 2

On page 3, after line 22, insert:

“(c) (1) A District Court commissioner may not authorize the pretrial release of a defendant charged with a crime of violence if the defendant has been previously convicted:

(i) in this State of a crime of violence; [or]

(ii) in any other jurisdiction of a crime that would be a crime of violence if committed in this State; OR

(III) OF AN OFFENSE LISTED IN SUBSECTION (F)(1) OF THIS SECTION.

(2) (i) A judge may authorize the pretrial release of a defendant described in paragraph (1) of this subsection on:

1. suitable bail;
2. any other conditions that will reasonably ensure that the defendant will not flee or pose a danger to another person or the community; or
3. both bail and other conditions described under item 2 of this subparagraph.

(ii) When a defendant described in paragraph (1) of this subsection is presented to the court under Maryland Rule 4–216(f), the judge shall order the continued detention of the defendant if the judge determines that neither suitable bail nor any condition or combination of conditions will reasonably ensure that the defendant will not flee or pose a danger to another person or the community before the trial.

(3) There is a rebuttable presumption that a defendant described in paragraph (1) of this subsection will flee and pose a danger to another person or the community.”

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 641 – Delegates Sophocleus, Carey, Chang, Dumais, and S. Howard

AN ACT concerning

Evidence – Admissibility of DNA Profile – Definition and Validation of DNA Profile

HB0641/218279/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 641

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after the first “that” insert “a DNA profile is admissible for certain purposes if accompanied by”; and strike beginning with the comma in line 8 down through “law” in line 11.

AMENDMENT NO. 2

On page 2, in lines 5, 8, 9, 13, and 14, in each instance, strike the bracket; in line 7, strike “or”; in line 9, before “**INVESTIGATION’S**” insert “;

(III) THE FEDERAL BUREAU OF;

in line 10, after “**LABORATORIES**” insert a semicolon; in the same line, after “**OR**” insert:

(IV) THE FEDERAL BUREAU OF INVESTIGATION’S;

in line 12, after “A” insert “**DNA PROFILE IS ADMISSIBLE UNDER THIS SECTION IF IT IS ACCOMPANIED BY A**”; in line 13, strike “standards” and substitute “;

(I) STANDARDS;

in the same line, strike “or the” and substitute “;

(II) THE;

in line 14, strike “**ACCORDING TO THE**” and substitute “**OF THE FEDERAL BUREAU OF INVESTIGATION**;

(III) THE;

in line 15, after “**LABORATORIES**” insert a semicolon; in line 16, after “**OR**” insert:

(IV) THE FEDERAL BUREAU OF INVESTIGATION’S;

and strike beginning with “is” in line 16 down through “section” in line 17.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #25

CONSENT CALENDAR #53

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

BILL NO.	REPORT	SPONSOR	CONTENT
<u>FAVORABLE</u>			
HB 9	FAV	Baltimore County Delegation	Baltimore County – Orphans’ Court Judges – Compensation
HB 121	FAV	Del. Carozza	Criminal Law – False Statement Concerning Destructive Device or Toxic Material – Venue
HB 148	FAV	Del. Otto	Somerset County – Sheriff – Salary
HB 155	FAV	Del. Dumais	Criminal Law – Stalking
HB 157	FAV	Del. Valentino–Smith	Death or Life–Threatening Injury by Motor Vehicle or Vessel – Subsequent Offenders – Penalties
HB 237	FAV	Del. Smith	Courts – Prohibition Against Testimony by Convicted Perjurer – Repeal
HB 245	FAV	Del. Dumais	Child Abuse and Neglect – Failure to Report
HB 246	FAV	Cecil County Delegation	Public Safety – Fire Police – Cecil County
HB 314	FAV	Del. Atterbeary	Peace Orders – Grounds for Relief

BILL NO.	REPORT	SPONSOR	CONTENT
HB 354	FAV	Del. Kramer	Crprtns and Real Este Invstmnt Trsts – Drctrs and Trustees – Duties and Imnty From Lblty
HB 357	FAV	Del. Afzali	Frederick County – Local Government Tort Claims Act – Notice of Claim
HB 358	FAV	Del. Jacobs	Kent County – Prospective Employees and Volunteers – Criminal History Records Check
HB 384	FAV	Del. Anderson	Baltimore City – Police Commissioner – Length of Term
HB 493	FAV	Del. Morales	Criminal Law – Extortion – Immigration Status

Favorable report adopted on all of the preceding bills.

The preceding bills were read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #26

CONSENT CALENDAR #54

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

BILL NO.	REPORT	SPONSOR	CONTENT
<u>FAVORABLE</u>			
HB 534	FAV	Del. Sanchez	Family Law – Protective Orders – Notification of Service – Sunset Repeal
HB 541	FAV	Del. Kelly	Maryland Trust Act – Revocable Trust – Partial Revocation by Divorce or Annulment

BILL NO.	REPORT	SPONSOR	CONTENT
HB 659	FAV	Del. Proctor	Criminal Procedure – Victim’s Right to Restitution – Appeal
HB 785	FAV	Del. Anderson	Public Safety – Motorcycle Profiling – Training
HB 786	FAV	Del. Morales	Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking – Sunset Extension
HB 805	FAV	Del. Beidle	Motor Vehicles – Autocycles – Standards and Requirements
HB 832	FAV	Cecil County Delegation	Cecil County – Marriage Licenses – Applications
HB 855	FAV	Del. Morales	Crctnl Training Comm – Dept of Juv Svcs Empls – Rvctn of Certfn and Reinstatement
HB 871	FAV	Del. Parrott	Agreements to Defend or Pay the Cost of Defense – Void
HB 890	FAV	St. Mary’s County Delegation	St. Mary’s County – Local Landlord and Tenant Law – Repeal
HB 922	FAV	Del. Beidle	Vehicle Laws – Application – Park Model Recreational Vehicles – Definition
HB 960	FAV	Del. Kelly	Guardians of Property and Custodians – Authority to Fund Certain Trusts and Accounts
HB 1092	FAV	St. Mary’s County Delegation	St. Mary’s County – Keeper of the Jail – Repeal
HB 1180	FAV	Del. Carter	Correctional Services – Restrictive Housing – Report

Favorable report adopted on all of the preceding bills.

The preceding bills were read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #24

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 190 – Delegates Lierman, Vallario, Dumais, Anderson, Atterbeary, Barron, Carter, Morales, Rosenberg, Sanchez, Smith, and Valentino-Smith

AN ACT concerning

Civil Penalties for Shoplifting and Employee Theft – Repeal

HB0190/298679/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 190

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– Repeal”; strike beginning with “repealing” in line 3 down through “theft” in line 4 and substitute “altering requirements for certain demand letters relating to alleged acts of shoplifting or employee theft; providing that a responsible person who prevails in a certain civil action is entitled to an award of court costs and reasonable attorney’s fees, under certain circumstances; requiring a court to reduce the amount of restitution awarded in a certain criminal proceeding by an amount equal to certain damages and civil penalties; prohibiting a person from taking certain actions in recovering or attempting to recover a certain civil penalty; establishing a certain penalty for certain violations; making stylistic changes”; and strike in their entirety lines 6 through 11, inclusive, and substitute:

“BY repealing and reenacting, without amendments,

Article – Courts and Judicial Proceedings

Section 3–1301, 3–1302, 3–1304, 3–1307, and 3–1308

Annotated Code of Maryland

(2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–1303, 3–1305, and 3–1306
Annotated Code of Maryland
(2013 Replacement Volume and 2015 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 3–1306.1
Annotated Code of Maryland
(2013 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 1 in lines 15 and 16, on page 2 in lines 27 and 28, on page 3 in lines 9 and 10, on page 4 in lines 23, 24, 28, and 29, and on page 5 in lines 3, 4, 9, 10, 16, 17, and 20, in each instance, strike the bracket.

On page 3, in line 18, after “letter” insert “, **PREPARED BY A LAWYER ADMITTED TO PRACTICE LAW IN THE STATE,**”; in line 24, after “committed” insert “, **INCLUDING THE DATE AND TIME THE ACT IS ALLEGED TO HAVE OCCURRED;**”

(II) SPECIFY THE BASIS ON WHICH THE RESPONSIBLE PERSON OR, IF APPLICABLE, THE CHILD OF THE RESPONSIBLE PERSON HAS BEEN ACCUSED OF THE ACT OF SHOPLIFTING OR EMPLOYEE THEFT”;

and in lines 25, 27, and 29, strike “(ii)”, “(iii)”, and “(iv)”, respectively, and substitute “**(III)**”, “**(IV)**”, and “**(V)**”, respectively.

On page 4, in lines 1 and 5, strike “(v)” and “(vi)”, respectively, and substitute “**(VI)**” and “**(VII)**”, respectively; in line 4, strike “and”; in line 7, after “letter” insert “; **AND**”

(VIII) SPECIFY THAT, IF THE RESPONSIBLE PERSON DISPUTES LIABILITY FOR THE ALLEGED ACT OF SHOPLIFTING OR EMPLOYEE THEFT:

1. THE RESPONSIBLE PERSON MAY REFUSE TO PAY THE DAMAGES AND CIVIL PENALTY; AND

2. IF THE RESPONSIBLE PERSON PREVAILS IN A CIVIL SUIT FOR DAMAGES AND PENALTIES ARISING FROM THE ALLEGED ACT OF SHOPLIFTING OR EMPLOYEE THEFT, THE RESPONSIBLE PERSON IS ENTITLED TO AN AWARD OF COURT COSTS AND REASONABLE ATTORNEY’S FEES.

(3) IF APPLICABLE, THE MERCHANT SHALL CAUSE A COPY OF ANY POLICE REPORT CONCERNING THE ALLEGED ACT OF SHOPLIFTING OR EMPLOYEE THEFT TO BE ATTACHED TO THE INITIAL DEMAND LETTER”.

On page 3 in line 21, and on page 4 in line 10, in each instance, after “address” insert **“BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED”**.

On page 4, in line 9, after the second “letter” insert **“, PREPARED BY A LAWYER ADMITTED TO PRACTICE LAW IN THE STATE,”**; and in line 13, strike “(v)” and substitute **“(VIII)”**.

On page 5, in line 1, after “(b)” insert **“IN A CIVIL ACTION BROUGHT UNDER THIS SUBTITLE, THE MERCHANT SHALL SUBMIT PROOF TO THE COURT THAT THE MERCHANT COMPLIED WITH ALL REQUIREMENTS UNDER § 3-1303 OF THIS SUBTITLE CONCERNING DEMAND LETTERS.**

(C)”;

after line 3, insert:

“(D) IF THE RESPONSIBLE PERSON PREVAILS IN A CIVIL ACTION BROUGHT UNDER THIS SUBTITLE, THE RESPONSIBLE PERSON SHALL BE ENTITLED TO AN AWARD OF COURT COSTS AND REASONABLE ATTORNEY’S FEES, TO BE ASSESSED WITHOUT REGARD TO THE ABILITY OF THE MERCHANT TO PAY.”;

in line 8, strike “However, the” and substitute:

(C) THE”;

after line 9, insert:

“(D) A COURT SHALL REDUCE THE AMOUNT OF ANY RESTITUTION AWARDED IN A CRIMINAL PROCEEDING REGARDING AN ACT FOR WHICH A RESPONSIBLE PERSON HAS PAID DAMAGES AND CIVIL PENALTIES UNDER THIS SUBTITLE BY AN AMOUNT EQUAL TO THOSE DAMAGES AND CIVIL PENALTIES.”

3-1306.1.

(A) IN RECOVERING OR ATTEMPTING TO RECOVER DAMAGES OR A CIVIL PENALTY ARISING FROM AN ALLEGED ACT OF SHOPLIFTING OR EMPLOYEE THEFT UNDER THIS SUBTITLE, A PERSON MAY NOT:

(1) USE OR THREATEN FORCE OR VIOLENCE;

(2) COMMUNICATE WITH A RESPONSIBLE PERSON, IN A MANNER THAT REASONABLY CAN BE EXPECTED TO ABUSE OR HARASS THE RESPONSIBLE PERSON, INCLUDING COMMUNICATING WITH EXCESSIVE FREQUENCY OR AT UNUSUAL HOURS;

(3) USE OBSCENE OR GROSSLY ABUSIVE LANGUAGE IN COMMUNICATING WITH THE RESPONSIBLE PERSON;

(4) CLAIM, ATTEMPT, OR THREATEN TO ENFORCE A RIGHT WITH KNOWLEDGE THAT THE RIGHT DOES NOT EXIST; OR

(5) USE A COMMUNICATION THAT SIMULATES LEGAL OR JUDICIAL PROCESS OR GIVES THE APPEARANCE OF BEING AUTHORIZED, ISSUED, OR APPROVED BY A GOVERNMENT, GOVERNMENTAL AGENCY, OR LAWYER WHEN IT IS NOT.

(B) A PERSON WHO VIOLATES THIS SECTION IS LIABLE FOR:

(1) ANY ACTUAL DAMAGES PROXIMATELY CAUSED BY THE VIOLATION; AND

(2) REASONABLE COURT COSTS AND ATTORNEY’S FEES.”

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 192 – Chair, Judiciary Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Juvenile Causes – Permanency Plans – Age Restrictions on Use of Another Planned Permanent Living Arrangement

HB0192/918673/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 192

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Age”; in line 5, after “age;” insert “requiring a local department of social services to document certain efforts and steps at certain permanency planning hearings, certain permanency plan review hearings, and certain guardianship review hearings, under certain circumstances;”; and in line 9, after “3–823(e)” insert “and (h)”.

AMENDMENT NO. 2

On page 2, after line 22, insert:

“(3) AT A PERMANENCY PLANNING HEARING FOR A CHILD WHOSE RECOMMENDED PERMANENCY PLAN IS ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT THAT MEETS THE REQUIREMENTS OF PARAGRAPH (1)(I)5 OF THIS SUBSECTION, THE LOCAL DEPARTMENT SHALL DOCUMENT:

(I) THE ONGOING EFFORTS TO PLACE THE CHILD PERMANENTLY WITH A PARENT OR RELATIVE OR IN A GUARDIANSHIP OR AN ADOPTIVE PLACEMENT; AND

(II) THE STEPS THAT THE LOCAL DEPARTMENT IS TAKING TO ENSURE THAT:

1. THE CHILD'S RESOURCE PROVIDER IS FOLLOWING THE REASONABLE AND PRUDENT PARENT STANDARD; AND

2. THE CHILD HAS REGULAR OPPORTUNITIES TO ENGAGE IN AGE OR DEVELOPMENTALLY APPROPRIATE ACTIVITIES.

(h) (1) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, the court shall conduct a hearing to review the permanency plan at least every 6 months until commitment is rescinded or a voluntary placement is terminated.

(ii) The court shall conduct a review hearing every 12 months after the court determines that the child shall be continued in out-of-home placement with a specific caregiver who agrees to care for the child on a permanent basis.

(iii) 1. Unless the court finds good cause, a case shall be terminated after the court grants custody and guardianship of the child to a relative or other individual.

2. If the court finds good cause not to terminate a case, the court shall conduct a review hearing every 12 months until the case is terminated.

3. The court may not conclude a review hearing under subparagraph 2 of this subparagraph unless the court has seen the child in person.

(2) At the review hearing, the court shall:

(i) Determine the continuing necessity for and appropriateness of the commitment;

(ii) Determine and document in its order whether reasonable efforts have been made to finalize the permanency plan that is in effect;

(iii) Determine the extent of progress that has been made toward alleviating or mitigating the causes necessitating commitment;

(iv) Project a reasonable date by which a child in placement may be returned home, placed in a preadoptive home, or placed under a legal guardianship;

(v) Evaluate the safety of the child and take necessary measures to protect the child; and

(vi) Change the permanency plan if a change in the permanency plan would be in the child’s best interest.

(3) AT EACH REVIEW HEARING FOR A CHILD WHOSE PERMANENCY PLAN IS ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT THAT MEETS THE REQUIREMENTS OF SUBSECTION (E)(1)(I)5 OF THIS SECTION, THE LOCAL DEPARTMENT SHALL DOCUMENT:

(I) THE ONGOING EFFORTS TO PLACE THE CHILD PERMANENTLY WITH A PARENT OR RELATIVE OR IN A GUARDIANSHIP OR AN ADOPTIVE PLACEMENT; AND

(II) THE STEPS THAT THE LOCAL DEPARTMENT IS TAKING TO ENSURE THAT:

1. THE CHILD’S RESOURCE PROVIDER IS FOLLOWING THE REASONABLE AND PRUDENT PARENT STANDARD; AND

2. THE CHILD HAS REGULAR OPPORTUNITIES TO ENGAGE IN AGE OR DEVELOPMENTALLY APPROPRIATE ACTIVITIES.

[(3)] (4) Every reasonable effort shall be made to effectuate a permanent placement for the child within 24 months after the date of initial placement.”.

On page 5, after line 2, insert:

“(9) AT EACH GUARDIANSHIP REVIEW HEARING FOR A CHILD WHOSE PERMANENCY PLAN IS ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT THAT MEETS THE REQUIREMENTS OF PARAGRAPH (6)(III) OF THIS SUBSECTION, THE LOCAL DEPARTMENT SHALL DOCUMENT:

(I) THE ONGOING EFFORTS TO PLACE THE CHILD PERMANENTLY WITH A PARENT OR RELATIVE OR IN A GUARDIANSHIP OR AN ADOPTIVE PLACEMENT; AND

(II) THE STEPS THAT THE LOCAL DEPARTMENT IS TAKING TO ENSURE THAT:

1. THE CHILD’S RESOURCE PROVIDER IS FOLLOWING THE REASONABLE AND PRUDENT PARENT STANDARD; AND

2. THE CHILD HAS REGULAR OPPORTUNITIES TO ENGAGE IN AGE OR DEVELOPMENTALLY APPROPRIATE ACTIVITIES.”.

and in lines 3 and 6, strike “(9)” and “(10)”, respectively, and substitute “**(10)**” and “**(11)**”, 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 Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 274 – Delegate Dumais

AN ACT concerning

Family Law – Divorce – Corroboration of Testimony

HB0274/678177/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 274

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Testimony” insert “and Filing Procedures”; in line 4, after the semicolon, insert “authorizing parties to jointly file a certain complaint in order to initiate proceedings for an absolute divorce on the grounds of mutual consent; requiring the Court of Appeals to establish a certain joint complaint form and procedures for filing certain joint complaints;”; in line 11, after “7–101” insert “and 7–103(f)”; and after line 13, insert:

“BY repealing and reenacting, without amendments,

Article – Family Law

Section 7–103(a)(8)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY adding to

Article – Family Law

Section 7–103(f)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 6, insert:

“7–103.

(a) The court may decree an absolute divorce on the following grounds:

(8) mutual consent, if:

(i) the parties do not have any minor children in common;

(ii) the parties execute and submit to the court a written settlement agreement signed by both parties that resolves all issues relating to:

1. alimony; and

2. the distribution of property, including the relief provided in §§ 8–205 and 8–208 of this article;

(iii) neither party files a pleading to set aside the settlement agreement prior to the divorce hearing required under the Maryland Rules; and

(iv) both parties appear before the court at the absolute divorce hearing.

(F) (1) TO INITIATE PROCEEDINGS FOR AN ABSOLUTE DIVORCE ON THE GROUNDS OF MUTUAL CONSENT, THE PARTIES MAY JOINTLY FILE A COMPLAINT FOR ABSOLUTE DIVORCE.

(2) THE COURT OF APPEALS SHALL, BY RULE, ESTABLISH A JOINT COMPLAINT FORM AND PROCEDURES FOR FILING JOINT COMPLAINTS UNDER THIS SUBSECTION.

[(f)] (G) If a court decrees an absolute divorce on the grounds of mutual consent under subsection (a)(8) of this section, the court may:

(1) merge or incorporate the settlement agreement into the divorce decree; and

(2) modify or enforce the settlement agreement consistent with Title 8, Subtitle 1 of this article.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 636 – Delegates Smith, Conaway, Dumais, Moon, Morales, Proctor, Rosenberg, Sanchez, and Sydnor

AN ACT concerning

Maryland Tort Claims Act – Certain Claim Requirement – Exception

HB0636/708979/1

BY: Judicial Proceedings Committee

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– Exception”; strike beginning with “providing” in line 3 down through “Act” in line 5 and substitute “requiring a court to entertain an action under the Maryland Tort Claims Act even if a claimant fails to submit a certain written claim, under certain circumstances”; in line 6, strike “repealing a certain requirement for certain claims” and substitute “claim requirements”; and strike in their entirety lines 13 through 17, inclusive.

AMENDMENT NO. 2

On page 2, in line 11, strike “**(1)**”; in line 12, strike “and for good cause shown”; and in line 13, strike “may” and substitute “**SHALL**”.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 15 on page 2 through line 18 on page 3, inclusive.

The preceding 3 amendments were read only.

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

The motion was adopted.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 637 – Delegates Smith, Conaway, Dumais, Moon, Morales, Proctor, Rosenberg, Sanchez, and Sydnor

AN ACT concerning

Local Government Tort Claims Act – Notice Requirement – Exception

HB0637/488177/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 637

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– Exception”; strike beginning with “providing” in line 3 down through “Act” in line 5 and substitute “requiring a court to entertain a certain action against a local government or its employee even though a certain notice was not given, under certain circumstances”; and strike in their entirety lines 12 through 16, inclusive.

AMENDMENT NO. 2

On page 2, in line 25, strike “and for good cause shown”; and in the same line, strike “may” and substitute “**SHALL**”.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 27 on page 2 through line 29 on page 3, inclusive.

The preceding 3 amendments were read only.

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

The motion was adopted.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 675 – Delegate Branch

AN ACT concerning

Vehicle Laws – Mechanical Repair Contracts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 989 – Delegate Holmes

AN ACT concerning

Residential Real Property – Sales Contracts – Notice of Water and Sewer Charges

HB0989/268878/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 989

(Third Reading File Bill)

On page 4, in line 14, strike “OPEN LIEN” and substitute “FEE”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 1236 – Delegates Valentino–Smith, Clippinger, Glenn, B. Robinson, Rosenberg, and Waldstreicher

AN ACT concerning

Vehicle Equipment – Counterfeit and Nonfunctional Airbags – Prohibitions

HB1236/768775/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 1236

(Third Reading File Bill)

On page 2, strike beginning with the comma in line 27 down through “POSSESS” in line 28 and substitute “KNOWINGLY”.

On page 3, strike in their entirety lines 16 and 17.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

Senate Bill 262 – Senators Raskin, Benson, Brochin, Currie, Guzzone, Hough, Kelley, King, Lee, Madaleno, Manno, Muse, Ramirez, Ready, Rosapepe, Salling, Young, and Zirkin

AN ACT concerning

Family Law – Protecting the Resources of Children in State Custody

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

SB0262/238074/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 262

(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 6, after “PAYEE” insert “FOR A CHILD RECEIVING SUPPLEMENTAL SECURITY INCOME OR SOCIAL SECURITY BENEFITS”; in the same line, strike “IN ANY OTHER” and substitute “AS”; in the same line, strike “CAPACITY”; strike beginning with “SUPPLEMENTAL” in line 7 down through “BENEFITS,” in line 8; and in line 35, strike “CONSERVE” and substitute “DEPOSIT”.

On page 3, in line 11, strike “USING” and substitute “IT WOULD BE IN THE CHILD’S BEST INTEREST TO USE”.

AMENDMENT NO. 2

On page 2, in line 13, strike “WHEN” and substitute “FROM BIRTH UNTIL”; and strike in their entirety lines 19 and 20 and substitute:

“(I) FROM BIRTH THROUGH AGE 13, 100%;

“(II) FROM AGE 14 THROUGH AGE 15, AT LEAST 80%; AND

“(III) FROM AGE 16 TO AGE 17, AT LEAST 60%.”

The preceding 2 amendments were read only.

Senator Zirkin moved, duly seconded, to make the Bill and Amendments a Special Order for April 5, 2016.

The motion was adopted.

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.

Jamie Raskin
Chair

Senate Executive Nominations Committee
Report #6
March 31, 2016

Apprenticeship and Training Council

1. Allen B. Clinedinst, III District 5
1912 Ridgewood Court
Hampstead, MD 21074

Member of the Apprenticeship and Training Council; appointed to serve a term of four years from July 1, 2014

Certified Interior Designers, State Board of

2. Robyn I. Dubick District 13
9630 Stirling Bridge Drive
Columbia, MD 21046

Member of the State Board of Certified Interior Designers; reappointed to serve a term of three years from July 1, 2016

Economic Development Corporation Board of Directors, Maryland

3. David J. Schellhardt District 15
24014 Burnt Hill Road
Clarksburg, MD 20871

Member of the Maryland Economic Development Corporation Board of Directors; appointed to serve a term of four years from July 1, 2015

Elections, State Board of

4. Michael R. Cogan, Esq. District 36
250 Concerto Avenue
Centreville, MD 21617

Member of the State Board of Elections; appointed to serve a term of four years from July 1, 2015

Ethics Commission, State

5. Geneau M. Thames District 34
708 Edgehill Drive
Bel Air, MD 21014

Member of the State Ethics Commission; appointed to serve a term of five years from July 1, 2016

Handgun Permit Review Board

6. Jacques R. Cowan District 33
924 Waterview Drive
Crownsville, MD 21032

Member of the Handgun Permit Review Board; appointed to serve remainder of a term of three years from March 27, 2013 and a term of three years from March 27, 2016

7. Richard Lee Jurgena District 15
15711 Pagano Lane
Darnestown, MD 20874

Member of the Handgun Permit Review Board; appointed to serve remainder of a term of three years from March 27, 2014

8. Patricia S. West District 44
623 Braeside Road
Baltimore, MD 21229

Member of the Handgun Permit Review Board; appointed to serve a term of three years from March 27, 2014

9. Courtney M. White District 41
3303 Bateman Avenue
Baltimore, MD 21216

Member of the Handgun Permit Review Board; appointed to serve a term of three years from March 27, 2014

10. Robert D.H. Wilson District 36
400 Cove Road
Queenstown, MD 21658

Member of the Handgun Permit Review Board; appointed to serve a term of three years from March 27, 2015

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

11. Ronald C. Harvey District 10
8938 Harkate Way
Randallstown, MD 21133

Member of the Board of Review of the Department of Health and Mental Hygiene; appointed to serve a term of three years from July 1, 2016

12. Daniel Yeeles, Jr. District 4
201 Greenwich Drive
Walkersville, MD 21793

Member of the Board of Review of the Department of Health and Mental Hygiene; appointed to serve a term of three years from July 1, 2014

Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors, State Board of

13. Ezio S. Rebechi, Jr. District 13
6736 Hunter Road
Elkridge, MD 21075

Member of the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors; reappointed to serve a term of three years from January 1, 2016

14. Stephen J. Schmidt District 4
2494A Scrael Road
Myersville, MD 21773

Member of the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors; appointed to serve a term of three years from January 1, 2016

Higher Education Commission, Maryland

15. Mariyah S. Bryant District 25
703 Haack Place
Largo, MD 20774

Student Member of the Maryland Higher Education Commission; appointed to serve a term of one year from July 1, 2015

Infants and Toddlers, Interagency Coordinating Council for

16. Anne Blackfield District 46
222 E. Saratoga Street, Apt. 708
Baltimore, MD 21202

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve remainder of a term of three years from July 1, 2013 and a term of three years from July 1, 2016

Land Reclamation Committee

17. Jeffrey S. Barclay District 1
14921 Lone Oak Road
Cresaptown, MD 21502

Member of the Land Reclamation Committee; appointed to serve a term of three years from July 1, 2015

Maryland Public–Private Partnership Marketing Corporation, Board of Directors of the

18. Henry Fawell District 30
1311 Blackwalnut Court
Annapolis, MD 21403

Member of the Board of Directors of the Maryland Public–Private Partnership Marketing Corporation; appointed to serve a term to expire September 30, 2020

19. Julie M. Garner District 46
1023 Covington Street
Baltimore, MD 21230

Member of the Board of Directors of the Maryland Public–Private Partnership Marketing Corporation; appointed to serve a term to expire September 30, 2018

20. Keasha N. Haythe District 37
8671 Camac Street
Easton, MD 21601

Member of the Board of Directors of the Maryland Public–Private Partnership Marketing Corporation; appointed to serve a term to expire September 30, 2019

21. Joshua Martin District 2
10516 Connor Drive
Williamsport, MD 21795

Member of the Board of Directors of the Maryland Public–Private Partnership Marketing Corporation; appointed to serve a term to expire September 30, 2019

22. Eric A. Nielsen District 42
32 Sherwood Road
Cockeysville, MD 21030

Member of the Board of Directors of the Maryland Public–Private Partnership Marketing Corporation; appointed to serve a term to expire September 30, 2021

23. Paul B. Nolan District 16
9029 Bronson Drive
Potomac, MD 20854

Member of the Board of Directors of the Maryland Public–Private Partnership Marketing Corporation; appointed to serve a term to expire September 30, 2020

24. Leonard R. Raley District 21
605 Crawfords Ridge Road
Odenton, MD 21113

Member of the Board of Directors of the Maryland Public–Private Partnership Marketing Corporation; appointed to serve a term to expire September 30, 2020

25. J. Thomas Sadowski District 35
3368 Ady Road
Street, MD 21154

Member of the Board of Directors of the Maryland Public–Private Partnership Marketing Corporation; appointed to serve a term to expire September 30, 2019

26. Marcus T. Stephens District 14
1200 Magnolia Road
Silver Spring, MD 20905

Member of the Board of Directors of the Maryland Public–Private Partnership Marketing Corporation; appointed to serve a term to expire September 30, 2018

27. Angela Sweeney District 46
1200 Steuart Street, #1113
Baltimore, MD 21230

Member of the Board of Directors of the Maryland Public–Private Partnership Marketing Corporation; appointed to serve a term to expire September 30, 2021

28. Aaron N. Tomarchio District 46
731 S. Luzerne Avenue
Baltimore, MD 21224

Member of the Board of Directors of the Maryland Public–Private Partnership Marketing Corporation; appointed to serve a term to expire September 30, 2021

Physicians, State Board of

29. Marie–Alberte Boursiquot, M.D. District 13
7160 Natures Road
Columbia, MD 21046

Member of the State Board of Physicians; appointed to serve a term of four years from July 1, 2016

30. Beryl J. Rosenstein, M.D. District 11
3401 Terrapin Road
Pikesville, MD 21208

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2015

31. Moody D. Wharam, Jr., M.D. District 11
4 Valley Ridge Court
Timonium, MD 21093

Member of the State Board of Physicians; appointed to serve a term of four years from July 1, 2014

Plumbing, State Board of

32. Richard C. Bowers District 36
270 Northfield Way
Centreville, MD 21617

Member of the State Board of Plumbing; appointed to serve a term of three years from May 1, 2015

Podiatric Medical Examiners, State Board of

33. Frona L. Kroopnick District 11
1305 Saint Albans Road
Baltimore, MD 21208

Member of the State Board of Podiatric Medical Examiners; appointed to serve a term of four years from July 1, 2016

Port Commission, Maryland

34. Walter A. Tilley, Jr. District 7
2707 Pleasantville Road
Fallston, MD 21047

Member of the Maryland Port Commission; appointed to serve a term of three years from July 1, 2015

Professional Standards and Teacher Education Board

35. Jennifer Berkley District 34
3813 Longley Road
Abingdon, MD 21009

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2015

36. Daniel N. Lessard District 36
104 Coleman Drive
Chestertown, MD 21620

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2016

37. Karen R. Saar District 43
621 East 34th Street
Baltimore, MD 21218

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2016

38. Geralda Thompson District 10
8 Adams Ridge Court
Windsor Mills, MD 21244

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2015

Psychologists, State Board of

39. Reginald Nettles, Ph.D. District 13
6217 Ironwood Way
Columbia, MD 21045

Member of the State Board of Psychologists; appointed to serve a term of four years from July 1, 2016

40. Raj Razdan District 11
912 Chestnut Ridge Drive
Lutherville, MD 21093

Member of the State Board of Psychologists; appointed to serve a term of four years from July 1, 2016

Public Defender, Office of the Board of Trustees of the

41. Andrew Radding, Esq. District 11
50 River Oaks Circle
Pikesville, MD 21208

Member of the Board of Trustees of the Office of the Public Defender; appointed to serve a term of three years from June 1, 2015

Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors, State Commission of

42. Joseph Norman District 8
9003 Hedgerow Way
Baltimore, MD 21236

Member of the State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors; appointed to serve a term of three years from January 1, 2016

43. Mike Ranelli District 36
610 Love Point Road
Stevensville, MD 21666

Member of the State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors; appointed to serve a term of three years from January 1, 2015

44. James C. Smith, III District 26
8111 Button Bush Court
Clinton, MD 20735

Member of the State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors; appointed to serve a term of three years from January 1, 2016

Residential Boarding Education Programs, Board of Trustees of

45. R. Christopher Rosenthal District 30
61 Slama Road
Edgewater, MD 21037

Member of the Board of Trustees of Residential Boarding Education Programs; appointed to serve remainder of a term of three years from July 1, 2013 and a term of three years from July 1, 2016

46. G. C. William Whiting District 11
311 Chattolane Hill
Owings Mills, MD 21117

Member of the Board of Trustees of Residential Boarding Education Programs; appointed to serve a term of three years from July 1, 2015

Retirement and Pension Systems, Board of Trustees for the Maryland State

47. Eric D. Brotman District 11
6 Laurel Circle
Lutherville, MD 21093

Member of the Board of Trustees for the Maryland State Retirement and Pension Systems; appointed to serve a term of four years from July 1, 2015

Rural Legacy Board, Advisory Committee to the

48. Frank E. Dudek District 7
19903 Mikes Way
Parkton, MD 21120

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve a term of three years from July 1, 2016

49. Joshua A. Hastings District 38
725 Canvasback Court
Salisbury, MD 21804

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve a term of three years from July 1, 2015

50. Kyle Murray District 30
1618 Hilltop Road
Edgewater, MD 21037

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve a term of three years from July 1, 2014

Seafood Marketing Advisory Commission

51. William S. Kreamer, III District 27
5847 Valley Drive
St. Leonard, MD 20685

Member of the Seafood Marketing Advisory Commission; appointed to serve a term of four years from July 1, 2015

Social Work Examiners, State Board of

52. Letha Fay Meyer Moszer District 36
192 Hollywood Beach Road
Chesapeake City, MD 21915

Member of the State Board of Social Work Examiners; appointed to serve a term of four years from July 1, 2016

St. Mary's College of Maryland, Board of Trustees

53. Danielle E. Troyan District 99
146 Ingle Place
Alexandria, VA 22304-7601

Member of the Board of Trustees of St. Mary's College of Maryland; appointed to serve a term of six years from June 1, 2015

Stadium Authority, Maryland

54. Jodi C. Stanalonis District 29
42142 Cider Lane
Hollywood, MD 20636

Member of the Maryland Stadium Authority; appointed to serve remainder of a term of four years from July 1, 2012 and a term of four years from July 1, 2016

Tourism Development Board, Maryland

55. Michael James District 38
12805 Kings Court
Ocean City, MD 21842

Member of the Maryland Tourism Development Board; appointed to serve a term of three years from July 1, 2016

Veterinary Medical Examiners, State Board of

56. Victoria K. Wright–Conner District 2
126 N. Colonial Drive
Hagerstown, MD 21742

Member of the State Board of Veterinary Medical Examiners; appointed to serve a term of five years from June 1, 2016

Waterworks and Waste Systems Operators, State Board of

57. Joseph D. Johnson District 9
2850 Bethany Lane
Ellicott City, MD 21042

Member of the State Board of Waterworks and Waste Systems Operators; reappointed to serve a term of four years from July 1, 2014

58. Douglas E. Myers District 5
2631 Bert Fowler Road
Manchester, MD 21102

Member of the State Board of Waterworks and Waste Systems Operators; appointed to serve a term of four years from July 1, 2014

Well Drillers, State Board of

59. Robert Peoples District 35
745 Little New York Road
Rising Sun, MD 21911

Member of the State Board of Well Drillers; appointed to serve a term of two years from July 1, 2014 and a term of two years from July 1, 2016

60. Heather A. Quinn District 30
1217 McKinley Street
Annapolis, MD 21403

Member of the State Board of Well Drillers; appointed to serve a term of two years from July 1, 2014 and a term of two years from July 1, 2016

Women, Maryland Commission for

61. Twanda Bailey District 3
2614 Warren Way
Frederick, MD 21701

Member of the Maryland Commission for Women; appointed to serve a term of four years from July 1, 2012 and a term of four years from July 1, 2016

62. Deborah L. Cartee District 31
8028 Horicon Point Drive
Millersville, MD 21108

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2012 and a term of four years from July 1, 2016

63. Nicole S.A. Ingram District 2
17624 Gettysburg Way
Hagerstown, MD 21740

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2013

64. April M. Nyman District 30
437 Penwood Drive
Edgewater, MD 21037

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2012 and a term of four years from July 1, 2016

65. Ummu Bradley Thomas District 36
1200 Foster Holly Court
Denton, MD 21629

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2012 and a term of four years from July 1, 2016

66. Marylou N. Yam, Ph.D. District 43
100 St. Albans Way
Baltimore, MD 21212

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2013

Youth Camp Safety, Advisory Council on

67. Carla L. Dewitt District 30
432 Penwood Drive
Edgewater, MD 21037

Member of the Advisory Council on Youth Camp Safety; appointed to serve remainder of a term of three years from July 1, 2014

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.

Lottery and Gaming Control Agency, State

- S-1. James J. Stakem District 1
427 Crest View Drive
Frostburg, MD 21532

Member of the State Lottery and Gaming Control Agency; reappointed to serve a term of five years from October 1, 2015

Plumbing, State Board of

- S-2. Keith R. Horton District 45
5223 Cedgate Road
Baltimore, MD 21206

Member of the State Board of Plumbing; reappointed to serve a term of three years from May 1, 2015

Residential Boarding Education Programs, Board of Trustees of

- S-3. Dawn Kirstaetter District 46
1000 Fell Street, Unit 402
Baltimore, MD 21231

Member of the Board of Trustees of Residential Boarding Education Programs; reappointed to serve a term of three years from July 1, 2016

- S-4. Kevin Liles District 99
75 Rockefeller Plaza, 32nd Floor
New York, NY 20019

Member of the Board of Trustees of Residential Boarding Education Programs; reappointed to serve a term of three years from July 1, 2014

Rural Legacy Board, Advisory Committee to the

- S-5. Maureen V. Heimbuch District 33
195 Harwood Road, P.O. Box 213
Harwood, MD 20776

Member of the Advisory Committee to the Rural Legacy Board; reappointed to serve a term of three years from July 1, 2016

Social Work Examiners, State Board of

- S-6. Angela D. Anderson-Smith District 43
2815 Goodwood Road
Baltimore, MD 21214

Member of the State Board of Social Work Examiners; reappointed to serve a term of four years from July 1, 2016

- S-7. Mark Lannon District 2
17238 Little Antietam Road
Hagerstown, MD 21742

Member of the State Board of Social Work Examiners; reappointed to serve a term of four years from July 1, 2016

Tourism Development Board, Maryland

- S-8. Anthony Cohen District 14
18733 Tanterra Way
Brookeville, MD 20833

Member of the Maryland Tourism Development Board; reappointed to serve a term of four years from July 1, 2016

S-9. Heather Renz District 11
507 Hilltop Drive
Lutherville, MD 21093

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2015

Transportation Authority, Maryland

S-10. John F. Von Paris District 7
11730 Franklinville Road
Upper Falls, MD 21156

Member of the Maryland Transportation Authority; appointed to serve a term of four years from July 1, 2016

Veterans' Home Commission, Maryland

S-11. Jason E. Franklin District 14
19404 Olney Mill Road
Olney, MD 20832

Member of the Maryland Veterans' Home Commission; reappointed to serve a term of five years from July 1, 2016

Waterworks and Waste Systems Operators, State Board of

S-12. Sterling Bruce Darner District 4
6224 Harley Road
Middletown, MD 21769

Member of the State Board of Waterworks and Waste Systems Operators; appointed to serve a term of four years from July 1, 2016

S-13. Nancy Hausrath District 1
13610 Scofield Road
Flintstone, MD 21530

Member of the State Board of Waterworks and Waste Systems Operators; reappointed to serve a term of four years from July 1, 2014

Well Drillers, State Board of

- S–14. Hahns S. Hairston District 44
5943 Charles Street
Baltimore, MD 21207

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2014 and a term of two years from July 1, 2016

- S–15. John T. Shannahan, Sr. District 37
8101 Tricefield Road
St. Michaels, MD 21663

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2014 and a term of two years from July 1, 2016

Women, Maryland Commission for

- S–16. Mythili Bachu District 14
15014 Blackbum Road
Burtonsville, MD 20866

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2015

- S–17. Betsy H. Ramirez District 47
5828 Dewey Street
Cheverly, MD 20785

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2016

Local Nominees

Please Note: Local Nominees are not required to appear before the Senate Executive Nominations Committee.

Anne Arundel Community College Board of Trustees

- L–1. Paula J. Darrah, Esq. District 32
206 Hawthorne Road
Linthicum, MD 21090

Member of the Anne Arundel Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2015

L-2. Adam J. Hertz District 32
105 Charles Road
Linthicum Heights, MD 21090

Student Member of the Anne Arundel Community College Board of Trustees; appointed to serve a term of one year from July 1, 2016

L-3. Lawrence W. Ulvila, Jr. District 30
5 Park Place, #319
Annapolis, MD 21401

Member of the Anne Arundel Community College Board of Trustees; appointed to serve a term of six years from July 1, 2016

Baltimore County Community College, Board of Trustees

L-4. Gayle Johnson Adams District 6
357 Hopkins Landing Drive
Essex, MD 21221

Member of the Board of Trustees of Baltimore County Community College; appointed to serve remainder of a term of five years from July 1, 2011 and a term of five years from July 1, 2016

L-5. Jerry Gietka District 42
13405 Bladon Road
Phoenix, MD 21131

Member of the Board of Trustees of Baltimore County Community College; appointed to serve a term of five years from July 1, 2014

L-6. James G. Gresham District 10
4 Plum Tree Court
Randallstown, MD 21133

Member of the Board of Trustees of Baltimore County Community College; reappointed to serve a term of five years from July 1, 2015

L-7. Erness Abron Hill, Ph.D. District 10
103 Persimmon Circle
Reisterstown, MD 21136

Member of the Board of Trustees of Baltimore County Community College; appointed to serve a term of five years from July 1, 2015

- L–8. Richard Manski District 10
7 Folly Farms Court
Reisterstown, MD 21136

Member of the Board of Trustees of Baltimore County Community College; appointed to serve a term of five years from July 1, 2014

- L–9. Stephen J. Nolan, Esq. District 42
303 Ivy Church Road
Timonium, MD 21093

Member of the Board of Trustees of Baltimore County Community College; reappointed to serve a term of five years from July 1, 2014

- L–10. Mary Margaret O’Hare District 42
3012 Summit Avenue
Baltimore, MD 21234

Member of the Board of Trustees of Baltimore County Community College; appointed to serve a term of five years from July 1, 2015

- L–11. Richard Yaffe District 11
3229 Hunting Tweed Drive
Owings Mills, MD 21117

Member of the Board of Trustees of Baltimore County Community College; appointed to serve a term of five years from July 1, 2013

Carroll Community College Board of Trustees

- L–12. Mary Kay Nevius–Maurer District 5
2206 Old Fridinger Mill Road
Westminster, MD 21157

Member of the Carroll Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2011

Frederick County Board of License Commissioners

- L–13. Jesse T. Pippy District 4
8514 Indian Springs Road
Frederick, MD 21702

Member of the Frederick County Board of License Commissioners; appointed to serve a term of five years from July 1, 2016

Howard Community College Board of Trustees

L-14. Felicita Sola-Carter District 9
4305 Snowdrop Court
Ellicott City, MD 21042

Member of the Howard Community College Board of Trustees; appointed to serve a term of six years from July 1, 2014

Montgomery College Board of Trustees

L-15. Marsha S. Smith District 14
2204 Eaglesham Court
Olney, MD 20832

Member of the Montgomery College Board of Trustees; reappointed to serve a term of six years from July 1, 2016

Somerset County Liquor Control Board

L-16. Robert R. Hogg District 38
13957 Allen Road
Princess Anne, MD 21853

Member of the Somerset County Liquor Control Board; appointed to serve a term of four years from July 1, 2015

L-17. George D. Tawes District 38
103 Williams Street, Unit 212
Crisfield, MD 21817

Member of the Somerset County Liquor Control Board; appointed to serve a term of four years from June 1, 2015

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

The President of the Senate put the following question: With the exception of Nominee No. 6 through Nominee No. 10 and Nominee number S-17, "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. 6 through Nominee No. 10, and Nominee number S-17 were all confirmed by roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 916)

Handgun Permit Review Board

6. Jacques R. Cowan District 33
924 Waterview Drive
Crownsville, MD 21032

Member of the Handgun Permit Review Board; appointed to serve remainder of a term of three years from March 27, 2013 and a term of three years from March 27, 2016

7. Richard Lee Jurgena District 15
15711 Pagano Lane
Darnestown, MD 20874

Member of the Handgun Permit Review Board; appointed to serve remainder of a term of three years from March 27, 2014

8. Patricia S. West District 44
623 Braeside Road
Baltimore, MD 21229

Member of the Handgun Permit Review Board; appointed to serve a term of three years from March 27, 2014

9. Courtney M. White District 41
3303 Bateman Avenue
Baltimore, MD 21216

Member of the Handgun Permit Review Board; appointed to serve a term of three years from March 27, 2014

10. Robert D.H. Wilson District 36
400 Cove Road
Queenstown, MD 21658

Member of the Handgun Permit Review Board; appointed to serve a term of three years from March 27, 2015

Senator Raskin moved, duly seconded, to make the Nominee No. 6 through Nominee No. 10 a Special Order for April 5, 2016.

The motion was adopted.

S-17. Betsy H. Ramirez
5828 Dewey Street
Cheverly, MD 20785

District 47

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2016

The President of the Senate put the following question: "Will the Senate advise and consent to the above nomination of the Executive?"

Nominee No. S-17 – Betsy H. Ramirez was confirmed by roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 917)

CONCURRENCE CALENDAR #9

AMENDED IN THE HOUSE

Senate Bill 321 – Senator Peters (Chair, Joint Committee on Pensions)

AN ACT concerning

**State Retirement and Pension System – Board of Trustees – Designee
Appointments and Fiduciary Duties**

Senator Kasemeyer moved that the Senate concur in the House amendment.

SB0321/564365/2

BY: Appropriations Committee

AMENDMENT TO SENATE BILL 321

(Third Reading File Bill)

On page 2, in line 2, strike "OR THE SECRETARY'S CHIEF OF STAFF"; in line 5, strike "OR THE COMPTROLLER'S CHIEF OF STAFF"; and strike beginning with "OR" in line 6 down through "STAFF" in line 7.

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 918)

AMENDED IN THE HOUSE

Senate Bill 343 – Senator Peters (Chair, Joint Committee on Pensions)

AN ACT concerning

**Employees’ and Teachers’ Pension Systems – Reformed Contributory Pension
Benefit – Eligibility Service Clarifications**

Senator Kasemeyer moved that the Senate concur in the House amendments.

SB0343/594964/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 343

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Reformed” insert “Alternate Contributory Pension Selection and”; in line 3, strike “– Eligibility Service Clarifications”; in line 4, after the first “of” insert “repealing the date by which certain individuals who were subject to the Alternate Contributory Pension Selection in the Employees’ Pension System or Teachers’ Pension System before separating from employment must resume employment in order to resume participation in the Alternate Contributory Pension Selection; making a certain requirement for the Board of Trustees for the State Retirement and Pension System to report on the number of certain members who resume employment in certain systems and resume participation in the Alternate Contributory Pension Selection to be an ongoing requirement for an annual report;”; in line 13, after “to” insert “the Alternate Contributory Pension Selection and”; and in line 17, after “Section” insert “23–215.1.”.

AMENDMENT NO. 2

On page 1, after line 22, insert:

“23–215.1.

(a) This section applies to a member who:

(1) on or before June 30, 2011, is subject to the Alternate Contributory Pension Selection;

(2) (i) is separated from employment for 4 years or less;

(ii) 1. is separated from employment for more than 4 years for military service that meets the requirements of the federal Uniformed Services Employment and Reemployment Rights Act; and

2. resumes employment within 1 year of leaving military service in a position that is included in the Employees' Pension System or Teachers' Pension System; or

(iii) 1. is separated from employment for more than 4 years; and

2. on or before June 30, 2011, accrues the minimum eligibility service needed to be eligible for a vested allowance in the Alternate Contributory Pension Selection under Title 29, Subtitle 3 of this article;

(3) does not withdraw the member's accumulated contributions; and

(4) does not become a retiree.

(b) A member described in subsection (a) of this section who [on or before June 30, 2016,] resumes employment in a position that is included in the Employees' Pension System or Teachers' Pension System, shall resume participation in the Alternate Contributory Pension Selection if the employer participates in the Alternate Contributory Pension Selection.

(c) On or before October 1[, 2012, and each October 1 through October 1, 2016] OF EACH YEAR, the Board of Trustees shall submit a report in accordance with § 2-1246 of the State Government Article to the Joint Committee on Pensions that provides the number of members described under subsection (a) of this section who were:

(1) rehired in the preceding fiscal year into a position included in the Employees' Pension System or Teachers' Pension System; and

(2) participating in the Alternate Contributory Pension Selection.”.

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 919)

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 920)

ADJOURNMENT

At 12:52 P.M. on motion of Senator Klausmeier, seconded, the Senate adjourned until 8:00 P.M. on Legislative Day March 29, 2016, Calendar Day, Monday, April 4, 2016.

Annapolis, Maryland
Legislative Day: March 29, 2016
Calendar Day: Monday, April 4, 2016
8:00 P.M. Session

The Senate met at 8:10 P.M.

Prayer by Reverend Clare Petersberger, Towson Unitarian Universalist Church, guest of Senator Brochin.

(See Exhibit A of Appendix III)

QUORUM CALL

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

(See Roll Call No. 924)

On motion of Senator Klausmeier it was ordered that Senators Gladden and Pugh be excused from today's session.

The Journal of March 28, 2016 was read and approved.

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 504 – Senator Brian J. Feldman:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Poolesville High School Boys Swim and Dive Teams
in recognition of

winning the 2016 Maryland State 3A/2A/1A swim & dive championship conducted by
Maryland Public Secondary Schools Athletic Association. Your hard work and dedication
are to be commended.

The entire membership extends its best wishes on
this memorable occasion and directs this resolution
be presented on this 4th day of April 2016.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 925)

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

BILL NO.	SPONSOR	CONTENT
SB 16	Sen. Eckardt	Talbot County – Board of Education – Student Members
SB 79	Chair, Judicial Proceedings Committee	St Citizens Review Bd for Chldrn – Penalties for Unauthorized Dsclsr of Child Protection Case Info
SB 116	The President	State Government – Office of Legislative Audits – Alterations in Audit Requirements
SB 117	The President	Judgeships – Circuit Courts and District Court
SB 128	Sen. Serafini	Maryland Higher Education Commission – Religious Educational Institutions – Authority to Operate
SB 129	Sen. Conway	Baltimore Cty Bd of Schl Commrs – Submission of a Cmprhnsv Master Plan – Rpl of Duplicative Reqmt
SB 195	Sen. Ready	Carroll Co – State’s Attorney’s Office and Child Support Enfrcmt Admin – Transfer of Prsnl
SB 218	Sen. Conway	Higher Ed – Unvrsty System of Maryland and Morgan State Unvrsty – Prhbbtn Against Inclusion
SB 272	Sen. King	Financial Aid – Deaf and Hearing Impaired Students – Out-of-State Institutions of Higher Education
SB 288	Sen. Kasemeyer	Income Tax – Corporation Returns – Filing Date
SB 314	Sen. Klausmeier	State Government – Financial Education and Capability Commission – Composition
SB 603	Sen. Pugh	Criminal Law – Pretrial Release – Prior Crimes

BILL NO.	SPONSOR	CONTENT
SB 629	Sen. Hershey	Kent County – Prospective Employees and Volunteers – Criminal History Records Check
SB 785	Sen. Zucker	Foster Youth Summer Internship Program
SB 805	Sen. Pugh	Senior Citizen Activities Center Operating Fund – Distributions – Alteration
SB 909	Sen. Ferguson	Service, Stipends, and Scholarships – Maryland Corps Program – Established

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

Endorsed as having been read the third time and passed by yeas and nays in the House of Delegates.

SENATE BILLS PASSED IN THE HOUSE

BILL NO.	SPONSOR	CONTENT
SB 99	Chair, Finance Committee	Department of Disabilities – Assistive Technology Loan Program – Board of Directors
SB 109	Chair, Education, Health, and Environmental Affairs Committee	Health Occupations Boards – Criminal History Records Checks – Required
SB 212	Sen. Middleton	Health Insurance – Large Employers – Disclosure of Aggregate Incurred Claims
SB 355	Sen. Feldman	Maryland Achieving a Better Life Experience (ABLE) Program – Establishment
SB 436	Sen. Feldman	Insurance – Surplus Lines – Short-Term Medical Insurance

BILL NO.	SPONSOR	CONTENT
SB 826	Sen. Conway	Construction Contracts – Change Orders (State Procurement Change Order Fairness Act)
SB 848	Sen. Kelley	Health Insurance – Contraceptive Equity Act
SB 887	Sen. Middleton	Health Insurance – Consumer Health Claim Filing Fairness Act
SB 919 (Emerg)	Sen. Middleton	Insurance – Self-Funded Student Health Plans

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

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 1079 – Montgomery County Delegation

AN ACT concerning

Montgomery County Student Loan Refinancing Authority MC 27-16

FOR the purpose of authorizing Montgomery County to create the Montgomery County Student Loan Refinancing Authority; ~~providing that the Authority shall be authorized to exercise the powers set forth in this Act only on the taking effect of an~~ through an ordinance enacted by the Montgomery County government creating the Authority and approving the Authority to exercise its powers governing body; providing for the purpose, membership, powers, duties, and organization of the Authority; ~~authorizing the Authority to issue bonds and notes for its corporate purposes related to loans for students or parents of students to assist in financing the cost of higher education; providing for the terms and manner of issuance of the bonds and notes; authorizing the Authority to adopt certain regulations; requiring certain money received under this Act to be held as trust funds; exempting certain property, money, and income of the Authority from certain taxation by the State and political subdivisions of the State; authorizing certain entities to invest in bonds~~

~~issued by the Authority; providing a certain pledge that the State will not limit certain rights vested in the Authority; requiring Montgomery County to take certain actions before establishing the Authority; requiring the Authority to meet certain requirements if the Authority is established; providing that the provisions of the Montgomery County Charter do not apply to the Authority unless expressly provided by law; prohibiting certain obligations of the Authority from being obligations of the State and political subdivisions of the State; stating certain findings and intent of the General Assembly; defining certain terms; providing for the construction of this Act; making the provisions of this Act severable; adding the Authority to the definition of "local government" for purposes of the Local Government Tort Claims Act; making certain provisions of this Act subject to a certain contingency; and generally relating to the Montgomery County Student Loan Refinancing Authority.~~

BY adding to

Article – Education

Section 18–3101 through ~~18–3122~~ 18–3103 to be under the new subtitle “Subtitle 31.

Montgomery County Student Loan Refinancing Authority”

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 5–301(d)(28) and (29)

Annotated Code of Maryland

(2013 Replacement Volume and 2015 Supplement)

BY adding to

Article – Courts and Judicial Proceedings

Section 5–301(d)(30)

Annotated Code of Maryland

(2013 Replacement Volume and 2015 Supplement)

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

House Bill 1087 – Prince George’s County Delegation

AN ACT concerning

Task Force to Study a Promise Scholarship Program in Prince George’s County PG 438–16

FOR the purpose of establishing the Task Force to Study a Promise Scholarship Program in Prince George’s County; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Prince

George's County Executive 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 a Promise Scholarship Program in Prince George's County.

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

House Bill 1369 – Delegate Lisanti

AN ACT concerning

Harford County Student Loan Refinancing Authority

FOR the purpose of authorizing Harford County to create the Harford County Student Loan Refinancing Authority; ~~providing that the Authority shall be authorized to exercise the powers set forth in this Act only on the taking effect of an~~ through an ordinance enacted by the Harford County ~~government creating the Authority and approving the Authority to exercise its powers~~ governing body; providing for the purpose, ~~membership, powers, duties, and organization~~ of the Authority; ~~authorizing the Authority to issue bonds and notes for its corporate purposes related to loans for students or parents of students to assist in financing the cost of higher education; providing for the terms and manner of issuance of the bonds and notes; authorizing the Authority to adopt certain regulations; requiring certain money received under this Act to be held as trust funds; exempting certain property, money, and income of the Authority from certain taxation by the State and political subdivisions of the State; authorizing certain entities to invest in bonds issued by the Authority; providing a certain pledge that the State will not limit certain rights vested in the Authority; requiring Harford County to take certain actions before establishing the Authority; requiring the Authority to meet certain requirements if the Authority is established; providing that the provisions of the Harford County Charter do not apply to the Authority unless expressly provided by law; prohibiting certain obligations of the Authority from being obligations of the State and political subdivisions of the State; stating certain findings and intent of the General Assembly; defining certain terms; providing for the construction of this Act; making the provisions of this Act severable; adding the Authority to the definition of "local government" for purposes of the Local Government Tort Claims Act; making certain provisions of this Act subject to a certain contingency; and generally relating to the Harford County Student Loan Refinancing Authority.~~

BY adding to

Article – Education

Section 18–3101 through ~~18–3122~~ 18–3103 to be under the new subtitle “Subtitle 31.
Harford County Student Loan Refinancing Authority”

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 5-301(d)(28) and (29)
Annotated Code of Maryland
(2013 Replacement Volume and 2015 Supplement)

BY adding to

Article – Courts and Judicial Proceedings
Section 5-301(d)(30)
Annotated Code of Maryland
(2013 Replacement Volume and 2015 Supplement)

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 429 – Delegates Patterson, Hixson, Afzali, Angel, Atterbeary, Barkley, D. Barnes, Barron, Brooks, Carr, Conaway, Dumais, Ebersole, Fennell, Gilchrist, Hayes, Haynes, Hill, Hornberger, C. Howard, Jackson, Jameson, Jones, Kelly, Long, Luedtke, McComas, McConkey, McCray, McMillan, Metzgar, A. Miller, Morhaim, O'Donnell, Pena-Melnyk, Platt, Proctor, Reilly, Sample-Hughes, Sanchez, Shoemaker, Simonaire, Smith, Sydnor, Tarlau, Turner, Valentino-Smith, A. Washington, M. Washington, and West

AN ACT concerning

Task Force to Combat Habitual Student Truancy

FOR the purpose of establishing the Task Force to Combat Habitual Student Truancy; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters relating to habitual student truancy; 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 Combat Habitual Student Truancy.

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

House Bill 707 – Delegates Valentino-Smith, Tarlau, Walker, and A. Washington

AN ACT concerning

~~Horse Racing – Track Winnings – Intercepts for Restitution and Child Support Payments~~

Study of Intercepting Horse Racing Winnings for Child Support and Restitution

~~FOR the purpose of authorizing the Central Collection Unit and Child Support Enforcement Administration to certify to the State Racing Commission or a licensee of the Commission that an obligor is in arrears on certain restitution or child support payments; requiring the certification to contain certain information; requiring a licensee to provide an obligor who wins a certain prize with a certain notice; requiring the Commission or a licensee to withhold and make certain transfers of a certain amount of the prize of an obligor; authorizing an obligor to appeal a transfer; requiring the Commission or a licensee to honor interception requests in a certain order; authorizing the Secretary of Budget and Management, the Secretary of Human Resources, and the Commission to adopt certain regulations; providing that a licensee may not be held liable for certain acts; providing for the application of this Act; and generally relating to the interception of certain prizes at horse racing tracks.~~

~~BY adding to~~

~~Article — Business Regulation
Section 11-215
Annotated Code of Maryland
(2015 Replacement Volume and 2015 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article — Criminal Procedure
Section 11-616(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2015 Supplement)~~

FOR the purpose of requiring the Department of Information Technology to analyze the logistics of intercepting horse racing winnings to pay for certain child support or restitution arrears, study the use of certain intercept methods by the State for child support enforcement and restitution collection, and make recommendations regarding certain matters; requiring the Department to report its findings and recommendations to the General Assembly on or before a certain date; and generally relating to a certain study of intercepting horse racing winnings for child support and restitution.

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

House Bill 771 – Delegates D. Barnes, Angel, B. Barnes, Buckel, Fennell, Hornberger, Kelly, Long, Luedtke, Metzgar, Patterson, Platt, Reilly, Shoemaker, Simonaire, Tarlau, Walker, and A. Washington

AN ACT concerning

**Public and Nonpublic Schools – Student Diabetes Management Program
Administration of Diabetes Care Services – Guidelines**

FOR the purpose of requiring the State Department of Education and the Department of Health and Mental Hygiene, in consultation with certain other organizations, to establish certain guidelines for the ~~training of employees to become trained diabetes care providers~~ administration of certain health care services to certain students with diabetes; providing for the content of the guidelines; ~~requiring each county board of education to require certain public schools to establish a certain Student Diabetes Management Program in the school; providing that certain nonpublic schools may establish a Student Diabetes Management Program in the school; providing that a nonpublic school may conduct or contract for a course for training of employees to become trained diabetes care providers that includes certain items; providing for the purpose and requirements of the Program; authorizing certain employees to volunteer for participation in a certain Program; prohibiting public and nonpublic schools from compelling certain employees to participate in a certain Program; requiring certain trained diabetes care providers in the Program to perform certain tasks; providing that certain services performed by certain trained diabetes care providers may not be construed as performing acts of nursing under certain circumstances; establishing immunity from liability for certain employees under certain circumstances; requiring certain parents or guardians of a certain student to submit a Diabetes Medical Management Plan to the school under certain circumstances; requiring a certain meeting of certain individuals be held within a certain period of time; authorizing a certain student to perform certain diabetes care tasks under certain circumstances in accordance with a certain Plan; defining certain terms; and generally relating to a Student Diabetes Management Program and public and nonpublic schools~~ requiring the State Department of Education and the Department of Health and Mental Hygiene, in consultation with the Board of Nursing and certain stakeholders, to establish a certain plan; requiring the State Department of Education and the Department of Health and Mental Hygiene to make a certain report on or before a certain date; and generally relating to diabetic care services in public schools in the State.

BY adding to

Article – Education

Section ~~7-438 and 7-439~~ 7-426.4

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

House Bill 900 – Delegate Frick

AN ACT concerning

Motor Vehicle Insurance – Personal Injury Protection – ~~Optional~~ Rejection of Coverage

FOR the purpose of ~~requiring certain insurers to offer, instead of provide, certain motor vehicle liability insurance coverage for certain medical, hospital, and disability~~

~~benefits; authorizing a certain first named insured to exclude from certain coverage benefits for certain individuals; providing that an exclusion from certain benefits constitutes an exclusion from all benefits described in certain provisions of law; authorizing certain individuals to recover certain benefits under certain circumstances; requiring an insurer to provide a certain notice to a certain first named insured; prohibiting an insurer from refusing to underwrite a certain person under certain circumstances; providing that an insurer is subject to certain penalties for a certain violation; repealing a requirement that a certain first named insured make a waiver of certain benefits under certain circumstances; repealing certain provisions of law relating to a certain waiver, including what the waiver constitutes, who is bound by the waiver, who may recover benefits if there is a waiver, when the waiver is effective, and how the waiver is made; repealing a requirement that a certain security provide certain personal injury protection benefits under certain circumstances~~ providing that, under certain circumstances, a first named insured under a certain policy of motor vehicle liability insurance is not required to obtain coverage for certain medical, hospital, and disability benefits that must be provided by certain insurers; requiring the Maryland Automobile Insurance Fund to offer a certain first named insured at a certain time the option to reject coverage for certain benefits under certain circumstances; authorizing an insurer other than the Fund to offer a certain first named insured at a certain time the option to reject coverage for certain benefits under certain circumstances; requiring a certain first named insured, at the time of application for a certain policy, to make a certain election; requiring the election to be made on a certain form; authorizing the form to be part of the insurance contract; requiring the form to contain a certain explanation in a certain manner; providing that a certain rejection of coverage for certain benefits is effective until a certain time except under certain circumstances; requiring, on renewal of a certain policy, that a certain insurer provide certain coverage under certain circumstances; altering a certain minimum security requirement; requiring the Maryland Insurance Commissioner to consult with certain insurers, insurance producers, and certain other persons in developing a certain form; requiring the Fund and certain insurers to annually report certain information to the Maryland Insurance Administration; requiring the Administration to compile certain information and, on or before a certain date, report certain findings and recommendations to certain committees of the General Assembly; making conforming changes; providing for the application of this Act; and generally relating to optional personal injury protection coverage under policies of motor vehicle liability insurance.

BY repealing and reenacting, with amendments,
 Article – Insurance
 Section 19–505
 Annotated Code of Maryland
 (2011 Replacement Volume and 2015 Supplement)

BY ~~repealing~~ repealing and reenacting, without amendments,
 Article – Insurance
 Section 19–506

Annotated Code of Maryland
(2011 Replacement Volume and 2015 Supplement)

BY adding to

Article – Insurance

Section 19–506.1

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 17–103

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

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

House Bill 908 – Delegates Morhaim, Barron, Barve, Brooks, Cluster, Conaway, Fraser–Hidalgo, Frush, Haynes, Healey, Hettleman, Hill, Hixson, S. Howard, Jalisi, Jameson, Kelly, Lafferty, Lam, Luedtke, Pena–Melnyk, Stein, Sydnor, Turner, ~~and P. Young~~ P. Young, Hammen, Angel, Bromwell, Cullison, Hayes, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Oaks, Pendergrass, Rose, Saab, Sample–Hughes, West, and K. Young

AN ACT concerning

Hospitals – ~~Establishment of Substance Use Treatment Demonstration Programs~~ Program – Requirements

FOR the purpose of authorizing a certain number of hospitals in the State to participate in a substance use treatment demonstration program; providing for the purpose of the demonstration program; requiring each hospital in the demonstration program to operate a certain substance use treatment program or ensure that certain substance use treatment services are made available; requiring a hospital seeking to participate in the demonstration program to apply to the Health Services Cost Review Commission; requiring the Commission, or an entity designated by the Commission, to select demonstration program participants based on a request for participants and to develop a certain methodology to evaluate the effectiveness of the demonstration program; providing for a delayed effective date ~~requiring certain hospitals to establish a certain substance use treatment program; providing for the purpose of the program; requiring certain hospitals to operate or contract to operate certain treatment units; requiring the program to include a substance use treatment counselor who is available on a certain basis and provides certain services; requiring the Health Services Cost Review Commission to include sufficient amounts to fund certain costs of the substance use treatment programs established under certain provisions of this Act when establishing certain rate levels and rate increases; requiring the Commission, or an entity authorized by the Commission, to develop a~~

~~certain methodology and conduct a certain analysis; and generally relating to a substance use treatment programs demonstration program in hospitals.~~

~~BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–210
Annotated Code of Maryland
(2015 Replacement Volume)~~

BY adding to
Article – Health – General
Section 19–310.3
Annotated Code of Maryland
(2015 Replacement Volume)

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

House Bill 912 – Delegate Frick

AN ACT concerning

Motor Vehicle Insurance – Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured

FOR the purpose of establishing in the Motor Vehicle Administration the Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured; specifying the purpose of the Program; specifying the Program period; specifying the eligibility requirements for vehicle owners participating in the Program; requiring the Administration to notify certain vehicle owners in a certain manner; requiring a certain notice to include certain information; requiring the Administration to waive a portion of certain delinquent uninsured vehicle penalties of certain vehicle owners; specifying the conditions under which a portion of certain delinquent uninsured vehicle penalties may be waived; requiring a certain vehicle owner to pay a certain amount owed under a certain circumstance; requiring a vehicle owner to purchase and maintain a certain required security under a certain circumstance; allowing the Administration to adopt certain regulations; requiring the Administration to coordinate with the Maryland Insurance Administration to publicize the Program; requiring the Administration to make a certain report within a certain period of time; allowing the Administration to accept certain funding or other form of support from the Uninsured Claim and Judgment Fund of the Maryland Automobile Insurance Fund for a certain purpose; defining certain terms; and generally relating to the establishment of the Program, uninsured vehicle penalties, and motor vehicle insurance.

BY adding to
Article – Transportation
Section 17–111

Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

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

House Bill 1139 – Delegates M. Washington, Barron, Carter, Conaway, Glenn, Hixson, Jackson, Kaiser, Kelly, Lierman, Luedtke, Moon, Platt, Sydnor, Tarlau, Walker, ~~and P. Young~~ P. Young, Ebersole, Fennell, Hornberger, Patterson, and A. Washington

AN ACT concerning

Education – ~~Maryland Community School Strategy for Excellence in Public Education Act~~ Community School Strategy – Required Notice and Support

FOR the purpose of ~~providing for the intent and purpose of certain community schools; authorizing certain local school systems and certain public schools to form certain partnerships to provide certain community school services; requiring the Department of Education to annually determine certain costs based on certain criteria; requiring certain funds to be distributed to certain county boards of education based on certain calculations for certain fiscal years; requiring certain schools to establish a certain community school leadership team before providing community school services; requiring the community school leadership team to oversee certain processes; providing for the membership of the community school leadership team; requiring a certain community school leadership team to conduct a certain assessment before providing certain community school services; requiring a certain community school leadership team to submit a certain implementation plan to a certain local school system; providing for the contents of a certain implementation plan; requiring certain schools to provide certain types of community school interventions to be eligible for certain funding; requiring certain schools to employ at least one full-time professional resource coordinator; exempting certain community schools from certain requirements; requiring the Department to evaluate certain issues relating to community schools on or before a certain date; requiring certain schools to submit a certain report to the Department on or before a certain date; requiring the Department to adopt certain regulations; providing that it is the intent of the General Assembly that certain methods of funding certain community schools be reviewed as part of a certain adequacy study and any subsequent commission related to certain education funding for a certain period of time; defining certain terms; and generally relating to the Maryland Community School Strategy for Excellence in Public Education Act.~~ requiring the State Department of Education to make a certain notification to certain local school systems and certain community schools; requiring the Department to encourage certain local school systems and community schools to apply for certain federal funding; requiring the Department to provide certain technical assistance to certain local school systems and certain community schools in applying for certain federal funding; providing for the termination of this Act; and generally relating to the community school strategy in public schools of the State.

~~BY adding to~~

~~Article – Education~~

~~Section 9.5-101 through 9.5-109 to be under the new title “Title 9.5. Community Schools”~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2015 Supplement)~~

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

House Bill 1312 – The Speaker (By Request – Justice Reinvestment Coordinating Council)

AN ACT concerning

Justice Reinvestment Act

FOR the purpose of requiring the Division of Parole and Probation to conduct a certain risk and needs assessment on certain inmates and include the results in certain case records; establishing requirements for a certain case plan; requiring the Division of Correction to have a certain study conducted at certain intervals on a certain assessment tool for a certain purpose; increasing a certain monthly deduction allowed to an inmate of a State correctional facility whose term of confinement includes a certain sentence for a certain crime of manufacturing, distributing, dispensing, or possessing a controlled dangerous substance; expanding the types of programs for which a certain inmate may receive a certain deduction from the inmate’s term of confinement under certain circumstances for a certain purpose; increasing the maximum monthly deductions allowed to an inmate of a State correctional facility for manifesting satisfactory progress in certain work projects or programs; increasing the maximum number of diminution credits that an inmate of a State correctional facility may earn in a month; requiring the Division of Parole and Probation to administer a certain screening tool and a certain risk and needs assessment on a certain supervised individual; requiring the Division of Parole and Probation to supervise a certain individual based on the results of a certain screening tool or a certain risk and needs assessment; requiring the Division of Parole and Probation to develop an individualized case plan for each individual with a certain assessment; requiring the Division of Parole and Probation to ~~modify the conditions of probation or suspension of sentence for the purpose of imposing~~ impose certain graduated sanctions; requiring the Division of Parole and Probation to ~~report~~ provide prompt notice to the court on certain violations and certain graduated sanctions imposed under certain circumstances; expanding eligibility for certain earned compliance credits to a person incarcerated, on probation, or convicted in this State for violation of certain prohibitions relating to manufacturing, distributing, dispensing, or possessing a controlled dangerous substance; requiring the Maryland Parole Commission or the court to adjust the period of a certain supervised individual’s supervision on a certain recommendation for earned compliance credits accrued under a certain program; requiring the Division of Parole and Probation to

~~transfer~~ place a certain individual ~~to~~ on a certain abatement status under certain circumstances; requiring the Division of Parole and Probation to inform a certain supervised individual of a certain transfer date at certain intervals; requiring the Division of Parole and Probation to notify the Maryland Parole Commission or the court of a certain impending transfer at a certain time; providing that a supervised individual who is on abatement may not be required to regularly report to a certain agent or pay a supervision fee; requiring certain savings to revert to the Performance Incentive Grant Program Fund, rather than the General Fund; requiring the Department of Public Safety and Correctional Services to develop an automated application for the tracking and awarding of earned compliance credits by the Division of Parole and Probation; requiring the Division of Parole and Probation to use certain methods to aid and encourage a certain person to improve conduct and to reduce the risk of recidivism; requiring the Division of Parole and Probation to have an independent validation study conducted at certain intervals on its risk and needs assessment tool for a certain purpose; requiring the ~~Division of Parole and Probation~~ Department of Public Safety and Correctional Services to require all parole and probation agents, Maryland Parole Commission members, and hearing officers to undergo certain annual training; requiring the Department of Public Safety and Correctional Services, by a certain date, to establish a program to implement certain sanctions for certain violations of conditions of community supervision by a certain individual; requiring the Department of Public Safety and Correctional Services to adopt certain policies and procedures to implement certain programs and to ensure that certain protections are in place for a certain individual; requiring the Department to develop a certain matrix for a certain purpose; ~~authorizing the Division of Parole and Probation to modify conditions of community supervision for a certain individual for the limited purpose of imposing certain sanctions; authorizing~~ requiring the Division of Parole and Probation to refer a certain individual to the court or the Maryland Parole Commission for additional sanctions; requiring the Division of Parole and Probation to issue a certificate of rehabilitation to a certain individual; ~~providing that a certificate of rehabilitation precludes a licensing board from disqualifying an applicant from professional or occupational licensure or certification because of a certain criminal conviction~~ prohibiting a certain licensing board from denying an occupational license to a certain applicant for a certain reason; providing that an individual may receive only one certificate of rehabilitation under certain circumstances; providing that the Court of Appeals is not a licensing board for a certain purpose; requiring the Division of Parole and Probation to adopt regulations establishing an application and review process for a certificate of rehabilitation that allows certain parties to object to the issuance of the certificate of rehabilitation; altering the exclusive powers of the Maryland Parole Commission; requiring the Maryland Parole Commission to request that the Division of Parole and Probation conduct a certain investigation for an inmate in a local correctional facility; requiring the Maryland Parole Commission to request that the Division of Correction conduct a certain investigation for an inmate in a State correctional facility; requiring certain investigations to be submitted at certain times; requiring the Maryland Parole Commission to consider the results of a certain investigation, develop a certain case plan, and provide certain notifications to certain victims and a State's Attorney; providing that a certain

~~inmate be released on administrative parole release under certain circumstances; establishing that a victim has certain rights related to administrative release; requiring that an inmate's debilitation or incapacitation be permanent chronic to qualify for medical parole; requiring the Maryland Parole Commission to consider certain medical evaluations a certain medical recommendation or evaluation before granting medical parole; repealing a requirement that the Governor approve medical parole for an individual serving a certain sentence; providing that the Governor may disapprove a medical parole recommendation for a certain individual serving a certain sentence within a certain time; authorizing a parole commissioner to impose a certain period of imprisonment under certain circumstances; authorizing the Commissioner to depart from certain periods of incarceration under certain circumstances; authorizing a commissioner to revoke certain diminution credits previously earned by a certain individual under certain circumstances; requiring the State to provide each county a certain grant for each day that a certain inmate received certain programming or services from a certain local correctional facility at a certain time; altering certain deductions from an certain inmate's earnings to be used for certain purposes; altering a certain monthly deduction from postsentence confinement allowed to a certain inmate of a local correctional facility; altering the maximum penalty for first-degree child abuse that results in the death of a victim under a certain age to be life imprisonment; altering the maximum penalty for child abuse that results in the death of the victim after a previous conviction for child abuse to be life imprisonment; altering certain penalties for possession of a certain offenses relating to controlled dangerous substance substances; altering certain penalties for possession of marijuana; requiring authorizing the court to order the Department of Public Safety and Correctional Services Department of Health and Mental Hygiene to evaluate a defendant for drug dependence and provide a certain assessment before imposing a sentence for possession of a controlled dangerous substance; requiring the Department of Public Safety and Correctional Services Department of Health and Mental Hygiene to evaluate a defendant and provide an assessment regarding drug treatment to certain parties; requiring the court to incorporate consider a certain assessment into a sentence for possession of a controlled dangerous substance in a certain manner; requiring the Division of Correction or a local facility to facilitate certain treatment for a certain person; establishing that a court may impose certain mandatory minimum sentences only for certain drug offenses under certain circumstances; requiring the court to state on the record the reason for departing from certain mandatory minimum sentences; authorizing a certain person to apply to the court to modify or reduce a certain sentence under certain circumstances in a certain manner; repealing mandatory minimum sentences for certain offenses involving distribution of a controlled dangerous substance; authorizing a person who is serving a certain mandatory minimum sentence to apply to the court to modify or reduce the mandatory minimum sentence under certain circumstances; increasing the amount of crack cocaine to be the same as the amount of powder cocaine that is required to trigger enhanced penalties for certain drug offenders; providing that a certain person whose previous conviction was for violation of a certain provision of law is subject to a certain penalty only under certain circumstances; altering the penalties for theft, issuing or passing a bad check, credit card fraud, identity fraud, counterfeiting, and exploitation of a~~

vulnerable adult; altering the penalties for certain offenses relating to criminal gangs; prohibiting a criminal gang or an individual belonging to a criminal gang from receiving or investing certain proceeds in a certain manner; prohibiting criminal gangs and persons involved with criminal gangs from obtaining certain property under certain circumstances; prohibiting a person from conspiring to commit certain violations relating to criminal gangs; allowing a court to order a divestiture of certain property and to take certain other actions relating to criminal gangs and persons involved with criminal gangs; altering certain penalties; authorizing the Governor to request the Attorney General to aid in certain investigations or prosecutions; prohibiting a person from promoting or sponsoring a criminal gang; establishing certain venue provisions for certain offenses; providing that a certain geriatric parole procedure does not apply to a certain sexual offender; altering the age ~~and incarceration time served thresholds~~ threshold for eligibility for geriatric parole; requiring the State Commission on Criminal Sentencing Policy to review judicial compliance with certain guidelines for suspended sentences and include a suspended portion of a sentence in the determination of whether a sentence is compliant with certain sentencing guidelines; authorizing a court to impose a certain period of incarceration for a certain person who has violated a condition of probation under certain circumstances; authorizing the court to depart from certain periods of incarceration under certain circumstances; requiring the Department of Health and Mental Hygiene to immediately provide certain services; requiring the Department of Health and Mental Hygiene to facilitate certain treatment ~~without unnecessary delay and in no event~~ no later than a certain time period after a certain order; repealing certain limitations on certain duties of the Department of Health and Mental Hygiene relating to funding; authorizing the court to require the Department of Health and Mental Hygiene to appear in court to explain a certain ~~lack of placement~~ delay under certain circumstances; establishing the Addiction Treatment Divestiture Fund as a special, nonlapsing fund in the Department of Health and Mental Hygiene; specifying the purposes of the Fund; requiring the Secretary of Health and Mental Hygiene to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purposes for which the Fund may be used; providing for the investment of the Fund; exempting the Fund from a certain provision of law that requires interest on State money in special funds to accrue to the General Fund; establishing the Justice Reinvestment Oversight Board; providing for the membership, duties, staffing, procedures, and reporting requirements of the Board; establishing the Performance Incentive ~~County~~ Grant Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Executive Director of the Governor's Office of Crime Control and Prevention to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; establishing the Local Government Justice Reinvestment Commission; providing for the membership, duties, staffing, procedures, and reporting of the Local Government Justice Reinvestment Commission; altering the penalties for certain traffic violations related to a driver's license; repealing certain provisions of law relating to the Justice Reinvestment Coordinating Council; requiring the Governor's Office of

Crime Control and Prevention, in consultation with certain departments, agencies, and persons, to conduct a certain analysis relating to offender treatment and to submit a certain report; stating the intent of the General Assembly that the Governor provide certain funding in the annual budget; requiring the Maryland Mediation and Conflict Resolution Office to conduct a certain study and submit a certain report with recommendations on or before a certain date; requiring the State Commission on Criminal Sentencing Policy to study how more alternatives to incarceration may be included in the sentencing guidelines and submit a report with recommendations on or before a certain date; requiring the Department of Health and Mental Hygiene, the Department of Labor, Licensing, and Regulation, and the Department of Public Safety and Correctional Services, in consultation with certain organizations, to review and make recommendations regarding potential barriers to employment, licensing, and entrepreneurship for certain individuals and the criminalization of occupational licenses and to make certain recommendations regarding occupational licensing laws and report to the Governor and General Assembly on or before a certain date; requiring the Governor's Office of Crime Control and Prevention to conduct a certain study relating to restitution and victim services and submit a certain report; requiring the Governor to issue a certain order under certain circumstances; providing for the application of certain provisions of this Act; requiring the Administrative Office of the Courts to submit a certain annual report to the General Assembly; requiring the Justice Reinvestment Oversight Board to submit a certain report to the Governor and General Assembly on or before a certain date; providing for a delayed effective date for certain provisions of this Act; making conforming changes; altering certain definitions; defining certain terms; and generally relating to justice reinvestment.

BY repealing

Article – Public Safety

Section 1–601 through 1–605 and the subtitle “Subtitle 6. Justice Reinvestment Coordinating Council”

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Correctional Services

Section 3–601, 3–704, ~~3–706~~, 3–707, 3–708, 6–101, 6–104, 6–111, 6–117, 7–205, 7–305, 7–309, 7–401, 7–504, ~~9–402~~, and 11–504

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Correctional Services

Section 3–705, ~~3–706~~, 7–101(a) and (m), 7–103, and 7–301(a)

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

BY adding to

Article – Correctional Services
Section 6–119, 6–120, 6–121, 7–104, 7–301.1, and 9–614
Annotated Code of Maryland
(2008 Replacement Volume and 2015 Supplement)

BY repealing

Article – Correctional Services
Section 11–604
Annotated Code of Maryland
(2008 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Law
Section 5–601(a) and (b), 5–602 through 5–606, 7–104(a) through (f), 8–301(a), (b),
(b–1), and (c) through (f), and 8–801(a) and (b)
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law
Section 3–601 and 5–601(c)(1) and (2)
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)
(As enacted by Chapter 4 of the Acts of the General Assembly of 2016)

BY adding to

Article – Criminal Law
Section 5–601(e), 5–609.1, and 9–807
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law
Section ~~5–601.1~~, 5–607, 5–608, 5–609, ~~5–609.1~~, 5–612, ~~5–905~~, 7–104(g), 7–108,
8–106, 8–206, 8–207, 8–209, 8–301(g), 8–516, 8–611, 8–801(c), 9–801 through
9–805, and 14–101
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

BY repealing

Article – Criminal Law
Section 5–609.1
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

~~BY repealing and reenacting, without amendments,~~

~~Article – Criminal Law~~

~~Section 7-104(a) through (f), 8-301(a), (b), (b-1), and (c) through (f), and 8-801(a) and (b)
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)~~

~~BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 1-101(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2015 Supplement)~~

~~BY adding to
Article – Criminal Procedure
Section 1-101(p)
Annotated Code of Maryland
(2008 Replacement Volume and 2015 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section ~~6-209~~ 1-101, 6-223, 6-224, and 11-819(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 8-507
Annotated Code of Maryland
(2015 Replacement Volume)

BY adding to
Article – Health – General
Section 8-6D-01 to be under the new subtitle “Subtitle 6D. Addiction Treatment
Divestiture Fund”
Annotated Code of Maryland
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6-226(a)(2)(ii)86.
Annotated Code of Maryland
(2015 Replacement Volume)
(As enacted by Section 3 of this Act)

BY adding to
Article – State Finance and Procurement
Section 6-226(a)(2)(ii)87.
Annotated Code of Maryland

(2015 Replacement Volume)
(As enacted by Section 3 of this Act)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)84. and 85.
Annotated Code of Maryland
(2015 Replacement Volume)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)86.
Annotated Code of Maryland
(2015 Replacement Volume)

BY adding to
Article – State Government
Section 9–3201 through 9–3212 to be under the new subtitle “Subtitle 32. Justice
Reinvestment Oversight Board”
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 27–101(b)
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 27–101(c) ~~and (y)~~
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

~~BY adding to~~
~~Article – Transportation~~
~~Section 27–101(gg)~~
~~Annotated Code of Maryland~~
~~(2012 Replacement Volume and 2015 Supplement)~~

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

House Bill 1319 – Delegates Frush, Anderson, Anderton, Aumann, Barve, Beidle, Carr, Cassilly, Flanagan, Folden, Fraser–Hidalgo, Gaines, Healey, Hill, Holmes, Jacobs, Knotts, Lafferty, Lam, McCray, McMillan, Morhaim, Otto, S. Robinson, Saab, Stein, West, ~~and Wivell~~ Wivell, Hammen, Angel, Barron, Bromwell, Cullison, Hayes, Kelly, Kipke, Krebs, McDonough, Miele, Morgan, Oaks, Pena–Melnyk, Pendergrass, Rose, Sample–Hughes, and K. Young

AN ACT concerning

Commemorative Weeks – Chesapeake Bay Awareness Week

FOR the purpose of requiring the Governor to proclaim annually a certain week as Chesapeake Bay Awareness Week; requiring the proclamation to urge certain organizations to properly observe Chesapeake Bay Awareness Week with certain events, activities, and programs; and generally relating to Chesapeake Bay Awareness Week.

BY adding to

Article – General Provisions

Section 7–601 to be under the new subtitle “Subtitle 6. Commemorative Weeks”

Annotated Code of Maryland

(2014 Volume and 2015 Supplement)

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

House Bill 1618 – ~~Delegate Hammen~~ Delegates Hammen, Angel, Bromwell, Cullison, Hayes, Hill, Kelly, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Morhaim, Oaks, Pena–Melnyk, Pendergrass, Rose, Saab, Sample–Hughes, West, and K. Young

AN ACT concerning

Cigarette Restitution Fund – Establishment of Behavioral Health Treatment Account and Funding for Substance Use Treatment Services

FOR the purpose of requiring the Cigarette Restitution Fund to include a separate account to be used for substance use treatment, with priority given to certain services and housing, and for rate adjustments for certain agencies or programs; requiring the account to contain certain payments; requiring certain distributions from the account to be used to supplement and not supplant certain other funds; limiting appropriations from the account in any fiscal year to a certain amount; requiring the Governor to develop certain statements for each program, project, or activity receiving funds from the account and to report the statements in a certain part of the State budget submission; requiring the Governor to provide a certain report no later than a certain date each year to the General Assembly on certain funds and on

certain outcomes and benefits; authorizing the Governor in certain fiscal years to transfer by budget amendment certain funds for a certain purpose; repealing an obsolete reference; making stylistic changes; and generally relating to the establishment of a behavioral health treatment account in the Cigarette Restitution Fund and funding for substance use treatment services.

BY repealing and reenacting, with amendments,
 Article – State Finance and Procurement
 Section 7–317
 Annotated Code of Maryland
 (2015 Replacement Volume)

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

House Bill 1636 – Delegate Clippinger

AN ACT concerning

Baltimore City – South Baltimore Gateway Community ~~Benefits~~ Impact District and Distribution of Local Impact Grants

FOR the purpose of authorizing the Mayor and City Council of Baltimore City to establish ~~certain community benefits district management authorities to include~~ the South Baltimore Gateway Community ~~Benefits~~ Impact District and South Baltimore Gateway Community Impact District Management Authority; requiring the ordinance establishing the South Baltimore Gateway Community ~~Benefits~~ Impact District Management Authority to specify and modify the boundaries of the district in a certain manner; requiring the district to include certain neighborhoods; requiring the establishing ordinance to address certain matters, including the powers and functions of the Authority, the duration of the Authority, the boundaries of the district, and the organization and method of initial appointment of officers and board members of the Authority; providing that a certain financial plan of the Authority shall be subject to the approval of the Baltimore City Board of Estimates; providing for the membership of the Authority; specifying the powers of the Authority; prohibiting the Authority from taking certain actions; prohibiting an officer or employee of the Authority from acting, in a certain capacity, as an agent or employee of the Mayor and City Council of Baltimore City or the State; ~~exempting the ordinance establishing the district or Authority from a certain requirement that the ordinance be submitted to certain affected voters in a special election~~; requiring the City Council to consider certain views and make certain determinations in adopting an ordinance under this Act; requiring the Mayor and City Council to review and determine the effectiveness and desirability of continuing the existence of the district in a certain manner; providing that the district shall cease to exist and the Authority shall continue to exist for a certain duration under certain circumstances; prohibiting the Mayor and City Council from permitting a reduction in certain services; providing that certain unspent funds shall revert to the City's General Fund under certain circumstances; requiring, starting in a certain fiscal

year, a certain percentage of local impact grants from video lottery proceeds to be distributed to the Authority each year; making certain conforming changes; providing for the effective date of certain provisions of this Act; and generally relating to the distribution of certain local impact grants in Baltimore City and the establishment of the South Baltimore Gateway Community ~~Benefits~~ Impact District.

BY ~~repealing and reenacting, with amendments,~~ adding to
 The Charter of Baltimore City
 Article II – General Powers
 Section ~~(62)~~ (69)
 (2007 Replacement Volume, as amended)

BY repealing and reenacting, with amendments,
 Article – State Government
 Section 9–1A–31(b)(3)
 Annotated Code of Maryland
 (2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,
 The Charter of Baltimore City
 Article II – General Powers
 Section ~~(62)(e-1)(1)(i)~~ (69)(c)(1)(i)
 (2007 Replacement Volume, as amended)
 (As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,
 Article – State Government
 Section 9–1A–31(b)(3)
 Annotated Code of Maryland
 (2014 Replacement Volume and 2015 Supplement)
 (As enacted by Section 3 of Chapter 1 of the Acts of the General Assembly of the
 Second Special Session of 2012)

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

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #71

Senate Bill 455 – Senator McFadden

AN ACT concerning

State Education Aid – Real Property Valuation – Tax Increment Financing

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

Affirmative – 44 Negative – 0 (See Roll Call No. 926)

The Bill was then sent to the House of Delegates.

Senate Bill 815 – Senator Muse

AN ACT concerning

Residential Real Property – Sales Contracts – Notice of Water and Sewer Charges

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

Affirmative – 45 Negative – 0 (See Roll Call No. 927)

The Bill was then sent to the House of Delegates.

Senate Bill 1106 – Senators Simonaire, Astle, Cassilly, DeGrange, Jennings, Norman, Reilly, and Rosapepe

AN ACT concerning

Anne Arundel County and Harford County – Courthouse Dog and Child Witness Pilot Program

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

Affirmative – 45 Negative – 0 (See Roll Call No. 928)

The Bill was then sent to the House of Delegates.

Senate Bill 1167 – Senator Ready

AN ACT concerning

Carroll County – Local Government Tort Claims Act

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

Affirmative – 45 Negative – 0 (See Roll Call No. 929)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #14

CONSENT CALENDAR #9

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 9	Baltimore County Delegation	Baltimore County – Orphans' Court Judges – Compensation	JPR
HB 121	Del. Carozza	Criminal Law – False Statement Concerning Destructive Device or Toxic Material – Venue	JPR
HB 148	Del. Otto	Somerset County – Sheriff – Salary	JPR
HB 155	Del. Dumais	Criminal Law – Stalking	JPR
HB 157	Del. Valentino–Smith	Death or Life–Threatening Injury by Motor Vehicle or Vessel – Subsequent Offenders – Penalties	JPR
HB 237	Del. Smith	Courts – Prohibition Against Testimony by Convicted Perjurer – Repeal	JPR
HB 245	Del. Dumais	Child Abuse and Neglect – Failure to Report	JPR
HB 246	Cecil County Delegation	Public Safety – Fire Police – Cecil County	JPR
HB 314	Del. Atterbeary	Peace Orders – Grounds for Relief	JPR
HB 354	Del. Kramer	Crprtns and Real Este Invstmnt Trsts – Drctrs and Trustees – Duties and Imnty From Lblty	JPR
HB 357	Del. Afzali	Frederick County – Local Government Tort Claims Act – Notice of Claim	JPR

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 358	Del. Jacobs	Kent County – Prospective Employees and Volunteers – Criminal History Records Check	JPR
HB 384	Del. Anderson	Baltimore City – Police Commissioner – Length of Term	JPR
HB 493	Del. Morales	Criminal Law – Extortion – Immigration Status	JPR

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

All of the above listed bills on the Third Reading Consent Calendar No. 9 were read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 930)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #15

CONSENT CALENDAR #10

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 534	Del. Sanchez	Family Law – Protective Orders – Notification of Service – Sunset Repeal	JPR
HB 541	Del. Kelly	Maryland Trust Act – Revocable Trust – Partial Revocation by Divorce or Annulment	JPR
HB 659	Del. Proctor	Criminal Procedure – Victim’s Right to Restitution – Appeal	JPR
HB 785	Del. Anderson	Public Safety – Motorcycle Profiling – Training	JPR

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 786	Del. Morales	Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking – Sunset Extension	JPR
HB 805	Del. Beidle	Motor Vehicles – Autocycles – Standards and Requirements	JPR
HB 832	Cecil County Delegation	Cecil County – Marriage Licenses – Applications	JPR
HB 855	Del. Morales	Crctnl Training Comm – Dept of Juv Srvcs Empls – Rvctn of Certfn and Reinstatement	JPR
HB 871	Del. Parrott	Agreements to Defend or Pay the Cost of Defense – Void	JPR
HB 890	St. Mary’s County Delegation	St. Mary’s County – Local Landlord and Tenant Law – Repeal	JPR
HB 922	Del. Beidle	Vehicle Laws – Application – Park Model Recreational Vehicles – Definition	JPR
HB 960	Del. Kelly	Guardians of Property and Custodians – Authority to Fund Certain Trusts and Accounts	JPR
HB 1092	St. Mary’s County Delegation	St. Mary’s County – Keeper of the Jail – Repeal	JPR
HB 1180	Del. Carter	Correctional Services – Restrictive Housing – Report	JPR

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

All of the above listed bills on the Third Reading Consent Calendar No. 10 were read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 931)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #16

House Bill 57 – Delegate Cassilly

AN ACT concerning

**Public Safety – Maryland Building Performance Standards – Adoption,
Implementation, and Enforcement of Modifications**

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

Affirmative – 45 Negative – 0 (See Roll Call No. 932)

The Bill was then sent to the House of Delegates.

**House Bill 60 – Chair, Economic Matters Committee (By Request – Departmental
– Maryland Insurance Administration)**

AN ACT concerning

**Insurance – Certificate of Qualification, Licensing, and Registration –
Electronic Means**

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

Affirmative – 45 Negative – 0 (See Roll Call No. 933)

The Bill was then sent to the House of Delegates.

House Bill 131 – Delegates Waldstreicher, Moon, Kramer, and C. Wilson

AN ACT concerning

**Commercial Law – Nondisparagement Clauses in Consumer Contracts
– Prohibition**

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

Affirmative – 45 Negative – 0 (See Roll Call No. 934)

The Bill was then sent to the House of Delegates.

House Bill 190 – Delegates Lierman, Vallario, Dumais, Anderson, Atterbeary, Barron, Carter, Morales, Rosenberg, Sanchez, Smith, and Valentino-Smith

AN ACT concerning

Civil Penalties for Shoplifting and Employee Theft – Repeal

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

Affirmative – 42 Negative – 3 (See Roll Call No. 935)

The Bill was then sent to the House of Delegates.

House Bill 192 – Chair, Judiciary Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Juvenile Causes – Permanency Plans – Age Restrictions on Use of Another Planned Permanent Living Arrangement

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

Affirmative – 45 Negative – 0 (See Roll Call No. 936)

The Bill was then sent to the House of Delegates.

House Bill 274 – Delegate Dumais

AN ACT concerning

Family Law – Divorce – Corroboration of Testimony

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

Affirmative – 44 Negative – 1 (See Roll Call No. 937)

The Bill was then sent to the House of Delegates.

House Bill 285 – Delegates McIntosh, M. Washington, Brooks, Barron, Ebersole, Fennell, Frush, Healey, Lafferty, Lierman, Patterson, B. Robinson, Stein, Tarlau, Waldstreicher, and K. Young

AN ACT concerning

State Education Aid – Real Property Valuation – Tax Increment Financing

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

Affirmative – 45 Negative – 0 (See Roll Call No. 938)

The Bill was then sent to the House of Delegates.

House Bill 523 – Delegate Stein

AN ACT concerning

E-ZPass Accounts – Transponder Theft – ~~Notice~~ Reporting and Unauthorized Charges

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

Affirmative – 45 Negative – 0 (See Roll Call No. 939)

The Bill was then sent to the House of Delegates.

House Bill 639 – Delegates Kelly, Frick, Jalisi, Korman, Lam, Reznik, ~~and Waldstreicher~~ Waldstreicher, Hill, Hammen, Angel, Barron, Bromwell, Cullison, Hayes, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Morhaim, Oaks, Pena-Melnyk, Pendergrass, Rose, Saab, Sample-Hughes, West, and K. Young

AN ACT concerning

Health Insurance – Provider Claims – Payment by Credit Card – ~~Prohibited~~ or Electronic Funds Transfer Payment Method

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

Affirmative – 45 Negative – 0 (See Roll Call No. 940)

The Bill was then sent to the House of Delegates.

House Bill 718 – Delegates Kramer, Afzali, Angel, Barkley, B. Barnes, Barve, Beitzel, Branch, Brooks, Buckel, Chang, Cullison, Fraser-Hidalgo, Frick, Frush, Hayes, Healey, Jalisi, Krebs, Krimm, Lafferty, Luedtke, McComas, Morales, Morhaim, Pena-Melnyk, Platt, Reznik, Stein, Valderrama, ~~and Waldstreicher~~ Waldstreicher, Adams, Arentz, Aumann, Carey, Clippinger, Davis, Glenn, S. Howard, Jameson, Lisanti, Vaughn, and C. Wilson

AN ACT concerning

Consumer Protection – Asset Recovery for Exploited Seniors Act

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

Affirmative – 45 Negative – 0 (See Roll Call No. 941)

The Bill was then sent to the House of Delegates.

House Bill 788 – Chair, Health and Government Operations Committee (By Request – Departmental – Office of Minority Affairs)

AN ACT concerning

Procurement – Small Business Reserve Program – Program Oversight and Continuation

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

Affirmative – 45 Negative – 0 (See Roll Call No. 942)

The Bill was then sent to the House of Delegates.

House Bill 799 – Delegate O’Donnell

AN ACT concerning

Aquaculture – Liability for Trespass

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

Affirmative – 45 Negative – 0 (See Roll Call No. 943)

The Bill was then sent to the House of Delegates.

House Bill 1024 – Prince George’s County Delegation and Montgomery County Delegation

AN ACT concerning

**Montgomery County – Municipal Authority to Regulate Structures – Clarification
PG/MC 112–16**

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

Affirmative – 45 Negative – 0 (See Roll Call No. 944)

The Bill was then sent to the House of Delegates.

House Bill 1101 – Montgomery County Delegation

AN ACT concerning

**Municipal Corporations – Closed Swimming Lake – Regulation
MC 32–16**

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

Affirmative – 45 Negative – 0 (See Roll Call No. 945)

The Bill was then sent to the House of Delegates.

House Bill 1527 – Delegate O’Donnell

EMERGENCY BILL

AN ACT concerning

Environment – Water Appropriation Permit – Aquaculture Exemption

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

Affirmative – 45 Negative – 0 (See Roll Call No. 946)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #17

House Bill 98 – ~~Delegate B. Wilson~~ Delegates B. Wilson, Sydnor, Barron, and Moon

AN ACT concerning

Criminal Law – Participation in Court Proceedings – Retaliation

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

Affirmative – 45 Negative – 0 (See Roll Call No. 947)

The Bill was then sent to the House of Delegates.

House Bill 220 – Delegates Barron, Carter, and Anderson

AN ACT concerning

Criminal Procedure – Partial Expungement

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

Affirmative – 45 Negative – 0 (See Roll Call No. 948)

The Bill was then sent to the House of Delegates.

House Bill 312 – Delegates Saab, Afzali, Arentz, Aumann, Beitzel, Buckel, Carey, Cassilly, Cluster, Folden, Ghrist, Glass, Grammer, Hornberger, S. Howard, Kittleman, Krebs, Malone, McComas, McKay, Metzgar, Miele, W. Miller, Morgan, Otto, Reilly, Rey, Rose, Shoemaker, Simonaire, Sophocleus, Vogt, West, B. Wilson, and Wivell

AN ACT concerning

Public Safety – Renewal of Handgun Permits – Fingerprinting

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

Affirmative – 45 Negative – 0 (See Roll Call No. 949)

The Bill was then sent to the House of Delegates.

House Bill 374 – Delegate Anderson (By Request – Baltimore City Administration)

AN ACT concerning

Criminal Law – Pretrial Release – Prior Crime of Violence

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

Affirmative – 45 Negative – 0 (See Roll Call No. 950)

The Bill was then sent to the House of Delegates.

House Bill 641 – Delegates Sophocleus, Carey, Chang, Dumais, and S. Howard

AN ACT concerning

Evidence – Admissibility of DNA Profile – Definition and Validation of DNA Profile

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

Affirmative – 45 Negative – 0 (See Roll Call No. 951)

The Bill was then sent to the House of Delegates.

House Bill 675 – Delegate Branch

AN ACT concerning

Vehicle Laws – Mechanical Repair Contracts

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

Affirmative – 45 Negative – 0 (See Roll Call No. 952)

The Bill was then sent to the House of Delegates.

House Bill 803 – Delegates Rosenberg, Carter, Kipke, Morhaim, Oaks, West, ~~and K. Young~~ K. Young, Saab, Pendergrass, Rose, Barron, Hammen, Pena-Melnyk, and Sample-Hughes

AN ACT concerning

Life Insurance – Freedom to Travel Act

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

Affirmative – 44 Negative – 0 (See Roll Call No. 953)

The Bill was then sent to the House of Delegates.

House Bill 928 – Delegate Kramer

AN ACT concerning

State Personnel – Individuals With Disabilities – Hiring Preferences

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

Affirmative – 45 Negative – 0 (See Roll Call No. 954)

The Bill was then sent to the House of Delegates.

House Bill 989 – Delegate Holmes

AN ACT concerning

Residential Real Property – Sales Contracts – Notice of Water and Sewer Charges

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

Affirmative – 45 Negative – 0 (See Roll Call No. 955)

The Bill was then sent to the House of Delegates.

House Bill 1144 – Delegate W. Miller

AN ACT concerning

Gas and Electric Companies – Retail Choice Customer Education and Protection Fund

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

Affirmative – 45 Negative – 0 (See Roll Call No. 956)

The Bill was then sent to the House of Delegates.

House Bill 1150 – Delegates McMillan, Angel, Cullison, Hayes, Kipke, Miele, Morgan, Oaks, Pena–Melnyk, Saab, and West

AN ACT concerning

Health Insurance – Consumer Health Claim Filing Fairness Act

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

Affirmative – 45 Negative – 0 (See Roll Call No. 957)

The Bill was then sent to the House of Delegates.

House Bill 1236 – Delegates Valentino–Smith, Clippinger, Glenn, B. Robinson, Rosenberg, and Waldstreicher

AN ACT concerning

Vehicle Equipment – Counterfeit and Nonfunctional Airbags – Prohibitions

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

Affirmative – 45 Negative – 0 (See Roll Call No. 958)

The Bill was then sent to the House of Delegates.

House Bill 1303 – ~~Delegate Angel~~ Delegates Angel, Hammen, Barron, Bromwell, Cullison, Hayes, Hill, Kelly, Kipke, Krebs, McDonough, McMillan, Miele,

Morgan, Morhaim, Pena-Melnyk, Pendergrass, Rose, Sample-Hughes,
West, and K. Young

AN ACT concerning

Freestanding Birthing Centers – Use of Ultrasound Imaging

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

Affirmative – 45 Negative – 0 (See Roll Call No. 959)

The Bill was then sent to the House of Delegates.

**House Bill 1503 – Delegates Simonaire, D. Barnes, Buckel, Fennell, Folden, Glass,
McKay, Metzgar, A. Washington, and M. Washington**

AN ACT concerning

Adult Education – GED Testing Fees – Exemption for Homeless Youth

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

Affirmative – 45 Negative – 0 (See Roll Call No. 960)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #10

AMENDED IN THE HOUSE

**Senate Bill 312 – Senators King, Bates, Benson, Currie, Ferguson, Guzzone,
Jennings, Kagan, Kelley, Madaleno, Middleton, Nathan-Pulliam, Pinsky,
Pugh, Raskin, and Young**

AN ACT concerning

**Children – Family Child Care Homes and Child Care Centers – Advertising and
Penalties**

Senator Conway moved that the Senate concur in the House amendments.

SB0312/216281/1

BY: Health and Government Operations Committee

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike “or a law enforcement officer to visit and serve a certain civil citation to” and substitute “or the State Fire Marshal, a deputy State fire marshal, a special assistant State fire marshal, or a local fire marshal to visit, and authorizing the employees of the Department to serve a civil citation to.”; in line 8, after “Department” insert “, the Department sends a warning letter to the child care provider or child care center, and the child care provider or child care center does not respond within a certain period of time or responds in a certain manner”; and strike beginning with “authorizing” in line 9 down through the semicolon in line 14 and substitute “authorizing the State Fire Marshal, a deputy State fire marshal, a special assistant State fire marshal, or a local fire marshal to take certain actions authorized by law; authorizing a certain penalty for advertising certain child care services without being licensed.”.

On page 2, in line 10, strike “through (g)” and substitute “and (f)”.

AMENDMENT NO. 2

On page 4, strike beginning with “**IF**” in line 28 down through “**AN**” in line 30 and substitute “**AN**”; in line 32, strike “**OR A LAW ENFORCEMENT OFFICER**” and substitute “**, THE STATE FIRE MARSHAL, A DEPUTY STATE FIRE MARSHAL, A SPECIAL ASSISTANT STATE FIRE MARSHAL, OR A LOCAL FIRE MARSHAL**”; and in the same line, strike “**AND**” and substitute “**OF A CHILD CARE PROVIDER, AND THE EMPLOYEE OF THE DEPARTMENT MAY**”.

On page 5, in line 2, after “**CARE**” insert “**IF:**”

(I) THE CHILD CARE PROVIDER ADVERTISES A FAMILY CHILD CARE HOME OR LARGE FAMILY CHILD CARE HOME THAT IS NOT REGISTERED UNDER THE PROVISIONS OF THIS PART V OF THIS SUBTITLE;

(II) THE DEPARTMENT SENDS A WARNING LETTER TO THE CHILD CARE PROVIDER; AND

(III) THE CHILD CARE PROVIDER:

1. DOES NOT RESPOND TO THE DEPARTMENT WITHIN 10 BUSINESS DAYS AFTER THE DEPARTMENT SENDS THE WARNING LETTER; OR

2. RESPONDS TO THE DEPARTMENT IN A MANNER THAT DOES NOT ADEQUATELY ADDRESS THE CHARGE IN THE WARNING LETTER.

(4) THE STATE FIRE MARSHAL, A DEPUTY STATE FIRE MARSHAL, A SPECIAL ASSISTANT STATE FIRE MARSHAL, OR A LOCAL FIRE MARSHAL WHO VISITS A CHILD CARE CENTER UNDER PARAGRAPH (3) OF THIS SUBSECTION MAY TAKE ANY ACTION AUTHORIZED UNDER § 6-316 OF THE PUBLIC SAFETY ARTICLE, THE STATE FIRE PREVENTION CODE, OR A LOCAL FIRE PREVENTION CODE”;

and in line 4, strike “OR A LAW ENFORCEMENT OFFICER”.

AMENDMENT NO. 3

On page 5, strike in their entirety lines 6 through 18, inclusive.

AMENDMENT NO. 4

On page 5, in lines 22, 23, and 29, in each instance, strike the brackets; in the same lines, strike “\$3,000”, “\$5,000”, and “\$2,500”, respectively.

On page 6, in line 1, after “§ 5-552(A)” insert “**OR (C)**”; strike in their entirety lines 6 through 11, inclusive; in lines 3, 4, 5, 12, 14, and 19, in each instance, strike the brackets; and in lines 3, 4, 5, 12, 14, and 19, strike “\$500”, “\$1,000”, “\$2,500”, “(3)”, “(4)”, and “\$10,000”, respectively.

On page 9, in lines 3 and 4, in each instance, strike the brackets; in the same lines, strike “\$3,000” and “\$5,000”, respectively; in lines 11 and 26, in each instance, strike the brackets; in the same lines, strike “\$2,500” and “\$10,000”, respectively; strike beginning with “(1)” in line 12 down through “(2)” in line 18; and in line 18, strike “§ 5-574(E)” and substitute “**§ 5-574(A) OR (E) OR § 5-582**”.

AMENDMENT NO. 5

On page 8, strike beginning with “**IF**” in line 1 down through “**AN**” in line 2 and substitute “**AN**”; in line 4, strike “OR A LAW ENFORCEMENT OFFICER” and substitute “**, THE STATE FIRE MARSHAL, A DEPUTY STATE FIRE MARSHAL, A SPECIAL ASSISTANT STATE FIRE MARSHAL, OR A LOCAL FIRE MARSHAL**”; in line 5, strike “AND” and substitute “**, AND THE EMPLOYEE OF THE DEPARTMENT MAY**”; and in line 6, after “CARE” insert “**IF**”:

(I) A PERSON ADVERTISES A CHILD CARE CENTER THAT IS NOT LICENSED UNDER THE PROVISIONS OF THIS PART VII OF THIS SUBTITLE;

(II) THE DEPARTMENT SENDS A WARNING LETTER TO THE PERSON; AND

(III) THE PERSON:

1. DOES NOT RESPOND TO THE DEPARTMENT WITHIN 10 BUSINESS DAYS AFTER THE DEPARTMENT SENDS THE WARNING LETTER; OR

2. RESPONDS TO THE DEPARTMENT IN A MANNER THAT DOES NOT ADEQUATELY ADDRESS THE CHARGE IN THE WARNING LETTER.

(5) THE STATE FIRE MARSHAL, A DEPUTY STATE FIRE MARSHAL, A SPECIAL ASSISTANT STATE FIRE MARSHAL, OR A LOCAL FIRE MARSHAL WHO VISITS A CHILD CARE CENTER UNDER PARAGRAPH (4) OF THIS SUBSECTION MAY TAKE ANY ACTION AUTHORIZED UNDER § 6–316 OF THE PUBLIC SAFETY ARTICLE, THE STATE FIRE PREVENTION CODE, OR A LOCAL FIRE PREVENTION CODE”;

strike in their entirety lines 7 through 19, inclusive; in line 20, strike “(G)” and substitute “(F)”;

and in lines 21 and 22 and 28 and 29, in each instance, strike “OR A LAW ENFORCEMENT OFFICER”.

The preceding 5 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 961)

AMENDED IN THE HOUSE

Senate Bill 647 – Senators Klausmeier, Conway, Nathan–Pulliam, and Young

EMERGENCY BILL

AN ACT concerning

Physicians – Prescriptions Written by Physician Assistants or Nurse Practitioners – Preparing and Dispensing

Senator Conway moved that the Senate concur in the House amendments.

SB0647/866989/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 647

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “practitioner” insert “who is”; and in line 8, after “law” insert “and is working with the physician in a certain setting”.

AMENDMENT NO. 2

On page 4, in line 1, after “PRACTITIONER” insert “WHO IS”; and in line 2, after “ARTICLE” insert “AND IS WORKING WITH THE PHYSICIAN IN THE SAME OFFICE SETTING”.

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 962)

CONCURRENCE CALENDAR #11

AMENDED IN THE HOUSE

Senate Bill 145 – Senators Mathias and Eckardt

AN ACT concerning

Wicomico County Board of Education – Election and Appointment of Members

Senator Conway moved that the Senate concur in the House amendment.

SB0145/195165/1

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 145

(Third Reading File Bill)

On page 16, in lines 1 and 8 and 9, in each instance, strike “the current system” and substitute “Retaining the Current System”.

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 963)

AMENDED IN THE HOUSE

**Senate Bill 282 – Chair, Education, Health, and Environmental Affairs Committee
(By Request – Departmental – Education)**

AN ACT concerning

Early Childhood Development – Transfer of Provisions

Senator Conway moved that the Senate concur in the House amendment.

SB0282/643028/1

BY: Delegate Kaiser

AMENDMENT TO SENATE BILL 282

(Third Reading File Bill)

On page 8, strike in their entirety lines 1 and 2.

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 964)

AMENDED IN THE HOUSE

Senate Bill 823 – Senator Conway

AN ACT concerning

**Task Force to Study the Implementation of a Dyslexia Education Program
– Extension**

Senator Conway moved that the Senate concur in the House amendments.

SB0823/335663/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 823

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “– Extension” and substitute “– Membership, Duties, and Extension”; in line 4, strike “date by which” and substitute “membership and duties of”; in line 5, after “Program” insert “; altering the date by which the Task Force”; and in line 11, strike “1(g)” and substitute “1(b), (f), and (g)”.

AMENDMENT NO. 2

On page 1, after line 16, insert:

“(b) The Task Force consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) the State Superintendent of Schools, or the Superintendent’s designee;

(4) one representative of the Maryland Association of Boards of Education, appointed by the Executive Director of the Association;

(5) one representative of the Public School Superintendents Association of Maryland, appointed by the Executive Director of the Association;

(6) one representative of the Maryland State Education Association, appointed by the Executive Director of the Association;

(7) one representative of the Maryland School Psychologists' Association, appointed by the President of the Association; and

(8) the following members, appointed by the Governor:

(i) one representative of an employee organization of public school teachers;

(ii) one representative of a local school system;

(iii) two representatives of the dyslexia education community;

(iv) one representative of an organization that certifies dyslexia identification methodologies;

(v) one consumer member who has experience with dyslexia identification, education, and treatment; [and]

(vi) one representative of Decoding Dyslexia Maryland;

(VII) ONE MEMBER WHO IS AN ADMINISTRATOR OF A TEACHER TRAINING PROGRAM; AND

(VIII) ONE MEMBER WHO IS EMPLOYED BY AN INSTITUTION OF HIGHER EDUCATION WITH EXPERTISE IN RESEARCH METHODOLOGY.

(f) The Task Force shall:

(1) MAKE RECOMMENDATIONS REGARDING HOW THE TERMS “DYSLEXIA” AND “TARGETED STUDENTS” SHOULD BE DEFINED;

[(1)] (2) determine current practices for identifying and treating dyslexia in students in Maryland public schools;

[(2)] (3) determine current practices for identifying and treating dyslexia in other states;

(4) DETERMINE THE COMPONENTS AND COSTS OF SUCCESSFUL DYSLEXIA EDUCATION PROGRAMS ESTABLISHED IN OTHER STATES;

[(3)] (5) determine the appropriate structure for establishing a dyslexia education program and make recommendations on:

(i) the feasibility of funding a dyslexia education program through the State Department of Education or alternative funding mechanisms and sources or both, INCLUDING RESEARCHING GRANT OPPORTUNITIES;

(ii) the methodologies that should be used to test students and identify dyslexia and pre-dyslexia tendencies in students;

(iii) the appropriate age to begin testing for dyslexia and pre-dyslexia tendencies; and

(iv) the best practices for treating and educating students identified as having dyslexia or pre-dyslexia tendencies; and

[(4)] (6) develop a pilot program to initiate the implementation of the recommendations of the Task Force in an appropriately limited geographical area.”.

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 965)

LAI D O V E R B I L L S

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

Senate Bill 921 – Senators Pugh, Feldman, Benson, Madaleno, Mathias, and Middleton

AN ACT concerning

Clean Energy Jobs – Renewable Energy Portfolio Standard Revisions

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (5) AND THE FAVORABLE REPORT.

SB0921/457976/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 921

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Middleton” and substitute “Middleton, Pinsky, and Raskin”; strike beginning with “establishing” in line 3 down through “report;” in line 8; and strike beginning with “requiring” in line 15 down through “Act;” in line 23.

On pages 1 and 2, strike beginning with “establishing” in line 29 on page 1 down through “manner;” in line 5 on page 2 and substitute “authorizing the Small, Minority, and Women-Owned Businesses Account to receive money from the Strategic Energy Investment Fund; requiring any money that the Account receives from the Fund to be used for a certain purpose; authorizing the Maryland Energy Administration to use the Strategic Energy Investment Fund for a certain purpose; requiring the Department of Labor, Licensing, and Regulation to study the workforce development training needs for the clean energy industry in the State; requiring the Department to seek input from certain agencies and stakeholders and identify certain information; requiring the Department to report to the General Assembly on or before a certain date on certain findings and recommendations;”.

On page 2, in line 6, strike “certain terms” and substitute “a certain term”; strike in their entirety lines 9 through 18, inclusive; in line 21, strike “7-703(b)(12)” and substitute “7-703(a)(2)(iii), (b)(12)”; strike in their entirety lines 24 through 28; in line 31, strike the first comma and substitute “and”; in the same line, strike “, and 9-20B-05(f) and (i) through (l)”; after line 33, insert:

“BY repealing and reenacting, without amendments,

Article – State Government
Section 9–20B–05(f)
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)”;

and in line 36, strike “9–20B–05(i)” and substitute “9–20B–05(f–1)”.

AMENDMENT NO. 2

On pages 3 through 5, strike beginning with line 1 on page 3 through line 10 on page 5, inclusive.

AMENDMENT NO. 3

On page 5, in line 24, after the semicolon insert “AND”.

On pages 5 and 6, strike beginning with the semicolon in line 28 on page 5 down through “DATA” in line 4 on page 6.

On page 6, after line 5, insert:

“(a) (2) A renewable energy portfolio standard may not apply to electricity sales at retail by any electricity supplier:

(iii) to a customer served by an electric cooperative under an electricity supplier purchase agreement that existed on October 1, 2004, until the expiration of the agreement, AS THE AGREEMENT MAY BE RENEWED OR AMENDED.”.

AMENDMENT NO. 4

On pages 7 and 8, strike beginning with line 9 on page 7 through line 3 on page 8, inclusive.

On pages 10 and 11, strike beginning with line 28 on page 10 through line 5 on page 11, inclusive.

On page 11, in lines 6, 8, 23, 24, 27, and 30, in each instance, strike the bracket; in lines 6, 8, 9, 23, 24, 27, and 30, strike “(B)”, “(C)”, “(I)”, “(D)”, “(D)”, “(2)”, and “(2)”, respectively; in line 8, after “(1)” insert “(I)”; in the same line, strike the colon; strike beginning with the semicolon in line 9 down through “SECTION” in line 11; and after line 11, insert:

“(II) THE ACCOUNT MAY RECEIVE MONEY FROM THE STRATEGIC ENERGY INVESTMENT FUND UNDER § 9–20B–05 OF THIS TITLE.”

On page 12, strike in their entirety lines 3 through 20, inclusive, and substitute:

“(D) ANY MONEY RECEIVED FROM THE STRATEGIC ENERGY INVESTMENT FUND SHALL BE USED TO BENEFIT SMALL, MINORITY, AND WOMEN–OWNED BUSINESSES IN THE CLEAN ENERGY INDUSTRY IN THE STATE.”;

in lines 21 and 28, strike “(F)” and “(G)”, respectively, and substitute “(E)” and “(F)”, respectively; in line 25, strike the brackets; in the same line, strike “(D)”; and strike beginning with “EXCEPT” in line 28 down through the comma in line 30.

On page 13, in line 5, strike the brackets; in line 3, strike “(H)” and substitute “(G)”; and in line 5, strike “(D)(2)”.

On page 14, in line 30, strike the brackets; and strike in their entirety lines 31 and 32.

On page 15, strike in their entirety lines 1 through 5, inclusive; in line 6, strike the brackets; in the same line, strike “(11)”; and strike in their entirety lines 7 through 14, inclusive, and substitute:

“(F–1) THE ADMINISTRATION MAY USE THE FUND, INCLUDING MONEY THAT THE FUND RECEIVES UNDER PUBLIC SERVICE COMMISSION ORDER NUMBER 86372, TO PROVIDE FUNDING FOR ACCESS TO CAPITAL FOR SMALL, MINORITY, AND WOMEN–OWNED BUSINESSES IN THE CLEAN ENERGY INDUSTRY UNDER § 9–1A–35 OF THIS TITLE.”

On pages 15 and 16, strike beginning with line 15 on page 15 through line 9 on page 16, inclusive.

AMENDMENT NO. 5

On page 16, before line 10, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Labor, Licensing, and Regulation shall:

(1) study the workforce development training needs for the clean energy industry in the State;

(2) in conducting the study required under item (1) of this section, seek input from:

(i) State agencies, including the Department of Budget and Management, the Department of Commerce, the Governor's Office of Minority Affairs, the Maryland Energy Administration, and the Maryland Clean Energy Center;

(ii) clean energy industry stakeholders; and

(iii) any other persons that the Department determines appropriate;

(3) identify:

(i) existing programs that could help address the clean energy industry workforce needs;

(ii) any new program that could be developed to provide workforce development training for the clean energy workforce;

(iii) ways to advance clean energy job training and employment opportunities for:

1. individuals from economically distressed areas; and

2. disadvantaged workers who have barriers to entry into the labor force, including homelessness, prior criminal records, receipt of public assistance, unemployment with no high school education, veterans of the armed forces of the United States, and former foster care youth;

(iv) barriers to entry for small, minority, and women-owned businesses in the clean energy industry;

(v) funding ways that may be used to provide incentives for the development of clean energy workforce development training programs, including through tax credits, grants, or other forms; and

(vi) options for funding sources, including the Strategic Energy Investment Fund, money directed by Public Service Commission orders, and other sources; and

(4) on or before July 1, 2017, report, in accordance with § 2-1246 of the State Government Article, to the General Assembly its findings and any recommendations.”;

and in lines 10, 13, and 18, strike “2.”, “3.”, and “4.”, respectively, and substitute “3.”, “4.”, and “5.”, respectively.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0921/413320/1

BY: Senator Middleton

AMENDMENT TO SENATE BILL 921

(First Reading File Bill)

On page 13, in line 19, after the semicolon insert “**AND**”; and strike beginning with “**THAT**” in line 20 down through “**SYSTEMS**” in line 23.

The preceding amendment was read and adopted.

Senator Hershey moved, duly seconded, to make the Bill a Special Order for April 5, 2016.

The motion was adopted.

Senate Bill 1009 – Senators Benson, Kelley, Middleton, and Pugh

AN ACT concerning

Procurement – Prevailing Wage – Liquidated Damages

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

SB1009/567879/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 1009
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Benson,” insert “Manno.”; strike beginning with “altering” in line 3 down through “liable” in line 5 and substitute “making a certain contractor liable to a public body for a higher amount of liquidated damages”; and in line 6, after “rates” insert “under certain circumstances”.

AMENDMENT NO. 2

On page 1, in line 19, strike the brackets; and in the same line, strike “\$50”.

On page 2, in line 5, strike “\$500” and substitute “\$250”.

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 934 – Senator Manno

AN ACT concerning

Local Government Tort Claims Act – Notice Requirement – Exception

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0934/288577/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 934
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– Exception”; strike beginning with “providing” in line 3 down through “Act” in line 5 and substitute “requiring a court to entertain a certain action against a local government or its employee even though a certain notice was not given, under certain circumstances”; in line 7, after “repealing” insert “and reenacting, with amendments,”; and strike in their entirety lines 12 through 16, inclusive.

AMENDMENT NO. 2

On page 2, in line 22, strike “and for good cause shown”; and in the same line, strike “may” and substitute “**SHALL**”.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 24 on page 2 through line 19 on page 3, inclusive.

The preceding 3 amendments were read and adopted.

Senator Middleton moved, duly seconded, to make the Bill and Report a Special Order for April 5, 2016.

The motion was adopted.

Senate Bill 935 – Senator Manno

AN ACT concerning

Maryland Tort Claims Act – Certain Claim Requirement – Exception

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0935/218072/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 935

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– Exception”; strike beginning with “providing” in line 3 down through “Act” in line 5 and substitute “requiring a court to entertain an action under the Maryland Tort Claims Act even if a claimant fails to submit a certain written claim, under certain circumstances”; in line 6, strike “repealing a certain requirement” and substitute “claim requirements”; and strike in their entirety lines 13 through 17, inclusive.

AMENDMENT NO. 2

On page 2, in line 9, strike “and for good cause shown”; and in line 10, strike “may” and substitute “SHALL”.

AMENDMENT NO. 3

On page 2, in line 8, strike “(1)”.

On pages 2 and 3, strike in their entirety the lines beginning with line 12 on page 2 through line 8 on page 3, inclusive.

The preceding 3 amendments were read only.

Senator Middleton moved, duly seconded, to make the Bill and Amendments a Special Order for April 5, 2016.

The motion was adopted.

House Bill 636 – Delegates Smith, Conaway, Dumais, Moon, Morales, Proctor, Rosenberg, Sanchez, and Sydnor

AN ACT concerning

Maryland Tort Claims Act – Certain Claim Requirement – Exception

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

HB0636/708979/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 636

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– Exception”; strike beginning with “providing” in line 3 down through “Act” in line 5 and substitute “requiring a court to entertain an action under the Maryland Tort Claims Act even if a claimant fails to submit a certain written claim, under certain circumstances”; in line 6, strike “repealing a certain requirement for certain claims” and substitute “claim requirements”; and strike in their entirety lines 13 through 17, inclusive.

AMENDMENT NO. 2

On page 2, in line 11, strike “(1)”; in line 12, strike “and for good cause shown”; and in line 13, strike “may” and substitute “**SHALL**”.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 15 on page 2 through line 18 on page 3, inclusive.

The preceding 3 amendments were read only.

Senator Middleton moved, duly seconded, to make the Bill and Amendments a Special Order for April 5, 2016.

The motion was adopted.

House Bill 637 – Delegates Smith, Conaway, Dumais, Moon, Morales, Proctor, Rosenberg, Sanchez, and Sydnor

AN ACT concerning

Local Government Tort Claims Act – Notice Requirement – Exception

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

HB0637/488177/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 637

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– Exception”; strike beginning with “providing” in line 3 down through “Act” in line 5 and substitute “requiring a court to entertain a certain action against a local government or its employee even though a certain notice was not given, under certain circumstances”; and strike in their entirety lines 12 through 16, inclusive.

AMENDMENT NO. 2

On page 2, in line 25, strike “and for good cause shown”; and in the same line, strike “may” and substitute “**SHALL**”.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 27 on page 2 through line 29 on page 3, inclusive.

The preceding 3 amendments were read only.

Senator Middleton moved, duly seconded, to make the Bill and Amendments a Special Order for April 5, 2016.

The motion was adopted.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #61**

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

Senate Bill 797 – Senator Pugh

AN ACT concerning

**Housing and Community Development – Shelter and Transitional Housing
Facilities Grant Program – Mandated Funding**

Favorable report adopted.

FLOOR AMENDMENT

SB0797/483021/1

BY: Senator Muse

AMENDMENT TO SENATE BILL 797

(First Reading File Bill)

In the sponsor line, strike “Senator Pugh” and substitute “Senators Pugh and Muse”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #30

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

Senate Bill 515 – Senator DeGrange

AN ACT concerning

County Boards of Education – Procurements for Construction or Repair of School Projects

SB0515/609232/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 515

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “including” insert “certain”; in line 7, strike “services” and substitute “projects”; in line 8, after “bidders,” insert “requiring the award of certain contracts to consider a certain plan for meeting or exceeding certain minority business enterprise goals;”; in line 9, after “Act;” insert “providing for a delayed effective date;”; in the same line, strike “services”; in line 10, strike “for” and substitute “of”; and in line 13, strike “1–101 and”.

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 19 on page 1 through line 18 on page 3, inclusive.

On page 3, after line 19, insert:

“(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CONSTRUCTION” MEANS THE PROCESS OF BUILDING, ALTERING, REPAIRING, IMPROVING, OR DEMOLISHING ANY STRUCTURE OR BUILDING OR MAKING ANY OTHER IMPROVEMENT TO REAL PROPERTY.

(3) “CONSTRUCTION” INCLUDES ANY MAJOR WORK NECESSARY TO REPAIR, PREVENT DAMAGE TO, OR SUSTAIN EXISTING COMPONENTS OF AN IMPROVEMENT TO REAL PROPERTY.”;

in lines 20, 24, and 28, strike “(a)”, “(e)”, and “(b)”, respectively, and substitute “**(B)**”, “**(F)**”, and “**(C)**”, respectively; in line 29, strike “CONSTRUCTION, REPAIR,”; and in line 30, after “\$25,000” insert “OR THE COST OF ANY CONSTRUCTION OR REPAIR PROJECT THAT RECEIVES AN APPROPRIATION IN THE STATE CAPITAL BUDGET THAT IS GREATER THAN \$25,000”.

On page 5, in lines 1, 12, and 19, strike “(c)”, “(d)”, and “(e)”, respectively, and substitute “**(D)**”, “**(E)**”, and “**(F)**”, respectively; in line 1, strike “CONSTRUCTION,”; in line 2, strike “REPAIR,”; in the same line, after “equipment” insert “OR ANY CONSTRUCTION OR REPAIR PROJECT THAT RECEIVES AN APPROPRIATION IN THE STATE CAPITAL BUDGET THAT IS GREATER THAN \$25,000”; in line 8, strike “and”; and in line 9, after “contractors” insert “;AND”

(VII) THE PLAN FOR MEETING OR EXCEEDING THE STATE’S MINORITY BUSINESS ENTERPRISE GOALS”.

On page 6, in lines 17 and 20, strike “(f)” and “(b)(3)”, respectively, and substitute “**(G)**” and “**(C)(3)**”, respectively.

On page 7, in lines 26, 29, and 33, strike “(f)”, “(g)”, and “(h)”, respectively, and substitute “**(G)**”, “**(H)**”, and “**(I)**”, respectively.

On page 8, in line 4, strike “July” and substitute “January”; and in line 5, strike “2016” and substitute “2017”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Senator Brochin moved, duly seconded, to make the Bill a Special Order for April 5, 2016.

The motion was adopted.

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

Senate Bill 1164 – Senator Ferguson

AN ACT concerning

**Baltimore City – South Baltimore Gateway Community Benefits District and
Distribution of Local Impact Grants**

SB1164/499430/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 1164

(First Reading File Bill)

AMENDMENT NO. 1

On page 4, strike beginning with “CENTER” in line 30 down through “STREET” in line 32 and substitute “CITY LINE AND THE CENTER LINE OF THE PATAPSCO RIVER, RUNNING NORTH ALONG THE CENTER LINE OF THE PATAPSCO RIVER TO HANOVER STREET”; and in lines 33 and 34, in each instance, strike “THE CENTER LINE OF”.

On page 5, in line 1, strike “THE CENTER LINE OF”; after line 2, insert:

“(IV) RUNNING NORTHEAST ALONG THE CENTER LINE OF KEY HIGHWAY TO THE CENTER LINE OF EAST FORT AVENUE; THEN

(V) RUNNING SOUTHEAST ALONG THE CENTER LINE OF EAST FORT AVENUE TO THE CENTER LINE OF STEVENSON STREET; THEN

(VI) RUNNING NORTHEAST ALONG THE CENTER LINE OF STEVENSON STREET TO THE CENTER LINE OF KEY HIGHWAY; THEN”;

in lines 3 and 5, strike “(IV)” and “(V)”, respectively, and substitute “(VII)” and “(VIII)”, respectively; in line 6, strike “LOMBARD” and substitute “EAST CONWAY”; after line 6, insert:

“(IX) RUNNING WEST ALONG THE CENTER LINE OF EAST CONWAY STREET TO THE CENTER LINE OF SOUTH HOWARD STREET; THEN

(X) RUNNING NORTH ALONG THE CENTER LINE OF SOUTH HOWARD STREET TO THE CENTER LINE OF WEST CAMDEN STREET; THEN

(XI) RUNNING WEST ALONG THE CENTER LINE OF WEST CAMDEN STREET TO THE CENTER LINE OF WASHINGTON BOULEVARD; THEN

(XII) RUNNING SOUTHWEST ALONG THE CENTER LINE OF WASHINGTON BOULEVARD TO THE CENTER LINE OF SOUTH GREENE STREET; THEN

(XIII) RUNNING NORTH ALONG SOUTH GREENE STREET TO THE CENTER LINE OF WEST PRATT STREET; THEN

(XIV) RUNNING WEST ALONG THE CENTER LINE OF WEST PRATT STREET TO THE CENTER LINE OF SOUTH MARTIN LUTHER KING JUNIOR BOULEVARD; THEN

(XV) RUNNING NORTH ALONG THE CENTER LINE OF SOUTH MARTIN LUTHER KING JUNIOR BOULEVARD TO THE CENTER LINE OF WEST LOMBARD STREET; THEN”;

in line 7, after “OF” insert “WEST”; in lines 7, 9, 11, 13, 16, 18, 20, 22, and 24, strike “(VI)”, “(VII)”, “(VIII)”, “(IX)”, “(X)”, “(XI)”, “(XII)”, “(XIII)”, and “(XIV)”, respectively, and substitute “(XVI)”, “(XVII)”, “(XVIII)”, “(XIX)”, “(XX)”, “(XXI)”, “(XXII)”, “(XXIII)”, and “(XXIV)”, respectively; and in line 25, strike “CENTER LINE OF PATAPSCO AVENUE” and substitute “CITY LINE; THEN”

(XXV) RUNNING SOUTHEAST ALONG THE CITY LINE TO THE CENTER LINE OF THE PATAPSCO RIVER”.

On page 6, in line 3, after “AREA,” insert “MIDDLE BRANCH/REEDBIRD PARKS,”.

AMENDMENT NO. 2

On page 7, in line 11, strike “19” and substitute “21”; in line 15, after “BY” insert “AN INDIVIDUAL APPOINTED BY”; strike in their entirety lines 18 through 21, inclusive; in line 22, strike “(V) THE STATE DELEGATES SHALL BE” and substitute “(IV) SUBJECT TO SUBPARAGRAPH (VI) OF THIS PARAGRAPH, THE AUTHORITY’S BOARD SHALL INCLUDE FOUR MEMBERS”; and strike in their entirety lines 24 and 25 and substitute:

“(V) SUBJECT TO SUBPARAGRAPH (VI) OF THIS PARAGRAPH, TWO MEMBERS OF THE AUTHORITY’S BOARD SHALL BE DESIGNATED BY THE STATE SENATOR WHO REPRESENTS THE LEGISLATIVE DISTRICT WHERE THE VIDEO LOTTERY FACILITY IS LOCATED.

(VI) OF THE SIX MEMBERS DESIGNATED UNDER SUBPARAGRAPHS (IV) AND (V) OF THIS PARAGRAPH:

1. AT LEAST TWO MEMBERS SHALL BE RESIDENTS OF THE 40TH LEGISLATIVE DISTRICT; AND

2. AT LEAST TWO MEMBERS SHALL BE RESIDENTS OF THE 46TH LEGISLATIVE DISTRICT.”.

AMENDMENT NO. 3

On page 9, strike beginning with the first “IN” in line 21 down through “WEEK” in line 22 and substitute “ON THE WEB SITE OF THE AUTHORITY”.

AMENDMENT NO. 4

On page 13, in line 23, strike “code” and substitute “Code”.

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 #27

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 328 – Senator Conway

AN ACT concerning

Criminal Procedure – Partial Expungement

SB0328/638474/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 328

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Conway” and substitute “Senators Conway, Hough, McFadden, Muse, Ramirez, Raskin, and Zirkin”; in line 2, strike “Partial”; strike beginning with “authorizing” in line 3 down through “records” in line 11 and substitute “authorizing a person to file a petition for expungement of certain misdemeanor convictions; specifying certain convictions that are eligible for expungement; requiring a person to file a petition for expungement in a certain court; providing that a petition for expungement of certain misdemeanor convictions may not be filed earlier than a certain time; providing that a person is not eligible for expungement under certain circumstances; requiring the court to serve a copy of a petition on the State’s Attorney and provide notice of the petition to certain victims; requiring the court to order the expungement of certain records under certain circumstances; requiring the court to hold a hearing on the petition under certain circumstances; authorizing the court to order the expungement of certain records after a hearing if the court makes certain findings on the record; requiring the court to deny a certain petition under certain circumstances; requiring certain custodians of certain records to destroy the records within a certain time after an order granting a petition; providing that the State’s Attorney is a party to a certain proceeding; providing that a party to the proceeding is entitled to appellate review; and generally relating to expungement”; in line 12, strike “repealing and reenacting, with amendments,” and substitute “adding to”; in line 14, strike “10–105” and substitute “10–110”; and strike in their entirety lines 17 through 21, inclusive.

AMENDMENT NO. 2

On pages 1 through 6, strike in their entirety the lines beginning with line 25 on page 1 through line 25 on page 6, inclusive, and substitute:

“10–110.

(A) A PERSON MAY FILE A PETITION LISTING RELEVANT FACTS FOR EXPUNGEMENT OF A POLICE RECORD, COURT RECORD, OR OTHER RECORD MAINTAINED BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE IF THE PERSON IS CONVICTED OF A MISDEMEANOR THAT IS A VIOLATION OF:

(1) § 6–320 OF THE ALCOHOLIC BEVERAGES ARTICLE;

(2) AN OFFENSE LISTED IN § 17-613(A) OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE;

(3) § 5-712, § 19-304, § 19-308, OR TITLE 5, SUBTITLE 6 OR SUBTITLE 9 OF THE BUSINESS REGULATION ARTICLE;

(4) § 3-1508 OR § 10-402 OF THE COURTS ARTICLE;

(5) § 14-1915, § 14-2902, OR § 14-2903 OF THE COMMERCIAL LAW ARTICLE;

(6) § 5-211 OF THE CRIMINAL PROCEDURE ARTICLE;

(7) § 3-203 OR § 3-808 OF THE CRIMINAL LAW ARTICLE;

(8) § 5-601, § 5-618, § 5-619, § 5-620, § 5-703, § 5-708, OR § 5-902 OF THE CRIMINAL LAW ARTICLE;

(9) § 6-105, § 6-108, § 6-206, § 6-303, § 6-306, § 6-307, § 6-402, OR § 6-503 OF THE CRIMINAL LAW ARTICLE;

(10) § 7-104, § 7-203, § 7-205, § 7-304, § 7-308, OR § 7-309 OF THE CRIMINAL LAW ARTICLE;

(11) § 8-103, § 8-206, § 8-401, § 8-402, § 8-404, § 8-406, § 8-408, § 8-503, § 8-521, § 8-523, OR § 8-904 OF THE CRIMINAL LAW ARTICLE;

(12) § 9-204, § 9-205, § 9-503, OR § 9-506 OF THE CRIMINAL LAW ARTICLE;

(13) § 10-110, § 10-201, § 10-402, § 10-404, OR § 10-502 OF THE CRIMINAL LAW ARTICLE;

(14) § 11-306(A) OF THE CRIMINAL LAW ARTICLE;

(15) § 12-102, § 12-103, § 12-104, § 12-105, § 12-109, § 12-203, § 12-204, § 12-205, OR § 12-302 OF THE CRIMINAL LAW ARTICLE;

(16) § 13-401, § 13-602, OR § 16-201 OF THE ELECTION LAW ARTICLE;

(17) § 4-509 OF THE FAMILY LAW ARTICLE;

(18) § 18-215 OF THE HEALTH – GENERAL ARTICLE;

(19) § 4-411 OR § 4-2005 OF THE HUMAN SERVICES ARTICLE;

(20) § 27-403, § 27-404, § 27-405, § 27-406, § 27-406.1, § 27-407, § 27-407.1, OR § 27-407.2 OF THE INSURANCE ARTICLE;

(21) § 5-307, § 5-308, § 6-602, § 7-402, OR § 14-114 OF THE PUBLIC SAFETY ARTICLE;

(22) § 7-318.1, § 7-509, OR § 10-507 OF THE REAL PROPERTY ARTICLE;

(23) § 9-124 OF THE STATE GOVERNMENT ARTICLE;

(24) § 13-1001, § 13-1004, § 13-1007, OR § 13-1024 OF THE TAX – GENERAL ARTICLE;

(25) THE COMMON LAW OFFENSES OF AFFRAY, RIOTING, CRIMINAL CONTEMPT, OR HINDERING; OR

(26) AN ATTEMPT, CONSPIRACY, OR SOLICITATION OF ANY OFFENSE LISTED IN ITEMS (1) THROUGH (25) OF THIS SUBSECTION.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A PERSON SHALL FILE A PETITION FOR EXPUNGEMENT IN THE COURT IN WHICH THE PROCEEDING BEGAN.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF THE PROCEEDING BEGAN IN ONE COURT AND WAS TRANSFERRED TO ANOTHER COURT, THE PERSON SHALL FILE THE PETITION IN THE COURT TO WHICH THE PROCEEDING WAS TRANSFERRED.

(II) IF THE PROCEEDING BEGAN IN ONE COURT AND WAS TRANSFERRED TO THE JUVENILE COURT UNDER § 4-202 OR § 4-202.2 OF THIS ARTICLE, THE PERSON SHALL FILE THE PETITION IN THE COURT OF ORIGINAL JURISDICTION FROM WHICH THE ORDER OF TRANSFER WAS ENTERED.

(3) (I) IF THE PROCEEDING IN A COURT OF ORIGINAL JURISDICTION WAS APPEALED TO A COURT EXERCISING APPELLATE JURISDICTION, THE PERSON SHALL FILE THE PETITION IN THE APPELLATE COURT.

(II) THE APPELLATE COURT MAY REMAND THE MATTER TO THE COURT OF ORIGINAL JURISDICTION.

(C) A PETITION FOR EXPUNGEMENT UNDER THIS SECTION MAY NOT BE FILED EARLIER THAN 10 YEARS AFTER THE PERSON SATISFIES THE SENTENCE OR SENTENCES IMPOSED FOR ALL CONVICTIONS FOR WHICH EXPUNGEMENT IS REQUESTED, INCLUDING PAROLE, PROBATION, OR MANDATORY SUPERVISION.

(D) (1) IF THE PERSON IS CONVICTED OF A NEW CRIME DURING THE APPLICABLE TIME PERIOD SET FORTH IN SUBSECTION (C) OF THIS SECTION, THE ORIGINAL CONVICTION OR CONVICTIONS ARE NOT ELIGIBLE FOR EXPUNGEMENT UNLESS THE NEW CONVICTION BECOMES ELIGIBLE FOR EXPUNGEMENT.

(2) A PERSON IS NOT ELIGIBLE FOR EXPUNGEMENT IF THE PERSON IS A DEFENDANT IN A PENDING CRIMINAL PROCEEDING.

(3) IF A PERSON IS NOT ELIGIBLE FOR EXPUNGEMENT OF ONE CONVICTION IN A UNIT, THE PERSON IS NOT ELIGIBLE FOR EXPUNGEMENT OF ANY OTHER CONVICTION IN THE UNIT.

(E) (1) THE COURT SHALL HAVE A COPY OF A PETITION FOR EXPUNGEMENT SERVED ON THE STATE'S ATTORNEY.

(2) THE COURT SHALL SEND WRITTEN NOTICE OF THE EXPUNGEMENT REQUEST TO ALL LISTED VICTIMS IN THE CASE IN WHICH THE PETITIONER IS SEEKING EXPUNGEMENT AT THE ADDRESS LISTED IN THE COURT FILE, ADVISING THE VICTIM OR VICTIMS OF THE RIGHT TO OFFER ADDITIONAL INFORMATION RELEVANT TO THE EXPUNGEMENT PETITION TO THE COURT.

(3) UNLESS THE STATE'S ATTORNEY OR A VICTIM FILES AN OBJECTION TO THE PETITION FOR EXPUNGEMENT WITHIN 30 DAYS AFTER THE PETITION IS SERVED, THE COURT SHALL PASS AN ORDER REQUIRING THE EXPUNGEMENT OF ALL POLICE RECORDS AND COURT RECORDS ABOUT THE CHARGE.

(F) (1) IF THE STATE'S ATTORNEY OR A VICTIM FILES A TIMELY OBJECTION TO THE PETITION, THE COURT SHALL HOLD A HEARING.

(2) THE COURT SHALL ORDER THE EXPUNGEMENT OF ALL POLICE RECORDS AND COURT RECORDS ABOUT THE CHARGE AFTER A HEARING, IF THE COURT FINDS AND STATES ON THE RECORD:

(I) THAT THE CONVICTION IS ELIGIBLE FOR EXPUNGEMENT UNDER SUBSECTION (A) OF THIS SECTION;

(II) THAT THE PERSON IS ELIGIBLE FOR EXPUNGEMENT UNDER SUBSECTION (D) OF THIS SECTION;

(III) THAT GIVING DUE REGARD TO THE NATURE OF THE CRIME, THE HISTORY AND CHARACTER OF THE PERSON, AND THE PERSON'S SUCCESS AT REHABILITATION, THE PERSON IS NOT A RISK TO PUBLIC SAFETY; AND

(IV) THAT AN EXPUNGEMENT WOULD BE IN THE INTEREST OF JUSTICE.

(G) IF AT A HEARING THE COURT FINDS THAT A PERSON IS NOT ENTITLED TO EXPUNGEMENT, THE COURT SHALL DENY THE PETITION.

(H) UNLESS AN ORDER IS STAYED PENDING APPEAL, WITHIN 60 DAYS AFTER ENTRY OF ORDER, EVERY CUSTODIAN OF THE POLICE RECORDS AND COURT RECORDS THAT ARE SUBJECT TO THE ORDER OF EXPUNGEMENT SHALL ADVISE IN WRITING THE COURT AND THE PERSON WHO IS SEEKING EXPUNGEMENT OF COMPLIANCE WITH THE ORDER.

(I) (1) THE STATE’S ATTORNEY IS A PARTY TO THE PROCEEDING.

(2) A PARTY AGGRIEVED BY THE DECISION OF THE COURT IS ENTITLED TO THE APPELLATE REVIEW AS PROVIDED IN THE COURTS 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 Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 765 – Senators Raskin, Benson, Ferguson, Guzzone, Hough, King, Lee, Ready, Rosapepe, and Young

AN ACT concerning

CINA, Guardianship, Adoption, Custody, and Visitation – Blindness of Parent, Guardian, Custodian, or Party

SB0765/918972/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 765

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Hough,”; in the same line, after “Lee,” insert “Muse, Ramirez,”; in the same line, strike “and Young” and substitute “Young, and Zirkin”; in line 2, strike “Blindness” and substitute “Disability”; strike beginning with “establishing” in line 4 down through “regulations;” in line 23; in lines 24, 26, 28, and 29, in each instance, strike “blindness” and substitute “disability”; in line 25, strike “clear and convincing”; and in line 29, strike “defining a certain term;” and substitute “altering the definition of”

“disability” in certain provisions of law; providing for the construction of “disability” in certain provisions of law;”.

On page 2, in line 5, strike “and (g)”; after line 7, insert:

“BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–819.2(g)
Annotated Code of Maryland
(2013 Replacement Volume and 2015 Supplement)”;

in line 10, strike “(d), and (j),”; and in line 16, after “5–3A–35(a)” insert “and 5–525(d) and (j)”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 24 on page 2 through line 7 on page 3, inclusive, and substitute:

“A. A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;

B. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES; OR

C. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES.

2. “DISABILITY” SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110–325.”.

On page 4, in line 12, strike the brackets; and strike beginning with “THE” in line 12 down through the period in line 13.

On pages 4 and 5, strike in their entirety the lines beginning with line 14 on page 4 through line 8 on page 5, inclusive, and substitute:

“(I) A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;

(II) A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES; OR

(III) BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES.

(2) “DISABILITY” SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110–325.”.

On page 6, in line 6, strike the brackets; and strike beginning with “THE” in line 6 down through the period in line 7.

On pages 6 and 7, strike in their entirety the lines beginning with line 8 on page 6 through line 2 on page 7, inclusive, and substitute:

1. A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;

2. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES; OR

3. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES.

(II) “DISABILITY” SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110–325.”.

On page 7, in line 25, strike the brackets; and strike beginning with “THE” in line 25 down through the period in line 26.

On pages 7 and 8, strike in their entirety the lines beginning with line 27 on page 7 through line 20 on page 8, inclusive, and substitute:

“1. A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;

2. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES; OR

3. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES.

(II) “DISABILITY” SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110–325.”.

On page 9, in line 11, strike the brackets; and strike beginning with “THE” in line 11 down through the period in line 12.

On pages 9 and 10, strike in their entirety the lines beginning with line 13 on page 9 through line 8 on page 10, inclusive, and substitute:

“1. A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;

2. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES; OR

3. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES.

(II) “DISABILITY” SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110–325.”.

On page 11, in line 1, strike the brackets; strike beginning with “THE” in line 1 down through the period in line 2; and strike in their entirety lines 3 through 25, inclusive, and substitute:

“1. A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;”

2. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES; OR

3. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES.

(II) “DISABILITY” SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110–325.”.

On page 12, in line 13, strike the brackets; and strike beginning with “THE” in line 13 down through the period in line 14.

On pages 12 and 13, strike in their entirety the lines beginning with line 15 on page 12 through line 10 on page 13, inclusive, and substitute:

“(I) A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;”

(II) A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES; OR

(III) BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES.

(2) “DISABILITY” SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110–325.”.

On pages 15 and 16, strike in their entirety the lines beginning with line 15 on page 15 through line 3 on page 16, inclusive, and substitute:

“1. A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES;”

2. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES; OR

3. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL’S MAJOR LIFE ACTIVITIES.

(II) “DISABILITY” SHALL BE CONSTRUED IN ACCORDANCE WITH THE ADA AMENDMENTS ACT OF 2008, P.L. 110–325.”.

AMENDMENT NO. 3

On page 3, in line 8, strike the brackets; and strike beginning with “**SUBJECT**” in line 8 down through “**IN**” in line 9.

On pages 3 and 4, strike in their entirety the lines beginning with line 14 on page 3 through line 10 on page 4, inclusive.

On page 5, in line 9, strike “**(1)**”; in the same line, strike the brackets; and strike beginning with “**SUBJECT**” in line 9 down through “**IN**” in line 10.

On pages 5 and 6, strike in their entirety the lines beginning with line 14 on page 5 through line 3 on page 6, inclusive.

On page 7, in line 3, strike “**(I)**”; in lines 5 and 7, in each instance, strike the brackets; in the same lines strike “**1.**” and “**2.**”, respectively; and strike in their entirety lines 8 through 18, inclusive.

On page 8, in line 21, strike “**(I)**”; in lines 22 and 24, in each instance, strike the brackets; and in the same lines, strike “**1.**” and “**2.**”, respectively.

On pages 8 and 9, strike in their entirety the lines beginning with line 25 on page 8 through line 6 on page 9, inclusive.

On page 10, in line 9, strike “(I)”; in lines 11 and 13, in each instance, strike the brackets; in the same lines, strike “1.” and “2.”, respectively; and strike in their entirety lines 14 through 24, inclusive.

On page 11, in line 26, strike “(I)”; in lines 28 and 29, in each instance, strike the brackets; and in the same lines, strike “1.” and “2.”, respectively.

On page 12, strike in their entirety lines 1 through 11, inclusive.

On pages 13 and 14, strike in their entirety the lines beginning with line 23 on page 13 through line 3 on page 14, inclusive.

On page 14, in line 9, strike “(I)”; and strike beginning with “AND” in line 13 down through the semicolon in line 24.

AMENDMENT NO. 4

On page 16, in line 5, strike “A BLIND INDIVIDUAL” and substitute “AN INDIVIDUAL WITH A DISABILITY”; in the same line, strike “NONVISUAL”; in line 6, strike “OTHER ALTERNATIVE”; in line 8, strike “IS NOT BLIND” and substitute “DOES NOT HAVE A DISABILITY, INCLUDING NONVISUAL TECHNIQUES FOR INDIVIDUALS WHO ARE BLIND”; strike beginning with the opening bracket in line 9 down through “(II)” in line 14; in lines 15, 18, 20, 24, and 26, in each instance, strike “BLINDNESS” and substitute “DISABILITY”; in line 16, strike “CLEAR AND CONVINCING”; in lines 18, 22, and 26, strike “(III)”, “(IV)”, and “(V)”, respectively, and substitute “(2)”, “(3)”, and “(4)”, respectively; in line 20, strike “BY CLEAR AND CONVINCING EVIDENCE”; in line 22, strike “BLIND”; in the same line, after “PARTY” insert “WHO HAS A DISABILITY”; and in lines 29 and 30, strike “1.” and “2.”, respectively, and substitute “(I)” and “(II)”, respectively.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 1026 – The President (By Request – Workgroup on Public Safety and Policing) and Senators Pugh, Guzzone, McFadden, Miller, Ramirez, Raskin, and Zirkin

AN ACT concerning

Public Safety and Policing Workgroup – Recommendations

SB1026/888871/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 1026

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “prohibiting certain retaliatory action against a law enforcement officer who discloses certain information; prohibiting a law enforcement officer with knowledge of certain disclosures to undertake an independent investigation;”; strike beginning with “requiring” in line 10 down through “manner;” in line 12; in line 13, after “public” insert “except under certain circumstances”; strike beginning with “removing” in line 13 down through “Department;” in line 15; in line 16, after “Commission;” insert “establishing the Maryland Police Training and Standards Commission as an independent commission that functions in the Department of Public Safety and Correctional Services;”; and in line 19, after the first “Commission;” insert “requiring the Maryland Police Training and Standards Commission and the Correctional Training Commission to appoint executive directors with the approval of the Governor, rather than the Secretary;”.

On page 1 in lines 18, 19, 20, 22, 24, 25, 28, and 30, on page 2 in lines 1, 13, and 31, and on page 3 in lines 11 and 17, in each instance, before “Commission” insert “Maryland Police Training and Standards”.

On page 2, strike beginning with “prohibiting” in line 4 down through “circumstances;” in line 5; in line 9, after “sites;” insert “authorizing a chief to prohibit certain posting of certain information under certain circumstances;”; in line 16, strike “Law Enforcement”; in line 25, strike “a local law enforcement” and substitute “an”; in lines 27 and 28, in each instance, strike “local law enforcement”; in line 32, strike “law enforcement”;

strike beginning with “requiring” in line 32 down through “Fund;” in line 33; and strike beginning with “prohibiting” in line 35 down through “in” in line 47.

On page 3, strike beginning with “awarding” in line 1 down through “actions;” in line 8; strike beginning with “providing” in line 17 down through “Act;” in line 18 and substitute “declaring the intent of the General Assembly;”; in line 22, after “2–201” insert “and 8–206(a)”; after line 24, insert:

“BY repealing and reenacting, without amendments,

Article – Correctional Services

Section 8–201(a) and (c)

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)”;

in line 27, after “Section” insert “3–103(d).”; strike beginning with “3–801” in line 37 down through the semicolon in line 38; in line 38, strike “4–604” and substitute “4–603”; and in line 39, strike “Law Enforcement”.

AMENDMENT NO. 2

On page 5, after line 12, insert:

“3–103.

(d) (1) A law enforcement officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to the law enforcement officer’s employment or be threatened with that treatment because the law enforcement officer:

[(1) (I) has exercised or demanded the rights granted by this subtitle;

[or]

[(2) (II) has lawfully exercised constitutional rights; OR

(III) HAS DISCLOSED INFORMATION THAT EVIDENCES:

1. GROSS MISMANAGEMENT;

2. A GROSS WASTE OF GOVERNMENT RESOURCES;

3. A SUBSTANTIAL AND SPECIFIC DANGER TO PUBLIC HEALTH OR SAFETY; OR

4. A VIOLATION OF LAW COMMITTED BY ANOTHER LAW ENFORCEMENT OFFICER.

(2) A LAW ENFORCEMENT OFFICER MAY NOT UNDERTAKE AN INDEPENDENT INVESTIGATION BASED ON KNOWLEDGE OF DISCLOSURES DESCRIBED IN PARAGRAPH (1)(III) OF THIS SUBSECTION.”.

On pages 28 through 32, strike in their entirety the lines beginning with line 8 on page 28 through line 6 on page 32, inclusive.

AMENDMENT NO. 3

On page 5, in line 23, after “INCIDENT” insert “**THAT, TO THE BEST OF THE INDIVIDUAL’S KNOWLEDGE, IS UNALTERED**”.

On page 6, in line 11, after “5” insert “**BUSINESS**”; and in line 12, strike “5-DAY” and substitute “**5 BUSINESS DAY**”.

On page 7, in line 1, strike “PARAGRAPHS (4) AND (5)” and substitute “**PARAGRAPH (5)**”; in line 3, after “three” insert “**VOTING**”; in line 5, strike the brackets; strike beginning with “, OR” in line 6 down through “RIGHTS” in line 9; strike beginning with “A” in line 12 down through “OFFICER” in line 13; in line 15, after “(3)” insert “**(I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A CHIEF MAY APPOINT, AS A NONVOTING MEMBER OF THE HEARING BOARD, ONE MEMBER OF THE PUBLIC WHO HAS RECEIVED TRAINING ADMINISTERED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION ON THE LAW ENFORCEMENT OFFICERS’ BILL OF RIGHTS AND MATTERS RELATING TO POLICE PROCEDURES.**”

(II) IF AUTHORIZED BY LOCAL LAW, A HEARING BOARD FORMED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY INCLUDE UP TO TWO VOTING OR NONVOTING MEMBERS OF THE PUBLIC WHO HAVE RECEIVED TRAINING ADMINISTERED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION ON THE LAW ENFORCEMENT OFFICERS’ BILL OF RIGHTS AND MATTERS RELATING TO POLICE PROCEDURES.

(4)”;

in line 29, strike “(4)” and substitute “(5)”; in the same line, after “(i)” insert “1.”; in the same line, strike “A” and substitute “SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, A”; and after line 32, insert:

“2. A HEARING BOARD FORMED UNDER THIS PARAGRAPH MAY INCLUDE, AS A VOTING OR NONVOTING MEMBER OF THE HEARING BOARD, A MEMBER OF THE PUBLIC, APPOINTED BY THE CHIEF, WHO HAS HAD TRAINING ADMINISTERED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION ON THE LAW ENFORCEMENT OFFICERS’ BILL OF RIGHTS AND MATTERS RELATING TO POLICE PROCEDURES.”.

On page 8, strike in their entirety lines 16 through 23, inclusive.

On page 9, in line 11, after “be” insert “:

(I)”;

and strike beginning with “AND” in line 11 down through “PUBLIC” in line 12 and substitute “;AND

(II) OPEN TO THE PUBLIC, UNLESS THE CHIEF FINDS A HEARING MUST BE CLOSED FOR GOOD CAUSE, INCLUDING TO PROTECT A CONFIDENTIAL INFORMANT, AN UNDERCOVER OFFICER, OR A CHILD WITNESS”.

AMENDMENT NO. 4

On page 5, in lines 4, 5, 6, 7, 8, 9, and 10, in each instance, strike the bracket; in line 4, before “Police” insert “MARYLAND”; in the same line, after “Training” insert “AND STANDARDS”; in lines 6, 7, 8, 9, and 10, strike “(9)”, “(10)”, “(11)”, “(12)”, and “(13)”, respectively; and after line 11, insert:

“8-201.

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

(c) “Commission” means the Correctional Training Commission.

8–206.

(a) (1) With the approval of the [Secretary] GOVERNOR, the Commission shall appoint an Executive Director.

(2) The Executive Director shall perform general administrative functions.

(3) The Executive Director serves at the pleasure of the Commission.”.

On page 10, in lines 23 and 25, in each instance, strike the bracket.

On page 11, in line 7, strike the brackets; and in the same line, strike “(D)”.

On page 13, in line 17, strike “UNIT” and substitute “COMMISSION THAT FUNCTIONS”; and in the same line, strike “EXECUTIVE”.

On page 15, strike beginning with “EXECUTIVE” in line 16 down through “LEAGUE” in line 17 and substitute “PRESIDENT OF MARYLAND LAW ENFORCEMENT OFFICERS, INC.”; strike beginning with “EXECUTIVE” in line 18 down through “COUNTIES” in line 19 and substitute “POLICE COMMISSIONER OF BALTIMORE CITY”; in line 20, after “(11)” insert “THE PRESIDENT OF THE POLICE CHIEFS’ ASSOCIATION OF PRINCE GEORGE’S COUNTY;

(12) A REPRESENTATIVE FROM THE WOR-WIC PROGRAM ADVISORY COMMITTEE – CRIMINAL JUSTICE;

(13);

and in lines 22 and 24, strike “(12)” and “(13)”, respectively, and substitute “(14)” and “(15)”, respectively.

On page 16, after line 21, insert:

“(D) THE MEMBERS OF THE COMMISSION APPOINTED FROM THE SENATE OF MARYLAND AND THE HOUSE OF DELEGATES SHALL SERVE IN AN ADVISORY CAPACITY ONLY.”;

in line 27, strike the brackets; in the same line, strike “Secretary” and substitute “GOVERNOR”; and in the same line, strike “THE”.

AMENDMENT NO. 5

On page 20, strike beginning with “REVIEW” in line 8 down through “REGULATION,” in line 9 and substitute “ADOPT AND RECOMMEND”; in line 13, strike “MEDIA”; strike beginning with the colon in line 16 down through “(I)” in line 17; in line 18, strike “HAS BEEN” and substitute “WAS ACTIVELY”; in the same line, strike “A TRAUMATIC” and substitute “AN”; in the same line, after “INCIDENT” insert “WHEN ANOTHER PERSON WAS SERIOUSLY INJURED OR KILLED AS A RESULT OF AN ACCIDENT OR A SHOOTING”; strike in their entirety lines 20 and 21; and in line 31, after “SUMMARY” insert “EXCLUDING THE NAMES OF OFFICERS AND OTHER INVOLVED PARTIES.”.

On page 22, in line 3, after “IDENTIFICATION” insert “, INCLUDING A TELEPHONE NUMBER OR E-MAIL ADDRESS,”; in line 7, after “COMPLAINT” insert “AND ANY DISCIPLINE IMPOSED AS A RESULT”; and in line 11, after “RIGHTS” insert “AND MATTERS RELATING TO POLICE PROCEDURES”.

On page 23, strike in their entirety lines 6 through 8, inclusive; in line 15, strike “EACH” and substitute “(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EACH”; and after line 21, insert:

“(B) A CHIEF MAY PROHIBIT THE POSTING UNDER THIS SECTION OF ADMINISTRATIVE OR OPERATIONAL POLICIES THAT IF DISCLOSED WOULD JEOPARDIZE OPERATIONS OR CREATE A RISK TO PUBLIC OR OFFICER SAFETY, INCLUDING POLICIES RELATED TO HIGH-RISK PRISONER TRANSPORT SECURITY MEASURES, OPERATIONAL RESPONSE TO ACTIVE SHOOTERS, OR THE USE OF CONFIDENTIAL INFORMANTS.”.

AMENDMENT NO. 6

On page 27, strike in their entirety lines 19 through 23, inclusive.

On page 32, in line 7, strike “3.” and substitute “2.”.

On page 33, in lines 13, 19, 24, and 30, strike “4.”, “5.”, “6.”, and “7.”, respectively, and substitute “3.”, “4.”, “5.”, and “6.”, respectively; and after line 33, insert:

“SECTION 7. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that, to the extent possible, the Maryland Police Training and Standards Commission and the Correctional Training Commission shall continue to share training and support staff.”.

On page 34, strike in their entirety lines 1 through 3, inclusive; in lines 4, 6, and 8, strike “9.”, “10.”, and “11.”, respectively, and substitute “8.”, “9.”, and “10.”, respectively; in line 4, strike “3” and substitute “2”; in line 6, strike “Sections 1 and 2” and substitute “Section 1”; and in line 9, strike “10” and substitute “9”.

AMENDMENT NO. 7

On page 24, in line 27, strike “**LAW ENFORCEMENT**”.

On page 25, in lines 3 and 19, in each instance, strike “**LAW ENFORCEMENT**”; in line 3, after “**MEANS**” insert “**;**”

(1)”;

in lines 5, 7, and 9, strike “**(1)**”, “**(2)**”, and “**(3)**”, respectively, and substitute “**(I)**”, “**(II)**”, and “**(III)**”, respectively; in line 9, after “**COMMUNITY**” insert “**;** **OR**”

(2) A VIOLENCE INTERVENTION PROGRAM ESTABLISHED AND SUPPORTED BY A LOCAL LAW ENFORCEMENT AGENCY OR ANOTHER AGENCY OF A LOCAL GOVERNMENT”;

in lines 12 and 17, in each instance, strike “**LAW ENFORCEMENT**”; in line 18, after “**ASSIST**” insert “**;**”

(1)”;

and in line 19, after “**PROGRAMS**” insert “**;** **AND**”

(2) AGENCIES OF A LOCAL GOVERNMENT IN ESTABLISHING VIOLENCE INTERVENTION PROGRAMS”.

On page 26, in line 16, strike “LOCAL LAW ENFORCEMENT”; in line 17, strike “A LOCAL LAW ENFORCEMENT” and substitute “AN”; and in lines 20, 22, and 23 and 24, in each instance, strike “LAW ENFORCEMENT”.

On page 27, in line 2, after the first “TO” insert “:

(I);

in the same line, strike the second “LAW”; in line 3, strike “ENFORCEMENT”; in the same line, after “PROGRAMS” insert “;AND

(II) AGENCIES OF A LOCAL GOVERNMENT TO SUPPORT VIOLENCE INTERVENTION PROGRAMS;

in lines 5, 9, 11 and 12, 15, and 18, in each instance, strike “LAW ENFORCEMENT”; and in line 7, strike “LOCAL LAW ENFORCEMENT”.

The preceding 7 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB1026/823923/1

BY: Senator Ferguson

AMENDMENTS TO SENATE BILL 1026, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 10, after “training;” insert “requiring that, in Baltimore City, a certain board include a certain number of certain members of the public;”.

AMENDMENT NO. 2

On page 4 of the Judicial Proceedings Committee Amendments (SB1026/888871/2), in line 5 of Amendment No. 3, after “**(II)**” insert “**1.**”; after line 10, insert:

“2. IN BALTIMORE CITY, A HEARING BOARD FORMED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE TWO VOTING

MEMBERS OF THE PUBLIC WHO HAVE RECEIVED TRAINING ADMINISTERED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION ON THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS AND MATTERS RELATING TO POLICE PROCEDURES.”;

in line 15, after “2.” insert “A.”; and in line 20, after “PROCEDURES.” insert:

“B. IN BALTIMORE CITY, A HEARING BOARD FORMED UNDER THIS PARAGRAPH SHALL INCLUDE, AS VOTING MEMBERS OF THE HEARING BOARD, TWO MEMBERS OF THE PUBLIC, APPOINTED BY THE CHIEF, WHO HAVE HAD TRAINING ADMINISTERED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION ON THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS AND MATTERS RELATING TO POLICE PROCEDURES.”.

The preceding 2 amendments were read only.

Senator Zirkin moved, duly seconded, to recommit the Bill.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 966)

ADJOURNMENT

At 10:05 P.M. on motion of Senator Pugh, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day March 30, 2016, Calendar Day, Tuesday, April 5, 2016.

Annapolis, Maryland
Legislative Day: March 30, 2016
Calendar Day: Tuesday, April 5, 2016
10:00 A.M. Session

The Senate met at 10:07 A.M.

Prayer by Pastor John Mohan, St. Michael Lutheran Church, guest of Senator Klausmeier.

(See Exhibit A of Appendix III)

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

The Journal of March 29, 2016 was read and approved.

QUORUM CALL

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

(See Roll Call No. 968)

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #48**

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

House Bill 122 – Delegate Stein (Chair, Joint Committee on the Chesapeake and Atlantic Coastal Bays Critical Areas)

AN ACT concerning

**Critical Area Commission for the Chesapeake and Atlantic Coastal Bays
– Membership From Ocean City**

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:

House Bill 149 – Delegate Otto

AN ACT concerning

Somerset County – Commissioners – Salary and Expense Reimbursements

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:

House Bill 211 – Delegates Healey, Beidle, Beitzel, Carr, Fraser-Hidalgo, Frush, Gilchrist, Gutierrez, Holmes, Jalisi, Kaiser, Lafferty, Lam, Lierman, Luedtke, Moon, Morhaim, Pendergrass, B. Robinson, S. Robinson, Sydnor, M. Washington, and Zucker

AN ACT concerning

**Neonicotinoid Pesticides – ~~Labeling, Signage, and~~ Restrictions on Sales and Use
(Pollinator Protection Act of 2016)**

HB0211/104534/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 211

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “establishing” in line 13 down through “Act;” in line 14 and substitute “requiring the Department of Agriculture to incorporate certain practices into a certain pollinator protection plan; requiring the Department to review certain laws and regulations and make recommendations regarding certain matters; requiring the Department to reports its findings and recommendations to the Governor and General Assembly within a certain period of time after the publication of a certain pollinator risk assessment;”.

On page 2, in line 3, strike “5-2A-03” and substitute “5-2A-04”.

AMENDMENT NO. 2

On page 4, strike lines 16 and 17 in their entirety and substitute:

“THE DEPARTMENT SHALL INCORPORATE POLLINATOR HABITAT EXPANSION AND ENHANCEMENT PRACTICES INTO THE STATE’S MANAGED POLLINATOR PROTECTION PLAN DEVELOPED IN COORDINATION WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY.

5-2A-04.

(A) ON COMPLETION OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY’S POLLINATOR RISK ASSESSMENT OF THE NEONICOTINOID PESTICIDES IMIDACLOPRID, CLOTHIANIDIN, THIAMETHOXAM, AND DINOTEFURAN, THE DEPARTMENT SHALL REVIEW THE STATE’S PESTICIDE LAWS AND REGULATIONS AND MAKE RECOMMENDATIONS FOR ANY CHANGES NECESSARY TO ENSURE STATE LAWS AND REGULATIONS ARE PROTECTIVE OF POLLINATORS, TAKING INTO ACCOUNT THE U.S. ENVIRONMENTAL PROTECTION AGENCY RECOMMENDATIONS.

(B) WITHIN 6 MONTHS OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY’S COMPLETED POLLINATOR RISK ASSESSMENT OF NEONICOTINOID PESTICIDES, THE DEPARTMENT SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0211/813323/1

BY: Senator Hough

AMENDMENTS TO HOUSE BILL 211, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (HB0211/104534/1), in line 7 of Amendment No. 1, after “assessment;” insert “establishing a certain civil penalty for a violation of this Act; exempting this Act from certain provisions of law;”; and in line 8, strike “5-2A-04” and substitute “5-2A-05”.

On page 1 of the bill, in line 18, after “(r)” insert “, 12-101, 12-102, and 12-103”.

On page 2 of the bill, after line 6, insert:

“BY repealing and reenacting, with amendments,

Article – Agriculture

Section 12-104

Annotated Code of Maryland

(2007 Replacement Volume and 2015 Supplement)”.”.

AMENDMENT NO. 2

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments, in line 7 of Amendment No. 2, after “ASSEMBLY.” insert:

“5-2A-05.

A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO A CIVIL PENALTY OF \$250.

12-101.

Any person who violates any provision of this article is guilty of a misdemeanor. Unless another penalty specifically is provided elsewhere in this article, the person, upon conviction, is subject to a fine not exceeding \$500, or imprisonment not exceeding three months, or both, with costs imposed in the discretion of the court.

12-102.

Unless another penalty specifically is provided elsewhere in this article, any person found guilty of a second or subsequent violation of any provision of the same title, is subject to a fine not exceeding \$1,000, or imprisonment not exceeding one year, or both, with costs imposed in the discretion of the court. For the purposes of this section, a second or subsequent violation is one which has occurred within two years of any prior violation of this title and which arises out of a separate set of circumstances.

12-103.

In addition to any administrative penalty provided in this article, violation of any rule or regulation adopted by the Secretary pursuant to the provisions of this article is a misdemeanor and is punishable as provided in §§ 12–101 and 12–102 of this subtitle.

12–104.

This title does not apply to a violation of:

- (1) Title 1, Subtitle 3 of this article; AND
- (2) TITLE 5, SUBTITLE 2A OF THIS ARTICLE.”.

The preceding 2 amendments were read and 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:

House Bill 321 – ~~Delegates S. Howard, Carey, Chang, Hornberger, Kipke, Malone, Mautz, Saab, Simonaire, and Sophocleus~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Archery Hunting – Safety Zone

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:

House Bill 410 – Delegates O’Donnell, Aumann, Beitzel, ~~and Holmes~~ Holmes, Arentz, and Carey

AN ACT concerning

Natural Resources – Poaching Restitution Act of 2016

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:

House Bill 870 – Delegate Parrott

AN ACT concerning

**Natural Resources – Black Fly Management and Control – ~~Washington County~~
Study**

HB0870/614233/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 870

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “Study” and substitute “Washington County”; strike beginning with “requiring” in line 11 down through “date;” in line 19 and substitute “requiring the Department of Natural Resources to establish a program to control the spread of black flies in the State; requiring that the program be implemented initially on certain property in Washington County; authorizing the Department, in conjunction with the University of Maryland’s Department of Entomology, to conduct the program in a certain manner; authorizing the Department of Natural Resources to accept, use, or expend certain funding to implement this Act; requiring the Department to adopt certain regulations; stating a certain finding and the intent of the General Assembly;”.

On page 2, after line 2, insert:

“BY adding to

Article – Natural Resources

Section 8–2201 through 8–2205 to be under the new subtitle “Subtitle 22. Black Fly
Management and Control”

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)”;

and in line 4, after “That” insert “the Laws of Maryland read as follows”.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 18 through 32, inclusive, and substitute:

“Article – Natural Resources

SUBTITLE 22. BLACK FLY MANAGEMENT AND CONTROL.

8-2201.

(A) THE GENERAL ASSEMBLY FINDS THAT THE PROLIFERATION OF CERTAIN SPECIES OF THE GROUP SIMULIUM JENNINGSI, COMMONLY KNOWN AS BLACK FLIES, ARE A PUBLIC AND COMMON NUISANCE ON LAND AND WATERS USED FOR RECREATION, EMPLOYMENT, AND TOURISM.

(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT, IN CONJUNCTION WITH THE UNIVERSITY OF MARYLAND’S DEPARTMENT OF ENTOMOLOGY, SIGNIFICANTLY REDUCE THE POPULATION OF BLACK FLIES IN THE STATE.

8-2202.

THE DEPARTMENT SHALL IMPLEMENT A PROGRAM TO CONTROL THE SPREAD OF BLACK FLIES IN THE STATE.

8-2203.

(A) THE PROGRAM SHALL BE IMPLEMENTED INITIALLY IN WASHINGTON COUNTY ON:

(1) STATE-OWNED PROPERTY;

(2) PROPERTY OWNED BY A LOCAL GOVERNMENT WITH CONSENT OF THE LOCAL GOVERNMENT; AND

(3) PRIVATE PROPERTY WITH CONSENT OF THE PROPERTY OWNER.

(B) THE DEPARTMENT, IN CONJUNCTION WITH THE UNIVERSITY OF MARYLAND’S DEPARTMENT OF ENTOMOLOGY, MAY:

(1) TREAT THE PROPERTY WITH AN AERIAL SPRAYING OR BACKPACK SPRAYING OF BACILLUS THURINGIENSIS ISRAELENسيس;

(2) CONDUCT FIELD STUDIES TO DETERMINE THE NEED FOR, LOCATION, AND TIMING OF SPRAYING;

(3) SCHEDULE SPRAYING WHEN THE CONDITIONS ARE OPTIMAL FOR INGESTION BY THE BLACK FLIES;

(4) NOTIFY APPROPRIATE PERSONS OF THE DATE AND LOCATION OF AN UPCOMING SPRAYING;

(5) REVIEW THE EFFECTIVENESS OF THE SPRAYING; AND

(6) CONDUCT BIOMONITORING OF AQUATIC MACROINVERTEBRATES AND FISH IN SELECTED STREAMS TO ENSURE THERE IS NO IMPACT ON THE ENVIRONMENT.

8-2204.

THE DEPARTMENT MAY ACCEPT, USE, OR EXPEND ANY AID, GIFT, OR GRANT MADE AVAILABLE FROM ANY PRIVATE OR PUBLIC SOURCE TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

8-2205.

THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.”.

On page 4, in line 2, strike “June” and substitute “October”.

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:

House Bill 915 – Delegates Jacobs, Carozza, Cassilly, Hornberger, S. Howard, Malone, Mautz, Otto, ~~and Reilly~~ Reilly, Arentz, Metzgar, and Sample-Hughes

AN ACT concerning

~~Crabs – Harvest Times – Trotlines and Crab Pots~~
Tidal Fish License – Catching Crabs Using Trotline Gear – Holidays

HB0915/254432/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 915

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 3 in its entirety and substitute “Crabs – Harvest Times – Trotlines and Crab Pots”; strike beginning with “authorizing” in line 4 down through “regulations” in line 5 and substitute “requiring the Department of Natural Resources to adopt regulations that provide the option to a tidal fish licensee authorized to catch crabs using trotlines and crab pots to work certain hours during a certain time period; requiring a licensee who chooses a certain hours-of-work option to notify the Department of that choice by a certain date; prohibiting a licensee who chooses a certain hours-of-work option from changing that option until the following license year; requiring a licensee who chooses a certain hours-of-work option to affix a certain display on the licensee’s vessel signifying the choice of that option; and generally relating to harvest times for crabs using trotlines and crab pots”; and strike beginning with “restricting” in line 11 down through “licenses” in line 15.

AMENDMENT NO. 2

On page 2, strike beginning with “**EXCEPT**” in line 23 down through “**IF**” in line 24 and substitute “**If**”; and in line 26, strike “The” and substitute “**SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE**”.

On page 3, strike in their entirety lines 1 through 10, inclusive; after line 28, insert:

“(C) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT PROVIDE THE OPTION TO A LICENSEE WHO IS AUTHORIZED TO CATCH CRABS USING TROTLINES OR CRAB POTS TO WORK THE FOLLOWING HOURS FROM JULY 15 THROUGH SEPTEMBER 15 OF ANY YEAR, INCLUSIVE:

(I) FOR A LICENSEE WHO USES TROTLINE GEAR, HOURS THAT BEGIN 2 HOURS BEFORE SUNRISE AND END 8 HOURS AFTER SUNRISE, NOT INCLUDING TIME SPENT SETTING OR TAKING UP GEAR; OR

(II) FOR A LICENSEE WHO USES CRAB POTS, HOURS THAT BEGIN 1.5 HOURS BEFORE SUNRISE AND END 6.5 HOURS AFTER SUNRISE.

(2) (I) A LICENSEE WHO CHOOSES THE OPTION OF WORKING THE EARLIER HOURS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL NOTIFY THE DEPARTMENT OF THAT CHOICE BY JULY 1 OF THE LICENSE YEAR.

(II) AFTER A LICENSEE CHOOSES THE EARLY-HOURS OPTION FOR THE LICENSE YEAR, THE LICENSEE MAY NOT CHANGE OPTIONS UNTIL THE FOLLOWING LICENSE YEAR.

(3) A LICENSEE WHO CHOOSES THE EARLY-HOURS OPTION SHALL AFFIX A DISPLAY ON THE LICENSEE’S VESSEL IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT TO SIGNIFY THE CHOICE OF THE EARLY-HOURS OPTION.”;

and in line 29, 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.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #49**

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

House Bill 737 – Carroll County Delegation

AN ACT concerning

Carroll County – Alcoholic Beverages Licenses – Beginning Hour of Sale

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:

House Bill 840 – Frederick County Delegation

AN ACT concerning

Frederick County – Alcoholic Beverages – Theater License

HB0840/794937/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 840

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “License” and substitute “and Entertainment Center License”; in line 5, after “requirement;” insert “altering the scope of a Class EC (entertainment center) license so that it may be issued to a holder of a Class B beer, wine, and liquor license;”; in the same line, strike “a”; in the same line, strike “correction” and substitute “corrections”; in line 13, strike “(S.B. __)(6lr1406)” and substitute “(S.B. 724)”; and in line 17, after “Section” insert “20-1008 and”.

AMENDMENT NO. 2

On page 2, after line 5, insert:

“20-1008.

(a) There is a Class [MEC (micro-brewery/entertainment center)] EC (ENTERTAINMENT CENTER) license.

(b) The Board may issue the license to a person for use in conjunction with:

(I) a Class 7 micro-brewery license that the person then obtains from the Comptroller; OR

(II) A CLASS B BEER, WINE, AND LIQUOR LICENSE THAT THE PERSON HAS BEEN ISSUED BY THE BOARD.

(c) (1) The EC license authorizes the license holder to sell, in an entertainment center for on-premises consumption[.]:

(I) malt beverages that are brewed in the license holder's micro-brewery, IF THE LICENSE HOLDER ALSO HOLDS A CLASS 7 MICRO-BREWERY LICENSE; OR

(II) BEER, WINE, AND LIQUOR, IF THE LICENSE HOLDER ALSO HOLDS A CLASS B BEER, WINE, AND LIQUOR LICENSE.

(2) The entertainment center may:

(i) contain:

1. rides and games such as bowling lanes, billiard tables, and go-carts; and

2. one or more food service facilities, bars, or lounges; and

(ii) allow the playing of music and dancing.

(d) The [license holder may sell beer, wine, and liquor] HOURS OF SALE ARE:

(1) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day;
and

(2) on Sunday, from 11 a.m. to 2 a.m. the following day.

(e) The annual EC license fee is \$1,500.”.

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:

House Bill 842 – Frederick County Delegation

AN ACT concerning

Frederick County – Alcoholic Beverages – Art Gallery Beer and Wine License

HB0842/484830/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 842

(Third Reading File Bill)

On page 1, in line 5, after “artwork” insert “or certain copies of original artwork”.

On page 2, in line 10, after “ARTWORK” insert “, OR COPIES OF ORIGINAL ARTWORK THAT ARE REPRODUCED NO MORE THAN 300 TIMES,”.

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:

House Bill 892 – ~~Delegate Impallaria~~ Harford County Delegation

AN ACT concerning

Harford County – Alcoholic Beverages – Movie Theater 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 with amendments:

House Bill 995 – Allegany County Delegation

AN ACT concerning

Allegany County – Alcoholic Beverages – Sunday Sales

HB0995/804733/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 995

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “submitting” in line 6 down through “County;” in line 7.

AMENDMENT NO. 2

On page 5, strike beginning with “before” in line 8 down through “Act.” in line 19.

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 #50**

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

House Bill 749 – Delegates Lam, Morhaim, Barkley, Barve, Chang, Ebersole, Fraser-Hidalgo, Frick, Jalisi, Patterson, Pena-Melnyk, Sample-Hughes, Sophocleus, and K. Young

AN ACT concerning

Alcoholic Beverages – Sale of Powdered Alcohol – Prohibition

HB0749/494030/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 749

(Third Reading File Bill)

On page 1, strike beginning with “providing” in line 5 down through “Act;” in line 6.

On page 2, strike beginning with “It” in line 16 down through “effect.” in line 18.

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 with amendments:

House Bill 1062 – St. Mary’s County Delegation

AN ACT concerning

**St. Mary’s County – Alcoholic Beverages – Permits, Training, Prohibited Acts,
and Violations****HB1062/654538/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1062

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike “permits” and substitute “license”.

AMENDMENT NO. 2

On page 5, strike lines 4 and 5 in their entirety; and in line 6, strike “(C)” and substitute “(B)”.

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:

House Bill 1071 – Cecil County Delegation

AN ACT concerning

Cecil County – Alcoholic Beverages – ~~Class 9 Limited Distillery Licenses and Class 7 Micro-Brewery 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:

House Bill 1156 – Calvert County Delegation

AN ACT concerning

Calvert County – Alcoholic Beverages – Beer or Wine Festival 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:

House Bill 1353 – Calvert County Delegation

AN ACT concerning

Calvert County – Alcoholic Beverages – Special Event Festival Permit

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:

House Bill 140 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

Security Systems Technicians and Agencies – ~~Fees and~~ Sunset Extension and Program Evaluation

HB0140/244331/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 140

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Sunset” insert “Fees and Repeal of”; in the same line, strike “Extension” and substitute “Provision”; in line 4, after “of” insert “altering the amount of the application fee for a license to engage in the business of providing security systems services; requiring a certain applicant to pay certain fees relating to a criminal history records check; altering the amount of a certain processing fee for a certain applicant for a certain license;”; in line 12, strike “continuing” and substitute “making permanent”; strike beginning with “in” in line 14 down through “year” in line 19 and substitute “; repealing a certain termination provision; repealing a requirement that the Department of Legislative Services conduct a certain evaluation”; in line 23, strike “18-701” and substitute “18-303”.

On page 2, strike in their entirety lines 2 through 6, inclusive, and substitute:

“BY repealing

Article – Business Occupations and Professions

Section 18-701

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)”;

in line 7, strike “and reenacting, with amendments,”; and after line 11, insert:

“BY renumbering

Article – State Government

Section 8-403(b)(53) through (57), respectively

to be Section 8–403(b)(52) through (56), respectively
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 14, insert:

“18–303.

(a) An applicant for a license shall:

(1) submit to the Secretary an application on the form that the Secretary provides;

(2) submit the documents required by this section; and

(3) pay to the Secretary:

(I) an application fee of [\$150 which shall include the cost of the Maryland and national criminal records check] \$100;

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

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

(b) The application form provided by the Secretary shall contain a statement advising the applicant that willfully making a false statement on an application is a misdemeanor, subject to a fine or imprisonment or both, as provided under § 18–504 of this title.

(c) If the applicant is a firm, the representative member shall complete the application form and otherwise be responsible for the firm’s compliance with this section.

(d) (1) The application shall be accompanied by at least two written recommendations for the applicant.

(2) Each recommendation shall be signed, under oath, by a reputable citizen of the State.

(e) (1) An applicant for a license shall submit with the application a set of legible fingerprints of the applicant on a form approved by the Criminal Justice Information System Central Repository and the Director of the Federal Bureau of Investigation.

(2) If the applicant is a firm, the applicant shall pay the cost of the fingerprint card records check for each firm member.

(f) An applicant for a license shall submit with the application a copy of a bond or proof of insurance in accordance with the requirements of § 18–401 of this title.

(g) The Secretary may waive the requirements of subsections (a)(2) and (3), (d), and (e) of this section and issue a license to an applicant who:

(1) provides adequate evidence that the applicant:

(i) is licensed to engage in the business of providing security systems services in another state; and

(ii) became licensed in the other state:

1. after meeting qualifications that are at least equivalent to those required in this State; and

2. after submitting to a State and national criminal records check; and

(2) pays to the Secretary a processing fee of [~~\$150~~] **\$100.**”.

AMENDMENT NO. 3

On page 8, strike in their entirety lines 22 through 25, inclusive; and strike in their entirety lines 28 through 32, inclusive.

On page 9, strike in their entirety lines 4 and 5 and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 8–403(b)(53) through (57), respectively, of Article – State Government of the Annotated Code of Maryland be renumbered to be Section(s) 8–403(b)(52) through (56), respectively.”;

and in line 6, strike “2.” and substitute “3.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 180 – Delegates West, Pena–Melnyk, and Aumann

AN ACT concerning

Public Health – HIV Testing During Pregnancy

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:

House Bill 497 – Delegate Hammen (Chair, Health and Government Operations Committee)

AN ACT concerning

Health Occupations – ~~Environmental Health Specialists – Regulation State Board of Environmental Health Specialists – Sunset Extension and Revisions~~

HB0497/734738/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 497

(Third Reading File Bill)

On page 11, in line 10, strike “**2026**” and substitute “**2023**”.

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:

House Bill 752 – Delegate Cullison

EMERGENCY BILL

AN ACT concerning

Physicians – Prescriptions Written by Physician Assistants or Nurse Practitioners – Preparing and Dispensing

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:

House Bill 963 – Delegates Luedtke, Hixson, A. Washington, and M. Washington

AN ACT concerning

Campaign Finance – Ballot Issue Committees – Prospective Questions

HB0963/904635/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 963

(Third Reading File Bill)

On page 4, in line 31, after “OR” insert “UNDER”.

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:

**House Bill 1462 – Delegates Bromwell, Krebs, ~~and Sample-Hughes~~
Sample-Hughes, Hammen, Angel, Barron, Cullison, Hayes, Hill, Kelly,
 Kipke, McDonough, McMillan, Miele, Morgan, Morhaim, Oaks,
 Pena-Melnyk, Pendergrass, Rose, Saab, West, and K. Young**

AN ACT concerning

**Veterinarians, Pharmacies, and Pharmacists – Dispensing Compounded
 Preparations for Use by ~~Companion~~ Nonfarm Animals**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
 AFFAIRS REPORT #56**

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

**House Bill 86 – Delegates Luedtke, Carr, Cullison, Ebersole, Fraser-Hidalgo,
 Frick, Gutierrez, Moon, Morales, Patterson, Pena-Melnyk, Platt, Sanchez,
 and Zucker**

AN ACT concerning

**Special Education – Translations of Individualized Education Programs or
 Individualized Family Service Plans – Native Language**

HB0086/894230/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 86

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “frame;” insert “requiring the State Department of Education and county boards of education to submit certain reports on or before certain dates;”.

AMENDMENT NO. 2

On page 4, after line 19, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2016, the State Department of Education shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means regarding:

(1) whether there are economies of scale that can be utilized to lessen the financial impact of this Act; and

(2) how the needs of students whose parents speak a native language that is spoken by less than 1% of the student population in the local school system can be addressed.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(1) on or before August 1, 2018, each county board of education shall report to the State Department of Education regarding the number of requests received under § 8–405(e)(4)(i) of the Education Article, as enacted by Section 1 of this Act, the cost of implementing these requests, whether it would be feasible to have this number increase, and if so, by how many requests; and

(2) on or before September 1, 2018, the State Department of Education shall compile the information received under item (1) of this section and submit the information to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means.”;

and in line 20, strike “2.” and substitute “4.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 115 – Delegates Reznik, Barkley, Barve, Brooks, Ebersole, Glenn, Jalisi, Kipke, Lam, McKay, Pena–Melnik, and K. Young

AN ACT concerning

Education – Robotics Grant Program – Establishment

HB0115/894837/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 115

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 2, after “SCHOOLS” insert “AND NONPROFIT ROBOTICS CLUBS”; in the same line, strike “AND EXPAND”; in line 3, after “PROGRAMS” insert “AND TO INCREASE THE NUMBER OF ROBOTICS PROGRAMS IN THE STATE”; and in line 4, after “(B)” insert “(1)”.

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 5 down through “HAS” in line 6 and substitute “IS PROPOSING A NEW ROBOTICS PROGRAM OR CLUB OR HAS”; in line 6, strike “; OR” and substitute a period; in line 7, strike “IS ASSOCIATED WITH AN” and substitute “AN”; and in the same line, after “CLUB” insert “IS ELIGIBLE TO RECEIVE A GRANT UNDER THIS SECTION IF THE NONPROFIT ROBOTICS CLUB IS ASSOCIATED WITH A PUBLIC SCHOOL”.

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:

House Bill 329 – Delegate Dumais

AN ACT concerning

Children – Family Child Care Homes and Child Care Centers – Advertising and Penalties

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:

House Bill 360 – Delegates Jalisi, Afzali, Brooks, Carey, Ebersole, Glass, Hornberger, McComas, McMillan, Metzgar, Moon, Platt, B. Robinson, Rosenberg, Shoemaker, Tarlau, A. Washington, M. Washington, ~~and C. Wilson~~ C. Wilson, and Jackson

AN ACT concerning

Maryland Loan Assistance Repayment Program for ~~Orphans and~~ Foster Care Recipients

HB0360/614938/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 360

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2, 5, 11, and 15, in each instance, before “Foster” insert “Orphans and”; in line 6, after the second “the” insert “funding.”; and in line 9, strike “make” and substitute “submit”.

AMENDMENT NO. 2

On page 2, in lines 2, 24, and 26, in each instance, after “FOR” insert “ORPHANS AND”; in line 10, after “UNDERGRADUATE” insert “, PROFESSIONAL, OR GRADUATE”; after line 17, insert:

“(D) “ORPHAN” MEANS A CHILD WHO HAS BEEN LEGALLY DETERMINED NOT TO HAVE PARENTS BECAUSE OF THE PARENTS’:

(1) DEATH OR DISAPPEARANCE;

(2) ABANDONMENT OR DESERTION OF THE CHILD; OR

(3) SEPARATION FROM THE CHILD.;

in line 23, strike “**(D)**” and substitute “**(E)**”; and in line 29, after “**BY**” insert “**AN ORPHAN OR**”.

On page 3, in line 3, strike “**AN**” and substitute “**A GRADUATE, PROFESSIONAL, OR**”; in line 4, strike “**A PUBLIC**” and substitute “**AN**”; in line 9, after the second “**FOR**” insert “**GRADUATE, PROFESSIONAL, OR**”; in line 15, strike “**THE**” and substitute “**(A) SUBJECT TO THE AVAILABILITY OF FUNDS APPROPRIATED UNDER SUBSECTION (B) OF THIS SECTION, THE**”; after line 17, insert:

“(B) THE GOVERNOR ANNUALLY SHALL INCLUDE AN APPROPRIATION OF \$100,000 IN THE STATE BUDGET FOR THE COMMISSION TO DISBURSE ASSISTANCE UNDER THIS SUBTITLE.”;

and in line 24, strike “**OR A COUNTY OR MUNICIPALITY OF THE STATE**”.

On page 4, after line 3, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That on or before September 1, 2020, the Maryland Higher Education Commission shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly regarding:

(1) how many individuals receive assistance annually under Title 18, Subtitle 31 of the Education Article, as enacted by Section 1 of this Act;

(2) the amount of each award; and

(3) how many individuals, if any, are placed on a waiting list or denied assistance under Title 18, Subtitle 31 of the Education Article, as enacted by Section 1 of this Act.”;

in line 4, strike “**2.**” and substitute “**3.**”; in line 7, after “for” insert “**Orphans and**”; and strike in their entirety lines 9 through 14, 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 reported favorably with amendments:

House Bill 657 – Delegates Shoemaker, Buckel, Ebersole, Hornberger, Luedtke, Platt, Reilly, Rose, Simonaire, Tarlau, ~~and M. Washington~~ M. Washington, Afzali, and Metzgar

AN ACT concerning

Education – Prekindergarten and Kindergarten Assessments – Administration

HB0657/584137/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 657

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “random” and substitute “representative”; in line 5, after “State” insert a comma; in lines 8 and 9, strike “certain standardized tests” and substitute “a statewide kindergarten assessment”; in line 9, after “students” insert a comma; and in line 11, after “regulations;” insert “declaring the intent of the General Assembly;”.

AMENDMENT NO. 2

On page 2, in line 5, strike “RANDOM SAMPLE” and substitute “REPRESENTATIVE SAMPLE, AS”; strike beginning with “IN” in line 14 down through the first “A” in line 16 and substitute “A”; in line 17, after “AGREEMENT” insert a comma; in the same line, after “BOARD” insert a comma; in lines 20 and 21, strike “OCTOBER 1 AFTER”; in line 22, after “DAYS” insert “AFTER ADMINISTRATION OF THE ASSESSMENT”; in line 24, strike “STANDARDIZED TEST” and substitute “STATEWIDE KINDERGARTEN ASSESSMENT”; and in line 26, strike “STANDARDIZED TEST” and substitute “STATEWIDE KINDERGARTEN ASSESSMENT”.

AMENDMENT NO. 3

On page 3, after line 2, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that a teacher who administers a statewide kindergarten assessment in

accordance with § 7–208(b) of the Education Article, as enacted by Section 1 of this Act, be paid for the time worked in accordance with a collective bargaining agreement executed under Title 6, Subtitle 4 or 5 of the Education Article.”;

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

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 895 – Delegate Kaiser

AN ACT concerning

Task Force to Study the Implementation of a Dyslexia Education Program
~~– Extension~~ – Membership, Duties, and Extension

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:

House Bill 1352 – Wicomico County Delegation

AN ACT concerning

Wicomico County Board of Education – Election and Appointment of Members

HB1352/684930/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1352

(Third Reading File Bill)

On page 6, strike beginning with “BY” in line 16 down through “COUNCIL,” in line 17.

On page 11, in line 20, strike “30” and substitute “60”; in line 21, strike “30-DAY” and substitute “60-DAY”; and after line 22, insert:

“(III) WHEN APPOINTING MEMBERS TO THE COUNTY BOARD, THE WICOMICO COUNTY COUNCIL SHALL ENDEAVOR TO ENSURE, TO THE EXTENT PRACTICABLE, THAT THE COUNTY BOARD REFLECTS THE GENDER, ETHNIC, AND RACIAL MAKEUP OF THE COUNTY.”

On page 13, strike beginning with “BY” in line 16 down through “COUNCIL,” in line 17.

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 BUDGET AND TAXATION REPORT #31

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

House Bill 14 – Delegate Kipke

AN ACT concerning

Natural Resources – Vessel Excise Tax Cap – Amount and Repeal of Termination

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:

House Bill 146 – Delegate M. Washington (By Request – Baltimore City Administration) and Delegates Anderson, Clippinger, Glenn, Haynes, McCray, McIntosh, Oaks, ~~and B. Robinson~~ B. Robinson, Carter, Rosenberg, Branch, Hammen, Lierman, and Metzgar

AN ACT concerning

Baltimore City – Property Tax Credit – Public Safety Officers

HB0146/879830/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 146

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in line 2, strike “Baltimore City –”; in the same line, after “Credit –” insert “Disabled or Fallen Law Enforcement Officers and Rescue Workers and”; in line 3, after the first “of” insert “authorizing a certain property tax credit for certain residential real property in Harford County owned by certain surviving spouses or certain cohabitants;”; in line 12, after “of” insert “certain provisions of”; strike beginning with “and” in line 12 down through “City” in line 13 and substitute “making this Act an emergency measure; and generally relating to a property tax credit for certain residential property in the State”; and after line 13, insert:

“BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 9–210

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 20, insert:

“Article – Tax – Property

9–210.

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

(2) “COHABITANT” MEANS AN INDIVIDUAL WHO FOR A PERIOD OF AT LEAST 180 DAYS IN THE YEAR BEFORE THE DEATH OF A FALLEN LAW ENFORCEMENT OFFICER OR RESCUE WORKER:

(I) HAD A RELATIONSHIP OF MUTUAL INTERDEPENDENCE WITH THE FALLEN LAW ENFORCEMENT OFFICER OR RESCUE WORKER; AND

(II) RESIDED WITH THE FALLEN LAW ENFORCEMENT OFFICER OR RESCUE WORKER IN THE DWELLING.

(3) “Disabled law enforcement officer or rescue worker” means an individual who:

(i) has been found to be permanently and totally disabled by an administrative body or court of competent jurisdiction authorized to make such a determination; and

(ii) became disabled:

1. as a result of or in the course of employment as a law enforcement officer or a correctional officer; or

2. while in the active service of a fire, rescue, or emergency medical service, unless the disability was the result of the individual’s own willful misconduct or abuse of alcohol or drugs.

[(3)] (4) (i) “Dwelling” means real property that:

1. is the legal residence of a disabled law enforcement officer or rescue worker, [or] a surviving spouse, OR A COHABITANT; and

2. is occupied by not more than two families.

(ii) “Dwelling” includes the lot or curtilage and structures necessary to use the real property as a residence.

[(4)] (5) “Fallen law enforcement officer or rescue worker” means an individual who dies:

(i) as a result of or in the course of employment as a law enforcement officer or a correctional officer; or

(ii) while in the active service of a fire, rescue, or emergency medical service, unless the death was the result of the individual’s own willful misconduct or abuse of alcohol or drugs.

[(5)] (6) “Surviving spouse” means a surviving spouse, who has not remarried, of a fallen law enforcement officer or rescue worker.

(b) The Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation may grant, by law, a property tax credit under this section against the county or municipal corporation property tax imposed on a dwelling that is owned by a disabled law enforcement officer or rescue worker, [or] a surviving spouse of a fallen law enforcement officer or rescue worker, OR A COHABITANT:

(1) if the dwelling was owned by the disabled law enforcement officer or rescue worker at the time the law enforcement officer or rescue worker was adjudged to be permanently and totally disabled or by the fallen law enforcement officer or rescue worker at the time of the fallen law enforcement officer’s or rescue worker’s death;

(2) (I) if the disabled law enforcement officer or rescue worker was domiciled in the State as of the date the disabled law enforcement officer or rescue worker was adjudged to be permanently and totally disabled or the fallen law enforcement officer or rescue worker, or the surviving spouse was domiciled in the State as of the date of the fallen law enforcement officer’s or rescue worker’s death and the dwelling was acquired by the disabled law enforcement officer or rescue worker within 2 years of the date the disabled law enforcement officer or rescue worker was adjudged to be permanently and totally disabled or by the surviving spouse within 2 years of the fallen law enforcement officer’s or rescue worker’s death; or

(II) IN HARFORD COUNTY, IF THE DISABLED LAW ENFORCEMENT OFFICER OR RESCUE WORKER WAS DOMICILED IN THE STATE AS OF THE DATE THE DISABLED LAW ENFORCEMENT OFFICER OR RESCUE WORKER WAS ADJUDGED TO BE PERMANENTLY AND TOTALLY DISABLED OR THE FALLEN LAW ENFORCEMENT OFFICER OR RESCUE WORKER, THE SURVIVING SPOUSE, OR COHABITANT WAS DOMICILED IN THE STATE AS OF THE DATE OF THE FALLEN LAW ENFORCEMENT OFFICER’S OR RESCUE WORKER’S DEATH AND THE DWELLING WAS ACQUIRED BY THE DISABLED LAW ENFORCEMENT OFFICER OR RESCUE WORKER WITHIN 2 YEARS OF THE DATE THE DISABLED LAW ENFORCEMENT OFFICER OR RESCUE WORKER WAS ADJUDGED TO BE PERMANENTLY AND TOTALLY DISABLED OR BY THE SURVIVING SPOUSE OR COHABITANT WITHIN 2 YEARS OF THE FALLEN LAW ENFORCEMENT OFFICER’S OR RESCUE WORKER’S DEATH;

(3) IN HARFORD COUNTY, IF THE DWELLING WAS OWNED BY THE SURVIVING SPOUSE OR COHABITANT AT THE TIME OF THE FALLEN LAW ENFORCEMENT OFFICER’S OR RESCUE WORKER’S DEATH; OR

(4) if the dwelling was acquired after the disabled law enforcement officer or rescue worker, [or] the surviving spouse, OR THE COHABITANT qualified for a credit for a former dwelling under item [(1) or (2)] (1), (2), OR (3) of this subsection, to the extent of the previous credit.

(c) A county or municipal corporation may provide, by law, for:

(1) the amount and duration of a property tax credit allowed under this section; and

(2) any other provision necessary to carry out the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:”.

On page 3, in line 18, strike “2.” and substitute “3.”; in the same line, after “That” insert “Section 2 of”; strike beginning with “shall” in line 18 down through “and” in line 19; and after line 19, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

House Bill 205 – Carroll County Delegation

AN ACT concerning

Carroll County – Public Facilities Bonds

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:

House Bill 451 – The Speaker (By Request – Administration)

AN ACT concerning

Admissions and Amusement Tax – Revenue Distribution – Maryland State Arts Council

HB0451/619833/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 451

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “repealing” in line 5 down through “fund;” in line 6; in line 8, after “jars;” insert “requiring that certain funds distributed to the Council be included in the Council’s prior fiscal year appropriation for purposes of a certain calculation;”; and strike in their entirety lines 11 through 16, inclusive.

AMENDMENT NO. 2

On page 2, in line 2, after “4–512(a)” insert “and 4–801”; after line 9, insert:

“BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 7–325(a)(2)

Annotated Code of Maryland

(2015 Replacement Volume)”;

strike in their entirety lines 10 through 13, inclusive; in line 14, strike “2.” and substitute “1.”; in the same line, strike “AND IT BE FURTHER ENACTED” and substitute “BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND”; in line 22, strike “§ 2–202(A)(1)(II)” and substitute “§ 2–202(A)(1)(II)2”; and after line 24, insert:

“4–801.

(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 supplemental grants to cultural arts organizations in the State that qualify for general operating support grants from the Maryland State Arts Council.

(d) The Secretary of Commerce 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(a)(1)(ii)] § 2–202(A)(1)(II)1 of the Tax – General Article; and

(2) any other money from any other source accepted for the benefit of the Fund.

(g) 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 in the State that qualify for general operating support grants from the Maryland State Arts Council.

(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 Maryland State Arts Council.

(j) Supplemental grants made from the Fund are supplemental to and may not take the place of funding that otherwise would be appropriated for qualifying organizations.”.

AMENDMENT NO. 3

On page 3, in line 6, after “5%” insert “AS FOLLOWS:”

1. \$1,000,000”;

in the same line, strike the bracket; in line 8, strike the bracket and substitute “; **AND**”

2. THE REMAINDER TO THE”;

and after line 9, insert:

“Article – State Finance and Procurement

7–325.

(a) (2) For fiscal year 2013 and each fiscal year thereafter, the Governor shall include in the annual budget bill submitted to the General Assembly a General Fund appropriation for the Maryland State Arts Council in an amount not less than the amount of the General Fund appropriation for the Council as approved in the State budget as enacted by the General Assembly for the prior fiscal year, increased by not less than the percentage by which the projected total General Fund revenues for the upcoming fiscal year exceed the revised estimate of total General Fund revenues for the current fiscal year, as contained in the report of estimated State revenues submitted by the Board of Revenue Estimates to the Governor under § 6–106(b) of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That any funds distributed to the Maryland State Arts Council in accordance with § 2–202 of the Tax – General Article as

enacted in this Act shall be included in the Maryland State Arts Council’s prior fiscal year appropriation for purposes of calculating the required appropriation under § 7–325 of the State Finance and Procurement Article.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0451/743026/1

BY: Senator Madaleno

AMENDMENT TO HOUSE BILL 451, AS AMENDED

(Third Reading File Bill)

On page 3 of the Budget and Taxation Committee Amendments (HB0451/619833/1), in line 2 of Amendment No. 3, strike “**\$1,000,000**”.

On page 3 of the bill, in line 8, after “Article” insert “**, UP TO AN AGGREGATE AMOUNT OF \$1,000,000 IN EACH FISCAL YEAR**”.

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 with amendments:

House Bill 454 – The Speaker (By Request – Administration)

AN ACT concerning

State Employees – Merit Increases in Salary

HB0454/359333/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 454

(Third Reading File Bill)

On page 2, in line 11, strike “OR”; and in line 12, after “(v)” insert “MARYLAND TRANSPORTATION AUTHORITY POLICE REPRESENTED BY FRATERNAL ORDER OF POLICE LODGE 34 WHO ARE SUBJECT TO A STEP INCREASE EFFECTIVE APRIL 1, 2016, IN ACCORDANCE WITH AND CONSISTENT WITH A COLLECTIVE BARGAINING AGREEMENT NEGOTIATED WITH THE STATE; OR”

(VI)”.

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:

House Bill 582 – Delegate B. Barnes (Chair, Joint Committee on Pensions)

AN ACT concerning

Correctional Officers’ Retirement System – Clifton T. Perkins Maximum Security Guards – Vested Allowances

HB0582/529335/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 582

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “Vested”.

AMENDMENT NO. 2

On page 3, in line 5, strike “WHILE A MEMBER”; in line 6, strike “IS NOT EMPLOYED AS A MEMBER ON” and substitute “SEPARATED FROM EMPLOYMENT AS A MAXIMUM SECURITY ATTENDANT AT THE CLIFTON T. PERKINS HOSPITAL CENTER BEFORE”; and strike beginning with “AS” in line 7 down through “CENTER” in line 8 and substitute “IN A POSITION ELIGIBLE FOR MEMBERSHIP IN THE CORRECTIONAL OFFICERS’ RETIREMENT SYSTEM”.

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:

House Bill 709 – Delegate Jones

AN ACT concerning

Education – Maryland School for the Blind – Funding

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:

House Bill 1017 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Property Tax Deferrals – Elderly and Disabled
Homeowners
PG 412–16**

HB1017/329836/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 1017

(Third Reading File Bill)

On page 1, strike beginning with “a” in line 5 down through “paid” in line 6 and substitute “the interest payable”; and in line 6, after “deferrals” insert “may not exceed a certain rate of interest”.

On page 3, in line 13, strike “**SHALL BE**” and substitute “**MAY NOT EXCEED**”.

On page 5, in line 3, after the second “**OF**” insert “**UP TO**”.

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 BUDGET AND TAXATION REPORT #32

CONSENT CALENDAR #55

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

BILL NO.	REPORT	SPONSOR	CONTENT
<u>FAVORABLE</u>			
HB 37	FAV	Anne Arundel County Delegation	Anne Arundel County – Property Tax Deferrals – Payment Due Date
HB 272	FAV	Anne Arundel County Delegation	Anne Arundel Co – Property Tax Credit – Benefit Corporations and Benefit LLCs
HB 320	FAV	Frederick County Delegation	Frederick County – Property Tax – Small Business Tax Credit
HB 335	FAV	Del. Lierman	Income Tax Subtraction Modification – College Savings Plans – Contributions
HB 366	FAV	Anne Arundel County Delegation	Anne Arundel County – Property Tax Credit – Blind Individuals
HB 431	FAV	Del. Bromwell	Maryland Achieving a Better Life Experience (ABLE) Program – Establishment
HB 602	FAV	Anne Arundel County Delegation	Anne Arundel County – Special Taxing Districts – Water or Wastewater Services

BILL NO.	REPORT	SPONSOR	CONTENT
HB 790	FAV	Del. Wivell	Washington County – Property Tax Credit – Disabled Veterans
HB 831	FAV	Washington County Delegation	Washington County – Collection of Fees, Charges, Penalties, and Assessments
HB 835	FAV	Cecil County Delegation	Local Facility Closure Reserve Funds – Investments and Reinvestments
HB 867	FAV	Washington County Delegation	Washington County – Contributions to Nonprofit Organizations – Process
HB 917	FAV	St. Mary's County Delegation	St. Mary's County – Property Tax Credit – New or Expanding Businesses
HB 970	FAV	Del. Reznik	Tax Sales – Condominium Assessments and Homeowners Association Fees
HB 1226	FAV	Del. A. Washington	Recordation and Transfer Taxes – Transfer of Controlling Interest – Exemptions
HB 1333	FAV	Del. M. Washington	Income Tax – Filing of Withholding Statements

Favorable report adopted on all of the preceding bills.

The preceding bills were read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #27

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 1072 – Senator Muse

AN ACT concerning

Juveniles – Restraint and Searches – Limitations

SB1072/188773/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 1072

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Muse” and substitute “Senators Muse and Norman”.

On page 1, in line 2, strike “Juveniles – Restraint and Searches – Limitations” and substitute “Task Force to Study the Restraint, Searches, and Needs of Children in the Juvenile Justice System”; strike beginning with “prohibiting” in line 3 down through “juvenile” in line 16 and substitute “establishing the Task Force to Study the Restraint, Searches, and Needs of Children in the Juvenile Justice System; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to review, examine, determine, and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study the Restraint, Searches, and Needs of Children in the Juvenile Justice System”; and strike in their entirety lines 17 through 28, inclusive.

On page 2, strike in their entirety lines 1 through 3, inclusive.

AMENDMENT NO. 2

On page 2, in line 5, strike “the Laws of Maryland read as follows”; and after line 5, insert:

“(a) There is a Task Force to Study the Restraint, Searches, and Needs of Children in the Juvenile Justice System.

(b) The Task Force consists of the following members:

- (1) three members of the Senate of Maryland, appointed by the President of the Senate;
- (2) three members of the House of Delegates, appointed by the Speaker of the House;
- (3) the Secretary of Juvenile Services, or the Secretary's designee;
- (4) the Director of the Maryland Juvenile Justice Monitoring Unit, or the Director's designee;
- (5) the Public Defender of Maryland, or the Public Defender's designee;
- (6) the Executive Director of the Governor's Office for Children, or the Executive Director's designee;
- (7) the Executive Director of Advocates for Children and Youth, or the Executive Director's designee;
- (8) the President of the Maryland Chapter of the National Association for the Advancement of Colored People (NAACP), or the President's designee;
- (9) the Executive Director of AFSCME Maryland, or the Executive Director's designee;
- (10) the Chairman of the Community Public Awareness Council, or the Chairman's designee;
- (11) the Executive Director of the Maryland Sheriff's Association, or the Executive Director's designee;
- (12) one licensed mental health expert, appointed by the Governor; and
- (13) the following three members appointed by the Secretary of Juvenile Services:
 - (i) one expert in juvenile restraint;
 - (ii) one expert in juvenile searches; and

(iii) one expert in the transport of juvenile detainees.

(c) The Governor shall designate the chair of the Task Force.

(d) The Maryland Juvenile Justice Monitoring Unit and the Office of the Public Defender shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) review the policies and practices of the Department of Juvenile Services regarding shackling and strip searches of children within the juvenile justice system;

(2) examine when, by whom, and for what purposes a child in the custody of the Department of Juvenile Services is strip-searched or shackled;

(3) determine the capital expenditures that are necessary to address issues regarding the restraint and searches of children within the juvenile justice system; and

(4) make recommendations regarding changes in policies, practices, or capital expenditures that are necessary to address issues involving the restraint and searches of children within the juvenile justice system.

(g) On or before December 31, 2016, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.”.

On pages 2 through 5, strike in their entirety the lines beginning with line 6 on page 2 through line 10 on page 5, inclusive.

On page 5, in line 12, strike “October” and substitute “June”; and in the same line, after “2016.” insert “It shall remain effective for a period of 1 year and, at the end of May”.

31, 2017, 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 Bates moved, duly seconded, to make the Bill and Amendments a Special Order for April 6, 2016.

The motion was adopted.

SPECIAL ORDERS

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

House Bill 689 – Delegate Frick

AN ACT concerning

Procurement – Prevailing Wage – Liquidated Damages

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 262 – Senators Raskin, Benson, Brochin, Currie, Guzzone, Hough, Kelley, King, Lee, Madaleno, Manno, Muse, Ramirez, Ready, Rosapepe, Salling, Young, and Zirkin

AN ACT concerning

Family Law – Protecting the Resources of Children in State Custody

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

SB0262/238074/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 262

(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 6, after “PAYEE” insert “FOR A CHILD RECEIVING SUPPLEMENTAL SECURITY INCOME OR SOCIAL SECURITY BENEFITS”; in the same line, strike “IN ANY OTHER” and substitute “AS”; in the same line, strike “CAPACITY”; strike beginning with “SUPPLEMENTAL” in line 7 down through “BENEFITS,” in line 8; and in line 35, strike “CONSERVE” and substitute “DEPOSIT”.

On page 3, in line 11, strike “USING” and substitute “IT WOULD BE IN THE CHILD’S BEST INTEREST TO USE”.

AMENDMENT NO. 2

On page 2, in line 13, strike “WHEN” and substitute “FROM BIRTH UNTIL”; and strike in their entirety lines 19 and 20 and substitute:

“(I) FROM BIRTH THROUGH AGE 13, 100%;

“(II) FROM AGE 14 THROUGH AGE 15, AT LEAST 80%; AND

“(III) FROM AGE 16 TO AGE 17, AT LEAST 60%;”.

The preceding 2 amendments were read only.

Senator Raskin moved, duly seconded, to make the Bill and Amendments a Special Order for April 7, 2016.

The motion was adopted.

Handgun Permit Review Board

6. Jacques R. Cowan
924 Waterview Drive
Crownsville, MD 21032

District 33

Member of the Handgun Permit Review Board; appointed to serve remainder of a term of three years from March 27, 2013 and a term of three years from March 27, 2016

7. Richard Lee Jurgena District 15
15711 Pagano Lane
Darnestown, MD 20874

Member of the Handgun Permit Review Board; appointed to serve remainder of a term of three years from March 27, 2014

8. Patricia S. West District 44
623 Braeside Road
Baltimore, MD 21229

Member of the Handgun Permit Review Board; appointed to serve a term of three years from March 27, 2014

9. Courtney M. White District 41
3303 Bateman Avenue
Baltimore, MD 21216

Member of the Handgun Permit Review Board; appointed to serve a term of three years from March 27, 2014

10. Robert D.H. Wilson District 36
400 Cove Road
Queenstown, MD 21658

Member of the Handgun Permit Review Board; appointed to serve a term of three years from March 27, 2015

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

Senator Raskin moved, duly seconded, to make the Nominee No. 6 through Nominee No. 10 from Senate Executive Nominations Committee Report No. 6 a Special Order for April 7, 2016.

The motion was adopted.

Senate Bill 921 – Senators Pugh, Feldman, Benson, Madaleno, Mathias, and Middleton

AN ACT concerning

Clean Energy Jobs – Renewable Energy Portfolio Standard Revisions

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

Senator Hershey moved, duly seconded, to make the Bill a Special Order for the end of today's business.

The motion was adopted.

Senate Bill 934 – Senator Manno

AN ACT concerning

Local Government Tort Claims Act – Notice Requirement – Exception

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

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 935 – Senator Manno

AN ACT concerning

Maryland Tort Claims Act – Certain Claim Requirement – Exception

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0935/218072/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 935

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– Exception”; strike beginning with “providing” in line 3 down through “Act” in line 5 and substitute “requiring a court to entertain an action under the Maryland Tort Claims Act even if a claimant fails to submit a certain written claim, under certain circumstances”; in line 6, strike “repealing a certain requirement” and substitute “claim requirements”; and strike in their entirety lines 13 through 17, inclusive.

AMENDMENT NO. 2

On page 2, in line 9, strike “and for good cause shown”; and in line 10, strike “may” and substitute “SHALL”.

AMENDMENT NO. 3

On page 2, in line 8, strike “(1)”.

On pages 2 and 3, strike in their entirety the lines beginning with line 12 on page 2 through line 8 on page 3, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 637 – Delegates Smith, Conaway, Dumais, Moon, Morales, Proctor, Rosenberg, Sanchez, and Sydnor

AN ACT concerning

Local Government Tort Claims Act – Notice Requirement – Exception

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

HB0637/488177/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 637

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– Exception”; strike beginning with “providing” in line 3 down through “Act” in line 5 and substitute “requiring a court to entertain a certain action against a local government or its employee even though a certain notice was not given, under certain circumstances”; and strike in their entirety lines 12 through 16, inclusive.

AMENDMENT NO. 2

On page 2, in line 25, strike “and for good cause shown”; and in the same line, strike “may” and substitute “SHALL”.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 27 on page 2 through line 29 on page 3, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 515 – Senator DeGrange

AN ACT concerning

County Boards of Education – Procurements for Construction or Repair of School Projects

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

Senator Conway moved, duly seconded, to make the Bill a Special Order for the end of today's business.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 969)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #72

Senate Bill 328 – ~~Senator Conway~~ Senators Conway, Hough, McFadden, Muse, Ramirez, Raskin, and Zirkin

AN ACT concerning

Criminal Procedure – ~~Partial~~ Expungement

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

Affirmative – 46 Negative – 0 (See Roll Call No. 970)

The Bill was then sent to the House of Delegates.

Senate Bill 765 – Senators Raskin, Benson, Ferguson, Guzzone, ~~Hough~~, King, Lee, Muse, Ramirez, Ready, Rosapepe, and Young Young, and Zirkin

AN ACT concerning

CINA, Guardianship, Adoption, Custody, and Visitation – ~~Blindness~~ Disability of Parent, Guardian, Custodian, or Party

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

Affirmative – 36 Negative – 10 (See Roll Call No. 971)

The Bill was then sent to the House of Delegates.

Senate Bill 797 – ~~Senator Pugh~~ Senators Pugh and Muse

AN ACT concerning

Housing and Community Development – Shelter and Transitional Housing Facilities Grant Program – Mandated Funding

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

Affirmative – 32 Negative – 14 (See Roll Call No. 972)

The Bill was then sent to the House of Delegates.

Senate Bill 1009 – Senators Benson, Manno, Kelley, Middleton, and Pugh

AN ACT concerning

Procurement – Prevailing Wage – Liquidated Damages

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

Affirmative – 32 Negative – 14 (See Roll Call No. 973)

The Bill was then sent to the House of Delegates.

Senate Bill 1164 – Senator Ferguson

AN ACT concerning

Baltimore City – South Baltimore Gateway Community Benefits District and Distribution of Local Impact Grants

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

Affirmative – 46 Negative – 0 (See Roll Call No. 974)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #33

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

Senate Bill 371 – Senators Peters, Middleton, and Miller

AN ACT concerning

Income Tax – Subtraction Modification – Perpetual Conservation Easements

SB0371/169532/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 371

(First Reading File Bill)

On page 1, in the sponsor line, strike “and Miller” and substitute “Miller, Mathias, and Muse”.

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 728 – Senators Mathias and Edwards

AN ACT concerning

Income Tax Credit – New Dwellings – Automatic Fire Sprinkler Systems

SB0728/719030/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 728

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Edwards” and substitute “, Edwards, Eckardt, and Serafini”; in line 3, after “dwelling” insert “in a certain county”; and in line 10, after “year;” insert “providing that the Office may not approve a credit in a taxable year beginning after a certain date;”.

AMENDMENT NO. 2

On page 2, in line 5, strike “AND” and substitute:

“(II) THAT HAS NO MORE THAN 2,000 SQUARE FEET OF LIVING SPACE;

(III) THAT IS LOCATED IN ALLEGANY, CAROLINE, CECIL, DORCHESTER, GARRETT, KENT, QUEEN ANNE’S, SOMERSET, TALBOT, WASHINGTON, WICOMICO, OR WORCESTER COUNTIES; AND”;

in line 6, strike “(II)” and substitute “**(IV)**”; and after line 30, insert:

“(4) THE OFFICE MAY NOT APPROVE A CREDIT IN A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2018.”.

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 757 – Senator Madaleno

AN ACT concerning

Alcoholic Beverage Taxes – Electronic Filing of Returns

SB0757/459630/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 757
(First Reading File Bill)

On page 3, in line 1, strike “**2017**” and substitute “**2018**”.

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 997 – Senator Waugh

AN ACT concerning

**St. Mary’s County – Metropolitan Commission Bonds – Extension of Maximum
Maturity Date**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

**House Bill 636 – Delegates Smith, Conaway, Dumais, Moon, Morales, Proctor,
Rosenberg, Sanchez, and Sydnor**

AN ACT concerning

Maryland Tort Claims Act – Certain Claim Requirement – Exception

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE
AMENDMENTS (3) AND THE FAVORABLE REPORT.

HB0636/708979/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 636

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– Exception”; strike beginning with “providing” in line 3 down through “Act” in line 5 and substitute “requiring a court to entertain an action under the Maryland Tort Claims Act even if a claimant fails to submit a certain written claim, under certain circumstances”; in line 6, strike “repealing a certain requirement for certain claims” and substitute “claim requirements”; and strike in their entirety lines 13 through 17, inclusive.

AMENDMENT NO. 2

On page 2, in line 11, strike “(1)”; in line 12, strike “and for good cause shown”; and in line 13, strike “may” and substitute “SHALL”.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 15 on page 2 through line 18 on page 3, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #34

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

House Bill 66 – Chair, Appropriations Committee (By Request – Departmental – Office for Children)

AN ACT concerning

Residential Child Care Capital Grant Program – 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:

House Bill 648 – Delegates Moon, Smith, Barkley, Barron, Barve, Carr, Clippinger, Cullison, Dumais, Fraser–Hidalgo, Gilchrist, Gutierrez, Hixson, Kaiser, Kelly, Korman, Kramer, Lam, Luedtke, Mautz, A. Miller, Morales, Platt, Reznik, S. Robinson, Tarlau, Waldstreicher, and C. Wilson

AN ACT concerning

Alcoholic Beverage Taxes – Electronic Filing of Returns

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:

House Bill 889 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Metropolitan Commission Bonds – Extension of Maximum Maturity Date

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #35

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

House Bill 1476 – Delegates Jalisi, M. Washington, Gaines, Haynes, Hettleman, Jones, McCray, A. Miller, Morales, Morhaim, S. Robinson, Sophocleus, Tarlau, and P. Young

AN ACT concerning

Housing and Community Development – Shelter and Transitional Housing Facilities Grant Program – Mandated Funding

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #51**

CONSENT CALENDAR #56

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

BILL NO.	REPORT	SPONSOR	CONTENT
<u>FAVORABLE</u>			
HB 51	FAV	Del. O'Donnell	Natural Resources – Aquaculture Coordinating Council – Membership
HB 147	FAV	Del. Otto	Somerset County Code of Public Local Laws – 2016 Edition – Legalization
HB 576	FAV	Del. Beitzel	Maryland Dormant Minerals Interests Act – Use of Mineral Interest – Clarification
HB 577	FAV	Allegany County Delegation	Allegany County and Garrett County – Annual Financial Reports – Filing Date
HB 1387	FAV	Del. Hornberger	Commercial Northern Snakehead Bowfishing License – Establishment
HB 1417	FAV	Del. Morgan	Charles County and St. Mary's County – Deer Management Permit – Firearms

Favorable report adopted on all of the preceding bills.

The preceding bills were read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #54**

CONSENT CALENDAR #59

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

BILL NO.	REPORT	SPONSOR	CONTENT
<u>FAVORABLE</u>			
HB 550	FAV	Del. Clippinger	Distillery License Holders – Sale of Product to Participants in Guided Tours
HB 843	FAV	Frederick County Delegation	Frederick County – Alcoholic Beverages – Beauty Salon License
HB 844	FAV	Frederick County Delegation	Frederick County – Alcohol Awareness Program – Absence From Licensed Premises
HB 994	FAV	Allegheny County Delegation	Allegheny County – Alcoholic Beverages – Sunday Sales for Class A Licenses
HB 1028	FAV	Del. Beitzel	Garrett County – Alcoholic Beverages – Sunday Sales
HB 1031	FAV	Frederick County Delegation	Frederick County – Alcoholic Beverages – Refillable Container Permits
HB 1090	FAV	Howard County Delegation	Howard County – Alcoholic Beverages – Continuing Care Retirement Community License Ho. Co. 15–16
HB 1109	FAV	Frederick County Delegation	Frederick County – Dry Election Districts – Repeal

Favorable report adopted on all of the preceding bills.

The preceding bills were read the second time and ordered prepared for Third Reading.

House Bill 1072 – Delegate Beitzel

AN ACT concerning

Garrett County – Alcoholic Beverages – Various Licenses

Favorable report adopted.

FLOOR AMENDMENT

HB1072/613124/1

BY: Senator Edwards

AMENDMENT TO HOUSE BILL 1072

(Third Reading File Bill)

On page 11, in line 23, after “subtitle;” insert “[and]”; and in line 25, strike “and” and substitute “AND”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #40

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

House Bill 188 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Commissioner of Financial Regulation – Disclosure and Sharing of Information

HB0188/207773/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 188

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 9 and 10, strike “by the Commissioner” and substitute “or generated”; in line 10, strike “exercise of” and substitute “course of exercising”; in the same line, after “examine” insert “certain persons required to be licensed under certain provisions of law,”; in line 11, after the first comma insert “and”; in the same line, strike “, and other persons required to be licensed under certain”; in line 12, strike “provisions of law”; and in line 13, after “altering” insert “and establishing”.

On page 2, in line 10, strike “and” and substitute a comma; in the same line, after “2-117” insert “, 11-501(o), and 11-601(s)”; and after line 12, insert:

“BY adding to

Article – Financial Institutions

Section 2-117.1

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 3, strike line 25 in its entirety and substitute “**(Q) “NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY” MEANS A MULTISTATE UNIFORM LICENSING SYSTEM**”; and in line 28, after the comma insert “**THAT MAY BE USED**”.

On page 4, after line 11, insert:

(A) IN THIS SECTION, “LICENSED PERSON” MEANS:

(1) A PERSON REQUIRED TO BE LICENSED UNDER THIS ARTICLE, WHETHER OR NOT THE PERSON MAINTAINS A LICENSE; AND

(2) A COLLECTION AGENCY REQUIRED TO BE LICENSED UNDER THE BUSINESS REGULATION ARTICLE, WHETHER OR NOT THE COLLECTION AGENCY MAINTAINS A LICENSE.

(B) THIS SECTION DOES NOT APPLY TO:

(1) INFORMATION RELATING TO PUBLICLY ADJUDICATED DISCIPLINARY OR ENFORCEMENT ACTIONS AGAINST A LICENSED PERSON; OR

(2) INFORMATION OR MATERIAL PROVIDED TO THE NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY UNDER TITLE 11, SUBTITLE 5 OR 6 OF THIS ARTICLE.

(C) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, A PERSON, INCLUDING THE COMMISSIONER AND AN EMPLOYEE OF AND THE ATTORNEY FOR THE COMMISSIONER'S OFFICE, MAY NOT DISCLOSE ANY INFORMATION OBTAINED OR GENERATED IN THE COURSE OF EXERCISING THE COMMISSIONER'S AUTHORITY TO EXAMINE LICENSED PERSONS.

(D) THE COMMISSIONER AND AN EMPLOYEE OF AND THE ATTORNEY FOR THE COMMISSIONER'S OFFICE MAY DISCLOSE THE INFORMATION DESCRIBED IN SUBSECTION (C) OF THIS SECTION:

(1) IF PERFORMING A PUBLIC DUTY TO REPORT ON OR TAKE SPECIAL ACTION RELATING TO A LICENSED PERSON;

(2) IF TESTIFYING AS A WITNESS IN A CRIMINAL PROCEEDING;

(3) IF INFORMING A DIRECTOR, OFFICER, MEMBER, PARTNER, EMPLOYEE, OR AGENT OF A LICENSED PERSON OF THE RESULTS OF AN EXAMINATION;

(4) IF PROVIDING INFORMATION TO ANY STATE OR FEDERAL AGENCY HAVING SUPERVISORY AUTHORITY OVER THE LICENSED PERSON; AND

(5) IF ENTERING INFORMATION INTO EVIDENCE UNDER SEAL IN A PUBLIC ENFORCEMENT HEARING.

[(a)] (E) Subject to subsections [(b), (c),] (F), (G), and [(d)] (L) of this section, AND notwithstanding any other provision of State [laws or regulations] LAW, the Commissioner may:

(1) Enter into [cooperative and] information sharing agreements with any federal or state regulatory agency having authority over [financial institutions] LICENSED PERSONS or with any federal or state law enforcement agency, INCLUDING THE OFFICE

OF FOREIGN ASSET CONTROL, AND ANY SUCCESSOR TO THESE AGENCIES, AND ANY AGENCY OF A FOREIGN COUNTRY WITH PRIMARY RESPONSIBILITY FOR REGULATING LICENSED PERSONS, provided that the agreements prohibit the [agency] AGENCIES from disclosing any shared information ABOUT A LICENSED PERSON without THE prior written consent from the Commissioner regarding disclosure of the particular information; and

(2) Exchange information about a [financial institution] LICENSED PERSON, including information obtained OR GENERATED during an examination, with any federal or [state] OTHER STATE'S regulatory agency having authority over the [financial institution] THE LICENSED PERSON or with any federal or state law enforcement agency, INCLUDING THE OFFICE OF FOREIGN ASSET CONTROL, AND ANY SUCCESSOR TO THESE AGENCIES, AND ANY AGENCY OF A FOREIGN COUNTRY WITH PRIMARY RESPONSIBILITY FOR REGULATING LICENSED PERSONS.

(F) INFORMATION SHARED BY THE COMMISSIONER UNDER SUBSECTION (E) OF THIS SECTION MAY NOT BE DISCLOSED BY AN AGENCY UNDER FEDERAL OR OTHER STATES' LAWS GOVERNING THE DISCLOSURE OF PUBLIC INFORMATION, OR BY SUBPOENA, DISCOVERY, OR ADMISSION INTO EVIDENCE IN PRIVATE CIVIL LITIGATION OR ADMINISTRATIVE PROCESS, WITHOUT THE PRIOR WRITTEN CONSENT OF THE COMMISSIONER.

[(b)](G) If the Commissioner receives a record from an agency under [a cooperative and] AN information sharing agreement authorized by subsection [(a)(1)] (E)(1) of this section and the agency expressly retains ownership of the record, either in writing or by law or regulation, the Commissioner:

(1) May not disclose the record to any person that requests the record under Title 4, Subtitles 1 through 5 of the General Provisions Article; and

(2) Shall forward the request for the record to the agency that owns the record for processing in accordance with the laws or regulations governing disclosure of the agency's records.

[(c)] (H) Notwithstanding § 2-113(d) of this subtitle, an affiliate as defined in § 2-113(a) of this subtitle is subject to [subsection (a) of] this section if that affiliate maintains or is required to maintain a license issued by the Commissioner OR THE STATE COLLECTION AGENCY LICENSING BOARD.

(I) ANY PROVISION OF TITLE 4, SUBTITLES 1 THROUGH 5 OF THE GENERAL PROVISIONS ARTICLE RELATING TO THE DISCLOSURE OF ANY INFORMATION DESCRIBED IN SUBSECTION (C) OF THIS SECTION SHALL BE SUPERSEDED BY THE REQUIREMENTS OF THIS SECTION.

(J) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ALL INFORMATION DISCLOSED BY THE COMMISSIONER OR AN EMPLOYEE OF OR THE ATTORNEY FOR THE COMMISSIONER’S OFFICE TO ANY PERSON AS PERMITTED UNDER SUBSECTIONS (D) AND (E) OF THIS SECTION:

(1) REMAINS THE PROPERTY OF THE COMMISSIONER; AND

(2) MAY NOT BE FURTHER DISCLOSED BY ANY PERSON WITHOUT THE PRIOR WRITTEN PERMISSION OF THE COMMISSIONER.

(K) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(1) FORFEITURE OF THE PERSON’S OFFICE OR EMPLOYMENT; AND

(2) A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

[(d)] (L) This section does not authorize the Commissioner to share or exchange information in any way THAT IS prohibited by federal law.

2-117.1.

(A) THIS SECTION DOES NOT APPLY TO INFORMATION RELATING TO PUBLICLY ADJUDICATED DISCIPLINARY OR ENFORCEMENT ACTIONS AGAINST BANKING INSTITUTIONS OR CREDIT UNIONS AND DESIGNATED BY THE COMMISSIONER FOR ACCESS TO THE PUBLIC.”;

in line 12, strike “(A)” and substitute “(B)”; in the same line, strike “, A” and substitute “:

(1) A;

in line 14, after “OBTAINED” insert “OR GENERATED”; in line 15, strike “EXERCISE OF” and substitute “COURSE OF EXERCISING”; in line 16, strike the first comma and substitute “OR”; in line 16, strike “, OR OTHER PERSONS REQUIRED TO BE LICENSED”; in line 17, after “ARTICLE” insert “;AND”

(2) THE COMMISSIONER AND THE EMPLOYEES OF AND THE ATTORNEY FOR THE COMMISSIONER’S OFFICE MAY NOT DISCLOSE:

(I) THE NAME OF ANY DEBTOR OF A BANKING INSTITUTION OR CREDIT UNION; OR

(II) ANY INFORMATION ABOUT THE PRIVATE ACCOUNTS WITH OR TRANSACTIONS OF A BANKING INSTITUTION OR CREDIT UNION;

in line 18, strike “(B)” and substitute “(C)”; in the same line, after “COMMISSIONER” insert “AND AN EMPLOYEE OF AND THE ATTORNEY FOR THE COMMISSIONER’S OFFICE”; in line 19, strike “(A)” and substitute “(B)”; in line 21, strike the first comma and substitute “OR”; strike beginning with the second comma in line 21 down through “ARTICLE” in line 22; in line 25, strike the second comma and substitute “OR”; strike beginning with the third comma in line 25 down through “ARTICLE” in line 26; in line 29, strike the comma and substitute “OR”; in the same line, strike “INSTITUTIONS” and substitute “INSTITUTION”; and in line 30, strike “UNIONS, OR OTHER PERSONS REQUIRED TO BE LICENSED UNDER THIS ARTICLE” and substitute “UNION”.

On pages 6 and 7, strike in their entirety the lines beginning with line 17 on page 6 through line 2 on page 7, inclusive, and substitute:

“(D) SUBJECT TO SUBSECTIONS (E), (F), AND (J) OF THIS SECTION, AND NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW, THE COMMISSIONER MAY:

(1) ENTER INTO INFORMATION SHARING AGREEMENTS WITH ANY FEDERAL OR STATE REGULATORY AGENCY HAVING AUTHORITY OVER BANKING INSTITUTIONS OR CREDIT UNIONS, A FEDERAL HOME LOAN BANK, OR ANY FEDERAL OR STATE LAW ENFORCEMENT AGENCY, INCLUDING THE OFFICE OF FOREIGN

ASSET CONTROL, AND ANY SUCCESSOR TO THESE AGENCIES, PROVIDED THAT THE AGREEMENTS PROHIBIT THE AGENCIES FROM DISCLOSING ANY SHARED INFORMATION ABOUT A BANKING INSTITUTION OR CREDIT UNION WITHOUT THE PRIOR WRITTEN CONSENT FROM THE COMMISSIONER REGARDING DISCLOSURE OF THE PARTICULAR INFORMATION; AND

(2) EXCHANGE INFORMATION ABOUT A BANKING INSTITUTION OR A CREDIT UNION, INCLUDING INFORMATION OBTAINED OR GENERATED DURING AN EXAMINATION, WITH ANY FEDERAL OR OTHER STATE’S REGULATORY AGENCY HAVING AUTHORITY OVER THE BANKING INSTITUTION OR CREDIT UNION OR WITH ANY FEDERAL OR STATE LAW ENFORCEMENT AGENCY.”.

On page 7, in line 3, strike “(D)” and substitute “(E)”; in the same line, strike “(C)” and substitute “(D)”; strike in their entirety lines 9 through 28, inclusive, and substitute:

“(F) IF THE COMMISSIONER RECEIVES A RECORD FROM AN AGENCY UNDER AN INFORMATION SHARING AGREEMENT AUTHORIZED BY SUBSECTION (D)(1) OF THIS SECTION AND THE AGENCY EXPRESSLY RETAINS OWNERSHIP OF THE RECORD, EITHER IN WRITING OR BY LAW OR REGULATION, THE COMMISSIONER:

(1) MAY NOT DISCLOSE THE RECORD TO ANY PERSON THAT REQUESTS THE RECORD UNDER TITLE 4, SUBTITLES 1 THROUGH 5 OF THE GENERAL PROVISIONS ARTICLE; AND

(2) SHALL FORWARD THE REQUEST FOR THE RECORD TO THE AGENCY THAT OWNS THE RECORD FOR PROCESSING IN ACCORDANCE WITH THE LAWS OR REGULATIONS GOVERNING DISCLOSURE OF THE AGENCY’S RECORDS.”;

in line 29, strike “(H)” and substitute “(G)”; in the same line, strike “PROVISIONS” and substitute “PROVISION”; and in line 31, after “IN” insert “SUBSECTION (B) OF”.

On page 8, in lines 1 and 7, strike “(I)” and “(J)”, respectively, and substitute “(H)” and “(I)”, respectively; in line 1, strike “BY” and substitute “IN”; in line 2, after “DISCLOSED” insert “BY THE COMMISSIONER OR AN EMPLOYEE OF OR THE ATTORNEY FOR THE COMMISSIONER’S OFFICE”; in the same line, strike “(B) AND (C)” and substitute “(C) AND (D)”; in line 10, strike “FOR EACH OCCURRENCE, A” and

substitute "A"; in the same line, strike "\$5,000" and substitute "\$1,000"; and strike in their entirety lines 12 and 13, and substitute:

“(J) THIS SECTION DOES NOT AUTHORIZE THE COMMISSIONER TO SHARE OR EXCHANGE INFORMATION IN ANY WAY THAT IS PROHIBITED BY FEDERAL LAW.”

AMENDMENT NO. 3

On page 11, after line 22, insert:

“11-501.

(o) “Nationwide Mortgage Licensing System and Registry” [means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of licensed mortgage loan originators and mortgage lenders] HAS THE MEANING STATED IN § 1-101 OF THIS ARTICLE.

11-601.

(s) “Nationwide Mortgage Licensing System and Registry” has the meaning stated in [§ 11-501 of this title] § 1-101 OF THIS ARTICLE.”

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:

House Bill 264 – Delegates B. Robinson, A. Washington, Glenn, Anderson, Angel, Atterbeary, D. Barnes, Barron, Branch, Brooks, Carr, Carter, Conaway, Davis, Fennell, Gaines, Hayes, Haynes, Hill, Holmes, C. Howard, Jackson, Jones, Knotts, McCray, Moon, Oaks, Patterson, Pena-Melnyk, Proctor, Sample-Hughes, Smith, Sydnor, Tarlau, Turner, Vaughn, Walker, M. Washington, ~~and C. Wilson~~ C. Wilson, Jalisi, Krimm, Lisanti, Morales, Morhaim, Platt, and Queen

AN ACT concerning

~~Study Group to Investigate Discriminatory Practices Against Minority Franchisees~~

Task Force to Investigate the Challenges of and Opportunities for Minorities in Business

HB0264/337374/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 264

(Third Reading File Bill)

On page 4, strike beginning with “including” in line 5 down through “Maryland.” in line 6; strike beginning with “study” in line 14 down through “(4)” in line 25; and in line 31, strike “(5)” and substitute “(4)”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 445 – Delegates Lierman, Chang, Hettleman, Jackson, Korman, Krimm, and P. Young

AN ACT concerning

Food Stamp Program – Minimum Benefit – State Supplement

HB0445/237778/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 445

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “authorizing” and substitute “requiring”; in line 4, after “that” insert “includes a certain individual who”; and strike beginning with “requiring” in line 5 down through “Act.” in line 8.

AMENDMENT NO. 2

On page 2, in line 6, after “HOUSEHOLD” insert “INCLUDES AN INDIVIDUAL WHO IS AT LEAST 62 YEARS OLD AND”; in line 8, strike “MAY” and substitute “SHALL”; strike in their entirety lines 10 through 13, inclusive; in line 14, strike “3.” and substitute “2.”; and strike beginning with “It” in line 15 down through “effect.” in line 18.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 593 – Delegates M. Washington, Hettleman, Krimm, Lierman, and McKay

AN ACT concerning

Human Services – Interagency Council on Homelessness – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 730 – Delegates Sample–Hughes, Anderton, Angel, Aumann, Barkley, Clippinger, Cullison, Hayes, Hill, C. Howard, Jameson, Kelly, Kramer, Krebs, Krimm, McComas, McDonough, McMillan, Miele, A. Miller, Morales, Morhaim, Oaks, Patterson, Pena–Melnyk, Saab, Valentino–Smith, M. Washington, and West

AN ACT concerning

Virginia I. Jones Alzheimer’s Disease and Related Disorders Council – Membership and Extension of Termination Date

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 827 – Delegate O’Donnell

AN ACT concerning

**Newborn Infant Screening – Testing by Nonpublic Laboratories – ~~Authorization~~
Notification**

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:

House Bill 958 – Delegate Jameson

AN ACT concerning

Insurance – Rate Filings – Trade Secrets

HB0958/987376/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 958

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after “manner;” insert “requiring the People’s Insurance Counsel Division to maintain the confidentiality of certain proprietary rate–related information; allowing the Division to disclose certain proprietary rate–related information to a certain consultant under certain circumstances;”.

AMENDMENT NO. 2

On page 4, in line 10, strike “OR”; in line 23, after “CAPACITY” insert “;OR

3. IF THE PROPRIETARY RATE–RELATED INFORMATION IS PART OF A HOMEOWNER’S INSURANCE RATE FILING, TO THE PEOPLE’S INSURANCE COUNSEL DIVISION ACTING UNDER § 6–306 OF THE STATE GOVERNMENT ARTICLE.

(IV) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE PEOPLE’S INSURANCE COUNSEL DIVISION SHALL

MAINTAIN THE CONFIDENTIALITY OF PROPRIETARY RATE-RELATED INFORMATION DISCLOSED TO THE DIVISION UNDER SUBPARAGRAPH (III)3 OF THIS PARAGRAPH.

2. THE PEOPLE'S INSURANCE COUNSEL DIVISION MAY DISCLOSE PROPRIETARY RATE-RELATED INFORMATION TO AN OUTSIDE CONSULTANT THAT THE DIVISION ENGAGES TO ASSIST THE DIVISION IN REVIEWING A HOMEOWNER'S INSURANCE RATE FILING, PROVIDED THAT THE OUTSIDE CONSULTANT ENTERS INTO A WRITTEN AGREEMENT TO MAINTAIN THE CONFIDENTIALITY OF THE PROPRIETARY RATE-RELATED INFORMATION";

and in lines 24, 28, and 33, strike "~~(IV)~~", "~~(V)~~", and "~~(VI)~~", respectively, and substitute "(V)", "(VI)", and "(VII)", 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 Middleton, Chair, for the Committee on Finance reported favorably with amendments:

House Bill 1003 – Delegates Valderrama, Davis, K. Young, Anderson, Angel, Atterbeary, Aumann, Barkley, B. Barnes, D. Barnes, Barron, Barve, Beidle, Branch, Bromwell, Brooks, Busch, Carey, Carr, Carter, Chang, Clippinger, Conaway, Cullison, Dumais, Ebersole, Fennell, Fraser-Hidalgo, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Hammen, Hayes, Haynes, Healey, Hettleman, Hill, Hixson, Holmes, C. Howard, Jackson, Jalisi, Jameson, Jones, Kaiser, Kelly, Knotts, Korman, Krimm, Lafferty, Lam, Lierman, Lisanti, Luedtke, McCray, McIntosh, A. Miller, Moon, Morales, Morhaim, Oaks, Patterson, Pena-Melnyk, Pendergrass, Platt, Proctor, Reznik, B. Robinson, S. Robinson, Rosenberg, Sample-Hughes, Sanchez, Simonaire, Smith, Sophocleus, Stein, Sydnor, Tarlau, Turner, Vallario, Vaughn, Waldstreicher, Walker, A. Washington, M. Washington, C. Wilson, and P. Young

AN ACT concerning

Labor and Employment – Equal Pay for Equal Work

HB1003/407776/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1003
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 15, after “work” insert “against an employer who knew or reasonably should have known that the employer’s action violates a certain provision of law”; in line 16, after “employer” insert “who knew or reasonably should have known that the employer’s action violates a certain provision of law”; and in line 21, strike “discovery of a certain act” and substitute “employee receives from the employer the wages paid on the termination of employment under a certain provision of law”.

AMENDMENT NO. 2

On page 8, in line 4, after “employer” insert “KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE EMPLOYER’S ACTION”; in line 10, after “EMPLOYER” insert “KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE EMPLOYER’S ACTION”; and in line 32, strike “DISCOVERY OF THE act on which the action is based” and substitute “EMPLOYEE RECEIVES FROM THE EMPLOYER THE WAGES PAID ON THE TERMINATION OF EMPLOYMENT UNDER § 3-505(A) OF THIS TITLE”.

The preceding 2 amendments were read only.

Senator Hershey moved, duly seconded, to make the Bill and Amendments a Special Order for April 6, 2016.

The motion was adopted.

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

House Bill 1005 – Delegates Kelly, Anderson, Angel, Atterbeary, Barkley, B. Barnes, Barron, Barve, Branch, Brooks, Busch, Carr, Clippinger, Cullison, Davis, Dumais, Ebersole, Fennell, Fraser-Hidalgo, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Hettleman, Hill, Hixson, Holmes, Jackson, Jones, Kaiser, Korman, Kramer, Krimm, Lafferty, Lam, Lierman, Lisanti, Luedtke, McCray, McIntosh, A. Miller, Moon, Morales, Morhaim, Oaks, Patterson, Pena-Melnyk, Pendergrass, Platt, Reznik, B. Robinson, S. Robinson, Rosenberg, Sample-Hughes, Sanchez, Smith, Tarlau, Turner, Valderrama, Vallario, Vaughn, Waldstreicher, Walker, A. Washington, M. Washington, K. Young, ~~and P. Young~~ P. Young, Hammen, and Bromwell

AN ACT concerning

Health Insurance – Contraceptive Equity Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1220 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene) and Delegates Hammen, Angel, Barron, Bromwell, Cullison, Hayes, Hill, Kelly, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Morhaim, Pena-Melnyk, Pendergrass, Rose, Sample-Hughes, West, and K. Young

AN ACT concerning

Department of Health and Mental Hygiene – Health Program Integrity and Recovery Activities

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #41

CONSENT CALENDAR #60

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

House Bill 194 – Carroll County Delegation

AN ACT concerning

Carroll County – State’s Attorney’s Office and Child Support Enforcement Administration – Transfer of Personnel

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 720 – Delegate Kramer

AN ACT concerning

Motor Vehicle Insurance – Insurance Identification Card – Carrying Proof of Coverage – Uninsured Motorist Education and Enforcement Fund

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:

House Bill 740 – Delegates Kelly, Anderson, Angel, Atterbeary, Barkley, B. Barnes, D. Barnes, Barron, Barve, Brooks, Carr, Carter, Clippinger, Conaway, Cullison, Dumais, Ebersole, Fennell, Fraser-Hidalgo, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Hammen, Hayes, Haynes, Healey, Hettleman, Hill, Hixson, Holmes, C. Howard, Jackson, Jalisi, Jones, Kaiser, Korman, Krimm, Lafferty, Lam, Lierman, Lisanti, Luedtke, McCray, McIntosh, A. Miller, Moon, Morales, Morhaim, Oaks, Patterson, Pena-Melnyk, Pendergrass, Platt, Reznik, B. Robinson, S. Robinson, Rosenberg, Sample-Hughes, Sanchez, Smith, Sophocleus, Stein, Tarlau, Turner, Valderrama, Waldstreicher, A. Washington, M. Washington, K. Young, and P. Young

AN ACT concerning

~~Labor and Employment –~~ **Task Force to Study Family and Medical Leave Insurance Program – Establishment**

HB0740/477379/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 740

(Third Reading File Bill)

On page 3, in lines 24 and 26, in each instance, strike “two members” and substitute “one member”.

The preceding amendment was 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:

House Bill 815 – Cecil County Delegation and Delegate Metzgar

AN ACT concerning

Horse Racing – Fair Hill – Arabian Breed Racing Authorization

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1277 – Delegates Cullison, Angel, Kelly, Kipke, McMillan, Miele, Morgan, Oaks, Pena–Melnik, Saab, Sample–Hughes, West, ~~and K. Young~~ K. Young, Hammen, Barron, Bromwell, Hayes, Hill, Krebs, McDonough, Morhaim, Pendergrass, and Rose

AN ACT concerning

Hospitals – Designation of Lay Caregivers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1448 – Delegate Vaughn

AN ACT concerning

Business Regulation – Home Builder Registration – Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1450 – Delegate Vaughn

AN ACT concerning

Commercial Law – Debt Settlement Services – Fund and Sunset Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #52**

CONSENT CALENDAR #57

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

BILL NO.	REPORT	SPONSOR	CONTENT
<u>FAVORABLE</u>			
HB 383	FAV	Del. Busch	Maryland Emergency Management Assistance Compact – City of Annapolis
HB 403	FAV	Del. Morhaim	Construction Contracts – Change Orders (State Procurement Change Order Fairness Act)
HB 605	FAV	Frederick County Delegation	Frederick Co – Dvlp Rights and Responsibilities Agreements – Administrative Appeals
HB 837	FAV	Del. Haynes	St Fin and Procurement – Public Senior Hghr Ed Instns – Plcs Concerning Procurement Cntrcts
HB 868	FAV	Del. McKay	Washington County – Fire, Rescue, and Ambulance Service – Local Authority
HB 972	FAV	St. Mary’s County Delegation	St. Mary’s County – Local Licenses – Repeal

Favorable report adopted on all of the preceding bills.

The preceding bills were read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #53**

CONSENT CALENDAR #58

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

BILL NO.	REPORT	SPONSOR	CONTENT
<u>FAVORABLE</u>			
HB 299	FAV	Del. Otto	Worcester County – Alcoholic Beverages – Refillable Container Permit for Draft Beer
HB 543	FAV	Allegany County Delegation	Allegany County – Alcoholic Beverages – Minimum Age to Serve Liquor
HB 549	FAV	Caroline County Delegation	Caroline County – Alcoholic Beverages – Refillable Container Permit
HB 642	FAV	Anne Arundel County Delegation	Anne Arundel County – Alcoholic Beverages – Licenses
HB 697	FAV	Del. Otto	Worcester County – Alcoholic Beverages – Class A Beer, Wine, and Liquor License
HB 706	FAV	Del. Jameson	Charles Co – Alchlc Bevs – Entertainment Concessionaire and Entertainment Facility Licenses
HB 717	FAV	Dorchester County Delegation	Dorchester County – Class B Beer, Wine, and Liquor License – Minimum Seating Requirement
HB 779	FAV	Del. Parrott	Alcoholic Beverages – Washington County – Local Penalties

BILL NO.	REPORT	SPONSOR	CONTENT
HB 791	FAV	Carroll County Delegation	Carroll County – Alcoholic Beverages – Beer, Wine, and Liquor Tasting License
HB 841	FAV	Frederick County Delegation	Frederick County – Alcoholic Beverages – Hotel Lobby License

Favorable report adopted on all of the preceding bills.

The preceding bills were 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 1072 – Senator Muse

AN ACT concerning

Juveniles – Restraint and Searches – Limitations

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

SB1072/188773/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 1072

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Muse” and substitute “Senators Muse and Norman”.

On page 1, in line 2, strike “Juveniles – Restraint and Searches – Limitations” and substitute “Task Force to Study the Restraint, Searches, and Needs of Children in the Juvenile Justice System”; strike beginning with “prohibiting” in line 3 down through “juvenile” in line 16 and substitute “establishing the Task Force to Study the Restraint,

Searches, and Needs of Children in the Juvenile Justice System; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to review, examine, determine, and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study the Restraint, Searches, and Needs of Children in the Juvenile Justice System”; and strike in their entirety lines 17 through 28, inclusive.

On page 2, strike in their entirety lines 1 through 3, inclusive.

AMENDMENT NO. 2

On page 2, in line 5, strike “the Laws of Maryland read as follows”; and after line 5, insert:

“(a) There is a Task Force to Study the Restraint, Searches, and Needs of Children in the Juvenile Justice System.

(b) The Task Force consists of the following members:

(1) three members of the Senate of Maryland, appointed by the President of the Senate;

(2) three members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Juvenile Services, or the Secretary’s designee;

(4) the Director of the Maryland Juvenile Justice Monitoring Unit, or the Director’s designee;

(5) the Public Defender of Maryland, or the Public Defender’s designee;

(6) the Executive Director of the Governor’s Office for Children, or the Executive Director’s designee;

(7) the Executive Director of Advocates for Children and Youth, or the Executive Director’s designee;

(8) the President of the Maryland Chapter of the National Association for the Advancement of Colored People (NAACP), or the President's designee;

(9) the Executive Director of AFSCME Maryland, or the Executive Director's designee;

(10) the Chairman of the Community Public Awareness Council, or the Chairman's designee;

(11) the Executive Director of the Maryland Sheriff's Association, or the Executive Director's designee;

(12) one licensed mental health expert, appointed by the Governor; and

(13) the following three members appointed by the Secretary of Juvenile Services:

(i) one expert in juvenile restraint;

(ii) one expert in juvenile searches; and

(iii) one expert in the transport of juvenile detainees.

(c) The Governor shall designate the chair of the Task Force.

(d) The Maryland Juvenile Justice Monitoring Unit and the Office of the Public Defender shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) review the policies and practices of the Department of Juvenile Services regarding shackling and strip searches of children within the juvenile justice system;

(2) examine when, by whom, and for what purposes a child in the custody of the Department of Juvenile Services is strip-searched or shackled;

(3) determine the capital expenditures that are necessary to address issues regarding the restraint and searches of children within the juvenile justice system; and

(4) make recommendations regarding changes in policies, practices, or capital expenditures that are necessary to address issues involving the restraint and searches of children within the juvenile justice system.

(g) On or before December 31, 2016, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.”.

On pages 2 through 5, strike in their entirety the lines beginning with line 6 on page 2 through line 10 on page 5, inclusive.

On page 5, in line 12, strike “October” and substitute “June”; and in the same line, after “2016.” insert “It shall remain effective for a period of 1 year and, at the end of May 31, 2017, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 921 – Senators Pugh, Feldman, Benson, Madaleno, Mathias, and Middleton

AN ACT concerning

Clean Energy Jobs – Renewable Energy Portfolio Standard Revisions

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

FLOOR AMENDMENT

SB0921/813023/1

BY: Senator Serafini

AMENDMENTS TO SENATE BILL 921, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Finance Committee Amendments (SB0921/457976/1), in Amendment No. 1, strike beginning with “authorizing” in line 6 down through “Fund;” in line 8; in line 16, strike “a certain term”; and in line 19, strike “and”.

On pages 1 and 2 of the Finance Committee Amendments, in Amendment No. 1, strike in their entirety the lines beginning with line 21 on page 1 through line 1 on page 2.

On page 2 of the Finance Committee Amendments, in line 2 of Amendment No. 1, strike “9-20B-05(f-1)”.

On page 2 of the bill, in line 6, strike “defining”; and strike in their entirety lines 29 through 38, inclusive.

AMENDMENT NO. 2

On page 10 of the bill, strike in their entirety lines 26 and 27, inclusive.

On pages 11 through 15 of the bill, strike in their entirety the lines beginning with line 6 on page 11 through line 6 on page 15, inclusive.

On page 3 of the Finance Committee Amendments, in line 3 of Amendment No. 4, strike “**(I)**”; strike in their entirety lines 6 and 7, inclusive; strike in their entirety lines 9 through 11, inclusive; in line 12, strike “**(E)**” and “**(F)**”; and in line 16, strike “**(G)**”.

On pages 3 and 4 of the Finance Committee Amendments, in Amendment No. 4, strike in their entirety the lines beginning with line 22 on page 3 through line 3 on page 4, inclusive.

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

Affirmative – 14 Negative – 31 (See Roll Call No. 975)

FLOOR AMENDMENT

SB0921/663129/1

BY: Senator Ready

AMENDMENTS TO SENATE BILL 921

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after “years;” insert “establishing a Tier 2 renewable energy portfolio standard for certain years;”.

AMENDMENT NO. 2

On page 6, in line 19, strike the first comma and substitute “:

(I)”;

in the same line, strike “**20.4%**” and substitute “**19.15%**”; in lines 20 and 25, in each instance, strike “(i)” and substitute “**1.**”; in lines 21 and 26, in each instance, strike “(ii)” and substitute “**2.**”; in line 22, after “AND” insert:

“(II) 2.5% FROM TIER 2 RENEWABLE SOURCES; AND”;

in line 23, strike the first comma and substitute “:

(I)”;

in the same line, strike “**25%**” and substitute “**22.5%**”; and in line 27, after “energy” insert “**; AND**

(II) 2.5% FROM TIER 2 RENEWABLE SOURCES”.

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

Affirmative – 15 Negative – 31 (See Roll Call No. 976)

FLOOR AMENDMENT

SB0921/503023/1

BY: Senator Hough

AMENDMENTS TO SENATE BILL 921
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “removing waste-to-energy from the definition of “Tier 1 renewable source”;”.

On page 2, in line 21, after “Section” insert “7-701(r).”.

AMENDMENT NO. 2

On page 5, after line 11, insert:

“7-701.

(r) “Tier 1 renewable source” means one or more of the following types of energy sources:

(1) solar energy, including energy from photovoltaic technologies and solar water heating systems;

(2) wind;

(3) qualifying biomass;

(4) methane from the anaerobic decomposition of organic materials in a landfill or wastewater treatment plant;

(5) geothermal, including energy generated through geothermal exchange from or thermal energy avoided by, groundwater or a shallow ground source;

(6) ocean, including energy from waves, tides, currents, and thermal differences;

(7) a fuel cell that produces electricity from a Tier 1 renewable source under item (3) or (4) of this subsection;

(8) a small hydroelectric power plant of less than 30 megawatts in capacity that is licensed or exempt from licensing by the Federal Energy Regulatory Commission;

- (9) poultry litter-to-energy;
- (10) [waste-to-energy;
- (11)] refuse-derived fuel; and
- ~~[(12)]~~(11) thermal energy from a thermal biomass system.”.

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

Affirmative – 22 Negative – 22 (See Roll Call No. 977)

FLOOR AMENDMENT

SB0921/393723/1

BY: Senator Muse

AMENDMENT TO SENATE BILL 921, AS AMENDED

On page 1 of the Finance Committee Amendments (SB0921/457976/1), in line 2 of Amendment No. 1, strike “and Raskin” and substitute “Raskin, and Muse”.

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0921/133822/1

BY: Senator Hershey

AMENDMENTS TO SENATE BILL 921, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 2 of the bill, strike beginning with “stating” in line 5 down through “Assembly;” in line 6; before line 19, insert:

“BY repealing and reenacting, without amendments,

Article – Public Utilities

Section 7-702

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)”;

and in line 21, strike “7-702,”.

AMENDMENT NO. 2

On page 5 of the bill, in line 22, strike the brackets; in line 24, strike the semicolon; and strike in their entirety lines 25 through 28, inclusive.

On page 2 of the Finance Committee Amendments (SB0921/457976/1), in line 1 of Amendment No. 3, strike “AND”.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 515 – Senator DeGrange

AN ACT concerning

**County Boards of Education – Procurements for Construction or Repair of
School Projects**

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

FLOOR AMENDMENT

SB0515/773321/2

BY: Senator Jennings

AMENDMENT TO SENATE BILL 515, AS AMENDED

(First Reading File Bill)

On page 1 of the Budget and Taxation Committee Amendments (SB0515/609232/1), in line 12 of Amendment No. 2, after “**(B)**” insert “**(1)**”.

On page 3 of the bill, in line 20, strike the colon and substitute “**HARFORD COUNTY.**”

(2) THIS SECTION DOES NOT APPLY TO:”;

and in lines 21, 23, and 24, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “**(I)**”, “**(II)**”, and “**(III)**”, respectively.

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

Affirmative – 18 Negative – 27 (See Roll Call No. 978)

FLOOR AMENDMENT

SB0515/193527/1

BY: Senator Conway

AMENDMENT TO SENATE BILL 515

(First Reading File Bill)

On page 3, in line 28, after “subsection” insert “, AND SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION,”.

On page 4, after line 30, insert:

“(5) AS TO A CONSTRUCTION OR REPAIR PROJECT THAT RECEIVES AN APPROPRIATION IN THE STATE CAPITAL BUDGET THAT IS GREATER THAN \$25,000, THIS SUBSECTION DOES NOT APPLY TO BALTIMORE CITY.”

On page 5, in line 1, strike “A” and substitute “SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A”; and after line 11, insert:

“(3) AS TO A CONSTRUCTION OR REPAIR PROJECT THAT RECEIVES AN APPROPRIATION IN THE STATE CAPITAL BUDGET THAT IS GREATER THAN \$25,000, THIS SUBSECTION DOES NOT APPLY TO BALTIMORE CITY.”

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

Affirmative – 20 Negative – 23 (See Roll Call No. 979)

FLOOR AMENDMENT

SB0515/943922/1

BY: Senator Pinsky

AMENDMENT TO SENATE BILL 515, AS AMENDED

(First Reading File Bill)

On page 1 of the Budget and Taxation Committee Amendments (SB0515/609232/1), in line 12 of Amendment No. 2, after “**(B)**” insert “**(1)**”.

On page 3 of the bill, in line 20, strike the colon and substitute “**PRINCE GEORGE’S COUNTY.**”

(2) THIS SECTION DOES NOT APPLY TO:;

and in lines 21, 23, and 24, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “**(I)**”, “**(II)**”, and “**(III)**”, respectively.

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

Affirmative – 19 Negative – 24 (See Roll Call No. 980)

FLOOR AMENDMENT

SB0515/223926/1

BY: Senator Norman

AMENDMENT TO SENATE BILL 515, AS AMENDED

(First Reading File Bill)

On page 1 of the Budget and Taxation Committee Amendments (SB0515/609232/1), in line 12 of Amendment No. 2, after “**(B)**” insert “**(1)**”.

On page 3 of the bill, in line 20, strike the colon and substitute “**CECIL COUNTY.**”

(2) THIS SECTION DOES NOT APPLY TO:;

and in lines 21, 23, and 24, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “**(I)**”, “**(II)**”, and “**(III)**”, respectively.

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

Affirmative – 16 Negative – 29 (See Roll Call No. 981)

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. 982)

ADJOURNMENT

At 12:11 P.M. on motion of Senator Pugh, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day March 31, 2016, Calendar Day, Wednesday, April 6, 2016 in Memory of Beverly Addison.

Annapolis, Maryland
Legislative Day: March 31, 2016
Calendar Day: Wednesday, April 6, 2016
10:00 A.M. Session

The Senate met at 10:07 A.M.

Prayer by Reverend Vivian C. McCarthy, Reisterstown United Methodist Church, guest of Senator Kelley.

(See Exhibit A of Appendix III)

QUORUM CALL

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

(See Roll Call No. 984)

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

The Journal of March 30, 2016 was read and approved.

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 574 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Robert B. and Sylvia C. Shives
in recognition of

being honored on Arbor Day as 2016 Maryland State Tree Farmer of the Year. Thank you
for your outstanding dedication in protecting the trees, forests and
natural beauty of our State.

The entire membership extends its best wishes on
this memorable occasion and directs this resolution
be presented on this 6th day of April 2016.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 985)

CONCURRENCE CALENDAR #12

AMENDED IN THE HOUSE

Senate Bill 372 – Senators Peters, Currie, and McFadden

AN ACT concerning

~~**Horse Racing – Track Winnings – Intercepts for Restitution and Child Support
Payments**~~
**Task Force to Study Intercepting Horse Racing Winnings for Child Support and
Restitution**

Senator Middleton moved that the Senate concur in the House amendments.

SB0372/885963/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 372

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “Task Force to Study” and substitute “Study of”.

On page 2, strike beginning with “establishing” in line 6 down through “matters:” in line 10 and substitute “requiring the Department of Information Technology to analyze the logistics of intercepting horse racing winnings to pay for certain child support or restitution arrears, study the use of certain intercept methods by the State for child support enforcement and restitution collection, and make recommendations regarding certain matters:”; in line 11, strike “Task Force” and substitute “Department”; and strike beginning with “providing” in line 12 down through “Restitution” in line 14 and substitute “and generally relating to a certain study of intercepting horse racing winnings for child support and restitution”.

AMENDMENT NO. 2

On pages 5 and 6, strike in their entirety the lines beginning with line 8 on page 5 through line 4 on page 6, inclusive.

On page 6, in lines 5 and 17, strike “(f)” and “(g)”, respectively, and substitute “(a)” and “(b)”, respectively; in line 5, strike “Task Force” and substitute “Department of Information Technology”; in lines 7 and 15, in each instance, after “support” insert “or restitution”; in line 17, strike “Task Force” and substitute “Department”; and strike beginning with “It” in line 21 down through “effect.” in line 23.

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 986)

AMENDED IN THE HOUSE

Senate Bill 549 – Senators Pugh, Bates, Conway, Eckardt, Feldman, Ferguson, Guzzone, Hershey, Jennings, Kagan, Klausmeier, Lee, Mathias, Middleton, Muse, Nathan–Pulliam, Reilly, Rosapepe, Salling, Simonaire, ~~and Young~~ Young, Astle, Benson, and Kelley

AN ACT concerning

Virginia I. Jones Alzheimer’s Disease and Related Disorders Council – Membership and Extension of Termination Date

Senator Middleton moved that the Senate concur in the House amendment.

SB0549/406085/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 549

(Third Reading File Bill)

On page 2, in line 20, strike “AND”; in line 21, strike “(6)”; after line 22, insert:

“(6) THE EXECUTIVE DIRECTOR OF THE ALZHEIMER’S ASSOCIATION, GREATER MARYLAND CHAPTER, OR THE EXECUTIVE DIRECTOR’S DESIGNEE;

(7) THE PRESIDENT OF THE ALZHEIMER’S ASSOCIATION, NATIONAL CAPITAL AREA CHAPTER, OR THE PRESIDENT’S DESIGNEE;

(8) A REPRESENTATIVE OF THE MARYLAND MEDICAL ASSISTANCE PROGRAM, APPOINTED BY THE SECRETARY; AND;

in line 23, before “The” insert “**(9)**”; and strike in their entirety lines 28 and 29.

On page 3, in lines 1, 3, 5, 7, 9, 11, 13, 15, 17, 18, 20, 22, and 23, strike “(iv)”, “(v)”, “(vi)”, “(vii)”, “(viii)”, “(ix)”, “(x)”, “(xi)”, “(xii)”, “(xiii)”, “(xiv)”, “(xv)”, and “(xvi)”, respectively, and substitute “**(III)**”, “**(IV)**”, “**(V)**”, “**(VI)**”, “**(VII)**”, “**(VIII)**”, “**(IX)**”, “**(X)**”, “**(XI)**”, “**(XII)**”, “**(XIII)**”, “**(XIV)**”, and “**(XV)**”, respectively; strike in their entirety lines 24 and 25; in line 26, strike “**(XVIII)**” and substitute “**(XVI)**”; and strike in their entirety lines 28 and 29.

On page 4, in line 1, strike “**(XX)**” and substitute “**(XVII)**”; and in line 3, strike “**(XXI)**” and substitute “**(XVIII)**”.

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 987)

AMENDED IN THE HOUSE

Senate Bill 929 – Senators Klausmeier and ~~Feldman~~, Kelley, Feldman, Astle, Benson, Hershey, Jennings, Mathias, Middleton, Pugh, and Reilly

AN ACT concerning

**Health Benefit Plans – Network Access Standards and
Provider Network Directories**

Senator Middleton moved that the Senate concur in the House amendments.

SB0929/976186/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 929

(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 18, strike “15–112(n)” and substitute “15–112(b)(1)(i), (n).”; and in lines 31 and 32, strike “(E) THROUGH (L), (Q), (R), AND (T)” and substitute “(F) THROUGH (M), (R), (S), AND (U) THROUGH (W)”.

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 34 on page 3 through line 23 on page 4, inclusive, and substitute:

“Article – Insurance”.

On page 7, strike in their entirety lines 1 through 12, inclusive, and substitute:

(i) 1. if the carrier is an insurer, nonprofit health service plan, or dental plan organization, maintain standards in accordance with regulations adopted by the Commissioner for availability of health care providers to meet the health care needs of enrollees;

2. if the carrier is a health maintenance organization, adhere to the standards for accessibility of covered services in accordance with regulations adopted under § 19–705.1(b)(1)(i)2 of the Health – General Article; and

3. if the carrier is an insurer or nonprofit health service plan that offers a preferred provider insurance policy that conditions the payment of benefits on the use of preferred providers, adhere to the standards for accessibility of covered services in accordance with regulations adopted under § 19–705.1(b)(1)(i)2 of the Health – General Article and as enforced by the Secretary of Health and Mental Hygiene; and”.

On page 33, after line 22, insert:

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

Article – Health – General

19–705.1.

(a) The Secretary shall adopt regulations that set out reasonable standards of quality of care that a health maintenance organization shall provide to its members.

(b) (1) The standards of quality of care shall include:

(i) [1.] A requirement that a health maintenance organization shall provide for regular hours during which a member may receive services, including providing for services to a member in a timely manner that takes into account the immediacy of need for services; [and

2. Provisions for assuring that all covered services, including any services for which the health maintenance organization has contracted, are accessible to the enrollee with reasonable safeguards with respect to geographic locations;]

Article – Insurance

14–205.1.

(a) The Commissioner may authorize an insurer or nonprofit health service plan to offer a preferred provider insurance policy that conditions the payment of benefits on the use of preferred providers if the insurer or nonprofit health service plan[:

(1) has demonstrated to the Secretary of Health and Mental Hygiene that the provider panel of the insurer or nonprofit health service plan complies with the regulations adopted under § 19–705.1(b)(1)(i)2 of the Health – General Article; and

(2) does not restrict payment for covered services provided by nonpreferred providers:

[(i)] (1) for emergency services, as defined in § 19–701 of the Health – General Article;

[(ii)] (2) for an unforeseen illness, injury, or condition requiring immediate care; or

[(iii)] (3) as required under § 15–830 of this article.

15–112.

(b) (1) Subject to paragraph (3) of this subsection, a carrier that uses a provider panel shall:

(i) [1.] if the carrier is an insurer, nonprofit health service plan, HEALTH MAINTENANCE ORGANIZATION, or dental plan organization, maintain standards in accordance with regulations adopted by the Commissioner for availability of health care providers to meet the health care needs of enrollees; AND

[2. if the carrier is a health maintenance organization, adhere to the standards for accessibility of covered services in accordance with regulations adopted under § 19–705.1(b)(1)(i)2 of the Health – General Article; and

3. if the carrier is an insurer or nonprofit health service plan that offers a preferred provider insurance policy that conditions the payment of benefits on the use of preferred providers, adhere to the standards for accessibility of covered services in accordance with regulations adopted under § 19–705.1(b)(1)(i)2 of the Health – General Article and as enforced by the Secretary of Health and Mental Hygiene; and]”.

AMENDMENT NO. 3

On page 33, in lines 25 and 27, strike “3.” and “4.”, respectively, and substitute “4.” and “6.”, respectively; after line 26, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect January 1, 2018.”;

and in line 28, strike “Section 3” and substitute “Sections 4 and 5”.

The preceding 3 amendments were read and concurred in.

SB0929/446584/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 929

(Third Reading File Bill)

On page 7, in line 29, strike “**(M)**” and substitute “**(N)**”.

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 988)

CONCURRENCE CALENDAR #13

AMENDED IN THE HOUSE

Senate Bill 377 – The President (By Request – Administration)

AN ACT concerning

Admissions and Amusement Tax – Revenue Distribution – Maryland State Arts Council

Senator Kasemeyer moved that the Senate concur in the House amendments.

SB0377/573125/1

BY: Delegate Hixson

AMENDMENT TO SENATE BILL 377

(Third Reading File Bill)

On page 4, in line 13, strike “**\$1,000,000**”; and in line 14, after “Article” insert “**, UP TO AN AGGREGATE AMOUNT OF \$1,000,000 IN EACH FISCAL YEAR**”.

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 989)

AMENDED IN THE HOUSE

Senate Bill 905 – Senators King, Miller, Astle, Conway, DeGrange, Ferguson, Gladden, Guzzone, Kagan, Klausmeier, Madaleno, Manno, McFadden, Middleton, Muse, Nathan–Pulliam, Peters, Pugh, Ramirez, Raskin, Rosapepe, Zirkin, and Zucker

AN ACT concerning

Commission on Innovation and Excellence in Education

Senator Kasemeyer moved that the Senate concur in the House amendments.

SB0905/535362/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 905

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after “time;” insert “requiring a certain master plan to include certain information during certain calendar years; requiring the State Department of Education to convene a certain group of stakeholders to review certain requirements of a certain master plan and the federal Every Student Succeeds Act; requiring the Department to make a certain report on or before a certain date;”.

AMENDMENT NO. 2

On page 3, in line 15, after “(d)” insert “(1)”; and after line 16, insert:

“(2) If by August 1, 2016, the Governor, the President of the Senate, and the Speaker of the House do not jointly appoint a chair, the President of the Senate and the Speaker of the House shall jointly appoint the chair of the Commission.”.

On page 4, in line 2, after “education” insert “, including expanding the services and supports needed in special education prekindergarten”.

On page 5, in line 9, strike “and”; and after line 12, insert:

“(vii) ensuring that State laws promote collaboration between county governments and local school systems; and”.

AMENDMENT NO. 3

On page 5, after line 28, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Notwithstanding any other provision of law, for calendar years 2016 and 2017, a county board of education’s annual update of the comprehensive master plan required by § 5–401(b)(3) of the Education Article shall include only:

(1) the budget requirements required by § 5–401(b)(5) of the Education Article;

(2) the goals, objectives, and strategies regarding the performance of:

(i) students requiring special education, as defined in § 5–209 of the Education Article;

(ii) students with limited English proficiency, as defined in § 5–208 of the Education Article; and

(iii) students failing to meet, or failing to make progress toward meeting, State performance standards, including any segment of the student population that is, on average, performing at a lower achievement level than the student population as a whole;

(3) the strategies to address any disparities in achievement for students in item (2)(iii) of this subsection; and

(4) the requirements of § 7–203.3 of the Education Article, as enacted by Chapter (S.B. 533/H.B. 412) of the Acts of the General Assembly of 2016.

(b) (1) The State Department of Education shall convene a group of stakeholders to review the current statutory and regulatory requirements of the master plan and the new requirements of the federal Every Student Succeeds Act.

(2) On or before October 1, 2017, the Department shall report to the State Board of Education, the Commission on Innovation and Excellence in Education, as enacted by Section 1 of this Act, and, in accordance with § 2–1246 of the State Government Article, the General Assembly on recommendations regarding:

(i) what information future comprehensive master plans should contain; and

(ii) whether future comprehensive master plans should be completed in a digital form that can be updated periodically.”;

and in line 29, strike “3.” and substitute “4.”.

The preceding 3 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 990)

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

BILL NO.	SPONSOR	CONTENT
SB 150	Sen. Lee	Courts – Prohibition Against Testimony by Convicted Perjurer – Repeal
SB 317	Sen. Kelley	Coordinating Council for Juvenile Services Educational Programs – Membership
SB 369	Sen. Ferguson	Ed – Prekindergarten Programs – Ntfctn of Eligibility by Lcl Depts of Scl Srvc
SB 421	Sen. Ramirez	Spcl Ed – Translations of Individualized Ed Prgms or Individualized Fam Srvc Plans – Native Lang
SB 422	Sen. Kasemeyer	Education – Maryland School for the Blind – Funding
SB 439	Sen. Lee	Crctnl Training Comm – Dept of Juv Srvc Empls – Rvctn of Certfn and Reinstatement
SB 494	Sen. Nathan–Pulliam	School Behavioral Health Accountability Act
SB 582	Sen. King	Education – Robotics Grant Program – Establishment
SB 715	Cecil County Senators	Cecil County – Marriage Licenses – Applications
SB 716	Cecil County Senators	Public Safety – Fire Police – Cecil County

BILL NO.	SPONSOR	CONTENT
SB 883	Sen. Hough	Frederick County – Local Government Tort Claims Act – Notice of Claim

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

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 580 – Delegates Clippinger, Anderson, Angel, Atterbeary, Barkley, B. Barnes, D. Barnes, Barron, Barve, Branch, Brooks, Carr, Carter, Chang, Conaway, Cullison, Davis, Dumais, Ebersole, Fennell, Fraser-Hidalgo, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Hammen, Hayes, Haynes, Healey, Hettleman, Hill, Hixson, Holmes, C. Howard, Jackson, Jalisi, Jones, Kaiser, Kelly, Knotts, Korman, Krimm, Lafferty, Lam, Lierman, Luedtke, McCray, McIntosh, A. Miller, Moon, Morales, Morhaim, Oaks, Patterson, Pena-Melnyk, Pendergrass, Platt, Proctor, Reznik, B. Robinson, S. Robinson, Rosenberg, Sample-Hughes, Sanchez, Smith, Sophocleus, Stein, Sydnor, Tarlau, Turner, Valderrama, Vallario, Vaughn, Waldstreicher, A. Washington, M. Washington, K. Young, P. Young, ~~and Zucker~~ Zucker, and Queen

AN ACT concerning

Labor and Employment – Maryland Healthy Working Families Act

FOR the purpose of requiring certain employers to provide employees with certain earned sick and safe leave; providing for the method of determining whether an employer is required to provide paid or unpaid earned sick and safe leave; providing for the manner in which earned sick and safe leave is accrued by the employee and treated by the employer; authorizing an employer, under certain circumstances, to deduct the amount paid for earned sick and safe leave from the wages paid to an employee on the termination of employment under a certain provision of law; prohibiting an employer from being required to pay out on the termination of employment certain earned sick and safe leave; requiring an employer to allow an employee to use earned sick and safe leave for certain purposes; authorizing an employer to require an employee to provide certain notice under certain circumstances; requiring an employer, under certain circumstances, to provide certain notice to the employer;

authorizing an employer to deny a request for leave under certain circumstances; prohibiting an employer from requiring that a certain employee search for or find an individual to work in the employee's stead during a certain period of time; authorizing an employee to work additional hours or trade shifts with another employee instead of taking earned sick and safe leave, under certain circumstances; providing that an employee is not required to accept a certain offer; prohibiting an employer, under certain circumstances, from being required to pay more than a certain rate or allowing an employee to work certain hours or shifts; prohibiting an employer, under certain circumstances, from deducting a certain absence from a certain employee's earned sick and safe leave; authorizing an employer, under certain circumstances, to require an employee to provide certain ~~documentation~~ verification; requiring an employer to notify the employees that the employees are entitled to certain earned sick and safe leave; specifying the information that must be included in the notice; requiring the Commissioner of Labor and Industry to create and make available a certain poster and notice; requiring an employer to keep certain records for a certain time period; authorizing the Commissioner to inspect certain records; establishing a presumption that an employer has violated certain provisions of this Act under certain circumstances; requiring and authorizing the Commissioner to take certain acts when the Commissioner ~~determines certain provisions of this Act have been violated~~, receives a certain written complaint; specifying the contents that are required to be included and may be included in a certain order issued by the Commissioner; subjecting certain acts to certain hearing and notice requirements; requiring an employer to comply with a certain order within a certain time period; authorizing an employee to bring a civil action in a certain court against an employer for a violation of certain provisions of this Act within a certain time period; ~~authorizing~~ requiring a court to award certain damages, fees, and injunctive relief under certain circumstances; establishing certain prohibited acts; providing for certain criminal penalties; providing that certain protections apply to certain employees; authorizing the Commissioner to adopt regulations to carry out certain provisions of this Act; authorizing the Commissioner to conduct an investigation, under certain circumstances, to determine whether certain provisions of this Act have been violated; requiring the Commissioner, except under certain circumstances, to keep certain information confidential; providing for the construction of certain provisions of this Act; providing that this Act preempts the authority of a local jurisdiction to enact a law on or after a certain date that provides for certain sick and safe leave provided by certain employers; providing for the application of this Act; providing for a delayed effective date; defining certain terms; and generally relating to earned sick and safe leave.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 2–106(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2015 Supplement)

BY adding to
Article – Labor and Employment

Section 3–103(k); and 3–1301 through 3–1311 to be under the new subtitle “Subtitle 13. Healthy Working Families Act”
Annotated Code of Maryland
(2008 Replacement Volume and 2015 Supplement)

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

House Bill 927 – Delegate Davis

AN ACT concerning

Public Service Commission – Electric Affordability Program – Study

FOR the purpose of requiring the Public Service Commission to study and make recommendations about the advisability of establishing an opt-in electric affordability program for certain customers of certain electric companies with certain characteristics and the advisability of allowing certain electric cooperatives to participate in the program; requiring the Commission to study and make recommendations about the manner in which a certain program should be conducted, including certain provisions, qualifications, and procedures; requiring the Commission to report certain recommendations by a certain date to the Senate Finance Committee and the House Economic Matters Committee; and generally relating to the affordability of electricity supply and services.

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

House Bill 1640 – Carroll County Delegation

AN ACT concerning

Carroll County – Local Government Tort Claims Act

FOR the purpose of removing a reference to a certain public transportation provider in Carroll County from the definition of “local government” under the Local Government Tort Claims Act; and generally relating to the definition of “local government” under the Local Government Tort Claims Act.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–301(d)(25)
Annotated Code of Maryland
(2013 Replacement Volume and 2015 Supplement)

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

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #57**

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

House Bill 117 – ~~Delegate Barron~~ Delegates Barron, Angel, Hammen, Hill, Kelly, McMillan, Oaks, Pena–Melnyk, K. Young, and West

AN ACT concerning

State Board of Pharmacy – Licensure Requirements for Pharmacists – Proof of Proficiency in English

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:

House Bill 169 – Carroll County Delegation

EMERGENCY BILL

AN ACT concerning

Carroll County – Turkey Hunting on Private Property – Sundays

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:

House Bill 412 – ~~Delegates Kaiser, Ebersole, Haynes, Hettleman, Kramer, Krimm, Lam, Lierman, Luedtke, A. Miller, Morales, Morhaim, Turner, Valentino–Smith, and Zucker~~ Zucker, Afzali, Fennell, Patterson, and Tarlau

AN ACT concerning

Education – ~~Administration of Assessments~~ – Administration and Provision of Information

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:

House Bill 1291 – ~~Delegates Davis and~~ Delegate Kelly

AN ACT concerning

State Board of Cosmetologists – Limited License – Hair Services – Blow Drying

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

House Bill 1488 – Delegates Hettleman, Anderson, Atterbeary, B. Barnes, Barron, Chang, Clippinger, Ebersole, Frick, Gaines, Hayes, Haynes, Hill, Jackson, Jones, Kaiser, Kelly, Korman, Lafferty, Lierman, Lisanti, Luedtke, McIntosh, Morhaim, Platt, Reznik, Rosenberg, Sanchez, Smith, Sydnor, Valderrama, M. Washington, and P. Young

AN ACT concerning

Service, Stipends, and Scholarships – Maryland Corps Program – Established

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #58

CONSENT CALENDAR #61

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

BILL NO.	REPORT	SPONSOR	CONTENT
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FAVORABLE

BILL NO.	REPORT	SPONSOR	CONTENT
HB 249	FAV	Del. Smith	Members of the National Guard – Employment and Reemployment Rights – Enforcement
HB 984	FAV	Del. Saab	Open Meetings Act – Retention of Minutes and Recordings – Revision
HB 1453	FAV	Del. Vaughn	Real Estate Licensees – Verification of Service Provider Licensing Status
HB 1469	FAV	Del. Carey	Real Este Brokers – Agency Rltnshps in Rsdntl Real Este Trnsectns – Dsclsr and Consent Reqmts

Favorable report adopted on all of the preceding bills.

The preceding bills were read the second time and ordered prepared for Third Reading.

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

House Bill 747 – Delegates Gilchrist and Vaughn

AN ACT concerning

Real Estate Brokers – Licensure Requirement – Exemption for Lawyers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #59

CONSENT CALENDAR #62

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

BILL NO.	REPORT	SPONSOR	CONTENT
<u>FAVORABLE</u>			
HB 232	FAV	Del. Hayes	Athletic Trainers – Evaluation and Treatment Protocols – Approval
HB 470	FAV	Del. Krebs	Health Occupations – Dental Hygienists – Administration of Nitrous Oxide
HB 490	FAV	Del. Cullison	Maryland Nurse Practice Act – Peer Review and Advisory Committees and Penalties
HB 680	FAV	Del. Kipke	Health Occupations – Dental Hygienists – Local Anesthesia
HB 998	FAV	Del. Hill	State Board of Physicians – Physician Licensing Reciprocity

Favorable report adopted on all of the preceding bills.

The preceding bills were read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #60**

CONSENT CALENDAR #63

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

BILL NO.	REPORT	SPONSOR	CONTENT
<u>FAVORABLE</u>			
HB 136	FAV	Del. Stein	State Government – Financial Education and Capability Commission – Composition

BILL NO.	REPORT	SPONSOR	CONTENT
HB 163	FAV	Del. Anderson	Baltimore Cty Bd of Schl Commrs – Submission of a Cmprhnsv Master Plan – Rpl of Duplicative Reqmt
HB 226	FAV	Del. Mautz	Talbot County – Board of Education – Student Members
HB 713	FAV	Del. Luedtke	School Behavioral Health Accountability Act
HB 878	FAV	Del. Parrott	Maryland Higher Education Commission – Religious Educational Institutions – Authority to Operate
HB 1095	FAV	Del. Platt	Ed – Prekindergarten Programs – Ntfctn of Eligibility by Lcl Depts of Scl Srvcs
HB 1463	FAV	Del. Patterson	Coordinating Council for Juvenile Services Educational Programs – Membership

Favorable report adopted on all of the preceding bills.

The preceding bills were read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #62**

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

House Bill 20 – Delegate O’Donnell

AN ACT concerning

Calvert County and St. Mary’s County – Archery Hunting – Safety Zone

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:

House Bill 62 – Chair, Environment and Transportation Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Natural Resources – Fishing and Hunting 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:

House Bill 494 – Delegates Miele, Hettleman, Aumann, Bromwell, Buckel, Carr, Cassilly, Cluster, Flanagan, Frick, Frush, Jacobs, Kramer, Lierman, Luedtke, McComas, McKay, Metzgar, Morgan, Morhaim, Rose, Stein, Turner, West, and K. Young

AN ACT concerning

Agriculture – Animal Shelters – Uniform Standards of Operation and Care (Animal Shelters Standards Act of 2016)

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:

House Bill 1051 – ~~Delegate Lisanti~~ Harford County Delegation

AN ACT concerning

Harford County – Alcoholic Beverages – Community College 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:

House Bill 1129 – Prince George’s County Delegation and Montgomery County Delegation

AN ACT concerning

**Washington Suburban Sanitary Commission – Commissioners Appointed From
Montgomery County – Qualifications
PG/MC 116-16**

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:

House Bill 1320 – Delegate B. Wilson

AN ACT concerning

Washington County – Alcoholic Beverages – Class CT (Cinema/Theater) License

HB1320/314331/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1320

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 6 and 7, strike “and serve”; and in line 9, after “food,” insert “prohibiting a certain individual from mixing the contents of certain bottles:”.

AMENDMENT NO. 2

On page 4, in line 23, strike “AND”; and in line 25, after “SEATS” insert “; AND

(3) HAS A MINIMUM OF SIX MOVIE THEATER ROOMS”.

On page 5, in line 2, strike “OR SERVE”; and in line 16, after “LIQUOR” insert “:

(I) MAY NOT MIX THE CONTENTS OF ONE BOTTLE WITH THE CONTENTS OF ANOTHER BOTTLE; AND

(II)”.

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 #63**

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

**House Bill 112 – Delegates Jackson, Barron, Haynes, Healey, C. Howard,
Jameson, Morales, and Patterson**

AN ACT concerning

Election Law – Campaign Finance Entities – ~~Activity and Forfeiture of Salary~~

HB0112/844236/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 112

(Third Reading File Bill)

On page 1, in line 2, strike “Activity” and substitute “Expenditures Made and the Attribution of Contributions Received”; in line 13, before “and” insert “altering the reporting requirements for certain contributions by certain business entities whose subsidiaries do not have a contract doing public business; defining a certain term;”; in line 17, strike “13–220(d)” and substitute “13–220(d), 14–101(a), and 14–105(e)”; and in line 22, strike “and 13–248” and substitute “, 13–248, and 14–101(l)”.

On page 4, before line 1, insert:

“14–101.

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

(L) (1) “SUBSIDIARY” MEANS A BUSINESS ENTITY THAT IS 30% OR MORE OWNED OR CONTROLLED BY ANOTHER BUSINESS ENTITY.

(2) “SUBSIDIARY” DOES NOT INCLUDE A BUSINESS ENTITY THAT DOES NOT HAVE A CONTRACT DOING PUBLIC BUSINESS AND IS DIRECTLY OR INDIRECTLY OWNED OR CONTROLLED BY ANOTHER BUSINESS ENTITY:

(I) THE SECURITIES OF WHICH ARE TRADED ON A NATIONAL EXCHANGE;

(II) FOR WHICH NO INDIVIDUAL OWNS OR CONTROLS MORE THAN 10% OF THE BUSINESS ENTITY; AND

(III) THAT IS DEFINED UNDER 12 U.S.C. § 184(A).

14–105.

(e) (1) Business done with a governmental entity by a subsidiary of a business entity shall be attributed to the business entity [if 30% or more of the equity of the subsidiary is owned or controlled by the business entity].

(2) Applicable contributions made by or attributed to a subsidiary [described in paragraph (1) of this subsection] shall be attributed to the business entity.”.

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:

House Bill 873 – Delegates Smith, Luedtke, Hixson, and P. Young

AN ACT concerning

Election Law – Special Elections – Absentee Ballots for Absent Uniformed Services Voters and Overseas Voters

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:

House Bill 1008 – Delegates Turner, Atterbeary, B. Barnes, Branch, Brooks, Busch, Clippinger, Ebersole, Fennell, Frush, Gutierrez, Haynes, Hettleman, Hill, Hixson, Holmes, C. Howard, Jackson, Jalisi, Jones, Kaiser, Krimm, Lam, Lisanti, Luedtke, A. Miller, Moon, Morhaim, Platt, Reznik, B. Robinson, Sample–Hughes, Sanchez, Smith, Stein, Tarlau, Valderrama, Vallario, Waldstreicher, ~~and M. Washington~~ M. Washington, and Patterson

AN ACT concerning

Election Law – Early Voting Centers

HB1008/874937/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1008

(Third Reading File Bill)

On page 2, in line 11, strike “300,000” and substitute “**200,000**”; in the same line, strike the brackets; in the same line, strike “**FOUR**”; after line 12, insert:

“(4) A COUNTY WITH MORE THAN 200,000 REGISTERED VOTERS BUT FEWER THAN 300,000 REGISTERED VOTERS SHALL HAVE FOUR EARLY VOTING CENTERS ESTABLISHED IN THE COUNTY.”;

in line 13, strike “(4)” and substitute “**(5)**”; in line 16, strike “(5)” and substitute “**(6)**”; in line 18, strike “(6)” and substitute “**(7)**”; and in line 19, strike “**125,000**” and substitute “**200,000**”.

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:

House Bill 1077 – Montgomery County Delegation

AN ACT concerning

**Montgomery County Board of Elections – Election Director – Appointment
Requirement
MC 26–16**

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:

House Bill 1127 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Dissemination of Voter Information Material –
Multifamily Residential Structures
PG 408–16**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE TO THE SENATE

BILL: HB0306
SPONSOR: Delegate Smith, et al
SUBJECT: Labor and Employment – Hiring and Promotion Preferences –
Veterans and Their Spouses

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

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

Said Bill is returned herewith.

By Order,

Sylvia Siegert
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB0306**
SPONSOR: Delegate Smith, et al
SUBJECT: Labor and Employment – Hiring and Promotion Preferences –
 Veterans and Their Spouses

The Senate does not recede in the Senate amendments, and respectfully requests the House reconsider and concur.

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

Senator Astle, Chair
Senator Klausmeier
Senator Reilly

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.
Secretary

Read and adopted.

CONCURRENCE CALENDAR #14

AMENDED IN THE HOUSE

**Senate Bill 80 – Chair, Judicial Proceedings Committee (By Request –
Departmental – Transportation)**

AN ACT concerning

**Commercial Drivers’ Licenses – Cancellations and Downgrades
(Driving Privilege Preservation Act of 2016)**

Senator Zirkin moved that the Senate concur in the House amendments.

SB0080/410414/1

BY: Environment and Transportation Committee

AMENDMENTS TO SENATE BILL 80
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “a person” and substitute “an individual”.

AMENDMENT NO. 2

On page 2, in line 16, strike “PERSON” and substitute “INDIVIDUAL”.

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 991)

AMENDED IN THE HOUSE

Senate Bill 309 – Senator Mathias

AN ACT concerning

Motor Vehicle Registration – Exception for Golf Carts – City of Crisfield

Senator Zirkin moved that the Senate concur in the House amendments.

SB0309/700719/1

BY: Environment and Transportation Committee

AMENDMENTS TO SENATE BILL 309
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “feasible” insert “and possess a valid driver’s license”; in line 9, before “and” insert “authorizing the State Highway Administration, in consultation with the City of Crisfield, to develop a location in the City of Crisfield where a person operating a golf cart may cross over a certain highway;”.

AMENDMENT NO. 2

On page 3, in line 17, before “A” insert “(A)”; in line 21, strike “ON” and substitute “:

1. THAT IS NOT DESIGNATED OR MAINTAINED AS A PART OR AN EXTENSION OF THE STATE OR FEDERAL HIGHWAY SYSTEM; AND

2. ON”;

in line 25, strike “AND”; in line 27, after “FEASIBLE” insert “; AND

(3) SHALL POSSESS A VALID DRIVER’S LICENSE”;

and after line 27, insert:

“(B) THE STATE HIGHWAY ADMINISTRATION, IN CONSULTATION WITH THE CITY OF CRISFIELD, MAY DESIGNATE A LOCATION IN THE CITY OF CRISFIELD WHERE A PERSON OPERATING A GOLF CART MAY CROSS, AT A RIGHT ANGLE, A HIGHWAY THAT IS DESIGNATED OR MAINTAINED AS A PART OR AN EXTENSION OF THE STATE OR FEDERAL HIGHWAY SYSTEM.”

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 992)

THE COMMITTEE ON RULES REPORT #9

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

House Bill 227 – Delegates Hixson, Beidle, Bromwell, Carey, Chang, Lisanti, Sample-Hughes, ~~and Sophocleus~~ Sophocleus, Afzali, D. Barnes, Buckel, Ebersole, Fennell, Hornberger, C. Howard, Jackson, Kaiser, Long, Luedtke,

Metzgar, Patterson, Platt, Reilly, Shoemaker, Simonaire, Tarlau, Turner, Walker, and A. Washington

AN ACT concerning

Income Tax Subtraction Modification – Retirement Income of Law Enforcement, Fire, Rescue, and Emergency Services Personnel

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:

House Bill 253 – Delegate Otto

AN ACT concerning

Motor Vehicle Registration – Exception for Golf Carts – City of Crisfield

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 Finance:

House Bill 437 – Delegates Barron, Hammen, Jackson, Lisanti, Sample-Hughes, ~~and K. Young~~ K. Young, Angel, Bromwell, Hayes, Kelly, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Oaks, Pena-Melnyk, Pendergrass, Rose, Saab, and West

AN ACT concerning

Department of Health and Mental Hygiene – Prescription Drug Monitoring Program – Modifications

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

House Bill 571 – Delegates Barkley and W. Miller

AN ACT concerning

Gas Companies – Rate Regulation – Environmental Remediation Costs

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

House Bill 712 – ~~Delegates Grammer, Aumann, Bromwell, Brooks, Cluster, Impallaria, Jalisi, Lam, McDonough, Metzgar, Miele, Stein, Szeliga, West, and P. Young~~ Baltimore County Delegation

AN ACT concerning

Foreclosures – Baltimore County – Certificate of Vacancy or Certificate of Property Unfit for Human Habitation

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 Budget and Taxation:

House Bill 722 – Delegates Hixson, Barkley, Barve, Brooks, Carr, Chang, Ebersole, Fraser-Hidalgo, Frick, Healey, Jackson, Kaiser, Kelly, Korman, Kramer, Lam, Luedtke, A. Miller, Moon, Morales, Pena-Melnyk, Platt, Reznik, S. Robinson, Smith, Turner, Valderrama, and Waldstreicher

AN ACT concerning

Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms – Funding

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 Finance:

House Bill 900 – Delegate Frick

AN ACT concerning

Motor Vehicle Insurance – Personal Injury Protection – ~~Optional~~ Rejection of Coverage

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

House Bill 912 – Delegate Frick

AN ACT concerning

**Motor Vehicle Insurance – Program to Incentivize and Enable Uninsured
Vehicle Owners to Be Insured**

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

House Bill 1087 – Prince George’s County Delegation

AN ACT concerning

**Task Force to Study a Promise Scholarship Program in Prince George’s County
PG 438–16**

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:

**House Bill 1139 – Delegates M. Washington, Barron, Carter, Conaway, Glenn,
Hixson, Jackson, Kaiser, Kelly, Lierman, Luedtke, Moon, Platt, Sydnor,
Tarlau, Walker, ~~and P. Young~~ P. Young, Ebersole, Fennell, Hornberger,
Patterson, and A. Washington**

AN ACT concerning

**Education – ~~Maryland Community School Strategy for Excellence in Public
Education Act~~ Community School Strategy – Required Notice and Support**

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 Judicial Proceedings:

**House Bill 1312 – The Speaker (By Request – Justice Reinvestment Coordinating
Council)**

AN ACT concerning

Justice Reinvestment Act

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:

House Bill 1344 – Delegate Arentz

AN ACT concerning

**Queen Anne’s County – County Commissioners Election ~~and Terms~~
Method – Straw Ballot**

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:

House Bill 1003 – Delegates Valderrama, Davis, K. Young, Anderson, Angel, Atterbeary, Aumann, Barkley, B. Barnes, D. Barnes, Barron, Barve, Beidle, Branch, Bromwell, Brooks, Busch, Carey, Carr, Carter, Chang, Clippinger, Conaway, Cullison, Dumais, Ebersole, Fennell, Fraser-Hidalgo, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Hammen, Hayes, Haynes, Healey, Hettleman, Hill, Hixson, Holmes, C. Howard, Jackson, Jalisi, Jameson, Jones, Kaiser, Kelly, Knotts, Korman, Krimm, Lafferty, Lam, Lierman, Lisanti, Luedtke, McCray, McIntosh, A. Miller, Moon, Morales, Morhaim, Oaks, Patterson, Pena-Melnyk, Pendergrass, Platt, Proctor, Reznik, B. Robinson, S. Robinson, Rosenberg, Sample-Hughes, Sanchez, Simonaire, Smith, Sophocleus, Stein, Sydnor, Tarlau, Turner, Vallario, Vaughn, Waldstreicher, Walker, A. Washington, M. Washington, C. Wilson, and P. Young

AN ACT concerning

Labor and Employment – Equal Pay for Equal Work

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

HB1003/407776/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1003

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 15, after “work” insert “against an employer who knew or reasonably should have known that the employer’s action violates a certain provision of law”; in line 16, after “employer” insert “who knew or reasonably should have known that the employer’s action violates a certain provision of law”; and in line 21, strike “discovery of a certain act” and substitute “employee receives from the employer the wages paid on the termination of employment under a certain provision of law”.

AMENDMENT NO. 2

On page 8, in line 4, after “employer” insert “KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE EMPLOYER’S ACTION”; in line 10, after “EMPLOYER” insert “KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE EMPLOYER’S ACTION”; and in line 32, strike “DISCOVERY OF THE act on which the action is based” and substitute “EMPLOYEE RECEIVES FROM THE EMPLOYER THE WAGES PAID ON THE TERMINATION OF EMPLOYMENT UNDER § 3-505(A) OF THIS TITLE”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 993)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #73

Senate Bill 371 – Senators Peters, Middleton, ~~and Miller~~ Miller, Mathias, and Muse

AN ACT concerning

Income Tax – Subtraction Modification – Perpetual Conservation Easements

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

Affirmative – 46 Negative – 0 (See Roll Call No. 994)

The Bill was then sent to the House of Delegates.

Senate Bill 515 – Senator DeGrange

AN ACT concerning

County Boards of Education – Procurements for Construction or Repair of School Projects

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

Affirmative – 30 Negative – 16 (See Roll Call No. 995)

The Bill was then sent to the House of Delegates.

Senate Bill 728 – Senators Mathias ~~and Edwards~~, Edwards, Eckardt, and Serafini

AN ACT concerning

Income Tax Credit – New Dwellings – Automatic Fire Sprinkler Systems

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

Affirmative – 46 Negative – 0 (See Roll Call No. 996)

The Bill was then sent to the House of Delegates.

Senate Bill 757 – Senator Madaleno

AN ACT concerning

Alcoholic Beverage Taxes – Electronic Filing of Returns

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

Affirmative – 46 Negative – 0 (See Roll Call No. 997)

The Bill was then sent to the House of Delegates.

Senate Bill 921 – Senators Pugh, Feldman, Benson, Madaleno, Mathias, ~~and Middleton~~ Middleton, Pinsky, ~~and Raskin~~ Raskin, and Muse

AN ACT concerning

Clean Energy Jobs – Renewable Energy Portfolio Standard Revisions

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

Affirmative – 31 Negative – 14 (See Roll Call No. 998)

The Bill was then sent to the House of Delegates.

Senate Bill 934 – Senator Manno

AN ACT concerning

Local Government Tort Claims Act – Notice Requirement – ~~Exception~~

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

Affirmative – 42 Negative – 1 (See Roll Call No. 999)

The Bill was then sent to the House of Delegates.

Senate Bill 935 – Senator Manno

AN ACT concerning

Maryland Tort Claims Act – Certain Claim Requirement – ~~Exception~~

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

Affirmative – 44 Negative – 1 (See Roll Call No. 1000)

The Bill was then sent to the House of Delegates.

Senate Bill 997 – Senator Waugh

AN ACT concerning

St. Mary's County – Metropolitan Commission Bonds – Extension of Maximum Maturity Date

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1001)

The Bill was then sent to the House of Delegates.

Senate Bill 1072 – ~~Senator Muse~~ Senators Muse and Norman

AN ACT concerning

~~Juveniles – Restraint and Searches – Limitations~~
Task Force to Study the Restraint, Searches, and Needs of Children in the
 Juvenile Justice System

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1002)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #18

CONSENT CALENDAR #11

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 37	Anne Arundel County Delegation	Anne Arundel County – Property Tax Deferrals – Payment Due Date	B&T
HB 272	Anne Arundel County Delegation	Anne Arundel Co – Property Tax Credit – Benefit Corporations and Benefit LLCs	B&T
HB 320	Frederick County Delegation	Frederick County – Property Tax – Small Business Tax Credit	B&T
HB 335	Del. Lierman	Income Tax Subtraction Modification – College Savings Plans – Contributions	B&T
HB 366	Anne Arundel County Delegation	Anne Arundel County – Property Tax Credit – Blind Individuals	B&T
HB 431	Del. Bromwell	Maryland Achieving a Better Life Experience (ABLE) Program – Establishment	B&T

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 602	Anne Arundel County Delegation	Anne Arundel County – Special Taxing Districts – Water or Wastewater Services	B&T
HB 790	Del. Wivell	Washington County – Property Tax Credit – Disabled Veterans	B&T
HB 831	Washington County Delegation	Washington County – Collection of Fees, Charges, Penalties, and Assessments	B&T
HB 835	Cecil County Delegation	Local Facility Closure Reserve Funds – Investments and Reinvestments	B&T
HB 867	Washington County Delegation	Washington County – Contributions to Nonprofit Organizations – Process	B&T
HB 917	St. Mary’s County Delegation	St. Mary’s County – Property Tax Credit – New or Expanding Businesses	B&T
HB 970	Del. Reznik	Tax Sales – Condominium Assessments and Homeowners Association Fees	B&T
HB 1226	Del. A. Washington	Recordation and Transfer Taxes – Transfer of Controlling Interest – Exemptions	B&T
HB 1333	Del. M. Washington	Income Tax – Filing of Withholding Statements	B&T

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

All of the above listed bills on the Third Reading Consent Calendar No. 11 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1003)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #19

House Bill 188 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Commissioner of Financial Regulation – Disclosure and Sharing of Information

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1004)

The Bill was then sent to the House of Delegates.

House Bill 264 – Delegates B. Robinson, A. Washington, Glenn, Anderson, Angel, Atterbeary, D. Barnes, Barron, Branch, Brooks, Carr, Carter, Conaway, Davis, Fennell, Gaines, Hayes, Haynes, Hill, Holmes, C. Howard, Jackson, Jones, Knotts, McCray, Moon, Oaks, Patterson, Pena–Melnik, Proctor, Sample–Hughes, Smith, Sydnor, Tarlau, Turner, Vaughn, Walker, M. Washington, ~~and C. Wilson~~ C. Wilson, Jalisi, Krimm, Lisanti, Morales, Morhaim, Platt, and Queen

AN ACT concerning

~~Study Group to Investigate Discriminatory Practices Against Minority Franchisees~~

Task Force to Investigate the Challenges of and Opportunities for Minorities in Business

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1005)

The Bill was then sent to the House of Delegates.

House Bill 445 – Delegates Lierman, Chang, Hettleman, Jackson, Korman, Krimm, and P. Young

AN ACT concerning

Food Stamp Program – Minimum Benefit – State Supplement

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

Affirmative – 38 Negative – 8 (See Roll Call No. 1006)

The Bill was then sent to the House of Delegates.

House Bill 593 – Delegates M. Washington, Hettleman, Krimm, Lierman, and McKay

AN ACT concerning

Human Services – Interagency Council on Homelessness – Membership

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1007)

The Bill was then sent to the House of Delegates.

House Bill 730 – Delegates Sample–Hughes, Anderton, Angel, Aumann, Barkley, Clippinger, Cullison, Hayes, Hill, C. Howard, Jameson, Kelly, Kramer, Krebs, Krimm, McComas, McDonough, McMillan, Miele, A. Miller, Morales, Morhaim, Oaks, Patterson, Pena–Melnyk, Saab, Valentino–Smith, M. Washington, and West

AN ACT concerning

Virginia I. Jones Alzheimer’s Disease and Related Disorders Council – Membership and Extension of Termination Date

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1008)

The Bill was then sent to the House of Delegates.

House Bill 827 – Delegate O’Donnell

AN ACT concerning

**Newborn Infant Screening – Testing by Nonpublic Laboratories – ~~Authorization~~
Notification**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1009)

The Bill was then sent to the House of Delegates.

House Bill 958 – Delegate Jameson

AN ACT concerning

Insurance – Rate Filings – Trade Secrets

Senator Middleton moved, duly seconded, to make the Bill a Special Order for the end of today's business.

The motion was adopted.

House Bill 1005 – Delegates Kelly, Anderson, Angel, Atterbeary, Barkley, B. Barnes, Barron, Barve, Branch, Brooks, Busch, Carr, Clippinger, Cullison, Davis, Dumais, Ebersole, Fennell, Fraser-Hidalgo, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Hettleman, Hill, Hixson, Holmes, Jackson, Jones, Kaiser, Korman, Kramer, Krimm, Lafferty, Lam, Lierman, Lisanti, Luedtke, McCray, McIntosh, A. Miller, Moon, Morales, Morhaim, Oaks, Patterson, Pena-Melnyk, Pendergrass, Platt, Reznik, B. Robinson, S. Robinson, Rosenberg, Sample-Hughes, Sanchez, Smith, Tarlau, Turner, Valderrama, Vallario, Vaughn, Waldstreicher, Walker, A. Washington, M. Washington, K. Young, ~~and P. Young~~ P. Young, Hammen, and Bromwell

AN ACT concerning

Health Insurance – Contraceptive Equity Act

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

Affirmative – 37 Negative – 8 (See Roll Call No. 1010)

The Bill was then sent to the House of Delegates.

House Bill 1220 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene) and Delegates Hammen, Angel, Barron, Bromwell, Cullison, Hayes, Hill, Kelly, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Morhaim, Pena-Melnyk, Pendergrass, Rose, Sample-Hughes, West, and K. Young

AN ACT concerning

Department of Health and Mental Hygiene – Health Program Integrity and Recovery Activities

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1011)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #20

CONSENT CALENDAR #12

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 329	Del. Dumais	Children – Family Child Care Homes and Child Care Centers – Advertising and Penalties	EHE
HB 360 (Amended)	Del. Jalisi	Maryland Loan Assistance Repayment Program for Foster Care Recipients	EHE
HB 657 (Amended)	Del. Shoemaker	Education – Prekindergarten and Kindergarten Assessments – Administration	EHE
HB 895	Del. Kaiser	Task Force to Study the Implmtn of a Dyslexia Ed Program – Mbrshp, Duties, and Ext	EHE
HB 1352 (Amended)	Wicomico County Delegation	Wicomico County Board of Education – Election and Appointment of Members	EHE

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

All of the above listed bills on the Third Reading Consent Calendar No. 12 were read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1012)

The Bills were then sent to the House of Delegates.

House Bill 86 – Delegates Luedtke, Carr, Cullison, Ebersole, Fraser–Hidalgo, Frick, Gutierrez, Moon, Morales, Patterson, Pena–Melnik, Platt, Sanchez, and Zucker

AN ACT concerning

Special Education – Translations of Individualized Education Programs or Individualized Family Service Plans – Native Language

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1013)

The Bill was then sent to the House of Delegates.

House Bill 115 – Delegates Reznik, Barkley, Barve, Brooks, Ebersole, Glenn, Jalisi, Kipke, Lam, McKay, Pena–Melnik, and K. Young

AN ACT concerning

Education – Robotics Grant Program – Establishment

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

Affirmative – 38 Negative – 8 (See Roll Call No. 1014)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #21

House Bill 14 – Delegate Kipke

AN ACT concerning

Natural Resources – Vessel Excise Tax Cap – Amount and Repeal of Termination

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

Affirmative – 40 Negative – 6 (See Roll Call No. 1015)

The Bill was then sent to the House of Delegates.

House Bill 146 – Delegate M. Washington (By Request – Baltimore City Administration) and Delegates Anderson, Clippinger, Glenn, Haynes, McCray, McIntosh, Oaks, ~~and B. Robinson~~ B. Robinson, Carter, Rosenberg, Branch, Hammen, Lierman, and Metzgar

AN ACT concerning

Baltimore City – Property Tax Credit – Public Safety Officers

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1016)

The Bill was then sent to the House of Delegates.

House Bill 205 – Carroll County Delegation

AN ACT concerning

Carroll County – Public Facilities Bonds

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1017)

The Bill was then sent to the House of Delegates.

House Bill 451 – The Speaker (By Request – Administration)

AN ACT concerning

Admissions and Amusement Tax – Revenue Distribution – Maryland State Arts Council

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1018)

The Bill was then sent to the House of Delegates.

House Bill 454 – The Speaker (By Request – Administration)

AN ACT concerning

State Employees – Merit Increases in Salary

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1019)

The Bill was then sent to the House of Delegates.

House Bill 582 – Delegate B. Barnes (Chair, Joint Committee on Pensions)

AN ACT concerning

**Correctional Officers’ Retirement System – Clifton T. Perkins Maximum
Security Guards – Vested Allowances**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1020)

The Bill was then sent to the House of Delegates.

House Bill 709 – Delegate Jones

AN ACT concerning

Education – Maryland School for the Blind – Funding

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1021)

The Bill was then sent to the House of Delegates.

House Bill 1017 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Property Tax Deferrals – Elderly and Disabled
Homeowners
PG 412–16**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1022)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #22

CONSENT CALENDAR #20

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 122	Del. Stein	Critical Area Commission for the Chesapeake and Atlantic Coastal Bays – Membership From Ocean City	EHE
HB 149	Del. Otto	Somerset County – Commissioners – Salary and Expense Reimbursements	EHE
HB 321	Anne Arundel County Delegation	Anne Arundel County – Archery Hunting – Safety Zone	EHE
HB 410	Del. O'Donnell	Natural Resources – Poaching Restitution Act of 2016	EHE
HB 915 (Amended)	Del. Jacobs	Tidal Fish License – Catching Crabs Using Trotline Gear – Holidays	EHE

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

All of the above listed bills on the Third Reading Consent Calendar No. 20 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1023)

The Bills were then sent to the House of Delegates.

House Bill 211 – Delegates Healey, Beidle, Beitzel, Carr, Fraser-Hidalgo, Frush, Gilchrist, Gutierrez, Holmes, Jalisi, Kaiser, Lafferty, Lam, Lierman, Luedtke, Moon, Morhaim, Pendergrass, B. Robinson, S. Robinson, Sydnor, M. Washington, and Zucker

AN ACT concerning

**Neonicotinoid Pesticides – ~~Labeling, Signage, and~~ Restrictions on Sales and Use
(Pollinator Protection Act of 2016)**

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

Affirmative – 34 Negative – 12 (See Roll Call No. 1024)

The Bill was then sent to the House of Delegates.

House Bill 870 – Delegate Parrott

AN ACT concerning

**Natural Resources – Black Fly Management and Control – ~~Washington County~~
Study**

Senator Pinsky moved, duly seconded, to make the Bill a Special Order for the end of today's business.

The motion was adopted.

THIRD READING CALENDAR (HOUSE BILLS) #23

CONSENT CALENDAR #13

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 737	Carroll County Delegation	Carroll County – Alcoholic Beverages Licenses – Beginning Hour of Sale	EHE
HB 840 (Amended)	Frederick County Delegation	Frederick County – Alcoholic Beverages – Theater License	EHE
HB 842 (Amended)	Frederick County Delegation	Frederick County – Alcoholic Beverages – Art Gallery Beer and Wine License	EHE
HB 892	Harford County Delegation	Harford County – Alcoholic Beverages – Movie Theater License	EHE
HB 995 (Amended)	Allegany County Delegation	Allegany County – Alcoholic Beverages – Sunday Sales	EHE

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

All of the above listed bills on the Third Reading Consent Calendar No. 13 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1025)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #24

House Bill 66 – Chair, Appropriations Committee (By Request – Departmental – Office for Children)

AN ACT concerning

Residential Child Care Capital Grant Program – Repeal

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1026)

The Bill was then sent to the House of Delegates.

House Bill 637 – Delegates Smith, Conaway, Dumais, Moon, Morales, Proctor, Rosenberg, Sanchez, and Sydnor

AN ACT concerning

Local Government Tort Claims Act – Notice Requirement – Exception

Senator Conway moved, duly seconded, to make the Bill a Special Order for the end of today's business.

The motion was adopted.

House Bill 648 – Delegates Moon, Smith, Barkley, Barron, Barve, Carr, Clippinger, Cullison, Dumais, Fraser-Hidalgo, Gilchrist, Gutierrez, Hixson, Kaiser, Kelly, Korman, Kramer, Lam, Luedtke, Mautz, A. Miller, Morales, Platt, Reznik, S. Robinson, Tarlau, Waldstreicher, and C. Wilson

AN ACT concerning

Alcoholic Beverage Taxes – Electronic Filing of Returns

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1027)

The Bill was then sent to the House of Delegates.

House Bill 689 – Delegate Frick

AN ACT concerning

Procurement – Prevailing Wage – Liquidated Damages

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

Affirmative – 32 Negative – 14 (See Roll Call No. 1028)

The Bill was then sent to the House of Delegates.

House Bill 843 – Frederick County Delegation

AN ACT concerning

Frederick County – Alcoholic Beverages – Beauty Salon License

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1029)

The Bill was then sent to the House of Delegates.

House Bill 844 – Frederick County Delegation

AN ACT concerning

Frederick County – Alcohol Awareness Program – Absence From Licensed Premises

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1030)

The Bill was then sent to the House of Delegates.

House Bill 889 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Metropolitan Commission Bonds – Extension of Maximum Maturity Date

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1031)

The Bill was then sent to the House of Delegates.

House Bill 994 – Allegany County Delegation

AN ACT concerning

Allegany County – Alcoholic Beverages – Sunday Sales for Class A Licenses

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1032)

The Bill was then sent to the House of Delegates.

House Bill 1028 – Delegate Beitzel

AN ACT concerning

Garrett County – Alcoholic Beverages – Sunday Sales

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1033)

The Bill was then sent to the House of Delegates.

House Bill 1031 – Frederick County Delegation

AN ACT concerning

Frederick County – Alcoholic Beverages – Refillable Container Permits

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1034)

The Bill was then sent to the House of Delegates.

House Bill 1090 – Howard County Delegation

AN ACT concerning

**Howard County – Alcoholic Beverages – Continuing Care Retirement
Community License
Ho. Co. 15–16**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1035)

The Bill was then sent to the House of Delegates.

House Bill 1109 – Frederick County Delegation

AN ACT concerning

Frederick County – Dry Election Districts – Repeal

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1036)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #25

CONSENT CALENDAR #14

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 51	Del. O'Donnell	Natural Resources – Aquaculture Coordinating Council – Membership	EHE
HB 147	Del. Otto	Somerset County Code of Public Local Laws – 2016 Edition – Legalization	EHE
HB 550	Del. Clippinger	Distillery License Holders – Sale of Product to Participants in Guided Tours	EHE
HB 576	Del. Beitzel	Maryland Dormant Minerals Interests Act – Use of Mineral Interest – Clarification	EHE

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 577	Allegany County Delegation	Allegany County and Garrett County – Annual Financial Reports – Filing Date	EHE
HB 636 (Amended)	Del. Smith	Maryland Tort Claims Act – Certain Claim Requirement – Exception	JPR
HB 1072 (Amended)	Del. Beitzel	Garrett County – Alcoholic Beverages – Various Licenses	EHE
HB 1387	Del. Hornberger	Commercial Northern Snakehead Bowfishing License – Establishment	EHE
HB 1417	Del. Morgan	Charles County and St. Mary’s County – Deer Management Permit – Firearms	EHE

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

All of the above listed bills on the Third Reading Consent Calendar No. 14 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1037)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #26

CONSENT CALENDAR #15

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 299	Del. Otto	Worcester County – Alcoholic Beverages – Refillable Container Permit for Draft Beer	EHE

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 543	Alleghany County Delegation	Alleghany County – Alcoholic Beverages – Minimum Age to Serve Liquor	EHE
HB 549	Caroline County Delegation	Caroline County – Alcoholic Beverages – Refillable Container Permit	EHE
HB 642	Anne Arundel County Delegation	Anne Arundel County – Alcoholic Beverages – Licenses	EHE
HB 697	Del. Otto	Worcester County – Alcoholic Beverages – Class A Beer, Wine, and Liquor License	EHE
HB 706	Del. Jameson	Charles Co – Alchlc Bevs – Entertainment Concessionaire and Entertainment Facility Licenses	EHE
HB 717	Dorchester County Delegation	Dorchester County – Class B Beer, Wine, and Liquor License – Minimum Seating Requirement	EHE
HB 779	Del. Parrott	Alcoholic Beverages – Washington County – Local Penalties	EHE
HB 791	Carroll County Delegation	Carroll County – Alcoholic Beverages – Beer, Wine, and Liquor Tasting License	EHE
HB 841	Frederick County Delegation	Frederick County – Alcoholic Beverages – Hotel Lobby License	EHE

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

All of the above listed bills on the Third Reading Consent Calendar No. 15 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1038)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #27

CONSENT CALENDAR #16

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 194	Carroll County Delegation	Carroll Co – State’s Attorney’s Office and Child Support Enfrcmt Admin – Transfer of Prsnl	FIN
HB 720	Del. Kramer	Motor Vhcl Ins – Ins ID Card – Carrying Proof of Cvrgr – Uninsured Motorist Ed and Enfrcmt Fnd	FIN
HB 815	Cecil County Delegation	Horse Racing – Fair Hill – Arabian Breed Racing Authorization	FIN
HB 1277	Del. Cullison	Hospitals – Designation of Lay Caregivers	FIN
HB 1450	Del. Vaughn	Commercial Law – Debt Settlement Services – Fund and Sunset Repeal	FIN

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

All of the above listed bills on the Third Reading Consent Calendar No. 16 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1039)

The Bills were then sent to the House of Delegates.

House Bill 740 – Delegates Kelly, Anderson, Angel, Atterbeary, Barkley, B. Barnes, D. Barnes, Barron, Barve, Brooks, Carr, Carter, Clippinger, Conaway, Cullison, Dumais, Ebersole, Fennell, Fraser–Hidalgo, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Hammen, Hayes, Haynes,

Healey, Hettleman, Hill, Hixson, Holmes, C. Howard, Jackson, Jalisi, Jones, Kaiser, Korman, Krimm, Lafferty, Lam, Lierman, Lisanti, Luedtke, McCray, McIntosh, A. Miller, Moon, Morales, Morhaim, Oaks, Patterson, Pena-Melnyk, Pendergrass, Platt, Reznik, B. Robinson, S. Robinson, Rosenberg, Sample-Hughes, Sanchez, Smith, Sophocleus, Stein, Tarlau, Turner, Valderrama, Waldstreicher, A. Washington, M. Washington, K. Young, and P. Young

AN ACT concerning

~~Labor and Employment~~ – Task Force to Study Family and Medical Leave Insurance Program – Establishment

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

Affirmative – 39 Negative – 7 (See Roll Call No. 1040)

The Bill was then sent to the House of Delegates.

House Bill 1448 – Delegate Vaughn

AN ACT concerning

Business Regulation – Home Builder Registration – Fees

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1041)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #28

CONSENT CALENDAR #17

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 383	Del. Busch	Maryland Emergency Management Assistance Compact – City of Annapolis	EHE

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 403	Del. Morhaim	Construction Contracts – Change Orders (State Procurement Change Order Fairness Act)	EHE
HB 605	Frederick County Delegation	Frederick Co – Dvlp Rights and Responsibilities Agreements – Administrative Appeals	EHE
HB 837	Del. Haynes	St Fin and Procurement – Public Senior Hghr Ed Instns – Plcs Concerning Procurement Cntrcts	EHE
HB 868	Del. McKay	Washington County – Fire, Rescue, and Ambulance Service – Local Authority	EHE
HB 972	St. Mary’s County Delegation	St. Mary’s County – Local Licenses – Repeal	EHE

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

All of the above listed bills on the Third Reading Consent Calendar No. 17 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1042)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #29

CONSENT CALENDAR #18

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 1062 (Amended)	St. Mary’s County Delegation	St. Mary’s County – Alcoholic Beverages – Permits, Training, Prohibited Acts, and Violations	EHE

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 1071	Cecil County Delegation	Cecil County – Alcoholic Beverages – Licenses	EHE
HB 1156	Calvert County Delegation	Calvert County – Alcoholic Beverages – Beer or Wine Festival License	EHE
HB 1353	Calvert County Delegation	Calvert County – Alcoholic Beverages – Special Event Festival Permit	EHE

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

All of the above listed bills on the Third Reading Consent Calendar No. 18 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1043)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #30

CONSENT CALENDAR #19

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 140 (Amended)	The Speaker	Security Systems Technicians and Agencies – Sunset Extension and Program Evaluation	EHE
HB 180	Del. West	Public Health – HIV Testing During Pregnancy	EHE
HB 497 (Amended)	Del. Hammen	Hlth Ocptns – St Bd of Envmtl Hlth Specialists – Sunset Ext and Revisions	EHE

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 752 (Emerg)	Del. Cullison	Physcns – Prescriptions Written by Physcn Assts or Nurse Practitioners – Preparing and Dispensing	EHE
HB 963 (Amended)	Del. Luedtke	Campaign Finance – Ballot Issue Committees – Prospective Questions	EHE
HB 1462	Del. Bromwell	Vtrnrns, Phrmcs, and Pharmacists – Dispensing Cmpndd Preparations for Use by Nonfarm Animals	EHE

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

All of the above listed bills on the Third Reading Consent Calendar No. 19 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1044)

The Bills were then sent to the House of Delegates.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #64

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

House Bill 400 – Delegate M. Washington

AN ACT concerning

Higher Education – Tuition Waivers for Foster Care Recipients and Unaccompanied Homeless Youth – Modifications

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:

House Bill 413 – Delegates Carr ~~and Cullison~~, Cullison, Hammen, Angel, Barron, Bromwell, Hayes, Hill, Kelly, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Morhaim, Oaks, Pena-Melnyk, Pendergrass, Rose, Saab, Sample-Hughes, West, and K. Young

AN ACT concerning

~~Open Meetings Act – Minutes – Maryland General Assembly – Pilot Program on Closed Captioning for Video and Audio Streaming~~

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:

House Bill 1288 – Delegates P. Young and M. Washington

AN ACT concerning

Higher Education – Tuition Waivers for Foster Care Recipients and Unaccompanied Homeless Youth

HB1288/274534/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1288

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “definition:” insert “altering a certain requirement that certain foster care recipients and certain unaccompanied homeless youth apply for certain financial aid by a certain time:”.

AMENDMENT NO. 2

On page 2, strike beginning with the second “in” in line 13 down through “(GED)” in line 15 and substitute “ON THE INDIVIDUAL’S 18TH BIRTHDAY”; and in line 16, strike “in the State”.

On page 3, in line 11, strike “by March 1 each year”.

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:

House Bill 1420 – Delegate Cullison

AN ACT concerning

State Board of Massage Therapy Examiners – Licensure, Registration, and Regulation

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:

House Bill 1457 – Delegates Vaughn and Mautz

AN ACT concerning

Land Surveyors – Qualifications for License – Education, Experience, and Examination Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #65

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

House Bill 446 – Delegates West, Bromwell, Cullison, and Sample–Hughes

AN ACT concerning

State Government – Maryland Youth Advisory Council – Revisions

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:

House Bill 551 – Delegates Kaiser, Brooks, Buckel, Carr, Chang, Ebersole, Frick, Frush, Haynes, Hettleman, Hixson, Jalisi, Jones, Kelly, Kramer, Krimm, Lafferty, Lam, Lierman, Luedtke, McComas, McMillan, Morales, Morhaim, O'Donnell, Pena–Melnyk, Pendergrass, Sample–Hughes, Sophocleus, Tarlau, Turner, Valderrama, Valentino–Smith, K. Young, P. Young, and Zucker

AN ACT concerning

**Education – Children With Disabilities – Individualized Education Program
Mediation**

HB0551/154632/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 551

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “representation” insert “and certain other legal and related services”; in line 8, after “times;” insert “authorizing certain parents to request the translation of certain information under certain circumstances; requiring certain individualized education program teams to provide certain parents with a certain translation of certain information within a certain time frame;”; in line 10, after “processes;” insert “requiring the Department and county boards of education to submit certain reports on or before certain dates;”; and in line 14, after “8–405(b)(3)” insert “and (4)”.

AMENDMENT NO. 2

On page 2, in line 15, after “**REPRESENTATION**” insert “**AND OTHER FREE OR LOW-COST LEGAL AND RELATED SERVICES AVAILABLE IN THE AREA**”; after line 18, insert:

“(4) (I) IF THE NATIVE LANGUAGE SPOKEN BY A PARENT WHO REQUESTS INFORMATION UNDER PARAGRAPH (3) OF THIS SUBSECTION IS SPOKEN BY MORE THAN 1% OF THE STUDENT POPULATION IN THE LOCAL SCHOOL SYSTEM, THE PARENT MAY REQUEST THAT THE INFORMATION BE TRANSLATED INTO THE PARENT’S NATIVE LANGUAGE.

(II) IF A PARENT MAKES A REQUEST UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE INDIVIDUALIZED EDUCATION PROGRAM TEAM SHALL PROVIDE THE PARENT WITH THE TRANSLATED DOCUMENT WITHIN 30 DAYS AFTER THE DATE OF THE REQUEST.”;

after line 21, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2016, the State Department of Education shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means regarding:

(1) whether there are economies of scale that can be utilized to lessen the financial impact of this Act; and

(2) how the needs of students whose parents speak a native language that is spoken by less than 1% of the student population in the local school system can be addressed.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(1) on or before August 1, 2018, each county board of education shall report to the State Department of Education regarding the number of requests received under § 8–405(b)(4)(i) of the Education Article, as enacted by Section 1 of this Act, the cost of satisfying these requests, whether it would be feasible to have the number of requests increase, and if so, by how many requests; and

(2) on or before September 1, 2018, the State Department of Education shall compile the information received under item (1) of this section and submit the information to the Governor and, in accordance with § 2–1246 of the State Government

Article, the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means.”;

and in line 22, strike “2.” and substitute “4.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 596 – Delegates Flanagan, Adams, Cullison, Gutierrez, Kelly, Kittleman, Mautz, Metzgar, Miele, Morhaim, Pena–Melnik, Szeliga, and West

AN ACT concerning

State Department of Education – Hearing Aid Loan Bank Program – Age of Eligibility

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:

House Bill 983 – Delegates D. Barnes, Pena–Melnik, Barron, Buckel, Ebersole, Fennell, Frush, Metzgar, Proctor, Rey, Sanchez, Shoemaker, Tarlau, Valderrama, Valentino–Smith, Walker, and A. Washington

AN ACT concerning

Public Schools – Food Recovery Programs – Authorization

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:

House Bill 1105 – Howard County Delegation

AN ACT concerning

**Howard County Public School System – Access to Public Information
Ho. Co. 9–16**

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:

House Bill 1147 – ~~Delegate Shoemaker~~ Carroll County Delegation

AN ACT concerning

**Carroll County – Board of Education Members – Term Limitation and
Referendum**

HB1147/154038/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1147
(Third Reading File Bill)

On page 3, in line 31, strike “2018” and substitute “2016”.

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 #66**

CONSENT CALENDAR #64

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

BILL NO.	REPORT	SPONSOR	CONTENT
<u>FAVORABLE</u>			
HB 241	FAV	Del. Rosenberg	Elec Lw – St Elected Offcls – Cmpgn Fund–Raising During Gen Asm Session – Civil Pnlty
HB 344	FAV	Del. Afzali	Voter Rgstrtn – Affiliation Wth Pltcl Party and Prtceptn in Primary Elec, Caucus, or Convention
HB 496	FAV	Del. Krebs	Ethics Comm, Comm on Jud Dsblts, Jud Ethics Com, and Jt Ethics Com – Duties
HB 828	FAV	Del. Ebersole	Special Elections – Voting by Mail – Canvass of Votes

Favorable report adopted on all of the preceding bills.

The preceding bills were read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #67**

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

Senate Bill 350 – Senators Manno, Ramirez, Raskin, Benson, Conway, Currie, Feldman, Ferguson, Gladden, Guzzone, King, Lee, Madaleno, McFadden, Nathan–Pulliam, Peters, Pinsky, Pugh, Rosapepe, and Young

AN ACT concerning

Universal Voter Registration Act

SB0350/424334/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 350
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Universal” and substitute “Election Law – Enhanced”.

On pages 1 and 2, strike in their entirety the lines beginning with line 3 on page 1 through line 13 on page 2 and substitute:

“FOR the purpose of requiring certain State agencies that are deemed electronic voter registration agencies to implement electronic voter registration systems on or before a certain date; requiring an electronic voter registration system to comply with certain requirements; requiring the State Board of Elections to register individuals whose voter registration information is transmitted to the State Board through an electronic voter registration system; prohibiting an agent of an electronic voter registration agency who is responsible for carrying out certain voter registration functions from taking certain actions; restricting the use of certain data related to voter registration; authorizing the State Board to adopt regulations to implement electronic voter registration systems; requiring an electronic voter registration agency to submit certain reports to certain committees of the General Assembly on or before certain dates; requiring certain State agencies deemed expanded voter registration agencies to provide electronic records relating to certain individuals who have previously transacted business with the agency to the State Board on or before a certain date; requiring the electronic records to include certain information; requiring the State Board to review the electronic record of each individual it receives; requiring the State Board to provide the electronic records of individuals who are not registered to vote or whose voter registration record is eligible to be updated to the local board for the county where the individual resides; requiring the local board to send by mail to each individual who is not registered to vote or whose voter registration record is eligible to be updated certain notices that include certain information; requiring a local board to promptly add to the statewide voter registration list or update the voter registration record of each individual who does not decline to register to vote or update the individual’s voter registration record within a certain period of time after issuance of the notice; requiring that an individual added to the statewide voter registration list who has not affirmatively selected a political party affiliation be listed as not affiliated with any political party; providing that an individual who becomes registered to vote after receiving a certain notice shall be considered to have become registered to vote based on information and confirmation provided to the State Board by an expanded voter registration agency; requiring the State Board to permanently delete an individual’s voter registration record if the individual was inadvertently registered to vote under

certain circumstances; requiring the State Board to follow certain procedures to update the voter registration records of individuals who are registered to vote on or before certain dates; requiring the State Board and expanded voter registration agencies to take appropriate measures to educate the public about expanded voter registration; authorizing the State Board to adopt certain regulations; requiring the State Board and each expanded voter registration agency jointly to submit a certain report to certain committees of the General Assembly on or before a certain date; designating all one-stop career centers in the Department of Labor, Licensing, and Regulation as voter registration agencies; providing that voter registration agencies that are subject to certain requirements are not subject to certain provisions of law; requiring voter registration agencies to ensure that certain applications for service or assistance may not be completed until the applicant has indicated whether the applicant wishes to register to vote; requiring a public institution of higher education to provide a link to the online voter registration system on the home page of the online portal used by students to register for course work; requiring the Maryland Higher Education Commission to submit certain reports to certain committees of the General Assembly on or before certain dates; requiring the Department of Labor, Licensing, and Regulation to submit certain reports concerning voter registration at one-stop career centers to certain committees of the General Assembly on or before certain dates; requiring the State Board and the Department of Natural Resources to develop procedures for applicants who apply for hunting and fishing licenses or who are issued a certificate of title for certain vessels online to register to vote through a link to the online voter registration system; requiring the State Board and the Department of Labor, Licensing, and Regulation to develop procedures for individuals who use the Maryland Workforce Exchange Web site to register to vote through a link to the online voter registration system; requiring the State Board to send by mail or e-mail certain information concerning voter registration to certain individuals who conducted certain transactions with certain State agencies during the previous year; requiring the State Board to adopt certain regulations regarding participants in address confidentiality programs; authorizing the disclosure of information concerning an applicant for certain services and public assistance programs as necessary to administer electronic voter registration; requiring certain agencies to take certain actions to train employees of the agency concerning the requirements of this Act; repealing certain provisions of law relating to voter registration at the Motor Vehicle Administration; requiring the Attorney General to request certain determinations from the United States Department of Labor and the Internal Revenue Service; making certain provisions of this Act contingent on certain determinations made by the United States Department of Labor; defining certain terms; and generally relating to voter registration.

BY adding toArticle – Election LawSection 1–101(b–1), 3–203, 3–203.1, 3–204(a–1), (c), and (j), 3–204.2, and 3–204.3Annotated Code of Maryland(2010 Replacement Volume and 2015 Supplement)BY repealing and reenacting, without amendments,Article – Election LawSection 1–101(y) and 3–204(d), (e), (g), (h), and (i)Annotated Code of Maryland(2010 Replacement Volume and 2015 Supplement)BY repealing and reenacting, without amendments,Article – Election LawSection 3–102Annotated Code of Maryland(2010 Replacement Volume and 2015 Supplement)(As enacted by Chapter 6 of the Acts of the General Assembly of 2016)BY repealingArticle – Election LawSection 3–203 and 3–204(c)Annotated Code of Maryland(2010 Replacement Volume and 2015 Supplement)BY repealing and reenacting, with amendments,Article – Election LawSection 3–204(a)(2), (b), and (f) and 3–506Annotated Code of Maryland(2010 Replacement Volume and 2015 Supplement)BY repealing and reenacting, with amendments,Article – Human ServicesSection 1–201Annotated Code of Maryland(2007 Volume and 2015 Supplement)”.

On pages 2 through 10, strike in their entirety the lines beginning with line 17 on page 2 through line 32 on page 10, inclusive, and substitute:

“1-101.

(B-1) “ADDRESS CONFIDENTIALITY PROGRAM” MEANS:

(1) THE ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE UNDER TITLE 4, SUBTITLE 5, PART IV OF THE FAMILY LAW ARTICLE; OR

(2) THE HUMAN TRAFFICKING ADDRESS CONFIDENTIALITY PROGRAM UNDER TITLE 7, SUBTITLE 3 OF THE STATE GOVERNMENT ARTICLE.

(y) “Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

3-102.

(a) (1) Except as provided in subsection (b) of this section, an individual may become registered to vote if the individual:

(i) is a citizen of the United States;

(ii) is at least 16 years old;

(iii) is a resident of the State as of the day the individual seeks to register; and

(iv) registers pursuant to this title.

(2) Notwithstanding paragraph (1)(ii) of this subsection, an individual under the age of 18 years:

(i) may vote in a primary election in which candidates are nominated for a general or special election that will occur when the individual is at least 18 years old; and

(ii) may not vote in any other election.

(b) An individual is not qualified to be a registered voter if the individual:

(1) has been convicted of a felony and is currently serving a court-ordered sentence of imprisonment for the conviction;

(2) is under guardianship for mental disability and a court of competent jurisdiction has specifically found by clear and convincing evidence that the individual cannot communicate, with or without accommodations, a desire to participate in the voting process; or

(3) has been convicted of buying or selling votes.

[3-203.

(a) The Motor Vehicle Administration shall provide the opportunity to apply to register to vote or update a voter registration record to each individual who:

(1) applies for or renews a driver's license or identification card; or

(2) changes a name or address on an existing driver's license or identification card.

(b) (1) The Motor Vehicle Administration shall inquire orally or in writing whether the applicant wishes to register to vote or update a voter registration record during the transactions specified under subsection (a) of this section.

(2) If the applicant chooses to register to vote or to update a voter registration record:

(i) all applicable information received by the Motor Vehicle Administration in the course of completing a transaction under subsection (a) of this section shall be transferred to a voter registration application;

(ii) any additional necessary information shall be obtained by the Motor Vehicle Administration and may not duplicate any information already obtained while completing a transaction under subsection (a) of this section; and

(iii) a voter registration application with all of the applicant's voter registration information shall be presented to the applicant to sign or affirm electronically.

(3) (i) An applicant may decline to register to vote, update the applicant's voter registration record, or change the applicant's name or address by:

1. affirmatively indicating as such on the application; or
2. failing to sign the voter registration application.

(ii) The Motor Vehicle Administration shall maintain declination information in a manner specified jointly by the Motor Vehicle Administration and the State Board.

(4) Within 5 days of the receipt of an application under subsection (a) of this section, the Motor Vehicle Administration shall forward to the State Board the voter registration information in a manner and format specified jointly by the Motor Vehicle Administration and the State Board.

(c) (1) (i) In consultation with the Motor Vehicle Administration, the State Board shall prepare a voter registration application to be used for voter registration at the Motor Vehicle Administration.

(ii) Except as provided in this section, the voter registration portion of the application may not require information that duplicates information required in the driver's license or identification card portion of the application.

(2) The voter registration portion of the application shall:

(i) contain the same information as the statewide voter registration application prescribed in § 3-202(a) of this subtitle; and

(ii) require only the minimum amount of information necessary, including the applicant's telephone number:

1. to prevent duplicate voter registration; and

2. to enable the appropriate election official to assess the eligibility of an applicant and to administer voter registration and other aspects of the election process.

(3) The application shall contain a box for the applicant to check, with the statement, “I do not wish to register to vote at this time”.

(d) The Motor Vehicle Administration shall follow the procedures established jointly by the Motor Vehicle Administration and the State Board to process the voter registration information received under this section.

(e) Information relating to the failure of an applicant for a driver’s license or identification card to register to vote may not be used for any purpose other than the maintenance of registration statistics.]

3-203.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) “APPLICABLE TRANSACTION” MEANS:

1. AT THE MOTOR VEHICLE ADMINISTRATION, AN INITIAL APPLICATION FOR OR RENEWAL OF A DRIVER’S LICENSE OR IDENTIFICATION CARD, OR A CHANGE OF NAME OR ADDRESS ON AN EXISTING DRIVER’S LICENSE OR IDENTIFICATION CARD;

2. AT THE MARYLAND HEALTH BENEFIT EXCHANGE, ANY APPLICATION FOR OR RENEWAL OF HEALTH INSURANCE COVERAGE;

3. AT A LOCAL DEPARTMENT OF SOCIAL SERVICES, AN INITIAL APPLICATION FOR A STATE OR FEDERALLY FUNDED PUBLIC ASSISTANCE PROGRAM OR AN APPLICATION FOR A RECERTIFICATION, RENEWAL, OR CHANGE OF NAME OR ADDRESS RELATING TO A STATE OR FEDERALLY FUNDED PUBLIC ASSISTANCE PROGRAM; OR

4. AT THE MOBILITY CERTIFICATION OFFICE IN THE MARYLAND TRANSIT ADMINISTRATION, AN INITIAL APPLICATION FOR PARATRANSIT SERVICE OR AN APPLICATION FOR RECERTIFICATION FOR PARATRANSIT SERVICE.

(II) "APPLICABLE TRANSACTION" INCLUDES ANY TRANSACTION DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT IS COMPLETED ONLINE.

(3) "ELECTRONIC VOTER REGISTRATION AGENCY" MEANS:

(I) THE MOTOR VEHICLE ADMINISTRATION;

(II) THE MARYLAND HEALTH BENEFIT EXCHANGE;

(III) LOCAL DEPARTMENTS OF SOCIAL SERVICES; AND

(IV) THE MOBILITY CERTIFICATION OFFICE IN THE MARYLAND TRANSIT ADMINISTRATION.

(4) "ELECTRONIC VOTER REGISTRATION SYSTEM" MEANS A SYSTEM THAT, AS AN INTEGRAL PART OF EACH APPLICABLE TRANSACTION AT AN ELECTRONIC VOTER REGISTRATION AGENCY:

(I) OFFERS AN APPLICANT THE OPPORTUNITY TO REGISTER TO VOTE OR UPDATE A VOTER REGISTRATION RECORD;

(II) INFORMS AN APPLICANT:

1. OF THE QUALIFICATIONS TO REGISTER TO VOTE UNDER § 3-102 OF THIS TITLE;

2. THAT THE APPLICANT SHOULD NOT REGISTER IF THE APPLICANT DOES NOT MEET ALL THE QUALIFICATIONS;

3. OF THE PENALTIES FOR THE SUBMISSION OF A FALSE APPLICATION; AND

4. THAT VOTER REGISTRATION IS VOLUNTARY AND THAT NEITHER REGISTERING NOR DECLINING TO REGISTER TO VOTE WILL IN ANY WAY AFFECT THE AVAILABILITY OF SERVICES OR BENEFITS;

(III) REQUIRES THE ELECTRONIC SIGNATURE OF THE APPLICANT, SUBJECT TO THE PENALTIES FOR PERJURY, BY WHICH THE APPLICANT ATTESTS THAT THE INFORMATION CONTAINED IN THE VOTER REGISTRATION APPLICATION IS TRUE AND THAT THE APPLICANT MEETS ALL THE QUALIFICATIONS TO BECOME A REGISTERED VOTER, INCLUDING UNITED STATES CITIZENSHIP; AND

(IV) ELECTRONICALLY TRANSMITS THE VOTER REGISTRATION INFORMATION OF THE APPLICANT DIRECTLY TO THE STATE BOARD:

1. IN A MANNER AND FORMAT SPECIFIED JOINTLY BY THE ELECTRONIC VOTER REGISTRATION AGENCY AND THE STATE BOARD; AND

2. WITHIN 5 DAYS OF THE APPLICABLE TRANSACTION.

(5) “LOCAL DEPARTMENT OF SOCIAL SERVICES” MEANS:

(I) THE LOCAL DEPARTMENTS OF SOCIAL SERVICES IN THE DEPARTMENT OF HUMAN RESOURCES; AND

(II) THE MONTGOMERY COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(B) AN ELECTRONIC VOTER REGISTRATION AGENCY SHALL IMPLEMENT AN ELECTRONIC VOTER REGISTRATION SYSTEM ON OR BEFORE JULY 1, 2017.

(C) AN ELECTRONIC VOTER REGISTRATION SYSTEM:

(1) MAY NOT REQUIRE ANY INFORMATION THAT DUPLICATES THE INFORMATION REQUIRED TO COMPLETE AN APPLICABLE TRANSACTION;

(2) SHALL REQUIRE ONLY THE MINIMUM AMOUNT OF INFORMATION NECESSARY FOR BOTH AN APPLICABLE TRANSACTION AND A VOTER REGISTRATION TO:

(I) PREVENT DUPLICATE VOTER REGISTRATION; AND

(II) ENABLE ELECTION OFFICIALS TO REVIEW THE ELIGIBILITY OF AN APPLICANT AND TO ADMINISTER VOTER REGISTRATION AND OTHER ASPECTS OF THE ELECTION PROCESS; AND

(3) SHALL INFORM AN APPLICANT:

(I) THAT IF THE APPLICANT DOES NOT SELECT A POLITICAL PARTY AFFILIATION, THE INDIVIDUAL WILL BE DESIGNATED AS NOT AFFILIATED WITH A POLITICAL PARTY AND WILL BE UNABLE TO VOTE IN A PARTY PRIMARY ELECTION;

(II) THAT THE INDIVIDUAL'S VOTER REGISTRATION RECORD WILL BE SUBJECT TO PUBLIC DISCLOSURE FOR PURPOSES RELATED TO THE ELECTORAL PROCESS UNLESS:

1. THE INDIVIDUAL IS A PARTICIPANT IN AN ADDRESS CONFIDENTIALITY PROGRAM; OR

2. REGULATIONS ADOPTED BY THE STATE BOARD AUTHORIZE THE INDIVIDUAL TO APPLY TO KEEP THE INDIVIDUAL'S RESIDENCE ADDRESS CONFIDENTIAL FOR SPECIFIED SAFETY OR PRIVACY REASONS; AND

(III) OF THE MANNER IN WHICH THE INDIVIDUAL MAY APPLY TO KEEP THE INDIVIDUAL'S RESIDENCE ADDRESS CONFIDENTIAL FOR SPECIFIED SAFETY OR PRIVACY REASONS, AS PRESCRIBED BY THE STATE BOARD BY REGULATION.

(D) THE STATE BOARD SHALL ENSURE THAT EACH INDIVIDUAL WHOSE VOTER REGISTRATION INFORMATION IS TRANSMITTED TO THE STATE BOARD

THROUGH AN ELECTRONIC VOTER REGISTRATION SYSTEM IS PROMPTLY REGISTERED TO VOTE.

(E) AN AGENT OF AN ELECTRONIC VOTER REGISTRATION AGENCY WHO IS RESPONSIBLE FOR CARRYING OUT THE REQUIREMENTS OF THIS SECTION MAY NOT:

(1) SEEK TO INFLUENCE AN APPLICANT'S POLITICAL PREFERENCE OR PARTY REGISTRATION;

(2) DISPLAY ANY POLITICAL PREFERENCE OR PARTY ALLEGIANCE;
OR

(3) MAKE ANY STATEMENT TO AN APPLICANT OR TAKE ANY ACTION THE PURPOSE OR EFFECT OF WHICH IS TO:

(I) DISCOURAGE THE APPLICANT FROM REGISTERING TO VOTE; OR

(II) LEAD THE APPLICANT TO BELIEVE THAT A DECISION TO REGISTER OR NOT TO REGISTER HAS ANY BEARING ON THE AVAILABILITY OF SERVICES OR BENEFITS.

(F) INFORMATION RELATING TO THE DECISION OF AN APPLICANT AT AN ELECTRONIC VOTER REGISTRATION AGENCY TO DECLINE TO REGISTER TO VOTE MAY NOT BE USED FOR ANY PURPOSE OTHER THAN THE MAINTENANCE OF REGISTRATION STATISTICS.

(G) NOTWITHSTANDING § 3-501 OF THIS TITLE AND § 4-401 OF THE GENERAL PROVISIONS ARTICLE, THE IDENTITY OF AN ELECTRONIC VOTER REGISTRATION AGENCY THROUGH WHICH A PARTICULAR VOTER HAS REGISTERED MAY NOT BE DISCLOSED TO THE PUBLIC.

(H) THE STATE BOARD MAY ADOPT REGULATIONS AS NECESSARY TO IMPLEMENT THIS SECTION.

(I) (1) EACH ELECTRONIC VOTER REGISTRATION AGENCY SHALL:

(I) ON OR BEFORE JANUARY 1, 2017, SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE COMMITTEE ON WAYS AND MEANS THAT DESCRIBES:

1. THE EFFORTS OF THE ELECTRONIC VOTER REGISTRATION AGENCY TO REGISTER VOTERS IN THE PRECEDING CALENDAR YEAR;

2. THE STATUS OF THE IMPLEMENTATION OF AN ELECTRONIC VOTER REGISTRATION SYSTEM;

3. THE NUMBER OF INDIVIDUALS WHO COMPLETED AN APPLICABLE TRANSACTION IN THE PRECEDING CALENDAR YEAR AT THE ELECTRONIC VOTER REGISTRATION AGENCY AND THE NUMBER OF THOSE INDIVIDUALS WHO REGISTERED TO VOTE OR UPDATED A VOTER REGISTRATION RECORD; AND

4. ANY OTHER EFFORTS THE ELECTRONIC VOTER REGISTRATION AGENCY PLANS TO MAKE TO IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF THE VOTER REGISTRATION PROCESS AT THE AGENCY; AND

(II) ON OR BEFORE JANUARY 1, 2018, AND JANUARY 1 EACH SUBSEQUENT YEAR, SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE COMMITTEE ON WAYS AND MEANS THAT DESCRIBES:

1. THE NUMBER OF INDIVIDUALS WHO COMPLETED AN APPLICABLE TRANSACTION IN THE PRECEDING CALENDAR YEAR AT THE ELECTRONIC VOTER REGISTRATION AGENCY AND THE NUMBER OF THOSE INDIVIDUALS WHO REGISTERED TO VOTE OR UPDATED A VOTER REGISTRATION RECORD; AND

2. ANY EFFORTS THE ELECTRONIC VOTER REGISTRATION AGENCY PLANS TO MAKE TO IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF THE VOTER REGISTRATION PROCESS AT THE AGENCY.

(2) THE DEPARTMENT OF HUMAN RESOURCES SHALL SUBMIT THE REPORTS REQUIRED UNDER PARAGRAPH (1)(I) AND (II) OF THIS SUBSECTION AS SINGLE DOCUMENTS ON BEHALF OF ALL THE LOCAL DEPARTMENTS OF SOCIAL SERVICES.

3-203.1.

(A) IN THIS SECTION, “EXPANDED VOTER REGISTRATION AGENCY” MEANS:

(1) THE MOTOR VEHICLE ADMINISTRATION; AND

(2) THE MARYLAND HEALTH BENEFIT EXCHANGE.

(B) (1) ON OR BEFORE JUNE 1, 2017, AN EXPANDED VOTER REGISTRATION AGENCY SHALL PROVIDE TO THE STATE BOARD AN ELECTRONIC RECORD OF EACH INDIVIDUAL WHO:

(I) 1. HOLDS A DRIVER’S LICENSE OR IDENTIFICATION CARD; OR

2. HAS ENROLLED IN HEALTH INSURANCE COVERAGE THROUGH THE MARYLAND HEALTH BENEFIT EXCHANGE;

(II) IS NOT REGISTERED TO VOTE OR WHOSE VOTER REGISTRATION RECORD IS ELIGIBLE TO BE UPDATED;

(III) IS AT LEAST 16 YEARS OLD; AND

(IV) HAS INFORMATION ON FILE AT THE EXPANDED VOTER REGISTRATION AGENCY THAT DEMONSTRATES THAT THE INDIVIDUAL IS A CITIZEN OF THE UNITED STATES.

(2) AN INDIVIDUAL'S VOTER REGISTRATION RECORD SHALL BE CONSIDERED TO BE ELIGIBLE TO BE UPDATED UNDER THIS SECTION IF:

(I) THE VOTER'S NAME OR ADDRESS IN THE VOTER REGISTRATION RECORD IS INCONSISTENT WITH THE INDIVIDUAL'S RECORD ON FILE WITH AN EXPANDED VOTER REGISTRATION AGENCY; AND

(II) THE EXPANDED VOTER REGISTRATION AGENCY'S RECORD HAS A LATER DATE THAN THE VOTER REGISTRATION RECORD.

(3) THIS SUBSECTION MAY NOT BE CONSTRUED TO REQUIRE AN EXPANDED VOTER REGISTRATION AGENCY TO OBTAIN CITIZENSHIP INFORMATION FROM ANY EXISTING CLIENT OF THE AGENCY WHO HAS NOT PREVIOUSLY PROVIDED CITIZENSHIP INFORMATION IN THE ORDINARY COURSE OF TRANSACTING BUSINESS WITH THE AGENCY.

(C) THE ELECTRONIC RECORD OF AN INDIVIDUAL THAT IS PROVIDED TO THE STATE BOARD UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:

(1) THE LEGAL NAME AND RESIDENCE ADDRESS OF THE INDIVIDUAL;
AND

(2) THE ELECTRONIC SIGNATURE OF THE INDIVIDUAL.

(D) THE STATE BOARD SHALL REVIEW THE ELECTRONIC RECORD OF EACH INDIVIDUAL THAT IT RECEIVES UNDER SUBSECTION (B) OF THIS SECTION.

(E) THE STATE BOARD SHALL PROVIDE THE ELECTRONIC RECORD OF EACH INDIVIDUAL WHO IS NOT REGISTERED TO VOTE OR WHOSE VOTER REGISTRATION RECORD IS ELIGIBLE TO BE UPDATED TO THE LOCAL BOARD FOR THE COUNTY WHERE THE INDIVIDUAL RESIDES.

(F) (1) THE LOCAL BOARD SHALL SEND BY MAIL TO EACH INDIVIDUAL WHO IS NOT REGISTERED TO VOTE A NOTICE THAT CONTAINS THE FOLLOWING INFORMATION:

(I) THE QUALIFICATIONS TO BE A REGISTERED VOTER UNDER § 3-102 OF THIS TITLE;

(II) THAT THE INDIVIDUAL WILL BE AUTOMATICALLY REGISTERED TO VOTE UNLESS THE INDIVIDUAL DECLINES TO REGISTER TO VOTE WITHIN 60 DAYS AFTER THE ISSUANCE OF THE NOTICE;

(III) THE MANNER IN WHICH THE INDIVIDUAL MAY DECLINE TO REGISTER TO VOTE, WHICH SHALL INCLUDE:

1. THE OPTION TO MAIL A POSTCARD TO THE LOCAL BOARD WITH POSTAGE PREPAID BY THE LOCAL BOARD; AND

2. ANY OTHER METHOD PRESCRIBED BY THE STATE BOARD BY REGULATION;

(IV) THE MANNER IN WHICH THE INDIVIDUAL MAY SELECT A POLITICAL PARTY AFFILIATION, AS PRESCRIBED BY THE STATE BOARD BY REGULATION;

(V) THAT IF THE INDIVIDUAL DOES NOT SELECT A POLITICAL PARTY AFFILIATION, THE INDIVIDUAL WILL BE DESIGNATED AS NOT AFFILIATED WITH A POLITICAL PARTY AND WILL BE UNABLE TO VOTE IN A PARTY PRIMARY ELECTION;

(VI) THAT THE INDIVIDUAL'S VOTER REGISTRATION RECORD WILL BE SUBJECT TO PUBLIC DISCLOSURE FOR PURPOSES RELATED TO THE ELECTORAL PROCESS UNLESS:

1. THE INDIVIDUAL IS A PARTICIPANT IN AN ADDRESS CONFIDENTIALITY PROGRAM; OR

2. REGULATIONS ADOPTED BY THE STATE BOARD AUTHORIZE THE INDIVIDUAL TO APPLY TO KEEP THE INDIVIDUAL'S RESIDENCE ADDRESS CONFIDENTIAL FOR SPECIFIED SAFETY OR PRIVACY REASONS; AND

(VII) THE MANNER IN WHICH THE INDIVIDUAL MAY APPLY TO KEEP THE INDIVIDUAL'S RESIDENCE ADDRESS CONFIDENTIAL FOR SPECIFIED SAFETY OR PRIVACY REASONS, AS PRESCRIBED BY THE STATE BOARD BY REGULATION.

(2) IF AN INDIVIDUAL WHO IS SENT A NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION HAS NOT DECLINED TO REGISTER TO VOTE WITHIN 30 DAYS AFTER THE ISSUANCE OF THE NOTICE, THE LOCAL BOARD SHALL SEND THE INDIVIDUAL A SECOND NOTICE MARKED "FINAL NOTICE" THAT CONTAINS THE SAME INFORMATION THAT IS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, EXCEPT THAT THE NOTICE SHALL STATE THAT THE INDIVIDUAL WILL BE AUTOMATICALLY REGISTERED TO VOTE UNLESS THE INDIVIDUAL DECLINES TO REGISTER TO VOTE WITHIN 30 DAYS AFTER THE ISSUANCE OF THE FINAL NOTICE.

(3) THE LOCAL BOARD SHALL SEND BY MAIL TO EACH INDIVIDUAL WHOSE VOTER REGISTRATION RECORD IS ELIGIBLE TO BE UPDATED A NOTICE THAT CONTAINS THE FOLLOWING INFORMATION:

(I) THAT THE INDIVIDUAL'S VOTER REGISTRATION RECORD WILL BE UPDATED UNLESS THE INDIVIDUAL DECLINES TO UPDATE THE INDIVIDUAL'S VOTER REGISTRATION RECORD WITHIN 30 DAYS AFTER THE ISSUANCE OF THE NOTICE; AND

(II) THE MANNER IN WHICH THE INDIVIDUAL MAY DECLINE TO UPDATE THE INDIVIDUAL'S VOTER REGISTRATION RECORD, WHICH SHALL INCLUDE:

1. THE OPTION TO MAIL A POSTCARD TO THE LOCAL BOARD WITH POSTAGE PREPAID BY THE LOCAL BOARD; AND

2. ANY OTHER METHOD PRESCRIBED BY THE STATE BOARD BY REGULATION.

(4) SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION, THE STATE BOARD SHALL PRESCRIBE THE FORM AND CONTENT OF THE NOTICES REQUIRED UNDER THIS SUBSECTION.

(G) (1) THE LOCAL BOARD SHALL PROMPTLY ADD TO THE STATEWIDE VOTER REGISTRATION LIST THE NAME OF EACH INDIVIDUAL WHO DOES NOT DECLINE TO REGISTER TO VOTE WITHIN 60 DAYS AFTER ISSUANCE OF THE FIRST NOTICE REQUIRED UNDER SUBSECTION (F) OF THIS SECTION.

(2) (I) THE LOCAL BOARD SHALL PROMPTLY UPDATE THE VOTER REGISTRATION RECORD OF EACH INDIVIDUAL WHO DOES NOT DECLINE TO UPDATE THE INDIVIDUAL'S VOTER REGISTRATION RECORD WITHIN 30 DAYS AFTER ISSUANCE OF THE NOTICE REQUIRED UNDER SUBSECTION (F) OF THIS SECTION.

(II) IF AN INDIVIDUAL'S VOTER REGISTRATION RECORD IS UPDATED UNDER THIS PARAGRAPH:

1. ONLY THE INDIVIDUAL'S NAME OR ADDRESS MAY BE CHANGED; AND

2. ALL OTHER INFORMATION IN THE INDIVIDUAL'S VOTER REGISTRATION RECORD SHALL REMAIN UNCHANGED.

(H) AN INDIVIDUAL WHO IS ADDED TO THE STATEWIDE VOTER REGISTRATION LIST UNDER SUBSECTION (G) OF THIS SECTION SHALL BE LISTED AS NOT AFFILIATED WITH ANY POLITICAL PARTY IF THE INDIVIDUAL HAS NOT AFFIRMATIVELY SELECTED A POLITICAL PARTY AFFILIATION.

(I) AFTER ADDING AN INDIVIDUAL TO THE STATEWIDE VOTER REGISTRATION LIST OR UPDATING AN INDIVIDUAL'S VOTER REGISTRATION RECORD UNDER SUBSECTION (G) OF THIS SECTION, THE LOCAL BOARD SHALL SEND TO THE INDIVIDUAL A VOTER NOTIFICATION CARD UNDER § 3-301(C)(2) OF THIS TITLE.

(J) AN INDIVIDUAL WHO BECOMES AUTOMATICALLY REGISTERED TO VOTE UNDER THIS SECTION SHALL BE CONSIDERED TO HAVE BECOME REGISTERED TO VOTE BASED ON INFORMATION AND CONFIRMATION PROVIDED TO THE STATE BOARD BY AN EXPANDED VOTER REGISTRATION AGENCY.

(K) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF AN INDIVIDUAL WHO BECOMES REGISTERED TO VOTE UNDER THIS SECTION NOTIFIES

THE STATE BOARD OR A LOCAL BOARD AFTER RECEIVING A VOTER NOTIFICATION CARD UNDER § 3-301(C)(2) OF THIS TITLE THAT THE INDIVIDUAL WAS INADVERTENTLY REGISTERED TO VOTE AND SHOULD NOT HAVE BEEN REGISTERED TO VOTE, THE STATE BOARD SHALL PERMANENTLY DELETE THE INDIVIDUAL'S VOTER REGISTRATION RECORD AND PROCEED AS IF NO REGISTRATION HAD OCCURRED.

(2) THE STATE BOARD MAY NOT DELETE AN INDIVIDUAL'S VOTER REGISTRATION RECORD UNDER THIS SUBSECTION IF THE INDIVIDUAL VOTED AFTER THE INDIVIDUAL BECAME REGISTERED TO VOTE UNDER THIS SECTION.

(L) ON OR BEFORE JUNE 1, 2023, AND ON OR BEFORE JUNE 1 OF EACH FOURTH YEAR THEREAFTER, THE STATE BOARD, IN COLLABORATION WITH EACH EXPANDED VOTER REGISTRATION AGENCY, SHALL FOLLOW THE PROCEDURES PRESCRIBED IN THIS SECTION TO UPDATE THE VOTER REGISTRATION RECORDS OF INDIVIDUALS WHO ARE REGISTERED TO VOTE.

(M) THE STATE BOARD AND EXPANDED VOTER REGISTRATION AGENCIES SHALL TAKE APPROPRIATE MEASURES TO EDUCATE THE PUBLIC ABOUT EXPANDED VOTER REGISTRATION UNDER THIS SECTION.

(N) THE STATE BOARD MAY ADOPT REGULATIONS AS NECESSARY TO IMPLEMENT THIS SECTION.

(O) THE STATE BOARD AND EACH EXPANDED VOTER REGISTRATION AGENCY SHALL JOINTLY SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE COMMITTEE ON WAYS AND MEANS ON OR BEFORE JANUARY 1, 2018, THAT DESCRIBES:

(1) THE ACTIONS TAKEN TO IMPLEMENT THIS SECTION;

(2) THE NUMBER OF INDIVIDUALS SENT A NOTICE UNDER SUBSECTION (F) OF THIS SECTION; AND

(3) THE NUMBER OF INDIVIDUALS SENT A NOTICE UNDER SUBSECTION (F) OF THIS SECTION WHO:

(I) WERE REGISTERED TO VOTE;

(II) HAD A VOTER REGISTRATION RECORD UPDATED;

(III) OPTED OUT OF VOTER REGISTRATION OR UPDATING A VOTER REGISTRATION RECORD; AND

(IV) WERE ADDED TO THE STATEWIDE VOTER REGISTRATION LIST UNDER SUBSECTION (G) OF THIS SECTION BUT SUBSEQUENTLY, AT THE INDIVIDUAL'S REQUEST, HAD THE INDIVIDUAL'S NAME DELETED FROM THE VOTER REGISTRATION REGISTRY.

3-204.

(A-1) A VOTER REGISTRATION AGENCY THAT IS SUBJECT TO THE REQUIREMENTS OF § 3-203 OF THIS SUBTITLE:

(1) SHALL CONDUCT VOTER REGISTRATION IN THE MANNER SPECIFIED IN § 3-203 OF THIS SUBTITLE; AND

(2) IS NOT SUBJECT TO THE REQUIREMENTS OF THIS SECTION.

(b) Except for a public institution of higher education in the State, which institution shall comply with the requirements of subsection (c) of this section, each voter registration agency, as provided in subsection (a)(2) and (3) of this section, shall:

(1) distribute a voter registration application approved by the State Board or the Federal Election Commission with each application for service or assistance it renders and with each recertification, renewal, or change of address form relating to such service or assistance;

(2) provide a document to prospective registrants that includes:

(i) the question, “If you are not registered to vote where you live now, would you like to apply to register to vote here today?”;

(ii) if the agency provides public assistance, the statement, “Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.”;

(iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote together with the statement (in close proximity to the boxes and in prominent type), “If you do not check either box, you will be considered to have decided not to register to vote at this time.”;

(iv) the statement, “If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.”;

(v) the statement, “If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the State Board of Elections.”; and

(vi) the address and toll free telephone number of the State Board;

(3) provide each applicant who does not decline to register to vote and who accepts assistance the same degree of assistance with regard to completion of the registration application as is provided by the office with regard to the completion of its own applications, unless the applicant refuses such assistance; [and]

(4) ENSURE THAT EACH APPLICATION FOR SERVICE OR ASSISTANCE FROM THE AGENCY AND EACH RECERTIFICATION, RENEWAL, OR CHANGE OF ADDRESS FORM RELATING TO THE SERVICE OR ASSISTANCE MAY NOT BE COMPLETED UNTIL THE APPLICANT HAS INDICATED WHETHER THE APPLICANT WISHES TO REGISTER TO VOTE; AND

[(4)](5) accept the completed voter registration application for transmittal to the appropriate election board.

[(c) At the time that an individual enrolls, registers, or pays for course work provided by a public institution of higher education in the State, the institution shall provide the individual with an opportunity to request a voter registration application. If the individual requests a voter registration application, the institution shall provide, or cause to be provided, an application to the individual.]

(C) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “COMMISSION” MEANS THE MARYLAND HIGHER EDUCATION COMMISSION.

(III) “INSTITUTION OF HIGHER EDUCATION” HAS THE MEANING STATED IN § 10–101(H) OF THE EDUCATION ARTICLE.

(2) (I) ON OR BEFORE JULY 1, 2017, A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE A LINK TO THE ONLINE VOTER REGISTRATION SYSTEM ON THE HOME PAGE OF THE ONLINE PORTAL USED BY STUDENTS TO REGISTER FOR COURSE WORK.

(II) THE LINK TO THE ONLINE VOTER REGISTRATION SYSTEM SHALL BE PROMINENTLY PLACED ON THE HOME PAGE IN A LOCATION WHERE IT MAY BE EASILY VIEWED BY STUDENTS REGISTERING FOR COURSE WORK.

(3) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL:

(I) ON OR BEFORE JANUARY 1, 2018, SUBMIT A REPORT TO THE COMMISSION THAT INCLUDES:

1. THE EFFORTS OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION TO REGISTER VOTERS IN THE PRECEDING CALENDAR YEAR;

2. A SCREEN SHOT OF THE HOME PAGE OF THE ONLINE PORTAL USED BY STUDENTS TO REGISTER FOR COURSE WORK THAT INCLUDES THE LINK REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION;

3. THE NUMBER OF STUDENTS WHO ARE RESIDENTS OF THE STATE AND REGISTERED FOR COURSE WORK IN THE PRECEDING 6 MONTHS AT THE PUBLIC INSTITUTION OF HIGHER EDUCATION AND THE NUMBER OF THOSE STUDENTS WHO CLICKED ON THE LINK REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION; AND

4. ANY OTHER EFFORTS THE PUBLIC INSTITUTION OF HIGHER EDUCATION PLANS TO MAKE TO IMPROVE ACCESS TO VOTER REGISTRATION FOR STUDENTS AT THE INSTITUTION; AND

(II) ON OR BEFORE JANUARY 1, 2019, AND JANUARY 1 EACH SUBSEQUENT YEAR, SUBMIT A REPORT TO THE COMMISSION THAT DESCRIBES:

1. THE NUMBER OF STUDENTS WHO ARE RESIDENTS OF THE STATE AND REGISTERED FOR COURSE WORK IN THE PRECEDING CALENDAR YEAR AT THE PUBLIC INSTITUTION OF HIGHER EDUCATION AND THE NUMBER OF THOSE STUDENTS WHO CLICKED ON THE LINK REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION; AND

2. ANY EFFORTS THE PUBLIC INSTITUTION OF HIGHER EDUCATION PLANS TO MAKE TO IMPROVE ACCESS TO VOTER REGISTRATION FOR STUDENTS AT THE INSTITUTION.

(4) THE COMMISSION SHALL COMPILE AND SUMMARIZE THE INFORMATION REPORTED BY PUBLIC INSTITUTIONS OF HIGHER EDUCATION:

(I) UNDER PARAGRAPH (3)(I) OF THIS SUBSECTION, IN A SINGLE REPORT THAT THE COMMISSION SHALL SUBMIT ON OR BEFORE JANUARY 15, 2017, TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE COMMITTEE ON WAYS AND MEANS, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE; AND

(II) UNDER PARAGRAPH (3)(II) OF THIS SUBSECTION, IN A SINGLE REPORT THAT THE COMMISSION SHALL SUBMIT ON OR BEFORE JANUARY 15, 2018, AND JANUARY 15 EACH SUBSEQUENT YEAR 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.

(d) An applicant may mail the voter registration application to the appropriate State election official or return it to the voter registration agency for transmittal to the appropriate election official.

(e) Within 5 days from the acceptance of a voter registration application, the voter registration agency shall forward the application to the appropriate State election official.

(f) (1) An applicant registering to vote at a voter registration agency may affirmatively consent to the use of [an] THE INDIVIDUAL’S electronic [copy of the individual’s] signature that is on file with the voter registration agency as the individual’s signature for the application being submitted.

(2) If an applicant signs a voter registration application as provided in paragraph (1) of this subsection, the voter registration agency shall transmit an electronic copy of the applicant’s signature to the State Board within 5 days after the day on which the agency accepted the application.

(g) If a voter registration agency is an office described in subsection (a)(2)(ii) of this section, which provides services to an individual with a disability at the individual’s home, the agency shall provide the services described in subsection (b) of this section at the individual’s home.

(h) (1) An individual who provides any service described in subsection (b) of this section may not:

(i) seek to influence an applicant’s political preference or party registration;

(ii) display any political preference or party allegiance; or

(iii) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(2) No information relating to a declination to register to vote in connection with an application made at an office designated as a voter registration agency may be used for any purpose other than the maintenance of voter registration statistics.

(3) Notwithstanding § 3-501 of this title and § 4-401 of the General Provisions Article, the identity of a voter registration agency through which a particular voter has registered may not be disclosed to the public.

(i) Regulations necessary to carry out the requirements of this section and § 3-203 of this subtitle, including provisions for training the employees of voter registration agencies and the Motor Vehicle Administration, shall be adopted by the State Board in cooperation with each agency.

3-204.2.

(A) THE STATE BOARD AND THE DEPARTMENT OF NATURAL RESOURCES SHALL JOINTLY DEVELOP AND IMPLEMENT PROCEDURES FOR INDIVIDUALS WHO APPLY FOR THE ISSUANCE OR RENEWAL OF A RECREATIONAL HUNTING OR FISHING LICENSE ONLINE TO BE OFFERED THE OPPORTUNITY TO REGISTER TO VOTE THROUGH A LINK TO THE ONLINE VOTER REGISTRATION SYSTEM.

(B) THE STATE BOARD AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION SHALL JOINTLY DEVELOP AND IMPLEMENT PROCEDURES FOR INDIVIDUALS WHO USE THE MARYLAND WORKFORCE EXCHANGE WEB SITE TO BE OFFERED THE OPPORTUNITY TO REGISTER TO VOTE THROUGH A LINK TO THE ONLINE VOTER REGISTRATION SYSTEM.

3-204.3.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “APPLICABLE TRANSACTION” HAS THE MEANING STATED IN § 3-203 OF THIS SUBTITLE.

(3) “ELECTRONIC VOTER REGISTRATION AGENCY” HAS THE MEANING STATED IN § 3-203 OF THIS SUBTITLE.

(B) EACH CALENDAR YEAR, THE STATE BOARD SHALL SEND, BY MAIL OR, IF APPLICABLE, BY E-MAIL, A VOTER REGISTRATION APPLICATION AND INSTRUCTIONS ON HOW TO ACCESS THE ONLINE VOTER REGISTRATION SYSTEM TO EACH INDIVIDUAL WHO, DURING THE PREVIOUS YEAR:

(1) (I) COMPLETED AN APPLICABLE TRANSACTION AT AN ELECTRONIC VOTER REGISTRATION AGENCY;

(II) APPLIED FOR THE ISSUANCE OR RENEWAL OF A RECREATIONAL HUNTING OR FISHING LICENSE OR WAS ISSUED A CERTIFICATE OF TITLE FOR A VESSEL UNDER § 8-715 OF THE NATURAL RESOURCES ARTICLE FROM THE DEPARTMENT OF NATURAL RESOURCES; OR

(III) USED THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION'S MARYLAND WORKFORCE EXCHANGE WEB SITE; AND

(2) IS NOT REGISTERED TO VOTE.

3-506.

(a) (1) A copy of a list of registered voters shall be provided to a Maryland registered voter on receipt of:

(i) a written application; and

(ii) a statement, signed under oath, that the list is not intended to be used for:

1. commercial solicitation; or

2. any other purpose not related to the electoral process.

(2) In consultation with the local boards, the State Board shall adopt regulations that specify:

(i) the time for a list to be provided under this subsection;

- (ii) the authorization to be required for providing a list;
- (iii) the fee to be paid for providing a list;
- (iv) the information to be included on a list;

(V) THAT THE RESIDENCE ADDRESS OF AN INDIVIDUAL WHO IS A PARTICIPANT IN AN ADDRESS CONFIDENTIALITY PROGRAM MAY NOT BE DISCLOSED;

(VI) THAT A PARTICIPANT IN AN ADDRESS CONFIDENTIALITY PROGRAM IS NOT REQUIRED TO APPLY TO THE STATE BOARD TO KEEP THE INDIVIDUAL'S RESIDENCE ADDRESS CONFIDENTIAL;

[(v)] (VII) the format of the information; and

[(vi)] (VIII) the medium or media on which the information is to be provided.

(b) (1) The State Administrator or a designee shall provide a copy of the statewide voter registration list and voter registration records to a jury commissioner on request and without charge by means agreed to with the Administrative Office of the Courts.

(2) On application of the Attorney General, a circuit court may compel compliance with paragraph (1) of this subsection.

(c) A person who knowingly allows a list of registered voters, under the person's control, to be used for any purpose not related to the electoral process is guilty of a misdemeanor and, on conviction, is subject to the penalties under Title 16 of this article.

Article – Human Services

1–201.

(a) Except as provided in subsection (b) of this section, a person may not disclose any information concerning an applicant for or recipient of social services, child welfare services, cash assistance, food stamps, or medical assistance that is directly or indirectly derived from the records, investigations, or communications of the State, a county, or a

municipal corporation or a unit of the State, a county, or a municipal corporation or that is acquired in the course of the performance of official duties.

(b) This section does not prohibit the disclosure of information:

(1) in accordance with a court order; or

(2) to an officer or employee of any state or local government, the United States, or a fiduciary institution, if the officer or employee is entitled to the information in an official capacity and the disclosure is necessary to administer:

(I) public assistance, medical assistance, social services, or child welfare services programs; OR

(II) VOTER REGISTRATION IN ACCORDANCE WITH § 3-203 OF THE ELECTION LAW ARTICLE.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Election Law

3-204.

(a) (2) The State Board shall designate the following offices as voter registration agencies:

(i) all offices in the State that provide public assistance;

(ii) all offices in the State that provide State-funded programs primarily engaged in providing services to individuals with disabilities; [and]

(iii) all public institutions of higher education in the State; AND

(IV) ALL ONE-STOP CAREER CENTERS IN THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION.

(J) ON OR BEFORE JANUARY 1, 2017, AND JANUARY 1 EACH SUBSEQUENT YEAR, THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION SHALL SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE COMMITTEE ON WAYS AND MEANS THAT DESCRIBES:

(1) THE EFFORTS OF THE ONE-STOP CAREER CENTERS TO REGISTER VOTERS UNDER THIS SECTION IN THE PRECEDING CALENDAR YEAR; AND

(2) ANY EFFORTS THE DEPARTMENT PLANS TO MAKE TO IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF THE VOTER REGISTRATION PROCESS AT THE ONE-STOP CAREER CENTERS.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Each agency with responsibility for carrying out this Act shall designate an employee to act as the agency's voter registration coordinator.

(b) Each voter registration coordinator shall complete an annual training program conducted by the State Board of Elections concerning the requirements of this Act.

(c) Each voter registration coordinator shall oversee an annual training program concerning the requirements of this Act for all employees of the coordinator's agency with responsibility for carrying out this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That, on or before August 1, 2016, the Attorney General shall request a determination letter from the United States Department of Labor confirming that federal law does not preclude the Department of Labor, Licensing, and Regulation from utilizing State funds to conduct voter registration in accordance with § 3-204 of the Election Law Article as enacted by Section 2 of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect contingent on the receipt by the Attorney General of Maryland of a favorable determination letter from the United States Department of Labor confirming that federal law does not preclude the Department of Labor, Licensing, and Regulation from utilizing

State funds to conduct voter registration in accordance with § 3–204 of the Election Law Article as enacted by Section 2 of this Act. If a favorable determination letter is received on or before July 1, 2017, Section 2 of this Act shall take effect on the date notice of the letter is received by the Department of Legislative Services in accordance with this section. If the Attorney General does not receive a favorable determination letter on or before July 1, 2017, Section 2 of this Act shall be null and void and of no further force and effect. The Attorney General, within 5 days after receiving the determination letter from the United States Department of Labor, shall forward a copy of the letter to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

SECTION 6. AND BE IT FURTHER ENACTED, That, subject to Section 5 of this Act, this Act shall take effect July 1, 2016.”.

The preceding 2 amendments were read only.

Senator Jennings moved, duly seconded, to make the Bill and Amendments a Special Order for the end of today’s business.

The motion was adopted.

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

Senate Bill 442 – Senators Manno, Guzzone, Lee, Madaleno, and Raskin

AN ACT concerning

**General Provisions – Commemorative Days – National Healthcare Decisions
Day**

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 1041 – Senators Rosapepe, Bates, Conway, Currie, Feldman, Ferguson, Guzzone, Kagan, Kelley, King, Lee, Madaleno, McFadden, Peters, Ramirez, Salling, Simonaire, and Zucker

AN ACT concerning

Education – Digital Equity for All Act

SB1041/324533/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 1041

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Digital Equity for All Act” and substitute “Physical and Digital Infrastructure in the Public Schools – Assessment”; strike beginning with “to” in line 3 down through “Act” in line 13 and substitute “, in cooperation and coordination with certain local school systems, to conduct a certain assessment of certain infrastructure needed for certain reasons on or before a certain date; providing for the contents of a certain assessment; requiring a certain assessment to be submitted to certain committees of the General Assembly in accordance with a certain provision of law on or before a certain date; and generally relating to the physical and digital infrastructure needs of public schools in the State”; and strike in their entirety lines 14 through 18, inclusive.

AMENDMENT NO. 2

On page 1, in line 20, strike “the Laws of Maryland read as follows”; and after line 20, insert:

“(a) On or before December 1, 2016, the State Department of Education, in cooperation and coordination with the local school systems in the State, shall conduct an assessment of the physical and digital infrastructure needed to support the integration of digital devices into the State’s education program for all public school students on or before December 31, 2019.

(b) The assessment required under subsection (a) of this section shall include:

(1) a survey of current Internet infrastructure and digital device availability in Maryland’s public schools;

(2) a cost–estimate of bringing all Maryland public schools up to the level of being able to support one device per student;

(3) any procurement avenues that may prove useful in providing digital devices and related equipment to students across multiple local school systems; and

(4) a cost-estimate of options for providing one device per student, including bring-your-own-device programs.

(c) On or before December 15, 2016, the assessment required under this section shall be submitted in accordance with § 2-1246 of the State Government Article to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means.”.

On pages 1 through 3, strike in their entirety the lines beginning with line 21 on page 1 through line 19 on page 3, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #42

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

Senate Bill 297 – Senator Madaleno

AN ACT concerning

Health Insurance – Habilitative Services – Period of Time for Coverage

SB0297/137071/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 297

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Madaleno” and substitute “Senators Madaleno, Benson, Feldman, Hershey, Kelley, Klausmeier, Middleton, Pugh, and Reilly”.

AMENDMENT NO. 2

On page 3, in line 18, strike “October 1, 2016” and substitute “January 1, 2017”.

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 658 – Senator Benson

AN ACT concerning

Retail Business Owners – Automated Teller Machines – Notice of Skimming Device

SB0658/387576/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 658

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “post” in line 6 down through “time” in line 7 and substitute “notify the operator of the automated teller machine of the existence of a certain skimming device and certain information to identify the automated teller machine under certain circumstances; providing for the application of this Act; defining a certain term”.

AMENDMENT NO. 2

On page 1, after line 18, insert:

“(A) IN THIS SECTION, “OPERATOR” HAS THE MEANING STATED IN § 1-401 OF THE FINANCIAL INSTITUTIONS ARTICLE.

“(B) THIS SECTION DOES NOT APPLY TO THE OWNER OF A RETAIL BUSINESS THAT IS A BANK OR CREDIT UNION.”;

in line 19, before “**IF**” insert “**(C)**”; in line 20, strike “**OF THE**” and substitute “**WHERE THE RETAIL**”; and in the same line, after “**BUSINESS**” insert “**IS OPERATED**”.

On pages 1 and 2, strike beginning with the colon in line 22 on page 1 down through “ENTITY” in line 5 on page 2 and substitute “IMMEDIATELY NOTIFY THE OPERATOR OF THE AUTOMATED TELLER MACHINE ABOUT:”

(1) THE EXISTENCE OF THE SKIMMING DEVICE; AND

(2) THE LOCATION AND OTHER IDENTIFYING INFORMATION ABOUT THE AUTOMATED TELLER MACHINE TO ASSIST THE OPERATOR IN IDENTIFYING THE AFFECTED AUTOMATED TELLER MACHINE”.

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 939 – Senators Madaleno and Raskin

AN ACT concerning

Maryland Medical Assistance Program – Nursing Homes – Advance Payments

SB0939/387171/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 939

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Nursing Homes – Advance Payments” and substitute “Determinations of Eligibility for Long-Term Care Services – Reports and Meetings”; strike beginning with “to” in line 3 down through “term” in line 8 and substitute “, in consultation with the Department of Human Resources, to submit a report on the State’s progress in determining the eligibility of certain applicants within a certain time period to certain committees of the General Assembly on or before a certain date and quarterly thereafter; requiring that the report include certain information; requiring the Department of Health and Mental Hygiene, in collaboration with the Department of Human Resources, to conduct certain meetings to discuss certain reports and develop certain strategies; providing for the”

termination of this Act"; strike beginning with "advance" in line 9 down through "homes" in line 10 and substitute "determinations of eligibility for long-term care services"; and strike lines 11 through 20, inclusive.

AMENDMENT NO. 2

On page 1, in line 22, strike "the Laws of Maryland read as follows".

On pages 1 and 2, strike in their entirety the lines beginning with line 23 on page 1 through line 20 on page 2, inclusive, and substitute:

"(a) On or before October 1, 2016, and quarterly thereafter, the Department of Health and Mental Hygiene, in consultation with the Department of Human Resources, shall submit a report to the Senate Finance Committee, the Senate Budget and Taxation Committee, the House Health and Government Operations Committee, and the House Appropriations Committee, in accordance with § 2-1246 of the State Government Article, on the State's progress in determining the eligibility of applicants for long-term care services under the Maryland Medical Assistance Program within 30 days after the filing of the applications as required under State law.

(b) The reports required under subsection (a) of this section shall include:

(1) (i) the number of new applications filed each month with each local department of social services and the Bureau of Long-Term Care Eligibility; and

(ii) information on pending eligibility cases, including, to the extent available, detailed information on the length of time beyond 30 days it is taking for the State to complete eligibility determinations, with a breakdown of the information presented in 15-day increments;

(2) (i) steps being taken by the State to achieve compliance with the requirement in State law that eligibility determinations be completed within 30 days after the filing of an application; and

(ii) a timeline for achieving compliance with the 30-day requirement; and

(3) information on:

(i) improvements made to the technology systems used to determine eligibility; and

(ii) any planned improvements to the technology systems, including the implementation of an asset verification system, with a time frame for implementation of the planned improvements.

(c) The Department of Health and Mental Hygiene, in collaboration with the Department of Human Resources, shall conduct quarterly meetings with interested stakeholders to:

(1) discuss the report submitted under subsection (a) of this section; and

(2) develop strategies to resolve ongoing issues with and delays in eligibility determinations for long-term care services under the Maryland Medical Assistance Program.”.

On page 2, in line 22, after the period, insert “It shall remain effective for a period of 2 years and 6 months and, at the end of December 31, 2018, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #43

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

House Bill 356 – Delegates Pendergrass, Atterbeary, Ebersole, Hammen, S. Howard, Jalisi, Jameson, Kipke, Kramer, Krebs, Lam, Luedtke, Malone, Patterson, Pena-Melnyk, Saab, Tarlau, Turner, West, ~~and K. Young~~ K. Young, Bromwell, Hill, McDonough, Miele, Morgan, Morhaim, and Sample-Hughes

AN ACT concerning

Supplemental Nutrition Assistance Program Benefits – ~~Exclusion of~~ Grant Application
~~Sugar-Sweetened Beverages and Other Nonnutritious Foods~~

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:

House Bill 420 – Delegates Waldstreicher, Aumann, D. Barnes, Barve, Beidle, Bromwell, Brooks, Carey, Carr, Clippinger, Cullison, Davis, Ebersole, Fraser-Hidalgo, Frick, Frush, Gilchrist, Hammen, Hixson, Holmes, Impallaria, Lierman, Luedtke, McKay, A. Miller, Morales, Patterson, Pendergrass, Platt, Sanchez, Simonaire, Smith, Vaughn, M. Washington, West, C. Wilson, Wivell, ~~and Zucker~~ Zucker, Barkley, Branch, Glenn, Jameson, Lisanti, Queen, and Valderrama

AN ACT concerning

~~Labor and Employment – Minimum Wage – Individuals With Disabilities
(Ken Capone Equal Employment Act)~~
Individuals With Disabilities – Minimum Wage and Community Integration

HB0420/537872/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 420
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, after line 4, insert “(Ken Capone Equal Employment Act)”.

AMENDMENT NO. 2

On page 8, in line 11, strike “PLAN OF HABILITATION” and substitute “SUPPLEMENTAL PLAN”; and in the same line, strike “§ 7-1006” and substitute “§ 7-1013”.

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:

House Bill 489 – ~~Delegate Hammen~~ Delegates Hammen, Angel, Barron, Bromwell, Cullison, Hayes, Hill, Kelly, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Morhaim, Oaks, Pena-Melnyk, Pendergrass, Rose, Saab, Sample-Hughes, West, and K. Young

AN ACT concerning

Termination of Maryland Health Insurance Plan, Transfer of Senior Prescription Drug Assistance Program, and Funding for State Reinsurance Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 503 – Chair, Environment and Transportation Committee (By Request – Departmental – Transportation)

AN ACT concerning

Washington Metropolitan Area Transit Authority Compact – Board of Directors – Appointing Authority for Federal Members

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:

House Bill 724 – ~~Delegates Oaks, West, Reznik, Oaks, Pena-Melnyk, and Rose~~ Rose, and Krebs

AN ACT concerning

Public Health – Copies of Medical Records – Fees

HB0724/437272/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 724

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “altering a certain provision of law to authorize health care providers to require certain persons to pay a cost-based fee for providing certain information, rather than the reasonable cost;”; and in line 7, after “persons” insert “, subject to certain limitations”.

AMENDMENT NO. 2

On page 2, in line 5, after “pay” insert “**FOR**”; in line 8, strike “the” and substitute “**A**”; in the same line, strike “cost of” and substitute “**COST-BASED FEE FOR**”; in line 17, strike “A” and substitute “**SUBJECT TO THE FEE LIMITATIONS THAT APPLY TO PERSONS IN INTEREST UNDER 45 C.F.R. 164.524 AND ANY GUIDANCE ON THOSE LIMITATIONS ISSUED BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, A**”; in line 21, strike “IF” and substitute “**SUBJECT TO THE FEE LIMITATIONS THAT APPLY TO PERSONS IN INTEREST UNDER 45 C.F.R. 164.524 AND ANY GUIDANCE ON THOSE LIMITATIONS ISSUED BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES,**”; in the same line, after “PROVIDER” insert “**THAT**”; in line 22, after “MAINTAINS” insert “**THE REQUESTED**”; in the same line, strike the comma and substitute “**MAY CHARGE**”; and strike beginning with the comma in line 24 down through “CHARGE” in line 25.

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:

House Bill 1181 – Delegates Morgan, Cullison, Hammen, Kipke, McMillan, ~~and Pena-Melnyk~~ Pena-Melnyk, Angel, Barron, Bromwell, Hayes, Hill, Kelly, Krebs, McDonough, Miele, Morhaim, Oaks, Pendergrass, Rose, Saab, Sample-Hughes, West, and K. Young

AN ACT concerning

**Maryland Medical Assistance Program – Nursing Homes – ~~Advance Payments~~
Partial Payment for Services Provided**

HB1181/457679/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1181
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Nursing” in line 2 down through “Provided” in line 3 and substitute “Determinations of Eligibility for Long–Term Care Services – Reports and Meetings”; strike beginning with “to” in line 4 down through “term” in line 9 and substitute “, in consultation with the Department of Human Resources, to submit a report on the State’s progress in determining the eligibility of certain applicants within a certain time period to certain committees of the General Assembly on or before a certain date and quarterly thereafter; requiring that the report include certain information; requiring the Department of Health and Mental Hygiene, in collaboration with the Department of Human Resources, to conduct certain meetings to discuss certain reports and develop certain strategies; providing for the termination of this Act”; and strike beginning with “advance” in line 10 down through “homes” in line 11 and substitute “determinations of eligibility for long–term care services”.

On pages 1 and 2, strike in their entirety the lines beginning with line 12 on page 1 through line 1 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, in line 3, strike “the Laws of Maryland read as follows”; strike in their entirety lines 4 through 26, inclusive, and substitute:

“(a) On or before October 1, 2016, and quarterly thereafter, the Department of Health and Mental Hygiene, in consultation with the Department of Human Resources, shall submit a report to the Senate Finance Committee, the Senate Budget and Taxation Committee, the House Health and Government Operations Committee, and the House Appropriations Committee, in accordance with § 2–1246 of the State Government Article, on the State’s progress in determining the eligibility of applicants for long–term care services under the Maryland Medical Assistance Program within 30 days after the filing of the applications as required under State law.

(b) The reports required under subsection (a) of this section shall include:

(1) (i) the number of new applications filed each month with each local department of social services and the Bureau of Long–Term Care Eligibility; and

(ii) information on pending eligibility cases, including, to the extent available, detailed information on the length of time beyond 30 days it is taking for the State to complete eligibility determinations, with a breakdown of the information presented in 15-day increments;

(2) (i) steps being taken by the State to achieve compliance with the requirement in State law that eligibility determinations be completed within 30 days after the filing of an application; and

(ii) a timeline for achieving compliance with the 30-day requirement; and

(3) information on:

(i) improvements made to the technology systems used to determine eligibility; and

(ii) any planned improvements to the technology systems, including the implementation of an asset verification system, with a time frame for implementation of the planned improvements.

(c) The Department of Health and Mental Hygiene, in collaboration with the Department of Human Resources, shall conduct quarterly meetings with interested stakeholders to:

(1) discuss the report submitted under subsection (a) of this section; and

(2) develop strategies to resolve ongoing issues with and delays in eligibility determinations for long-term care services under the Maryland Medical Assistance Program.”;

and in line 28, after the period, insert “It shall remain effective for a period of 2 years and 6 months and, at the end of December 31, 2018, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1487 – Delegates Valderrama and Barkley

AN ACT concerning

Health Care Provider Malpractice Insurance – Scope of Coverage

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #44

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

House Bill 727 – Delegates West, Aumann, Hettleman, Morhaim, and Stein

AN ACT concerning

Horse Racing – ~~Intertrack~~ Satellite Simulcast Betting – Public Hearing Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 801 – Chair, Health and Government Operations Committee (By Request – Departmental – Maryland Insurance Administration)

AN ACT concerning

Health Insurance – Required Conformity With Federal Law

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 854 – Delegates Lisanti, Fennell, ~~and Tarlau~~ Tarlau, and O'Donnell

AN ACT concerning

State Highway Administration – Relocation of Water or Sewer Lines – Cost Sharing

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1004 – Delegates Davis, Atterbeary, Branch, Bromwell, Brooks, Busch, Clippinger, Cullison, Ebersole, Frush, Gilchrist, Gutierrez, Haynes, Healey, Hettleman, Hixson, Holmes, C. Howard, Jackson, Jalisi, Jones, Kaiser, Kelly, Korman, Krimm, Lafferty, Lam, Lierman, Luedtke, McIntosh, A. Miller, Moon, Morhaim, Platt, B. Robinson, Sample–Hughes, Smith, Stein, Tarlau, Vallario, M. Washington, ~~and P. Young~~ P. Young, Aumann, Jameson, Queen, Valderrama, Waldstreicher, C. Wilson, Barkley, Carey, Frick, Glenn, Kramer, Lisanti, Vaughn, and K. Young

AN ACT concerning

Equal Pay Commission – Establishment

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1281 – Delegates Jameson and Gaines

AN ACT concerning

Strategic Energy Investment Program and Advisory Board – Alterations

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:

House Bill 1318 – Delegates Kelly, Angel, Cullison, Hill, Pena–Melnyk, Sample–Hughes, ~~and West~~ West, Hammen, Barron, Bromwell, Hayes, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Morhaim, Oaks, Pendergrass, Rose, Saab, and K. Young

AN ACT concerning

**Health Benefit Plans – Network Access Standards and
Provider Network Directories**

HB1318/867371/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1318

(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 20, strike “15–112(n)” and substitute “15–112(b)(1)(i), (n)”; and in lines 33 and 34, strike “(E) THROUGH (L), (Q), (R), AND (T)” and substitute “(F) THROUGH (M), (R), (S), AND (U) THROUGH (W)”.

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 36 on page 3 through line 25 on page 4, inclusive, and substitute:

“Article – Insurance”.

On page 7, strike in their entirety lines 1 through 4, inclusive; after line 12, insert:

“(i) 1. if the carrier is an insurer, nonprofit health service plan, or dental plan organization, maintain standards in accordance with regulations adopted by the Commissioner for availability of health care providers to meet the health care needs of enrollees;

2. if the carrier is a health maintenance organization, adhere to the standards for accessibility of covered services in accordance with regulations adopted under § 19–705.1(b)(1)(i)2 of the Health – General Article; and

3. if the carrier is an insurer or nonprofit health service plan that offers a preferred provider insurance policy that conditions the payment of benefits on the use of preferred providers, adhere to the standards for accessibility of covered services in accordance with regulations adopted under § 19–705.1(b)(1)(i)2 of the Health – General Article and as enforced by the Secretary of Health and Mental Hygiene; and”;

and in line 29, strike “(M)” and substitute “(N)”.

On page 10, in line 13, strike “PREDOMINATELY” and substitute “PREDOMINANTLY”.

On page 11, in line 27, strike “SERVICES” and substitute “SERVICES”.

On page 28, in line 7, after “REMAIN” insert “ON”.

On page 33, after line 22, insert:

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

Article – Health – General

19–705.1.

(a) The Secretary shall adopt regulations that set out reasonable standards of quality of care that a health maintenance organization shall provide to its members.

(b) (1) The standards of quality of care shall include:

(i) [1.] A requirement that a health maintenance organization shall provide for regular hours during which a member may receive services, including providing for services to a member in a timely manner that takes into account the immediacy of need for services; [and

2. Provisions for assuring that all covered services, including any services for which the health maintenance organization has contracted, are accessible to the enrollee with reasonable safeguards with respect to geographic locations;]

Article – Insurance

14–205.1.

(a) The Commissioner may authorize an insurer or nonprofit health service plan to offer a preferred provider insurance policy that conditions the payment of benefits on the use of preferred providers if the insurer or nonprofit health service plan[:

(1) has demonstrated to the Secretary of Health and Mental Hygiene that the provider panel of the insurer or nonprofit health service plan complies with the regulations adopted under § 19–705.1(b)(1)(i)2 of the Health – General Article; and

(2) does not restrict payment for covered services provided by nonpreferred providers:

[(i)] (1) for emergency services, as defined in § 19–701 of the Health – General Article;

[(ii)] (2) for an unforeseen illness, injury, or condition requiring immediate care; or

[(iii)] (3) as required under § 15–830 of this article.

15–112.

(b) (1) Subject to paragraph (3) of this subsection, a carrier that uses a provider panel shall:

(i) [1.] if the carrier is an insurer, nonprofit health service plan, HEALTH MAINTENANCE ORGANIZATION, or dental plan organization, maintain standards in accordance with regulations adopted by the Commissioner for availability of health care providers to meet the health care needs of enrollees; AND

[2. if the carrier is a health maintenance organization, adhere to the standards for accessibility of covered services in accordance with regulations adopted under § 19–705.1(b)(1)(i)2 of the Health – General Article; and

3. if the carrier is an insurer or nonprofit health service plan that offers a preferred provider insurance policy that conditions the payment of benefits on the use of preferred providers, adhere to the standards for accessibility of covered services in accordance with regulations adopted under § 19–705.1(b)(1)(i)2 of the Health – General Article and as enforced by the Secretary of Health and Mental Hygiene; and]”.

AMENDMENT NO. 3

On page 33, in lines 25 and 27, strike “3.” and “4.”, respectively, and substitute “4.” and “6.”, respectively; after line 26, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect January 1, 2018.”;

and in line 28, strike “Section 3” and substitute “Sections 4 and 5”.

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:

House Bill 1493 – Calvert County Delegation

AN ACT concerning

Calvert County – Economic Development Incentive Fund – Eligibility Criteria

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #45

CONSENT CALENDAR #66

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

BILL NO.	REPORT	SPONSOR	CONTENT
<u>FAVORABLE</u>			
HB 511	FAV	Del. Cullison	Maryland Medical Assistance Program – Former Foster Care Adolescents – Dental Care

BILL NO.	REPORT	SPONSOR	CONTENT
HB 554	FAV	Del. Bromwell	Insurance – Surplus Lines – Short-Term Medical Insurance
HB 1217	FAV	Del. Sample– Hughes	Md Med Assistance Program – Specialty Mental Hlth and Substnc Use Disorder Srvcs – Parity

Favorable report adopted on all of the preceding bills.

The preceding bills were read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #36

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

House Bill 36 – ~~Delegate Haynes~~ Baltimore City Delegation

AN ACT concerning

Rebuilding Baltimore City Communities Act of 2016

HB0036/129736/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 36

(Third Reading File Bill)

On page 1, in the sponsor line, strike “Baltimore City Delegation” and substitute “Delegate Haynes”.

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:

House Bill 69 – Delegates Luedtke, Buckel, Hixson, Krebs, Shoemaker, and Tarlau

AN ACT concerning

Personal Property Tax – Credit for New or Small Business

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:

House Bill 276 – Delegates Stein, Aumann, Lafferty, Mautz, and West

AN ACT concerning

Income Tax Credit – Preservation and Conservation Easements

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:

House Bill 331 – Delegate Stein

EMERGENCY BILL

AN ACT concerning

Program Open Space – Funding for Capital Improvements

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:

House Bill 340 – Delegates Tarlau, Angel, Carr, Fennell, McCray, Platt, ~~and Sanchez~~ Sanchez, C. Howard, Hixson, Kaiser, Ebersole, Hornberger, Metzgar, Patterson, D. Barnes, Simonaire, Walker, Turner, A. Washington, M. Washington, Long, and Shoemaker

AN ACT concerning

Property Tax – Renters’ Property Tax Relief Program

HB0340/619237/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 340

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “excluding” in line 3 down through “renters;” in line 4; strike in their entirety lines 9 through 13, inclusive; and in line 16, strike “9–102(a)(2), (h),” and substitute “9–102(h)”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 5 through 18, 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:

House Bill 422 – Delegates Fraser–Hidalgo, Brooks, Barve, Beidle, Kelly, Kramer, Luedtke, Reznik, S. Robinson, Turner, and Walker

AN ACT concerning

Interest Rate on Tax Deficiencies and Refunds

HB0422/839339/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 422

(Third Reading File Bill)

On page 2, in lines 11, 12, 13, and 14, strike “12%”, “11%”, “10%”, and “9%”, respectively, and substitute “12.5%”, “12%”, “11.5%”, and “11%”, respectively; in line 13, strike “AND”; and in line 14, after “2020” insert “;”

(VI) 10.5% FOR 2021; AND

(VII) 10% FOR 2022".

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:

House Bill 459 – The Speaker (By Request – Administration) and Delegates Adams, Afzali, Anderton, Arentz, Aumann, Beitzel, Bromwell, Buckel, Carozza, Cassilly, Ciliberti, Cluster, Fisher, Folden, Ghrist, Glass, Grammer, Hornberger, S. Howard, Impallaria, Jacobs, Kipke, Kittleman, Krebs, Long, Malone, Mautz, McComas, McConkey, McDonough, McKay, McMillan, Metzgar, Miele, W. Miller, Morgan, O'Donnell, Otto, Parrott, Reilly, Rose, Saab, Shoemaker, Simonaire, Szeliga, Vogt, West, B. Wilson, and Wivell

AN ACT concerning

**~~Fee, Surcharge, and Tax Reduction Act of 2016~~
Birth and Death Certificates – Fee Reduction**

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:

House Bill 898 – Delegates Metzgar, Anderson, Angel, Aumann, Barkley, Beitzel, Bromwell, Carter, Conaway, Fennell, Folden, Ghrist, Glass, Glenn, Grammer, Haynes, Hornberger, C. Howard, S. Howard, Jalisi, Kipke, Kittleman, Long, Malone, McComas, McConkey, McDonough, McKay, Miele, Oaks, Proctor, Reilly, B. Robinson, Rose, Shoemaker, Simonaire, Smith, Sophocleus, Vaughn, Vogt, C. Wilson, ~~and P. Young~~ P. Young, Hixson, Turner, Afzali, D. Barnes, Buckel, Ebersole, Kaiser, Luedtke, Patterson, Platt, Tarlau, Walker, A. Washington, and M. Washington

AN ACT concerning

Property Tax Credit – Elderly Individuals and Veterans

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:

House Bill 999 – Delegates Kaiser, D. Barnes, Ebersole, Fennell, Hixson, C. Howard, Jones, Luedtke, McIntosh, Patterson, Platt, Tarlau, Turner, Walker, A. Washington, and M. Washington

AN ACT concerning

Commission on Innovation and Excellence in Education

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:

House Bill 1145 – Delegates Turner, Morales, Atterbeary, Barkley, Ebersole, Gutierrez, Haynes, Hill, Hixson, Kaiser, Kelly, Lam, A. Miller, Moon, Pendergrass, Platt, and Reznik

AN ACT concerning

Maryland Clean Energy Incentive Act of 2016

HB1145/769839/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1145

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “date;” insert “altering the definition of “qualified Maryland facility” for purposes of eligibility for the credit;”.

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 23 down through “(i)” in line 24; and strike beginning with the semicolon in line 26 down through “service” in line 30.

On page 3, in line 1, strike “paragraphs (2) and (3)” and substitute “PARAGRAPH (2)”; and strike beginning with “If” in line 11 down through “(3)” 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 Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

House Bill 1148 – Delegates Gilchrist, Barkley, Kipke, ~~and Simonaire~~ **Simonaire, Afzali, D. Barnes, Buckel, Ebersole, Hixson, Hornberger, C. Howard, Long, Luedtke, Metzgar, Patterson, Platt, Reilly, Shoemaker, Tarlau, Turner, Walker, and M. Washington**

AN ACT concerning

~~**Income Tax – Subtraction Modification – Retirement Income**~~
Income Tax – Retirement Income – Collection of Information

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:

House Bill 1155 – Calvert County Delegation

AN ACT concerning

Calvert County – Bonding Authority

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:

House Bill 1198 – Prince George’s County Delegation and Montgomery County Delegation

AN ACT concerning

**Prince George’s County – Maryland–National Capital Park and Planning Commission – Extraordinary Development District
PG/MC 109–16**

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:

House Bill 1299 – Delegate A. Washington

AN ACT concerning

Property Tax – ~~Public Land and Public Use~~ Crane Located on State Property – Exemption

HB1299/289734/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 1299

(Third Reading File Bill)

On page 1, in line 2, before “Property” insert “Personal”; in the same line, strike “Crane Located on State Property” and substitute “State Land”; in lines 5 and 8, in each instance, after “certain” insert “personal”; and in line 6, strike “providing for the construction of this Act”.

On page 2, in line 2, strike “PERSONAL”; in the same line, strike “A CRANE” and substitute “BEING”; in line 3, strike “CARGO HANDLING PURPOSES” and substitute “:

(1) A PUBLIC PURPOSE UNDER A PUBLIC-PRIVATE PARTNERSHIP AGREEMENT WITH A STATE ENTITY; OR

(2) CARGO HANDLING PURPOSES”;

strike in their entirety lines 4 through 6, inclusive; and in line 7, 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.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

House Bill 1445 – Calvert County Delegation

AN ACT concerning

Calvert County – Property Tax Credit – Commerce ZonesFavorable report adopted.Read the second time and ordered prepared for Third Reading.**THE COMMITTEE ON BUDGET AND TAXATION REPORT #37****CONSENT CALENDAR #65**

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

BILL NO.	REPORT	SPONSOR	CONTENT
<u>FAVORABLE</u>			
HB 1227	FAV	Del. Clippinger	Admissions and Amusement Tax – Baltimore City – Amateur Sports League Fees
HB 1397	FAV	Del. B. Barnes	Participating Governmental Units – Amortization Schedule
HB 1438	FAV	Del. Sophocleus	Correctional Officers' Retirement System – Mbrshp – Correctional Case Mgt Specialist

Favorable report adopted on all of the preceding bills.The preceding bills were read the second time and ordered prepared for Third Reading.**THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #28**

Senator Zirkin, Chair, for the Committee on Judicial Proceedings and Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

House Bill 74 – The Speaker (By Request – Maryland Judiciary)

AN ACT concerning

Judgeships – Circuit Courts and District Court

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

**House Bill 229 – Chair, Environment and Transportation Committee (By Request
– Departmental – Transportation)**

AN ACT concerning

Commercial Motor Vehicles – Operation – Transportation Emergencies

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

**House Bill 507 – Delegates Kramer, Sydnor, Barve, Frush, Hill, Jalisi, Kaiser, Lam,
Lisanti, Luedtke, Mautz, McCray, and Platt**

AN ACT concerning

Maryland Fiduciary Access to Digital Assets Act

HB0507/888976/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 507

(Third Reading File Bill)

On page 10, in line 15, strike “CONTENT” and substitute “CATALOGUE”.

On page 14, in line 8, strike “CUSTODIAN” and substitute “GUARDIAN”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 535 – The Speaker (By Request – Office of the Attorney General) and ~~Delegate Rosenberg~~ Delegates Rosenberg, Haynes, and Angel

AN ACT concerning

**Courts and Judicial Proceedings – Structured Settlements – Transfers and
Registration of Structured Settlement Transferees**

HB0535/208876/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 535

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 9 in its entirety.

AMENDMENT NO. 2

On page 7, strike lines 23 and 24 in their entirety.

On page 9, in line 3, strike “\$1,000” and substitute “\$1,500”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 920 – Delegates O’Donnell and Dumais

AN ACT concerning

Real Property – Actions to Quiet Title

HB0920/478876/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 920

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, strike “authorizing” and substitute “requiring”.

AMENDMENT NO. 2

On page 8, in line 9, strike “MAY” and substitute “**SHALL**”; and in line 12, strike “**IF THE JUDGMENT IS RECORDED, THE**” and substitute “**THE**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 1045)

ADJOURNMENT

At 1:16 P.M. on motion of Senator Pugh, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day April 1, 2016, Calendar Day, Thursday, April 7, 2016.

Annapolis, Maryland
Legislative Day: April 1, 2016
Calendar Day: Thursday, April 7, 2016
10:00 A.M. Session

The Senate met at 10:19 A.M.

Prayer by Father Jacek Orzechowski, St. Camilus Catholic Church, guest of Senator Raskin.

(See Exhibit A of Appendix III)

QUORUM CALL

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

(See Roll Call No. 1047)

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

The Journal of March 31, 2016 was read and approved.

MESSAGE TO THE SENATE

BILL: **HB0127**
SPONSOR: Delegate Reznik, et al
SUBJECT: Criminal Law – Gaming – Home Games

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

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

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

Delegate Ebersole, Chair
Delegate Fennell
Delegate Hornberger

Said Bill is returned herewith.

By Order,

Sylvia Siegert
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: **HB0127**
SPONSOR: Delegate Reznik, et al
SUBJECT: Criminal Law – Gaming – Home Games

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

The House has appointed:

Delegate Ebersole, Chairman
Delegate Fennell
Delegate Hornberger.

The Senate appoints:

Senator King, Chair
Senator Eckardt
Senator Currie

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **HB0378**
SPONSOR: Delegate Tarlau, et al
SUBJECT: Homeowners' Property Tax Credit Program – Eligibility
Awareness Campaign

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

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

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

Delegate A. Washington, Chair
Delegate D. Barnes
Delegate Simonaire

Said Bill is returned herewith.

By Order,

Sylvia Siegert
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB0378**
SPONSOR: Delegate Tarlau, et al
SUBJECT: Homeowners' Property Tax Credit Program – Eligibility
Awareness Campaign

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

The House has appointed:

Delegate A. Washington, Chairman
Delegate D. Barnes

Delegate Simonaire.

The Senate appoints:

Senator DeGrange, Chair
Senator Ferguson
Senator Edwards

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.
Secretary

Read and adopted.

CONCURRENCE CALENDAR #17

AMENDED IN THE HOUSE

**Senate Bill 77 – Chair, Judicial Proceedings Committee (By Request –
Departmental – Human Resources)**

AN ACT concerning

Human Resources – Transition Planning for Foster Youth

Senator Zirkin moved that the Senate concur in the House amendments.

SB0077/172712/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 77

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “adulthood;” insert “requiring the Department of Human Resources to adopt certain regulations on or before a certain date;”.

AMENDMENT NO. 2

On page 4, after line 2, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2017, the Department of Human Resources shall adopt regulations to define the term “successful adulthood” to conform with the provisions of the federal Preventing Sex Trafficking and Strengthening Families Act (P.L. 113–183).”;

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

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1048)

AMENDED IN THE HOUSE

Senate Bill 359 – ~~Senator Zirkin~~ Senators Zirkin and Norman

AN ACT concerning

Family Law – Divorce – Corroboration of Testimony and Filing Procedures

Senator Zirkin moved that the Senate concur in the House amendments.

SB0359/382716/3

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 359

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “and Filing Procedures”; in line 3, strike “the prohibition on” and substitute “a provision prohibiting”; in the same line, after “court” insert “from”; strike beginning with “authorizing” in line 4 down through “complaints” in line 8 and substitute “repealing a provision specifying that, in a suit for absolute divorce on the grounds of voluntary separation, a separation agreement is full corroboration of the plaintiff’s testimony that the separation was voluntary under certain circumstances”; in line 11, strike “and 7–103(f)”; and on pages 1 and 2, strike in their entirety the lines beginning with line 14 on page 1 through line 1 on page 2, inclusive, and substitute:

“BY repealing

Article – Family Law

Section 8–104

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

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

“[8–104.

In a suit for absolute divorce on the grounds of voluntary separation, a separation agreement is full corroboration of the plaintiff’s testimony that the separation was voluntary if the agreement:

- (1) states that the spouses voluntarily agreed to separate; and
- (2) is executed under oath before the application for divorce is filed.]”.

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1049)

AMENDED IN THE HOUSE

Senate Bill 360 – Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Juvenile Causes – Permanency Plans – ~~Age~~ Restrictions on Use of Another Planned Permanent Living Arrangement

Senator Zirkin moved that the Senate concur in the House amendments.

SB0360/582716/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 360
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Restrictions” insert “Age”; strike beginning with “requiring” in line 5 down through “circumstances;” in line 8; and in line 12, strike “and (h)”.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 25 on page 2 through line 19 on page 4, inclusive.

AMENDMENT NO. 3

On pages 6 and 7, strike in their entirety the lines beginning with line 28 on page 6 through line 11 on page 7, inclusive; and on page 7, in lines 12 and 15, strike “**(10)**” and “**(11)**”, respectively, and substitute “(9)” and “(10)”, respectively.

The preceding 3 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1050)

CONCURRENCE CALENDAR #16

AMENDED IN THE HOUSE

**Senate Bill 946 – Senators Gladden, Hough, Ferguson, Lee, McFadden, Muse,
Nathan–Pulliam, Raskin, and Zucker**

AN ACT concerning

Correctional Services – Restrictive Housing – Report

Senator Zirkin moved that the Senate concur in the House amendment.

SB0946/162414/1

BY: House Judiciary Committee

AMENDMENT TO SENATE BILL 946
(Third Reading File Bill)

On page 2, in line 21, strike “SEX”.

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1051)

AMENDED IN THE HOUSE

Senate Bill 379 – The President (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Qualified Zone Academy Bonds

Senator Kasemeyer moved that the Senate concur in the House amendment.

SB0379/184568/1

BY: Appropriations Committee

AMENDMENT TO SENATE BILL 379
(Third Reading File Bill)

On page 1, in line 14, after “fund;” insert “establishing that proceeds from the sale of certain bonds may only be spent on certain eligible costs;”.

On page 3, after line 13, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That proceeds from the sale of the qualified zone academy bonds may only be spent on costs that were eligible under the rules and regulations governing the program that were in effect on January 1, 2016.”.

On page 3, in line 14, strike “2.” and substitute “3.”.

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1052)

AMENDED IN THE HOUSE

Senate Bill 982 – Senators Kasemeyer and Miller

AN ACT concerning

**Maryland State Retirement and Pension System – Private Equity and Venture
Capital Authority Investments**

Senator Kasemeyer moved that the Senate concur in the House amendments.

SB0982/843227/1

BY: Delegate B. Barnes

AMENDMENTS TO SENATE BILL 982

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 22, strike “a fiduciary of the several systems” and substitute “subject to certain standards of care and prohibited from taking certain actions under certain provisions of law”.

AMENDMENT NO. 2

On page 6, strike beginning with “A” in line 15 down through “2” in line 16 and substitute “SUBJECT TO THE STANDARDS OF CARE UNDER § 21–203 OF THIS TITLE AND THE PROHIBITED TRANSACTIONS UNDER § 21–205”.

On page 8, in line 13, after “SYSTEMS” insert “AS DEFINED IN § 21–201(B) OF THIS TITLE”.

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1053)

AMENDED IN THE HOUSE

Senate Bill 22 – Senator Benson

AN ACT concerning

Human Services – Interagency Council on Homelessness – Membership

Senator Middleton moved that the Senate concur in the House amendments.

SB0022/674368/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 22

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “specifying” in line 5 down through “terms” in line 7 and substitute “altering the method of selecting and qualifications”; and in line 18, after “6–419” insert “and 6–420”.

On pages 1 and 2, strike in their entirety the lines beginning with line 21 on page 1 through line 10 on page 2, inclusive.

AMENDMENT NO. 2

On page 3, strike in its entirety line 14; in lines 15 and 21, in each instance, strike the bracket; in line 16, strike beginning with “From” through “chair” and substitute “**THE GOVERNOR SHALL DESIGNATE AS CHAIR OF THE COUNCIL A MEMBER WHO IS A SECRETARY OR A SECRETARY’S DESIGNEE WITH DECISION MAKING AUTHORITY ON ISSUES THAT RELATE TO THE WORK OF THE COUNCIL**”; strike in their entirety lines 17 through 19, inclusive; in lines 20 and 21, strike “(c)” and “(d)”, respectively, and substitute “**(B)**” and “**(C)**”, respectively; strike in their entirety lines 22 through 24, inclusive; and in line 25, strike “3.” and substitute “2.”.

On page 4, in line 1, strike “4.” and substitute “3.”.

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1054)

AMENDED IN THE HOUSE

Senate Bill 758 – Senators Madaleno, Benson, Ferguson, Guzzone, Kagan, Manno, Pugh, ~~and Raskin~~ Raskin, Middleton, Astle, Kelley, Feldman, Mathias, Jennings, Hershey, and Klausmeier

AN ACT concerning

Food Stamp Program – Minimum Benefit – State Supplement

Senator Middleton moved that the Senate concur in the House amendments.

SB0758/584060/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 758

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “certain”; and in line 4, after “that” insert “includes a certain individual who”.

AMENDMENT NO. 2

On page 2, in line 6, strike “THAT CONSISTS OF ONE” and substitute “INCLUDES AN”; and in line 7, after “OLD” insert “AND”.

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 40 Negative – 5 (See Roll Call No. 1055)

CONCURRENCE CALENDAR #15

AMENDED IN THE HOUSE**Senate Bill 42 – Senator Conway**

AN ACT concerning

State Board of Dental Examiners – Appointment of Dentist and Dental Hygienist Members – Advice and Consent of the Senate

Senator Conway moved that the Senate concur in the House amendment.

SB0042/416981/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 42

(Third Reading File Bill)

On page 1, strike beginning with the comma in line 5 down through “Hygiene” in line 7.

On page 2, strike beginning with “THAT” in line 13 down through “SECTION” in line 14; and strike beginning with “THAT” in line 21 down through “SECTION” in line 22.

On page 3, strike in their entirety lines 21 and 22.

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1056)

AMENDED IN THE HOUSE**Senate Bill 427 – Senators Pinsky, Conway, Ferguson, Guzzone, Middleton, Raskin, and Young**

AN ACT concerning

Higher Education – Institutions of Postsecondary Education – Consumer Protection Provisions

Senator Conway moved that the Senate concur in the House amendments.

SB0427/784269/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 427

(Third Reading File Bill)

AMENDMENT NO. 1

On page 5, in line 22, strike "PARAGRAPH (2)(II)2" and substitute "PARAGRAPH (2)(I)2".

AMENDMENT NO. 2

On page 7, in line 17, after "closure" insert "on or before October 1, 2016."; and strike beginning with "teachout" in line 17 down through "2016" in line 18 and substitute "teach-out plan:

(1) to teach-out the students enrolled in the for-profit institution of higher education at the time of closure;

(2) that requires a teach-out to be conducted by the for-profit institution of higher education;

(3) that requires a teach-out to be provided to the students using the same method of instructional delivery that was provided to the students on or before October 1, 2016; and

(4) that requires completion on or before December 31, 2017".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1057)

AMENDED IN THE HOUSE

Senate Bill 606 – Senator Waugh

AN ACT concerning

Maryland College Collaboration for Student Veterans Commission

Senator Conway moved that the Senate concur in the House amendments.

SB0606/744865/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 606

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “and appointment”.

AMENDMENT NO. 2

On page 2, in line 18, after the first “THE” insert “DESIGNEE OF THE”; strike beginning with the comma in line 18 down through “DESIGNEE” in line 19; strike in their entirety lines 20 and 21; in line 22, strike “(3)” and substitute “(2)”; in line 24, strike “(4)” and substitute “(3)”; in line 26, strike “(5)” and substitute “(4)”; in line 28, strike “(6)” and substitute “(5)”; and in line 29, after “PARTICIPATE” insert “, APPOINTED BY THE PRESIDENT OF THE INSTITUTION”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 1 through 5, inclusive; and in line 6, strike “(C)” and substitute “(B)”.

The preceding 3 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1058)

CONCURRENCE CALENDAR #18

**Senate Bill 587 – Senators Madaleno, Nathan-Pulliam, Rosapepe, ~~and Young~~
Young, Conway, Simonaire, Bates, Salling, and Zucker**

AN ACT concerning

Alcoholic Beverages – Sale of Powdered Alcohol – Prohibition

Senator Conway moved, duly seconded, to make the Bill a Special Order for the end of today’s business.

The motion was adopted.

AMENDED IN THE HOUSE

Senate Bill 794 – Senators Jennings, Kagan, Klausmeier, Waugh, Young, ~~and Zucker~~ Zucker, and Salling

AN ACT concerning

Education – Prekindergarten and Kindergarten Assessments – Administration

Senator Conway moved that the Senate not concur in the House amendments.

SB0794/365767/1

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 794

(Third Reading File Bill)

On page 2, in line 20, after “**BEFORE**” insert “**OCTOBER 1 FOLLOWING**”.

The preceding amendment was read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: SB0794
SPONSOR: Senator Jennings, et al
SUBJECT: Education – Prekindergarten and Kindergarten Assessments – Administration

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 Pinsky, Chair
Senator Waugh
Senator Conway

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.
Secretary

Read and adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #29

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 76 – Chair, Judiciary Committee (By Request – Departmental – State Police)

AN ACT concerning

Department of State Police – Investigation Authority

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 77 – Chair, Judiciary Committee (By Request – Departmental – State Police)

AN ACT concerning

Family Law – Missing Children – Reporting Requirements and Repeal of Advisory Council

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 1001 – Delegates Smith, Dumais, Anderson, Angel, Atterbeary, Barkley, B. Barnes, Barron, Barve, Branch, Brooks, Busch, Carr, Chang, Clippinger, Conaway, Cullison, Davis, Ebersole, Fennell, Frick, Frush, Gaines, Gilchrist, Gutierrez, Haynes, Hettleman, Hill, Hixson, Holmes, C. Howard, Jalisi, Jones, Kaiser, Kelly, Korman, Kramer, Krimm, Lafferty, Lam, Lierman, Luedtke, McIntosh, A. Miller, Moon, Morales, Pena–Melnyk, Platt, Proctor, Reznik, B. Robinson, S. Robinson, Rosenberg, Sample–Hughes, Sanchez, Stein, Sydnor, Tarlau, Turner, Valentino–Smith, Waldstreicher, Walker, A. Washington, M. Washington, and P. Young

AN ACT concerning

Criminal Procedure – Firearms – Transfer

HB1001/138477/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1001

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 7 and 12, in each instance, strike “court” and substitute “Department of Public Safety and Correctional Services”; and in line 8, strike “owned by the person or”.

On page 2, after line 8, insert:

“BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 6–233

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO.2

On page 4, in line 14, after “A” insert “FELONY OR CONVICTED OF A”; in line 15, strike “OR THAT PERSON’S REPRESENTATIVE,”; in line 17, after “2” insert “BUSINESS”; strike beginning with “OF” in line 17 down through “CRIME” in line 18; and in lines 19 and 24, in each instance, strike “OR THE PERSON’S REPRESENTATIVE”.

On page 6, in line 8, after “A” insert “FELONY OR CONVICTED OF A”; in line 9, strike “OR THAT PERSON’S REPRESENTATIVE,”; in line 11, after “2” insert “BUSINESS”; strike

beginning with “OF” in line 11 down through “CRIME” in line 12; in lines 13 and 18, in each instance, strike “OR THE PERSON’S REPRESENTATIVE”; and after line 21, insert:

“6–233.

(a) In this section, “domestically related crime” means a crime committed by a defendant against a victim who is a person eligible for relief, as defined in § 4–501 of the Family Law Article, or who had a sexual relationship with the defendant within 12 months before the commission of the crime.

(b) (1) If a defendant is convicted of or receives a probation before judgment disposition for a crime, on request of the State’s Attorney, the court shall make a finding of fact, based on evidence produced at trial, as to whether the crime is a domestically related crime.

(2) The State has the burden of proving by a preponderance of the evidence that the crime is a domestically related crime.

(c) If the court finds that the crime is a domestically related crime under subsection (b) of this section, that finding shall become part of the court record for purposes of reporting to the Criminal Justice Information System Central Repository under § 10–215 of this article.”.

On page 7, strike in their entirety lines 8 and 9; in lines 10 and 12, strike “(3)” and “(4)”, respectively, and substitute “(2)” and “(3)”, respectively; after line 15, insert:

“(4) “DOMESTICALLY RELATED CRIME” HAS THE MEANING STATED IN § 6–233 OF THIS SUBTITLE.”;

strike in their entirety lines 16 through 22, inclusive, and substitute:

“(B) (1) THE COURT SHALL INFORM A PERSON CONVICTED OF A FELONY OR A DISQUALIFYING CRIME THAT IS A DOMESTICALLY RELATED CRIME THAT THE PERSON IS PROHIBITED FROM POSSESSING A REGULATED FIREARM UNDER § 5–133 OF THE PUBLIC SAFETY ARTICLE.

(2) THE COURT SHALL INFORM A PERSON CONVICTED OF A DOMESTICALLY RELATED CRIME THAT IS A DISQUALIFYING CRIME THAT THE

PERSON IS PROHIBITED FROM POSSESSING A RIFLE OR SHOTGUN UNDER § 5-205 OF THE PUBLIC SAFETY ARTICLE.”;

in line 32, strike “COURT” and substitute “DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES”; and in line 33, strike “OWNED BY THE PERSON OR”.

On page 8, in line 3, strike “A” and substitute “EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, A”; in line 4, after “2” insert “BUSINESS”; in line 5, strike “OF A DISQUALIFYING CRIME” and substitute “OR ENTRY OF PROBATION BEFORE JUDGMENT”; after line 10, insert:

“(III) A PERSON WHO IS PROHIBITED FROM POSSESSING A RIFLE OR SHOTGUN UNDER § 5-205 OF THE PUBLIC SAFETY ARTICLE SHALL TRANSFER THE RIFLE OR SHOTGUN WITHIN 2 BUSINESS DAYS AFTER THE CONVICTION TO:

1. A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL;

2. A FEDERALLY LICENSED FIREARMS DEALER; OR

3. ANOTHER PERSON WHO:

A. IS NOT PROHIBITED FROM POSSESSING THE FIREARM UNDER STATE AND FEDERAL LAW; AND

B. DOES NOT LIVE IN THE SAME RESIDENCE.”;

in line 30, strike “COURT” and substitute “DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES”; strike beginning with “OWNED” in line 30 down through “OR” in line 31; and in line 32, strike “OWN OR”.

On page 9, in line 1, strike “COURT” and substitute “DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES”; in lines 1 and 2, in each instance, strike “OWN OR”; after line 5, insert:

“(F) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL DEVELOP PROCEDURES FOR THE COLLECTION OF THE FILING REQUIRED UNDER SUBSECTION (D)(1) OF THIS SECTION.”;

in line 10, after “A” insert “FELONY OR CONVICTED OF A”; in line 11, strike “OR THAT PERSON’S REPRESENTATIVE” and substitute “AS DEFINED IN § 5–101 OF THIS SUBTITLE”; in line 13, after “2” insert “BUSINESS”; strike beginning with “OF” in line 13 down through “CRIME” in line 14; and in lines 15 and 20, in each instance, strike “OR THE PERSON’S REPRESENTATIVE”.

On page 10, in line 4, after “A” insert “FELONY OR CONVICTED OF A”; in lines 5 and 6, strike “OR THAT PERSON’S REPRESENTATIVE,”; in line 8, after “2” insert “BUSINESS”; strike beginning with “OF” in line 8 down through “CRIME” in line 9; and in lines 10 and 15, in each instance, strike “OR THE PERSON’S REPRESENTATIVE”.

The preceding 2 amendments were read only.

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.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 1342 – Delegates Kramer, Fraser–Hidalgo, Adams, Angel, Atterbears, Aumann, Barkley, B. Barnes, Barron, Barve, Beidle, Bromwell, Brooks, Carey, Carr, Carter, Chang, Cluster, Cullison, Dumais, Ebersole, Fennell, Frick, Frush, Gilchrist, Glass, Gutierrez, Hammen, Hayes, Hettleman, Hill, Hixson, Jackson, Jalisi, Kaiser, Kelly, Kipke, Kittleman, Knotts, Korman, Krebs, Krimm, Lam, Lisanti, Luedtke, McComas, McCray, McDonough, McKay, Metzgar, A. Miller, W. Miller, Moon, Morales, Morgan, Morhaim, Oaks, Parrott, Patterson, Pena–Melnik, Pendergrass, Platt, Reznik, S. Robinson, Rosenberg, Sanchez, Simonaire, Smith, Stein, Szeliga, Tarlau, Valderrama, Waldstreicher, A. Washington, M. Washington, B. Wilson, C. Wilson, ~~and P. Young~~ P. Young, Anderson, Conaway, Malone, Proctor, Queen, Rey, Sydnor, and Vallario

AN ACT concerning

**Drunk Driving Reduction Act of 2016
(Noah’s Law)**

HB1342/618975/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1342
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “of” insert “increasing the suspension periods for the driver’s license of a person who is convicted of certain offenses relating to driving under the influence of alcohol and driving while impaired;”; in line 8, after “alcohol” insert “and driving while impaired”; strike beginning with “certain” in line 10 down through “and” in line 11; in line 11, after “certain” insert “suspensions on”; in line 12, strike “revocations of”; and in line 13, after “alcohol” insert “and driving while impaired; repealing the opportunity for a certain restricted license after a conviction of driving under the influence of alcohol; repealing a person’s right to a hearing on financial hardship regarding the installation of an ignition interlock on a motor vehicle owned by the person;”.

On page 2, strike beginning with “under” in line 6 down through “circumstances” in line 7; in line 8, after “person” insert “refuses or”; in the same line, strike “certain”; in the same line, after “test” insert “for breath alcohol concentration”; in line 9, after “Program;” insert “authorizing the Administration to extend a certain person’s participation period in the Program under certain circumstances”; strike beginning with “repealing” in line 11 down through “Program” in line 12; in line 16, strike “certain participation toward certain”; in the same line, after “participation;” insert “establishing certain completion requirements; altering the employer-based exception for a person who has a restricted license that requires an ignition interlock;”; strike beginning with “requiring” in line 16 down through “circumstances;” in line 17; in line 21, after “to” insert “required”; in line 25, strike “and”; in the same line, after “16–404.1” insert “, and 27–107”; and strike in their entirety lines 28 through 32, inclusive.

AMENDMENT NO. 2

On pages 3 through 46, strike in their entirety the lines beginning with line 4 on page 3 through line 16 on page 46, inclusive, and substitute:

“16–205.

(a) The Administration may revoke the license of any person who:

(1) Is convicted under § 21–902(a) or (d) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol, while under the influence of alcohol per se, or while impaired by a controlled dangerous substance; or

(2) Within a 3-year period, is convicted under § 21-902(b) or (c) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol or while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely and who was previously convicted of any combination of two or more violations under:

(i) § 21-902(a) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol or while under the influence of alcohol per se;

(ii) § 21-902(b) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol;

(iii) § 21-902(c) of this article of driving or attempting to drive a motor vehicle while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely; or

(iv) § 21-902(d) of this article of driving or attempting to drive a motor vehicle while impaired by a controlled dangerous substance.

(b) The Administration:

(1) Shall revoke the license of any person who has been convicted, under Title 2, Subtitle 5 of the Criminal Law Article, of homicide by a motor vehicle while under the influence of alcohol, impaired by alcohol, or impaired by any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance; and

(2) May not issue a temporary license to drive for any person whose license has been revoked under item (1) of this subsection during an administrative appeal of the revocation.

(c) **(1)** Subject to [subsection (d-1)] **SUBSECTIONS (D) AND (E)** of this section, the Administration [may] **SHALL** suspend [for not more than 60 days the license of any person who] **A PERSON'S LICENSE TO DRIVE FOR:**

(I) **90 DAYS IF THE PERSON** is convicted under § 21-902(b) or (c) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol or

while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely;

(II) 6 MONTHS IF THE PERSON IS CONVICTED UNDER § 21-902(A) OF THIS ARTICLE; OR

(III) 1 YEAR IF WITHIN A 5-YEAR PERIOD THE PERSON IS CONVICTED OF A VIOLATION OF § 21-902 OF THIS ARTICLE AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21-902 OF THIS ARTICLE.

(2) A SUSPENSION UNDER THIS SUBSECTION SHALL BE CONCURRENT WITH ANY OTHER SUSPENSION OR REVOCATION IMPOSED BY THE ADMINISTRATION THAT ARISES OUT OF THE CIRCUMSTANCES OF THE CONVICTION FOR A VIOLATION OF § 21-902 OF THIS ARTICLE DESCRIBED IN THIS SUBSECTION.

(d) (1) [Subject to subsection (d-1) and subsection (e) of this section, the Administration may suspend for not more than 1 year the license of any person who, within a 5-year period, is convicted of any violation of § 21-902 of this article after the person was previously convicted of any violation under § 21-902 of this article.

(2) If requested by the person, the Administration may issue a restricted license for the period of a suspension to a person who participates in the Ignition Interlock System Program under § 16-404.1 of this title.

(3) A suspension under this subsection shall be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for the violation of § 21-902 of this article described in this subsection.

(d-1) (1) Notwithstanding [subsections] SUBSECTION (c) [and (d)] of this section, for a person who is under the age of 21 years on the date of a violation of § 21-902 of this article, and who is subsequently convicted of the violation under § 21-902 of this article, the Administration shall suspend the person's license to drive for:

(i) 1 year for a first conviction of § 21-902 of this article; and

(ii) 2 years for a second or subsequent conviction of § 21-902 of this article.

(2) A suspension imposed under this subsection shall:

(i) Be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for a violation of § 21–902 of this article described in this subsection; and

(ii) Receive credit for any suspension period imposed under § 16–113(f) of this title or § 16–205.1 of this subtitle that arises out of the circumstances of the conviction for a violation of § 21–902 of this article described in this subsection.

(3) (i) Subject to the provisions of this paragraph, a person may request on the record that a hearing on a suspension under this subsection and any other hearing on another suspension or revocation under this section, § 16–206(c)(3) or § 16–213 of this subtitle, or § 16–404 of this title that arises out of the circumstances of the conviction for a violation of § 21–902 of this article described in this subsection be consolidated.

(ii) A person who requests consolidation of hearings under this paragraph shall waive on the record each applicable notice of right to request a hearing required under Title 12, Subtitle 1 or 2 of this article or Title 10, Subtitle 2 of the State Government Article that applies to the other suspensions or revocations arising out of the same circumstances.

(iii) A hearing under this paragraph may not be postponed at the request of the person who requests consolidation of hearings under subparagraph (i) of this paragraph due to a consolidation of the hearings.

(iv) Subject to the provisions of this paragraph, the Administration shall consolidate the hearings described in this paragraph unless the administrative law judge finds in writing that good cause exists not to consolidate the hearings.

(e) (1) In this subsection, “motor vehicle” does not include a commercial motor vehicle.

(2) [Subject to the provisions of this subsection, the Administration shall suspend for 1 year the license of a person who is convicted of:

(i) A violation of § 21–902(a) of this article more than once within a 5–year period;

(ii) A violation of § 21-902(a) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(d) of this article; or

(iii) A violation of § 21-902(d) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(a) of this article.

(3) On receiving a record of a conviction of a person for a violation described in [paragraph (2)] SUBSECTION (C) of this [subsection] SECTION, the Administration shall issue to the person a notice of suspension of the person's license that:

(i) States that the person's license shall be suspended for [1 year] THE PERIOD PROVIDED IN SUBSECTION (C) OF THIS SECTION;

(ii) [States that a restricted license may be issued during the 1-year period of suspension if:

1. The person maintains an ignition interlock system on a motor vehicle owned or operated by the person for 1 year;

2. The license is restricted to prohibit the person from driving a motor vehicle that is not equipped with an ignition interlock system;

3. The license is restricted to permit the person to drive only to and from work, school, an alcohol treatment program, or an ignition interlock system service facility, if the person was convicted of a violation of § 21-902(a) of this article more than once within a 5-year period; and

4. The license is restricted to permit the person to drive only to and from work, school, an alcohol treatment program, a drug treatment program, or an ignition interlock system service facility, if the person was convicted of:

A. A violation of § 21-902(a) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(d) of this article; or

B. A violation of § 21-902(d) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(a) of this article;

(iii) Advises the person of the requirements under paragraph (7) of this subsection for a person who does not participate in the Ignition Interlock System Program in accordance with this paragraph during the 1–year period of suspension;

(iv) Advises the person of the right to request a hearing on a suspension under this paragraph; [and]

[(v)] (III) Advises the person of the right, instead of requesting a hearing on a suspension under this paragraph, to [be subject to a 1–year period of suspension, during which, the person may be issued a restricted license under this paragraph if the following conditions are met:

1. The person’s driver’s license is not currently suspended, revoked, canceled, or refused;

2. The violation did not arise out of circumstances that involved a death of, or serious physical injury to, another person;

3. The person surrenders a valid Maryland driver’s license or signs a statement certifying that the driver’s license is no longer in the person’s possession; and

4. The person elects in writing, within the same time limit for requesting a hearing, to meet the ignition interlock system requirements under this paragraph for 1 year]PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16–404.1 OF THIS TITLE; AND

(IV) PROVIDES INFORMATION ABOUT THE IGNITION INTERLOCK SYSTEM PROGRAM AND HOW A PERSON PARTICIPATES IN THE PROGRAM AS REQUIRED UNDER § 16–404.1 OF THIS TITLE.

[(4)] (3) After notice under paragraph [(3)] (2) of this subsection, the Administration shall suspend a person’s license under this subsection if:

(i) The person does not request a hearing;

(ii) After a hearing, the Administration finds that the person was convicted of:

1. A VIOLATION OF § 21-902(A), (B), OR (C) OF THIS ARTICLE; OR

2. More than one violation of [§ 21-902(a)] § 21-902 of this article within a 5-year period; OR

[2. A violation of § 21-902(a) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(d) of this article; or

3. A violation of § 21-902(d) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(a) of this article; or]

(iii) The person fails to appear for a hearing requested by the person.

[(5) The Administration may modify a suspension under paragraph (4) of this subsection to:

(i) Order the person to maintain for 1 year an ignition interlock system on a motor vehicle owned or operated by the person; and

(ii) Impose a restriction on the person's license for 1 year that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system and permits the person to drive only to and from:

1. Work, school, an alcohol treatment program, or an ignition interlock system service facility, if the person was convicted of a violation of § 21-902(a) of this article more than once within a 5-year period;

2. Work, school, an alcohol treatment program, a drug treatment program, or an ignition interlock system service facility, if the person was convicted of:

A. A violation of § 21-902(a) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(d) of this article; or

B. A violation of § 21-902(d) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(a) of this article.

(6) A person who participates in the Ignition Interlock System Program for at least 1 year under paragraph (5) of this subsection is exempt from the requirements of paragraphs (7) through (11) of this subsection.

(7) The Administration shall, within 90 days of the expiration of the 1-year period of suspension, issue to the person a notice, unless this notice requirement was waived at a hearing described in paragraph (4) of this subsection, that:

(i) States that the person shall maintain for not less than 3 months and not more than 1 year, dating from the expiration of the 1-year period of suspension, an ignition interlock system on each motor vehicle owned by the person;

(ii) States that the Administration shall impose a restriction on the person's license that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system for a period of not less than 3 months and not more than 1 year, dating from the expiration of the 1-year period of suspension; and

(iii) Advises the person of the right to request a hearing under this paragraph.

(8) After notice under paragraph (7) of this subsection, or a waiver of notice, the Administration shall order a person to maintain for not less than 3 months and not more than 1 year, dating from the expiration of the 1-year period of suspension, an ignition interlock system on each motor vehicle owned by the person and impose a license restriction that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system if:

(i) The person does not request a hearing;

(ii) The Administration finds at a hearing that the person owns one or more motor vehicles and that no financial hardship, as described in paragraphs (9) and (10) of this subsection, will be created by requiring the person to maintain an ignition interlock system on each motor vehicle owned by the person; or

(iii) The person fails to appear for a hearing requested by the person.

(9) If the Administration finds at a hearing that maintenance of an ignition interlock system on a motor vehicle owned by the person creates a financial hardship on the person, the family of the person, or a co-owner of the motor vehicle, the Administration:

(i) Shall impose a restriction on the license of the person for not less than 3 months and not more than 1 year, dating from the expiration of the 1-year period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system; and

(ii) May not require the person to maintain an ignition interlock system on any motor vehicle to which the financial hardship applies.

(10) An exemption under paragraph (9)(ii) of this subsection applies only under circumstances that:

(i) Are specific to the person's motor vehicle; and

(ii) Meet criteria contained in regulations that shall be adopted by the Administration.

(11) If a person requests a hearing and the Administration finds that the person does not own a motor vehicle at the expiration of the 1-year period of suspension, the Administration shall impose a restriction on the license of the person for not less than 3 months and not more than 1 year, dating from the expiration of the 1-year period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system.]

[(12)] (4) Each notice and hearing under this subsection shall meet the requirements of Title 12, Subtitle 2 of this article.

[(13)] (5) This subsection does not limit any provision of this article that allows or requires the Administration to:

(i) Revoke or suspend a license of a person; or

(ii) Prohibit a person from driving a motor vehicle that is not equipped with an ignition interlock system.

[(14) A suspension imposed under this subsection shall be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for a violation of § 21–902(a) or (d) of this article described in this subsection.]

(15) Notwithstanding any other provision of this subsection, a person who is subject to suspension under paragraph (2) of this subsection may not operate a motor vehicle owned or provided by the person’s employer that is not equipped with an ignition interlock device, as set forth in § 27–107(g) of this article.

(f) (1) Subject to paragraph (2) of this subsection, the Administration may modify any suspension under this section or any suspension under § 16–205.1 of this subtitle and issue a restrictive license to a licensee who participates in the Ignition Interlock System Program established under § 16–404.1 of this title.

(2) The Administration may not modify a suspension and issue a restrictive license during a mandatory period of suspension described in subsection (e) of this section.]

[(g) (F) When a suspension imposed under [subsection (c), (d), (d–1), or (e) of this section or] § 16–206(b) of this subtitle expires, the Administration immediately shall return the license or reinstate the privilege of the driver, unless the license or privilege has been refused, revoked, suspended, or canceled under any other provisions of the Maryland Vehicle Law.

16–205.1.

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

(ii) “Specimen of blood” and “1 specimen of blood” means 1 sample of blood that is taken, in a single procedure, in 2 or more portions in 2 or more separate vials.

(iii) “Test” means, unless the context requires otherwise:

1. A test of a person’s breath or of 1 specimen of a person’s blood to determine alcohol concentration;

2. A test or tests of 1 specimen of a person’s blood to determine the drug or controlled dangerous substance content of the person’s blood; or

3. Both:

A. A test of a person's breath or a test of 1 specimen of a person's blood, to determine alcohol concentration; and

B. A test or tests of 1 specimen of a person's blood to determine the drug or controlled dangerous substance content of the person's blood.

(iv) "Under the influence of alcohol" includes under the influence of alcohol per se as defined by § 11-174.1 of this article.

(2) Any person who drives or attempts to drive a motor vehicle on a highway or on any private property that is used by the public in general in this State is deemed to have consented, subject to the provisions of §§ 10-302 through 10-309, inclusive, of the Courts and Judicial Proceedings Article, to take a test if the person should be detained on suspicion of driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16-813 of this title.

(b) (1) Except as provided in subsection (c) of this section, a person may not be compelled to take a test. However, the detaining officer shall advise the person that, on receipt of a sworn statement from the officer that the person was so charged and refused to take a test, or was tested and the result indicated an alcohol concentration of 0.08 or more, the Administration shall:

(i) In the case of a person licensed under this title:

1. Except as provided in items 2, 3, and 4 of this item, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing:

A. For a first offense, suspend the driver's license for [45] 90 days; or

B. For a second or subsequent offense, suspend the driver's license for [90] 180 days;

2. Except as provided in item 4 of this item, for a test result indicating an alcohol concentration of 0.15 or more at the time of testing:

A. For a first offense, suspend the person's driving privilege for [90] 180 days; or

B. For a second or subsequent offense, suspend the person's driving privilege for [180] 270 days;

3. Except as provided in item 4 of this item, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing, if the person was involved in a motor vehicle accident that resulted in the death of another person:

A. For a first offense, suspend the person's driving privilege for 6 months; or

B. For a second or subsequent offense, suspend the person's driving privilege for 1 year;

4. For a test result indicating an alcohol concentration of 0.15 or more at the time of testing, if the person was involved in a motor vehicle accident that resulted in the death of another person:

A. For a first offense, suspend the person's driving privilege for 1 year; or

B. For a second or subsequent offense, revoke the person's driving privilege; or

5. For a test refusal:

A. For a first offense, suspend the driver's license for [120] 270 days; or

B. For a second or subsequent offense, suspend the driver's license for [1 year] 2 YEARS;

(ii) In the case of a nonresident or unlicensed person:

1. Except as provided in items 2, 3, and 4 of this item, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing:

A. For a first offense, suspend the person's driving privilege for [45] 90 days; or

B. For a second or subsequent offense, suspend the person's driving privilege for [90] 180 days;

2. Except as provided in item 4 of this item, for a test result indicating an alcohol concentration of 0.15 or more at the time of testing:

A. For a first offense, suspend the person's driving privilege for [90] 180 days; or

B. For a second or subsequent offense, suspend the person's driving privilege for [180] 270 days;

3. Except as provided in item 4 of this item, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing, if the person was involved in a motor vehicle accident that resulted in the death of another person:

A. For a first offense, suspend the person's driving privilege for 6 months; or

B. For a second or subsequent offense, suspend the person's driving privilege for 1 year;

4. For a test result indicating an alcohol concentration of 0.15 or more at the time of testing, if the person was involved in a motor vehicle accident that resulted in the death of another person:

A. For a first offense, suspend the person's driving privilege for 1 year; or

B. For a second or subsequent offense, revoke the person's driving privilege; or

5. For a test refusal:

A. For a first offense, suspend the person's driving privilege for [120] 270 days; or

B. For a second or subsequent offense, suspend the person's driving privilege for [1 year] 2 YEARS; and

(iii) In addition to any applicable driver's license suspensions authorized under this section, in the case of a person operating a commercial motor vehicle or who holds a commercial instructional permit or a commercial driver's license who refuses to take a test:

1. Disqualify the person's commercial instructional permit or commercial driver's license for a period of 1 year for a first offense, 3 years for a first offense which occurs while transporting hazardous materials required to be placarded, and disqualify for life if the person's commercial instructional permit or commercial driver's license has been previously disqualified for at least 1 year under:

A. § 16–812(a) or (b) of this title;

B. A federal law; or

C. Any other state's law; or

2. If the person holds a commercial instructional permit or a commercial driver's license issued by another state, disqualify the person's privilege to operate a commercial motor vehicle and report the refusal and disqualification to the person's resident state which may result in further penalties imposed by the person's resident state.

(2) Except as provided in subsection (c) of this section, if a police officer stops or detains any person who the police officer has reasonable grounds to believe is or has been driving or attempting to drive a motor vehicle while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title, and who is not unconscious or otherwise incapable of refusing to take a test, the police officer shall:

- (i) Detain the person;
- (ii) Request that the person permit a test to be taken;
- (iii) Advise the person of the administrative sanctions, INCLUDING

A REQUIREMENT THAT THE PERSON PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-404.1 OF THIS TITLE, that shall be imposed for A REFUSAL TO TAKE THE TEST AND FOR test results indicating an alcohol concentration of at least 0.08 [but less than 0.15] at the time of testing; AND

(iv) [Advise the person of the administrative sanctions, including ineligibility for modification of a suspension or issuance of a restrictive license unless the person participates in the Ignition Interlock System Program under § 16-404.1 of this title, that shall be imposed for refusal to take the test and for test results indicating an alcohol concentration of 0.15 or more at the time of testing; and

(v)] Advise the person of the additional criminal penalties that may be imposed under § 27-101(x) of this article on conviction of a violation of § 21-902 of this article if the person knowingly refused to take a test arising out of the same circumstances as the violation.

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

(i) Confiscate the person's driver's license issued by this State;

(ii) Acting on behalf of the Administration, personally serve an order of suspension on the person;

(iii) Issue a temporary license to drive;

(iv) Inform the person that the temporary license allows the person to continue driving for 45 days if the person is licensed under this title;

(v) Inform the person that:

1. The person has a right to request, at that time or within 10 days, a hearing to show cause why the driver's license should not be suspended

concerning the refusal to take the test or for test results indicating an alcohol concentration of 0.08 or more at the time of testing, and the hearing will be scheduled within 45 days; and

2. If a hearing request is not made at that time or within 10 days, but within 30 days the person requests a hearing, a hearing to show cause why the driver's license should not be suspended concerning the refusal to take the test or for test results indicating an alcohol concentration of 0.08 or more at the time of testing will be scheduled, but a request made after 10 days does not extend a temporary license issued by the police officer that allows the person to continue driving for 45 days;

(vi) Advise the person of the administrative sanctions that shall be imposed in the event of failure to request a hearing, failure to attend a requested hearing, or upon an adverse finding by the hearing officer, INCLUDING A REQUIREMENT THAT THE PERSON PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-404.1 OF THIS TITLE;

(vii) Inform the person that, if the person refuses a test or takes a test that indicates an alcohol concentration of [0.15] 0.08 or more at the time of testing, the person may participate in the Ignition Interlock System Program under § 16-404.1 of this title instead of requesting a hearing under this paragraph, if the following conditions are met:

1. The person's driver's license is not currently suspended, revoked, canceled, or refused;

2. The person was not charged with a moving violation arising out of the same circumstances as an administrative offense under this section that involved a death of, or serious physical injury to, another person; and

3. Within the same time limits set forth in item (v) of this paragraph, the person:

A. Surrenders a valid Maryland driver's license or signs a statement certifying that the driver's license is no longer in the person's possession; and

B. Elects in writing to participate in the Ignition Interlock System Program for [1 year] A PERIOD EQUAL TO THE ENTIRE LENGTH OF A SUSPENSION UNDER PARAGRAPH (1) OF THIS SUBSECTION; [and]

(viii) PROVIDE INFORMATION ABOUT THE IGNITION INTERLOCK SYSTEM PROGRAM AND HOW A PERSON PARTICIPATES IN THE PROGRAM AS REQUIRED UNDER § 16-404.1 OF THIS TITLE; AND

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

1. The officer had reasonable grounds to believe that the person had been driving or attempting to drive a motor vehicle on a highway or on any private property that is used by the public in general in this State while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16-813 of this title;

2. The person refused to take a test when requested by the police officer, the person submitted to the test which indicated an alcohol concentration of 0.08 or more at the time of testing, or the person submitted to the test which indicated an alcohol concentration of 0.15 or more at the time of testing; and

3. The person was fully advised of the administrative sanctions that shall be imposed, including the fact that a person who refuses to take the test or takes a test that indicates an alcohol concentration of [0.15] 0.08 or more at the time of testing is [ineligible] ELIGIBLE for modification of a suspension or issuance of a [restrictive] RESTRICTED license under [subsection (n) of this section] § 16-404.1 OF THIS TITLE.

(c) (1) If a person is involved in a motor vehicle accident that results in the death of, or a life threatening injury to, another person and the person is detained by a police officer who has reasonable grounds to believe that the person has been driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, or in violation of § 16-813 of this title, the person shall be required to submit, as directed by the officer, to a test of:

(i) The person's breath to determine alcohol concentration;

(ii) One specimen of the person's blood, to determine alcohol concentration or to determine the drug or controlled dangerous substance content of the person's blood; or

(iii) Both the person's breath under item (i) of this paragraph and one specimen of the person's blood under item (ii) of this paragraph.

(2) If a police officer directs that a person be tested, then the provisions of § 10–304 of the Courts and Judicial Proceedings Article shall apply.

(3) Any medical personnel who perform any test required by this section are not liable for any civil damages as the result of any act or omission related to such test, not amounting to gross negligence.

(d) (1) If a police officer has reasonable grounds to believe that a person has been driving or attempting to drive a motor vehicle while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, or in violation of § 16–813 of this title, and if the police officer determines that the person is unconscious or otherwise incapable of refusing to take a test, the police officer shall:

(i) Obtain prompt medical attention for the person;

(ii) If necessary, arrange for removal of the person to a nearby medical facility; and

(iii) If a test would not jeopardize the health or well-being of the person, direct a qualified medical person to withdraw blood for a test.

(2) If a person regains consciousness or otherwise becomes capable of refusing before the taking of a test, the police officer shall follow the procedure set forth in subsection (b) or (c) of this section.

(e) (1) The tests to determine alcohol concentration may be administered by an individual who has been examined and is certified by the Department of State Police as sufficiently equipped and trained to administer the tests.

(2) The Department of State Police may adopt regulations for the examination and certification of individuals trained to administer tests to determine alcohol concentration.

(f) (1) Subject to the provisions of this subsection, at the time of, or within 30 days from the date of, the issuance of an order of suspension, a person may submit a written request for a hearing before an officer of the Administration if:

(i) The person is arrested for driving or attempting to drive a motor vehicle while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title; and

(ii) 1. There is an alcohol concentration of 0.08 or more at the time of testing; or

2. The person refused to take a test.

(2) A request for a hearing made by mail shall be deemed to have been made on the date of the United States Postal Service postmark on the mail.

(3) If the driver's license has not been previously surrendered, the license must be surrendered at the time the request for a hearing is made.

(4) If a hearing request is not made at the time of or within 10 days after the issuance of the order of suspension or revocation, the Administration shall:

(i) Make the order effective and shall:

1. Except as provided in items 2, 3, and 4 of this item, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing:

A. For a first offense, suspend the driver's license for [45] 90 days; or

B. For a second or subsequent offense, suspend the driver's license for [90] 180 days;

2. Except as provided in item 4 of this item, for a test result indicating an alcohol concentration of 0.15 or more at the time of testing:

A. For a first offense, suspend the driver's license for [90] 180 days; or

B. For a second or subsequent offense, suspend the driver's license for [180] 270 days;

3. Except as provided in item 4 of this item, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing, if the person was involved in a motor vehicle accident that resulted in the death of another person:

A. For a first offense, suspend the driver's license for 6 months; or

B. For a second or subsequent offense, suspend the driver's license for 1 year;

4. For a test result indicating an alcohol concentration of 0.15 or more at the time of testing, if the person was involved in a motor vehicle accident that resulted in the death of another person:

A. For a first offense, suspend the driver's license for 1 year; or

B. For a second or subsequent offense, revoke the driver's license; or

5. For a test refusal:

A. For a first offense, suspend the driver's license for [120] 270 days; or

B. For a second offense or subsequent offense, suspend the driver's license for [1 year] 2 YEARS; and

(ii) 1. In the case of a person operating a commercial motor vehicle or who holds a commercial instructional permit or a commercial driver's license who refuses to take a test, disqualify the person from operating a commercial motor vehicle for a period of 1 year for a first offense, 3 years for a first offense which occurs while transporting hazardous materials required to be placarded, and for life for a second or subsequent offense which occurs while operating any commercial vehicle; or

2. In the case of a person operating a commercial motor vehicle who refuses to take a test, and who holds a commercial instructional permit or a commercial driver's license issued by another state, disqualify the person's privilege to operate a commercial motor vehicle in this State and report the refusal and disqualification to the person's resident state which may result in further penalties imposed by the person's resident state.

(5) (i) If the person requests a hearing at the time of or within 10 days after the issuance of the order of suspension and surrenders the driver's license or, if applicable, the person's commercial instructional permit or commercial driver's license, the Administration shall set a hearing for a date within 30 days of the receipt of the request.

(ii) Subject to the provisions of this paragraph, a postponement of a hearing under this paragraph does not extend the period for which the person is authorized to drive and the suspension and, if applicable, the disqualification shall become effective on the expiration of the 45-day period after the issuance of the order of suspension.

(iii) A postponement of a hearing described under this paragraph shall extend the period for which the person is authorized to drive if:

1. Both the person and the Administration agree to the postponement;

2. The Administration cannot provide a hearing within the period required under this paragraph; or

3. Under circumstances in which the person made a request, within 10 days of the date that the order of suspension was served under this section, for the issuance of a subpoena under § 12-108 of this article except as time limits are changed by this paragraph:

A. The subpoena was not issued by the Administration;

B. An adverse witness for whom the subpoena was requested, and on whom the subpoena was served not less than 5 days before the hearing described under this paragraph, fails to comply with the subpoena at an initial or subsequent hearing described under this paragraph held within the 45–day period; or

C. A witness for whom the subpoena was requested fails to comply with the subpoena, for good cause shown, at an initial or subsequent hearing described under this paragraph held within the 45–day period after the issuance of the order of suspension.

(iv) If a witness is served with a subpoena for a hearing under this paragraph, the witness shall comply with the subpoena within 20 days from the date that the subpoena is served.

(v) If a hearing is postponed beyond the 45–day period after the issuance of the order of suspension under the circumstances described in subparagraph (iii) of this paragraph, the Administration shall stay the suspension and issue a temporary license that authorizes the person to drive only until the date of the rescheduled hearing described under this paragraph.

(vi) To the extent possible, the Administration shall expeditiously reschedule a hearing that is postponed under this paragraph.

(6) (i) If a hearing request is not made at the time of, or within 10 days from the date of the issuance of an order of suspension, but within 30 days of the date of the issuance of an order of suspension, the person requests a hearing and surrenders the driver’s license or, if applicable, the person’s commercial instructional permit or commercial driver’s license, the Administration shall:

1. A. Make a suspension order effective suspending the license for the applicable period of time described under paragraph (4)(i) of this subsection; and

B. In the case of a person operating a commercial motor vehicle or who holds a commercial instructional permit or a commercial driver’s license who refuses to take a test, disqualify the person’s commercial instructional permit or commercial driver’s license, or privilege to operate a commercial motor vehicle in this State, for the applicable period of time described under paragraph (4)(ii) of this subsection; and

2. Set a hearing for a date within 45 days of the receipt of a request for a hearing under this paragraph.

(ii) A request for a hearing scheduled under this paragraph does not extend the period for which the person is authorized to drive, and the suspension and, if applicable, the disqualification shall become effective on the expiration of the 45-day period that begins on the date of the issuance of the order of suspension.

(iii) A postponement of a hearing described under this paragraph shall stay the suspension only if:

1. Both the person and the Administration agree to the postponement;

2. The Administration cannot provide a hearing under this paragraph within the period required under this paragraph; or

3. Under circumstances in which the person made a request, within 10 days of the date that the person requested a hearing under this paragraph, for the issuance of a subpoena under § 12-108 of this article except as time limits are changed by this paragraph:

A. The subpoena was not issued by the Administration;

B. An adverse witness for whom the subpoena was requested, and on whom the subpoena was served not less than 5 days before the hearing, fails to comply with the subpoena at an initial or subsequent hearing under this paragraph held within the 45-day period that begins on the date of the request for a hearing under this paragraph; or

C. A witness for whom the subpoena was requested fails to comply with the subpoena, for good cause shown, at an initial or subsequent hearing under this paragraph held within the 45-day period that begins on the date of the request for a hearing under this paragraph.

(iv) If a witness is served with a subpoena for a hearing under this paragraph, the witness shall comply with the subpoena within 20 days from the date that the subpoena is served.

(v) If a hearing is postponed beyond the 45-day period that begins on the date of the request for a hearing under this paragraph under circumstances described in subparagraph (iii) of this paragraph, the Administration shall stay the suspension and issue a temporary license that authorizes the person to drive only until the date of the rescheduled hearing.

(vi) To the extent possible, the Administration shall expeditiously reschedule a hearing that is postponed under this paragraph.

(7) (i) At a hearing under this section, the person has the rights described in § 12–206 of this article, but at the hearing the only issues shall be:

1. Whether the police officer who stops or detains a person had reasonable grounds to believe the person was driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title;

2. Whether there was evidence of the use by the person of alcohol, any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance;

3. Whether the police officer requested a test after the person was fully advised, as required under subsection (b)(2) of this section, of the administrative sanctions that shall be imposed;

4. Whether the person refused to take the test;

5. Whether the person drove or attempted to drive a motor vehicle while having an alcohol concentration of 0.08 or more at the time of testing;

6. Whether the person drove or attempted to drive a motor vehicle while having an alcohol concentration of 0.15 or more at the time of testing;

7. If the hearing involves disqualification of a commercial instructional permit or a commercial driver's license, whether the person was operating a

commercial motor vehicle or held a commercial instructional permit or a commercial driver's license; or

8. Whether the person was involved in a motor vehicle accident that resulted in the death of another person.

(ii) The sworn statement of the police officer and of the test technician or analyst shall be prima facie evidence of a test refusal, a test result indicating an alcohol concentration of 0.08 or more at the time of testing, or a test result indicating an alcohol concentration of 0.15 or more at the time of testing.

(8) (i) After a hearing, the Administration shall suspend or revoke the [driver's] PERSON'S license or privilege to drive [of the person charged under subsection (b) or (c) of this section] if:

1. The police officer who stopped or detained the person had reasonable grounds to believe the person was driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title;

2. There was evidence of the use by the person of alcohol, any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance;

3. The police officer requested a test after the person was fully advised, as required under subsection (b)(2) of this section, of the administrative sanctions that shall be imposed;

4. A. The person refused to take the test; or

B. A test to determine alcohol concentration was taken and the test result indicated an alcohol concentration of 0.08 or more at the time of testing; and

5. When applicable, the person was involved in a motor vehicle accident that resulted in the death of another person.

(ii) After a hearing, the Administration shall disqualify the person from driving a commercial motor vehicle if:

1. The person was detained while operating a commercial motor vehicle or while holding a commercial instructional permit or a commercial driver's license;

2. The police officer who stopped or detained the person had reasonable grounds to believe that the person was driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while impaired by a controlled dangerous substance, in violation of an alcohol restriction, or in violation of § 16–813 of this title;

3. There was evidence of the use by the person of alcohol, any drug, any combination of drugs, a combination of one or more drugs and alcohol, or a controlled dangerous substance;

4. The police officer requested a test after the person was fully advised of the administrative sanctions that shall be imposed; and

5. The person refused to take the test.

(iii) If the person is licensed to drive a commercial motor vehicle or holds a commercial instructional permit, the Administration shall disqualify the person in accordance with subparagraph (ii) of this paragraph, but may not impose a suspension under subparagraph (i) of this paragraph, if:

1. The person was detained while operating a commercial motor vehicle or while holding a commercial instructional permit or a commercial driver's license;

2. The police officer had reasonable grounds to believe the person was in violation of an alcohol restriction or in violation of § 16–813 of this title;

3. The police officer did not have reasonable grounds to believe the driver was driving while under the influence of alcohol, driving while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination

of one or more drugs and alcohol that the person could not drive a vehicle safely, or while impaired by a controlled dangerous substance; and

4. The driver refused to take a test.

(iv) In the absence of a compelling reason for failure to attend a hearing, failure of a person to attend a hearing is prima facie evidence of the person's inability to answer the sworn statement of the police officer or the test technician or analyst, and the Administration summarily shall:

1. Suspend the driver's license or privilege to drive; and

2. If the driver is detained in a commercial motor vehicle or holds a commercial instructional permit or a commercial driver's license, disqualify the person from operating a commercial motor vehicle.

(v) The suspension imposed UNDER SUBPARAGRAPHS (I) AND (IV) OF THIS PARAGRAPH shall be:

1. Except as provided in items 2 and 3 of this subparagraph, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing:

A. For a first offense, a suspension for [45] 90 days; or

B. For a second or subsequent offense, a suspension for [90] 180 days;

2. Except as provided in item 3 of this subparagraph, for a test result indicating an alcohol concentration of 0.15 or more at the time of testing:

A. For a first offense, a suspension of [90] 180 days; or

B. For a second or subsequent offense, a suspension of [180] 270 days;

3. Except as provided in item 4 of this subparagraph, for a test result indicating an alcohol concentration of 0.08 or more at the time of testing, if the person was involved in a motor vehicle accident that resulted in the death of another person:

A. For a first offense, suspend the driver's license for 6 months; or

B. For a second or subsequent offense, suspend the driver's license for 1 year;

4. For a test result indicating an alcohol concentration of 0.15 or more at the time of testing, if the person was involved in a motor vehicle accident that resulted in the death of another person:

A. For a first offense, suspend the driver's license for 1 year;
or

B. For a second or subsequent offense, revoke the driver's license; or

5. For a test refusal:

A. For a first offense, a suspension for [120] 270 days; or

B. For a second or subsequent offense, a suspension for [1 year] 2 YEARS.

(vi) A disqualification imposed under subparagraph (ii) or (iii) of this paragraph shall be for a period of 1 year for a first offense, 3 years for a first offense which occurs while transporting hazardous material required to be placarded, and life for a second or subsequent offense which occurs while operating or attempting to operate any commercial motor vehicle.

(vii) A disqualification of a commercial instructional permit or a commercial driver's license is not subject to any modifications, nor may a restricted commercial instructional permit or commercial driver's license be issued in lieu of a disqualification.

(viii) A disqualification for life may be reduced if permitted by § 16-812(d) of this title.

(g) INSTEAD OF REQUESTING A HEARING UNDER SUBSECTION (F) OF THIS SECTION, A PERSON MAY REQUEST TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-404.1 OF THIS TITLE IF:

(1) THE PERSON'S DRIVER'S LICENSE IS NOT CURRENTLY SUSPENDED, REVOKED, CANCELED, OR REFUSED;

(2) THE PERSON WAS NOT CHARGED WITH A MOVING VIOLATION ARISING OUT OF THE SAME CIRCUMSTANCES AS AN ADMINISTRATIVE OFFENSE UNDER THIS SECTION THAT INVOLVED A DEATH OF, OR SERIOUS PHYSICAL INJURY TO, ANOTHER PERSON; AND

(3) WITHIN THE SAME TIME LIMITS SET FORTH IN SUBSECTION (F) OF THIS SECTION, THE PERSON:

(i) SURRENDERS A VALID MARYLAND DRIVER'S LICENSE OR SIGNS A STATEMENT CERTIFYING THAT THE DRIVER'S LICENSE IS NO LONGER IN THE PERSON'S POSSESSION; AND

(ii) ELECTS IN WRITING TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM FOR THE PERIOD EQUAL TO THE ENTIRE SUSPENSION PERIOD SPECIFIED IN THIS SECTION FOR THE APPLICABLE VIOLATION.

(H) (1) An initial refusal to take a test that is withdrawn as provided in this subsection is not a refusal to take a test.

(2) A person who initially refuses to take a test may withdraw the initial refusal and subsequently consent to take the test if the subsequent consent:

(i) Is unequivocal;

(ii) Does not substantially interfere with the timely and efficacious administration of the test; and

(iii) Is given by the person:

1. Before the delay in testing would materially affect the outcome of the test; and

2. A. For the purpose of a test for determining alcohol concentration, within 2 hours of the person’s apprehension; or

B. For the purpose of a test for determining the drug or controlled dangerous substance content of the person’s blood, within 4 hours of the person’s apprehension.

(3) In determining whether a person has withdrawn an initial refusal for the purposes of paragraph (1) of this subsection, among the factors that the Administration shall consider are the following:

(i) Whether the test would have been administered properly:

1. For the purpose of a test for determining alcohol concentration, within 2 hours of the person’s apprehension; or

2. For the purpose of a test for determining the drug or controlled dangerous substance content of the person’s blood, within 4 hours of the person’s apprehension;

(ii) Whether a qualified person, as defined in § 10–304 of the Courts Article, to administer the test and testing equipment were readily available;

(iii) Whether the delay in testing would have interfered with the administration of a test to another person;

(iv) Whether the delay in testing would have interfered with the attention to other duties of the arresting officer or a qualified person, as defined in § 10–304 of the Courts Article;

(v) Whether the person’s subsequent consent to take the test was made in good faith; and

(vi) Whether the consent after the initial refusal was while the person was still in police custody.

(4) In determining whether a person has withdrawn an initial refusal for the purposes of paragraph (1) of this subsection, the burden of proof rests with the person

to establish by a preponderance of the evidence the requirements of paragraph (2) of this subsection.

[(h)] (I) Notwithstanding any other provision of this section, if a driver's license is suspended based on multiple administrative offenses of refusal to take a test, or a test to determine alcohol concentration taken that indicated an alcohol concentration of 0.08 or more at the time of testing, or any combination of these administrative offenses committed at the same time, or arising out of circumstances simultaneous in time and place, or arising out of the same incident, the Administration:

(1) Shall suspend the driver's license for the administrative offense that results in the lengthiest period of suspension; and

(2) May not impose any additional periods of suspension for the remainder of the administrative offenses.

[(i)] (J) Notwithstanding any other provision of this section, a test for drug or controlled dangerous substance content under this section:

(1) May not be requested as described under subsection (b) of this section, required as described under subsection (c) of this section, or directed as described under subsection (d) of this section, by a police officer unless the law enforcement agency of which the officer is a member has the capacity to have such tests conducted;

(2) May only be requested as described under subsection (b) of this section, required as described under subsection (c) of this section, or directed as described under subsection (d) of this section, by a police officer who is a trainee, has been trained, or is participating directly or indirectly in a program of training that is:

(i) Designed to train and certify police officers as drug recognition experts; and

(ii) Conducted by a law enforcement agency of the State, or any county, municipal, or other law enforcement agency in the State described in [items] ITEM (3)(i)1 through 12 of this subsection:

1. In conjunction with the National Highway Traffic Safety Administration; or

2. As a program of training of police officers as drug recognition experts that contains requirements for successful completion of the training program that are the substantial equivalent of the requirements of the Drug Recognition Training Program developed by the National Highway Traffic Safety Administration; and

(3) May only be requested as described under subsection (b) of this section, required as described under subsection (c) of this section, or directed as described under subsection (d) of this section:

(i) In the case of a police officer who is a trainee, or who is participating directly or indirectly in a program of training described in [paragraph] ITEM (2) of this subsection, if the police officer is a member of, and is designated as a trainee or a participant by the head of:

1. The Department of State Police;
2. The Baltimore City Police Department;
3. A police department, bureau, or force of a county;
4. A police department, bureau, or force of an incorporated city or town;
5. The Maryland Transit Administration Police Force;
6. The Maryland Port Administration Police Force of the Department of Transportation;
7. The Maryland Transportation Authority Police Force;
8. The Police Force of the University of Maryland or Morgan State University;
9. The police force for a State university or college under the direction and control of the University System of Maryland;
10. A sheriff's department of any county or Baltimore City;

11. The Natural Resources Police Force or the Forest and Park Service Police Force of the Department of Natural Resources; or

12. The Maryland Capitol Police of the Department of General Services; or

(ii) In the case of a police officer who has been trained as a drug recognition expert, if the police officer is a member of, and certified as a drug recognition expert by the head of one of the law enforcement agencies described in [items (3)(i)1] ITEM (I)1 through 12 of this [subsection] ITEM.

[(j)] (K) If the Administration imposes a suspension, revocation, or disqualification after a hearing, the person whose license or privilege to drive has been suspended, revoked, or disqualified may appeal the final order of suspension or revocation as provided in Title 12, Subtitle 2 of this article.

[(k)] (L) Subject to § 16–812(p) of this title, this section does not prohibit the imposition of further administrative sanctions if the person is convicted for any violation of the Maryland Vehicle Law arising out of the same occurrence.

[(l)] (M) (1) The determination of any facts by the Administration is independent of the determination of the same or similar facts in the adjudication of any criminal charges arising out of the same occurrence.

(2) The disposition of those criminal charges may not affect any suspension imposed under this section.

[(m)] (N) (1) Except as otherwise provided in this subsection, a suspension imposed under this section may not be stayed by the Administration pending appeal.

(2) If the person files an appeal and requests in writing a stay of a suspension imposed under this section, the Director of the Division of Administrative Adjudication of the Administration may stay a suspension imposed under this section.

[(n)] (1) This subsection applies only to a licensee:

(i) Who takes a test that indicates an alcohol concentration of at least 0.08 but less than 0.15;

(ii) Whose license has not been suspended under this section during the past 5 years; and

(iii) Who has not been convicted under § 21–902 of this article during the past 5 years.

(2) The Administration may modify a suspension under this section or issue a restrictive license if the Administration finds that:

(i) The licensee is required to drive a motor vehicle in the course of employment;

(ii) The license is required for the purpose of attending an alcohol prevention or treatment program;

(iii) The licensee has no alternative means of transportation available to or from the licensee’s place of employment and, without the license, the licensee’s ability to earn a living would be severely impaired;

(iv) The license is required for the purpose of obtaining health care treatment, including a prescription, that is necessary for the licensee or a member of the licensee’s immediate family and the licensee and the licensee’s immediate family have no alternative means of transportation available to obtain the health care treatment; or

(v) The license is required for the purpose of attending a noncollegiate educational institution as defined in § 2–206(a) of the Education Article or a regular program at an institution of postsecondary education.

(o) (1) This subsection applies only to a licensee who:

(i) Refused to take a test;

(ii) Took a test that indicated an alcohol concentration of 0.15 or more at the time of testing; or

(iii) Took a test that indicated an alcohol concentration of at least 0.08 but less than 0.15 at the time of testing and who is ineligible for a modification of a suspension or issuance of a restrictive license under subsection (n) of this section.

(2) The Administration may modify a suspension under this section or issue a restrictive license only if the licensee participates in the Ignition Interlock System Program for 1 year.

(p) (1) If the Administration modifies a suspension under this section or issues a restrictive license on condition that the licensee participate in the Ignition Interlock System Program and the licensee does not successfully complete the Program, the Administration shall suspend the licensee's driver's license or driving privilege for the full period of suspension specified in this section for the applicable violation.

(2) The Administration shall notify a licensee of a suspension under this subsection.

(3) A licensee may request an administrative hearing on a suspension imposed under this subsection.

(4) If a licensee requests a hearing under this subsection, the suspension shall be stayed pending the decision at the administrative hearing.]

[(q)] (O) The provisions of this section relating to disqualification do not apply to offenses committed by an individual in a noncommercial motor vehicle before:

(1) September 30, 2005; or

(2) The initial issuance to the individual of a commercial instructional permit by any state.

16-404.1.

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

(2) "Approved service provider" means a person who is certified by:

(i) The Administration to service, install, monitor, calibrate, and provide information on ignition interlock systems; and

(ii) A manufacturer to be qualified to service, install, monitor, calibrate, and provide information on ignition interlock systems.

(3) “Manufacturer” means a person who manufactures ignition interlock systems and who certifies that approved service providers are qualified to service, install, monitor, calibrate, and provide information on ignition interlock systems.

(4) “Participant” means a participant in the Ignition Interlock System Program.

(5) “Program” means the Ignition Interlock System Program.

(b) (1) The Administration shall establish an Ignition Interlock System Program in accordance with this section.

(2) The Administration shall establish a protocol for the Program by regulations that require certain minimum standards for all service providers who service, install, monitor, calibrate, and provide information on ignition interlock systems and include requirements that:

(i) A service provider who applies to the Administration for certification as an approved service provider shall demonstrate that the service provider is able to competently service, install, monitor, calibrate, and provide information to the Administration at least every 30 days on individuals required to use ignition interlock systems;

(ii) A service provider who applies to the Administration for certification as an approved service provider shall be certified by a signed affidavit from the manufacturer that the service provider has been trained by an authorized manufacturer and that the service provider is competent to service, install, monitor, calibrate, and provide information on ignition interlock systems;

(iii) Approved service providers be deemed to be authorized representatives of a manufacturer; and

(iv) Any service of notice upon an approved service provider, who has violated any laws or regulations or whose ignition interlock system has violated any laws or regulations, be deemed as service upon the manufacturer who certified the approved service provider.

(c) An individual [may] SHALL be a participant if:

(1) The individual's license is suspended or revoked under § 16–205 of this title for a violation of § 21–902(a), (b), or (c) of this article or § 16–404 of this subtitle for an accumulation of points under § 16–402(a)(28) or (37) of this subtitle;

(2) The individual's license has an alcohol restriction imposed under § 16–113(g)(1) of this title; [or]

(3) The [Administration modifies a suspension or issues a restrictive license to the individual] **INDIVIDUAL'S LICENSE IS SUSPENDED** under § 16–205.1 of this title;

(4) **THE INDIVIDUAL'S LICENSE IS REVOKED UNDER § 16–205(B) OF THIS TITLE FOR HOMICIDE BY MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL, IMPAIRED BY ALCOHOL, OR IMPAIRED BY A COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL; OR**

(5) **THE INDIVIDUAL IS REQUIRED TO PARTICIPATE BY A COURT ORDER UNDER § 27–107 OF THIS ARTICLE.**

(d) (1) [(i) Notwithstanding subsection (c) of this section, an individual shall be a participant if the individual is convicted of a violation of:

1. § 21–902(a)(1) or (2) of this article and had an alcohol concentration at the time of testing of 0.15 or more; or

2. § 21–902(a)(3) or (b)(2) of this article and the minor who was transported was under the age of 16 years.]

[(ii) (I) If an individual is subject to [this paragraph] **SUBSECTION (C) OF THIS SECTION** and fails to participate in the Program or successfully complete the Program, the Administration shall suspend, notwithstanding § 16–208 of this title, the individual's license until the individual successfully completes the Program.

[(iii) (II) Nothing contained in this paragraph limits the authority of the Administration to modify a suspension imposed under this paragraph to allow an individual to be a participant in accordance with subsection (e) or [(o) (P) of this section.

(2) [(i) Notwithstanding subsection (c) of this section, an individual shall be a participant as a condition of modification of a suspension or revocation of a license or issuance of a restrictive license if the individual:

1. Is required to be a participant by a court order under § 27–107 of this article;

2. Is convicted of a violation of § 21–902(a) or (b) of this article and within the preceding 5 years the individual has been convicted of any violation of § 21–902 of this article; or

3. Was under the age of 21 years on the date of a violation by the individual of:

A. An alcohol restriction imposed under § 16–113(b)(1) of this title; or

B. § 21–902(a), (b), or (c) of this article.

(ii) If an individual is subject to this paragraph and the individual fails to participate in the Program or does not successfully complete the Program, the Administration shall suspend the individual’s license for 1 year.

(iii) Nothing contained in this paragraph limits the authority of the Administration to modify a suspension imposed under this paragraph to allow an individual to be a participant in accordance with subsection (e) or (o) of this section] **THE ADMINISTRATION SHALL ISSUE A RESTRICTED LICENSE TO AN INDIVIDUAL WHO IS REQUIRED TO PARTICIPATE IN THE PROGRAM UNDER THIS SECTION.**

(3) An individual who is subject to this subsection shall participate in the Program for **THE LENGTH OF THE SUSPENSION IMPOSED ON THE INDIVIDUAL’S LICENSE OR IF NO SUSPENSION LENGTH IS SPECIFIED:**

(i) 6 months the first time the individual is required under this [subsection] SECTION to participate in the Program;

(ii) 1 year the second time the individual is required under this [subsection] SECTION to participate in the Program; and

(iii) 3 years the third or any subsequent time the individual is required under this [subsection] SECTION to participate in the Program.

(4) Paragraph (3) of this subsection does not limit a longer period of Program participation that is required by:

(i) A court order under § 27–107 of this article; or

(ii) The Administration in accordance with another provision of this title.

(e) If an individual subject to subsection (c) [or (d)] of this section does not initially become a participant:

(1) The individual may apply later to the Administration to be a participant; and

(2) The Administration may reconsider any suspension or revocation of the driver's license of the individual arising out of the same circumstances and allow the individual to participate in the Program.

(f) (1) The Administration [may] SHALL:

(i) [Issue] MODIFY A SUSPENSION AND ISSUE a [restrictive] RESTRICTED license to an individual who is a participant in the Program during the suspension period as provided under § 16–205 or § 16–205.1 of this title or § 16–404 of this subtitle;

(ii) Reinstate the driver's license of a participant whose license has been revoked:

1. For a violation of § 21–902(a), (b), or (c) of this article;

2. For an accumulation of points under § 16–402(a)(37) of this subtitle for a violation of § 21–902(a) of this article; or

3. Under § 16–205.1(b) or (f) of this title; and

(iii) Notwithstanding any other provision of law, impose on a participant a period of suspension in accordance with § 16–404(c)(2) and (3) of this subtitle in lieu of a license revocation:

1. For a violation of § 21–902(a), (b), or (c) of this article;
2. For an accumulation of points under § 16–402(a)(37) of this subtitle for a violation of § 21–902(a) of this article; or
3. Under § 16–205.1(b) or (f) of this title.

(2) A notice of suspension or revocation sent to an individual under this title shall include information about the Program and how individuals participate in the Program.

(3) The Administration shall establish a fee for the Program that is sufficient to cover the costs of the Program.

(g) Subject to [§ 27–107(g)(2)] § 27–107(H) of this article, the Administration shall impose a restriction on the individual’s license that prohibits the individual from driving a motor vehicle that is not equipped with an ignition interlock system for the period of time that the individual is required to participate in the Program under this section.

(h) A participant is considered to begin participation in the Program when the participant provides evidence of the installation of an ignition interlock system by an approved service provider in a manner required by the Administration.

(i) An individual whose license is suspended under § 16–404(c)(2)(iv) of this subtitle is a habitual offender whose license may not be reinstated unless the individual participates in the Program for at least 24 months.

(j) (1) For purposes of an ignition interlock system used under [§ 16–205(f) of this title.] this section[,] or a court order under § 27–107 of this article, the Administration shall permit only the use of an ignition interlock system that meets or exceeds the technical standards for breath alcohol ignition interlock devices published in the Federal Register from time to time.

(2) For purposes of an ignition interlock system used under this section, the Administration shall require the Program protocol adopted by the Administration.

(k) (1) An individual required to use an ignition interlock system under a court order or this section:

(i) Shall be monitored by the Administration; and

(ii) Except as provided in paragraph (2) of this subsection, shall pay the fee required by the Administration under subsection (f)(3) of this section.

(2) The Administration shall waive the fee required under this subsection for an individual who is indigent.

(l) A court order that requires the use of an ignition interlock system is not affected by § 16-404(c)(3) of this subtitle.

(m) (1) If an individual participates in the Program under this section and participates in the Program in accordance with any other provision of law arising out of the same incident, the periods of participation in the Program shall be concurrent.

(2) IF AN INDIVIDUAL PARTICIPATES IN THE PROGRAM UNDER § 16-205.1 OF THIS TITLE, THE INDIVIDUAL SHALL RECEIVE CREDIT TOWARD THE LENGTH OF PARTICIPATION IN THE PROGRAM ARISING OUT OF THE SAME INCIDENT AS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION.

(N) THE ADMINISTRATION SHALL CONSIDER A PARTICIPANT TO HAVE SUCCESSFULLY COMPLETED THE PROGRAM IF THE ADMINISTRATION RECEIVES FROM THE PARTICIPANT'S APPROVED SERVICE PROVIDER A CERTIFICATION THAT IN THE 3 CONSECUTIVE MONTHS BEFORE A PARTICIPANT'S DATE OF RELEASE FROM THE PROGRAM THERE WAS NOT:

(1) AN ATTEMPT TO START THE VEHICLE WITH A BREATH ALCOHOL CONCENTRATION OF 0.04 OR MORE UNLESS A SUBSEQUENT TEST PERFORMED WITHIN 10 MINUTES REGISTERED A BREATH ALCOHOL CONCENTRATION LOWER THAN 0.04;

(2) A FAILURE TO TAKE OR PASS A RANDOM TEST WITH A BREATH ALCOHOL CONCENTRATION OF 0.025 OR LOWER UNLESS A SUBSEQUENT TEST

PERFORMED WITHIN 10 MINUTES REGISTERED A BREATH ALCOHOL CONCENTRATION LOWER THAN 0.025; OR

(3) A FAILURE OF THE PARTICIPANT TO APPEAR AT THE APPROVED SERVICE PROVIDER WHEN REQUIRED FOR MAINTENANCE, REPAIR, CALIBRATION, MONITORING, INSPECTION, OR REPLACEMENT OF THE DEVICE CAUSING THE DEVICE TO CEASE TO FUNCTION AS REQUIRED UNDER THIS SECTION.

[(n)] (O) If an individual successfully completes the Program and the individual's license is not refused, revoked, suspended, or canceled under another provision of this article, the Administration shall immediately issue a license to the licensee.

[(o)] (P) (1) Notwithstanding § 16–208 of this title, if the Administration removes an individual from the Program because the individual violated requirements of the Program, the Administration may allow the individual to reenter the Program after a period of 30 days from the date of removal.

(2) If an individual reenters the Program under this subsection, the individual shall participate in the Program for the entire period of time that was initially necessary for successful completion of the Program without any credit for the period of participation before the individual was removed from the Program.

(3) Nothing contained in paragraph (2) of this subsection limits a period of participation in the Program required under any other provision of this title or § 27–107 of this article.

[(p)] (Q) A suspension or revocation of a license of an individual subject to subsection (c) or (d) of this section that is imposed as a result of the failure of the individual to participate in the Program or successfully complete the Program shall be concurrent with any other suspension or revocation arising out of the same incident for which the individual is subject to subsection (c) or (d) of this section.

[(q)] (R) (1) If a person is convicted of any violation of § 21–902 of this article, the Administration shall include in the notice of proposed suspension or revocation a warning in bold conspicuous type that the person shall participate in the Program [if the person is subsequently convicted of a violation of § 21–902(a) or (b) of this article as described in this section].

(2) At the time that the Administration issues a license to a person who is under the age of 21 years, the Administration shall provide to the person a written warning in bold conspicuous type that the person shall participate in the Program if the Administration finds the person violated the alcohol restriction on a driver under the age of 21 years or the person violated any provision of § 21-902 of this article.

(3) A person may not raise the absence of the warning described under this subsection or the failure to receive that warning as a basis for limiting the authority of the Administration to require that the person participate in the Program in accordance with this section.

27-107.

(a) In this section, “ignition interlock system” means a device that:

(1) Connects a motor vehicle ignition system to a breath analyzer that measures a driver’s blood alcohol level; and

(2) Prevents a motor vehicle ignition from starting if a driver’s blood alcohol level exceeds the calibrated setting on the device.

(b) In addition to any other penalties provided in this title for a violation of any of the provisions of § 21-902(a) of this article (“Driving while under the influence of alcohol or under the influence of alcohol per se”), or § 21-902(b) of this article (“Driving while impaired by alcohol”), or in addition to any other condition of probation, a court may prohibit a person who is convicted of, or granted probation under § 6-220 of the Criminal Procedure Article for, a violation of § 21-902(a) or § 21-902(b) of this article from operating for not more than 3 years a motor vehicle that is not equipped with an ignition interlock system.

(c) If the court imposes the use of an ignition interlock system as a sentence, part of a sentence, or a condition of probation, the court:

(1) Shall state on the record the requirement for, and the period of the use of the system, and so notify the Administration;

(2) Shall direct that the records of the Administration reflect:

(i) That the person may not operate a motor vehicle that is not equipped with an ignition interlock system; and

(ii) Whether the court has expressly permitted the person to operate a motor vehicle without an ignition interlock system under subsection [(g)(2)] (H) of this section;

(3) Shall direct the Administration to note in an appropriate manner a restriction on the person's license imposed under [paragraph] ITEM (2)(i) or (ii) of this subsection;

(4) Shall require proof of the installation of the system and periodic reporting by the person for verification of the proper operation of the system;

(5) Shall require the person to have the system monitored for proper use and accuracy by an entity approved by the Administration at least semiannually, or more frequently as the circumstances may require; and

(6) (i) Shall require the person to pay the reasonable cost of leasing or buying, monitoring, and maintaining the system; and

(ii) May establish a payment schedule.

(d) A person prohibited under this section or Title 16 of this article from operating a motor vehicle that is not equipped with an ignition interlock system may not solicit or have another person attempt to start or start a motor vehicle equipped with an ignition interlock system.

(e) A person may not attempt to start or start a motor vehicle equipped with an ignition interlock system for the purpose of providing an operable motor vehicle to a person who is prohibited under this section or Title 16 of this article from operating a motor vehicle that is not equipped with an ignition interlock system.

(f) A person may not tamper with, or in any way attempt to circumvent, the operation of an ignition interlock system that has been installed in the motor vehicle of a person under this section or Title 16 of this article.

(g) [(1)] Subject to the provisions of [paragraph (2)] SUBSECTION (H) of this [subsection] SECTION, a person may not knowingly furnish a motor vehicle not equipped

with a functioning ignition interlock system to another person who the person knows is prohibited under subsection (b) of this section or Title 16 of this article from operating a motor vehicle not equipped with an ignition interlock system.

[(2) (i) This paragraph does not limit or otherwise affect any provision of federal or State law relating to a holder of a commercial driver's license.

(ii) If a person is required, in the course of the person's employment, to operate a motor vehicle owned or provided by the person's employer, the person may operate that motor vehicle in the course of the person's employment without installation of an ignition interlock system if:

1. The person has not been convicted of:

A. A violation of § 21-902(a) of this article more than once within a 5-year period;

B. A violation of § 21-902(a) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(d) of this article; or

C. A violation of § 21-902(d) of this article within a 5-year period after the person was previously convicted of a violation of § 21-902(a) of this article; and

2. The court or the Administration has expressly permitted the person to operate in the course of the person's employment a motor vehicle that is not equipped with an ignition interlock system.

(iii) The Administration may allow a participant in the Ignition Interlock System Program under § 16-404.1 of this article to operate, in the course of the person's employment, a motor vehicle owned or provided by the person's employer that is not equipped with an ignition interlock system if:

1. The person provides information acceptable to the Administration regarding the person's current employment and the need for the person to operate the motor vehicle in the course of employment; and

2. The person has not been convicted of:

A. A violation of § 21–902(a) of this article more than once within a 5–year period;

B. A violation of § 21–902(a) of this article within a 5–year period after the person was previously convicted of a violation of § 21–902(d) of this article;
or

C. A violation of § 21–902(d) of this article within a 5–year period after the person was previously convicted of a violation of § 21–902(a) of this article.]

(H) (1) THIS SUBSECTION DOES NOT LIMIT OR OTHERWISE AFFECT ANY PROVISION OF FEDERAL OR STATE LAW RELATING TO A HOLDER OF A COMMERCIAL DRIVER’S LICENSE.

(2) SUBJECT TO THE REQUIREMENTS IN PARAGRAPH (3) OF THIS SUBSECTION, IF A PERSON IS REQUIRED TO OPERATE AN EMPLOYER’S MOTOR VEHICLE IN THE COURSE AND SCOPE OF EMPLOYMENT AND THE BUSINESS ENTITY THAT OWNS THE VEHICLE IS NOT OWNED OR CONTROLLED BY THE PERSON, THE EMPLOYER MAY PROVIDE AND THE PERSON MAY OPERATE A MOTOR VEHICLE WITHOUT AN IGNITION INTERLOCK SYSTEM TO BE USED IN THE COURSE OF THE PERSON’S EMPLOYMENT.

(3) ANY TIME A PERSON OPERATES A MOTOR VEHICLE IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, THE PERSON SHALL HAVE IN THE PERSON’S POSSESSION AND PRESENT TO A LAW ENFORCEMENT OFFICER IF REQUESTED A FORM THAT INCLUDES:

(I) A DESCRIPTION OF THE PERSON’S LICENSE RESTRICTION REQUIRING THAT THE PERSON OPERATE ONLY VEHICLES EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM;

(II) A STATEMENT THAT THE PERSON MAY OPERATE THE EMPLOYER’S VEHICLES ONLY IN THE COURSE AND SCOPE OF THE PERSON’S EMPLOYMENT;

(III) THE EMPLOYER’S NAME, TITLE, AND TELEPHONE NUMBER;

(IV) A NOTARIZED SIGNATURE OF THE EMPLOYER ACKNOWLEDGING THE CONTENTS OF THE FORM;

(V) THE PERSON'S SIGNATURE ACKNOWLEDGING THAT THE PERSON MUST KEEP THE FORM IN THE PERSON'S POSSESSION AT ALL TIMES WHILE OPERATING THE EMPLOYER'S VEHICLE; AND

(VI) A STAMP OR SIGNATURE FROM AN AUTHORIZED EMPLOYEE OF THE ADMINISTRATION.

(4) THE PERSON SHALL PROVIDE TO THE PERSON'S EMPLOYER AND THE ADMINISTRATION A COPY OF THE COMPLETED FORM.

(5) THE ADMINISTRATION SHALL CREATE A STANDARDIZED FORM THAT COMPLIES WITH THE REQUIREMENTS OF PARAGRAPH (3) OF THIS SUBSECTION.

(6) NOTHING IN THIS SUBSECTION AUTHORIZES A PERSON TO OPERATE AN EMPLOYER'S MOTOR VEHICLE WITHOUT AN IGNITION INTERLOCK SYSTEM TO COMMUTE TO OR FROM WORK OR FOR ANY OTHER PERSONAL USE NOT REQUIRED IN THE COURSE AND SCOPE OF THE PERSON'S EMPLOYMENT."

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 JUDICIAL PROCEEDINGS REPORT #30

CONSENT CALENDAR #67

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

BILL NO.	REPORT	SPONSOR	CONTENT
<u>FAVORABLE</u>			
HB 816	FAV	Cecil County Delegation	Cecil County – Sheriff – Salary
HB 1157	FAV	Calvert County Delegation	Calvert County – Assistant Sheriff – Salary and Status
HB 1268	FAV	Calvert County Delegation	Calvert County – Pretrial Release Program – Nonviolent Felon

Favorable report adopted on all of the preceding bills.

The preceding bills were read the second time and ordered prepared for Third Reading.

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

BILL NO.	SPONSOR	CONTENT
SB 83	Chair, Judicial Proceedings Committee	Public Safety – School Safety Enforcement Fund
SB 280	Chair, Budget and Taxation Committee	Academic Facilities Bonding Authority
SB 821	Sen. Peters	Participating Governmental Units – Amortization Schedule
SB 979	Sen. Peters	Optional Retirement Program – Eligibility – Alterations

BILL NO.	SPONSOR	CONTENT
SB 1063	Sen. Madaleno	Md Institute for Policy Analysis and Rsrch Positions – Transfer to State Prsnl Mgt Sstm

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

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 741 – Delegates Stein and Kaiser

AN ACT concerning

Higher Education – Institutions of Postsecondary Education – Consumer Protection Provisions

FOR the purpose of prohibiting certain private career schools and certain for-profit institutions of higher education from enrolling certain students in certain programs under certain circumstances; requiring the Maryland Higher Education Commission to create certain guaranty funds; specifying the uses of certain guaranty funds; ~~including a certain occurrence as grounds for reimbursement of certain students from certain guaranty funds;~~ requiring certain students to follow certain complaint procedures of certain institutions before making a claim to certain guaranty funds; authorizing certain students to make a certain claim to certain guaranty funds under certain circumstances; requiring a certain report to include certain information; requiring certain institutions of postsecondary education to ensure that a net price calculator is posted on its Web site in a certain location; requiring certain institutions to provide certain information to certain students under certain circumstances; providing for the application of a certain provision of this Act; and generally relating to consumer protection provisions that impact institutions of postsecondary education.

BY adding to

Article – Commercial Law

Section 13–320

Annotated Code of Maryland

(2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 10–101(i) and (j)
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 11–203(d) and (e) and 15–118
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)

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

House Bill 1378 – Delegates Frick, Carr, Frush, Hixson, Kaiser, Kelly, Korman, Krimm, Lisanti, Luedtke, McCray, Morhaim, Patterson, Queen, Reznik, Shoemaker, Stein, A. Washington, K. Young, Brooks, Clippinger, Glenn, Valderrama, and Waldstreicher

AN ACT concerning

Maryland Small Business Retirement Savings Program and Trust

FOR the purpose of establishing the Maryland Small Business Retirement Savings Program for ~~eligible~~ private sector employees; establishing the Maryland Small Business Retirement Savings Trust; establishing the Maryland Small Business Retirement Savings Board to implement, maintain, and administer the Program and the Trust; providing for the composition, chair, and staffing of the Board; providing for the powers and duties of the Board, ~~including investing certain assets, adopting an investment policy, disseminating information to employers and employees, and submitting an annual audited financial report; requiring eligible employers to offer the Program and requiring eligible employees of participating employers to participate in the Program unless written notice to opt out is provided to the employer;~~ authorizing the Board to enter into a certain agreement to borrow certain funds; requiring the Board to take certain actions to ensure that the Program is not preempted by federal law; requiring the Board to establish certain procedures and disclosures; specifying that the assets in a certain employee's Program account are the property of the employee; prohibiting the State from transferring any assets of the Trust to specified funds of the State, or otherwise encumbering any assets of the Trust; requiring the Board to design and disseminate certain information to employers and employees; requiring the Board to enter into a certain agreement delegating the administration of the Trust to a third-party administrator; limiting the type of savings arrangements offered by the Board to payroll deposit IRA arrangements; requiring the Board to implement a range of investment options and providers and to select a default investment option; requiring the Board to consider certain information when selecting investment options; authorizing the Board to provide investment options that provide certain income distributions; limiting the

ongoing administrative expenses of the Program from exceeding a certain amount; prohibiting the Board from offering investment options that conflict with federal law; prohibiting the Board from offering investment options that could result in certain liabilities; requiring a covered employer to establish a certain payroll deposit retirement savings arrangement, and to automatically enroll covered employees in the Program; prohibiting a covered employer from receiving a certain fee waiver if the covered employer is not in compliance with certain provisions of this Act; establishing that compliance with this Act does not create a certain fiduciary obligation; establishing that a covered employee may opt out of the Program, and re-enroll if the employee has opted out; authorizing certain ~~eligible~~ employees to participate in the Program in a certain manner; requiring the Board to establish a default employee contribution amount; providing for the method of payment of certain expenses incurred by the Board as a result of administering the Program; requiring the Board to adopt certain regulations; prohibiting certain ~~employers~~ employers, taxpayers, and the State from incurring certain liabilities regarding the Program and the Trust; requiring certain conditions to be met before any plan, trust, administrative arrangement, or investment offering may be implemented; providing for the expiration of terms of certain initial Board members; waiving a certain ~~processing~~ fee for the filing of certain documents by certain business entities under certain circumstances; prohibiting the waiver of a certain filing fee under this Act until the Program is open for enrollment; defining certain terms; and generally relating to the Maryland Small Business Retirement Savings Program and Trust.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 1–203(b)(3)(ii)
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)

BY adding to
Article – Corporations and Associations
Section 1–203(b)(14)
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)

BY adding to
Article – Labor and Employment
Section 12–101 through 12–502 to be under the new title “Title 12. Maryland Small Business Retirement Savings Program and Trust”
Annotated Code of Maryland
(2008 Replacement Volume and 2015 Supplement)

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

House Bill 1395 – Delegates Anderton, B. Barnes, Sample–Hughes, and A. Washington

AN ACT concerning

Local Government – Disparity Grants – Amounts

FOR the purpose of altering the calculation of certain grants to counties and Baltimore City under certain circumstances and for certain fiscal years; and generally relating to certain grants to counties and Baltimore City.

BY repealing and reenacting, with amendments,
Article – Local Government
Section 16–501
Annotated Code of Maryland
(2013 Volume and 2015 Supplement)

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

**House Bill 1458 – Delegates P. Young, D. Barnes, Brooks, Jackson,
Sample–Hughes, Smith, Vogt, and C. Wilson**

AN ACT concerning

Maryland College Collaboration for Student Veterans Commission

FOR the purpose of establishing the Maryland College Collaboration for Student Veterans Commission; providing for the membership ~~and appointment~~ and terms of members of the Commission; requiring the Commission to elect the chair, vice chair, and secretary each year; requiring the Commission to meet a certain number of times each year; providing that a member of the Commission may not receive certain compensation, but may receive reimbursement for certain expenses under certain regulations; providing for the duties of the Commission; and generally relating to the Maryland College Collaboration for Student Veterans Commission.

BY adding to
Article – State Government
Section 9–949 through 9–954 to be under the new part “Part VII. Maryland College
Collaboration for Student Veterans Commission”
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)

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

SPECIAL ORDERS

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

Senate Bill 262 – Senators Raskin, Benson, Brochin, Currie, Guzzone, Hough, Kelley, King, Lee, Madaleno, Manno, Muse, Ramirez, Ready, Rosapepe, Salling, Young, and Zirkin

AN ACT concerning

Family Law – Protecting the Resources of Children in State Custody

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

SB0262/238074/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 262

(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 6, after “PAYEE” insert “FOR A CHILD RECEIVING SUPPLEMENTAL SECURITY INCOME OR SOCIAL SECURITY BENEFITS”; in the same line, strike “IN ANY OTHER” and substitute “AS”; in the same line, strike “CAPACITY”; strike beginning with “SUPPLEMENTAL” in line 7 down through “BENEFITS,” in line 8; and in line 35, strike “CONSERVE” and substitute “DEPOSIT”.

On page 3, in line 11, strike “USING” and substitute “IT WOULD BE IN THE CHILD’S BEST INTEREST TO USE”.

AMENDMENT NO. 2

On page 2, in line 13, strike “WHEN” and substitute “FROM BIRTH UNTIL”; and strike in their entirety lines 19 and 20 and substitute:

“(I) FROM BIRTH THROUGH AGE 13, 100%;

“(II) FROM AGE 14 THROUGH AGE 15, AT LEAST 80%; AND

“(III) FROM AGE 16 TO AGE 17, AT LEAST 60%;”.

The preceding 2 amendments were read only.

Senator Zirkin moved, duly seconded, to make the Bill and Amendments a Special Order for April 11, 2016.

The motion was adopted.

SPECIAL ORDERS

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

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #6

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

Executive Nominations Committee Report #6, Nominees No.6 through No. 10.

Handgun Permit Review Board

6. Jacques R. Cowan District 33
924 Waterview Drive
Crownsville, MD 21032

Member of the Handgun Permit Review Board; appointed to serve remainder of a term of three years from March 27, 2013 and a term of three years from March 27, 2016

7. Richard Lee Jurgena District 15
15711 Pagano Lane
Darnestown, MD 20874

Member of the Handgun Permit Review Board; appointed to serve remainder of a term of three years from March 27, 2014

8. Patricia S. West District 44
623 Braeside Road
Baltimore, MD 21229

Member of the Handgun Permit Review Board; appointed to serve a term of three years from March 27, 2014

9. Courtney M. White District 41
3303 Bateman Avenue
Baltimore, MD 21216

Member of the Handgun Permit Review Board; appointed to serve a term of three years from March 27, 2014

10. Robert D.H. Wilson District 36
400 Cove Road
Queenstown, MD 21658

Member of the Handgun Permit Review Board; appointed to serve a term of three years from March 27, 2015

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

Nominee No. 6, Jacques R. Cowan, was confirmed by roll call vote as follows:

Affirmative – 29 Negative – 16 (See Roll Call No. 1059)

Senator Rosapepe moved to make Nominee No. 7, Richard Lee Jurgena, a Special Order for April 8, 2016.

The motion was rejected by a roll call vote as follows:

Affirmative – 10 Negative – 36 (See Roll Call No. 1060)

Nominee No. 7, Richard Lee Jurgena, was rejected for want of a constitutional majority by roll call vote as follows:

Affirmative – 23 Negative – 22 (See Roll Call No. 1061)

Nominee No. 8, Patricia S. West, was confirmed by roll call vote as follows:

Affirmative – 33 Negative – 13 (See Roll Call No. 1062)

Nominee No. 9, Courtney M. White, was confirmed by roll call vote as follows:

Affirmative – 29 Negative – 17 (See Roll Call No. 1063)

Nominee No. 10, Robert D.H. Wilson, was confirmed by roll call vote as follows:

Affirmative – 29 Negative – 17 (See Roll Call No. 1064)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #74

Senate Bill 297 – ~~Senator Madaleno~~ Senators Madaleno, Benson, Feldman, Hershey, Kelley, Klausmeier, Middleton, Pugh, and Reilly

AN ACT concerning

Health Insurance – Habilitative Services – Period of Time for Coverage

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1065)

The Bill was then sent to the House of Delegates.

Senate Bill 442 – Senators Manno, Guzzone, Lee, Madaleno, and Raskin

AN ACT concerning

General Provisions – Commemorative Days – National Healthcare Decisions Day

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

Affirmative – 40 Negative – 4 (See Roll Call No. 1066)

The Bill was then sent to the House of Delegates.

Senate Bill 658 – Senator Benson

AN ACT concerning

Retail Business Owners – Automated Teller Machines – Notice of Skimming Device

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1067)

The Bill was then sent to the House of Delegates.

Senate Bill 939 – Senators Madaleno and Raskin

AN ACT concerning

**Maryland Medical Assistance Program – ~~Nursing Homes – Advance Payments~~
Determinations of Eligibility for Long-Term Care Services – Reports and Meetings**

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1068)

The Bill was then sent to the House of Delegates.

Senate Bill 1041 – Senators Rosapepe, Bates, Conway, Currie, Feldman, Ferguson, Guzzone, Kagan, Kelley, King, Lee, Madaleno, McFadden, Peters, Ramirez, Salling, Simonaire, and Zucker

AN ACT concerning

Education – ~~Digital Equity for All Act~~ Physical and Digital Infrastructure in the Public Schools – Assessment

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

Affirmative – 44 Negative – 0 (See Roll Call No. 1069)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #31

House Bill 749 – Delegates Lam, Morhaim, Barkley, Barve, Chang, Ebersole, Fraser-Hidalgo, Frick, Jalisi, Patterson, Pena-Melnyk, Sample-Hughes, Sophocleus, and K. Young

AN ACT concerning

Alcoholic Beverages – Sale of Powdered Alcohol – Prohibition

Senator Conway moved, duly seconded, to recommit the Bill.

The motion was adopted.

THIRD READING CALENDAR (HOUSE BILLS) #32

CONSENT CALENDAR #21

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 1227	Del. Clippinger	Admissions and Amusement Tax – Baltimore City – Amateur Sports League Fees	B&T

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 1397	Del. B. Barnes	Participating Governmental Units – Amortization Schedule	B&T
HB 1438	Del. Sophocleus	Correctional Officers' Retirement System – Mbrshp – Correctional Case Mgt Specialist	B&T

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

All of the above listed bills on the Third Reading Consent Calendar No. 21 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1070)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #33

House Bill 74 – The Speaker (By Request – Maryland Judiciary)

AN ACT concerning

Judgeships – Circuit Courts and District Court

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1071)

The Bill was then sent to the House of Delegates.

House Bill 229 – Chair, Environment and Transportation Committee (By Request – Departmental – Transportation)

AN ACT concerning

Commercial Motor Vehicles – Operation – Transportation Emergencies

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1072)

The Bill was then sent to the House of Delegates.

House Bill 507 – Delegates Kramer, Sydnor, Barve, Frush, Hill, Jalisi, Kaiser, Lam, Lisanti, Luedtke, Mautz, McCray, and Platt

AN ACT concerning

Maryland Fiduciary Access to Digital Assets Act

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1073)

The Bill was then sent to the House of Delegates.

House Bill 535 – The Speaker (By Request – Office of the Attorney General) and ~~Delegate Rosenberg~~ Delegates Rosenberg, Haynes, and Angel

AN ACT concerning

Courts and Judicial Proceedings – Structured Settlements – Transfers and Registration of Structured Settlement Transferees

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1074)

The Bill was then sent to the House of Delegates.

House Bill 920 – Delegates O’Donnell and Dumais

AN ACT concerning

Real Property – Actions to Quiet Title

FLOOR AMENDMENT

HB0920/713825/1

BY: Senator Zirkin

AMENDMENT TO HOUSE BILL 920

(Third Reading File Bill)

On page 4, in line 27, strike “CLAIM” and substitute “INTEREST IN THE TITLE OF THE PROPERTY”.

The preceding amendment was read and adopted.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1075)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #34

CONSENT CALENDAR #22

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 511	Del. Cullison	Maryland Medical Assistance Program – Former Foster Care Adolescents – Dental Care	FIN
HB 554	Del. Bromwell	Insurance – Surplus Lines – Short-Term Medical Insurance	FIN
HB 1217	Del. Sample–Hughes	Md Med Assistance Program – Specialty Mental Hlth and Sbstnc Use Disorder Srvcs – Parity	FIN

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

All of the above listed bills on the Third Reading Consent Calendar No. 22 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1076)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #35

House Bill 36 – ~~Delegate Haynes~~ Baltimore City Delegation

AN ACT concerning

Rebuilding Baltimore City Communities Act of 2016

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1077)

The Bill was then sent to the House of Delegates.

House Bill 69 – Delegates Luedtke, Buckel, Hixson, Krebs, Shoemaker, and Tarlau

AN ACT concerning

Personal Property Tax – Credit for New or Small Business

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1078)

The Bill was then sent to the House of Delegates.

House Bill 276 – Delegates Stein, Aumann, Lafferty, Mautz, and West

AN ACT concerning

Income Tax Credit – Preservation and Conservation Easements

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1079)

The Bill was then sent to the House of Delegates.

House Bill 331 – Delegate Stein

EMERGENCY BILL

AN ACT concerning

Program Open Space – Funding for Capital Improvements

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1080)

The Bill was then sent to the House of Delegates.

House Bill 340 – Delegates Tarlau, Angel, Carr, Fennell, McCray, Platt, ~~and Sanchez~~ Sanchez, C. Howard, Hixson, Kaiser, Ebersole, Hornberger, Metzgar, Patterson, D. Barnes, Simonaire, Walker, Turner, A. Washington, M. Washington, Long, and Shoemaker

AN ACT concerning

Property Tax – Renters’ Property Tax Relief Program

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1081)

The Bill was then sent to the House of Delegates.

House Bill 422 – Delegates Fraser–Hidalgo, Brooks, Barve, Beidle, Kelly, Kramer, Luedtke, Reznik, S. Robinson, Turner, and Walker

AN ACT concerning

Interest Rate on Tax Deficiencies and Refunds

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1082)

The Bill was then sent to the House of Delegates.

House Bill 459 – The Speaker (By Request – Administration) and Delegates Adams, Afzali, Anderton, Arentz, Aumann, Beitzel, Bromwell, Buckel, Carozza, Cassilly, Ciliberti, Cluster, Fisher, Folden, Ghrist, Glass, Grammer, Hornberger, S. Howard, Impallaria, Jacobs, Kipke, Kittleman, Krebs, Long, Malone, Mautz, McComas, McConkey, McDonough, McKay, McMillan, Metzgar, Miele, W. Miller, Morgan, O’Donnell, Otto, Parrott, Reilly, Rose, Saab, Shoemaker, Simonaire, Szeliga, Vogt, West, B. Wilson, and Wivell

AN ACT concerning

~~**Fee, Surcharge, and Tax Reduction Act of 2016**~~
Birth and Death Certificates – Fee Reduction

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1083)

The Bill was then sent to the House of Delegates.

House Bill 898 – Delegates Metzgar, Anderson, Angel, Aumann, Barkley, Beitzel, Bromwell, Carter, Conaway, Fennell, Folden, Ghrist, Glass, Glenn, Grammer, Haynes, Hornberger, C. Howard, S. Howard, Jalisi, Kipke, Kittleman, Long, Malone, McComas, McConkey, McDonough, McKay, Miele, Oaks, Proctor, Reilly, B. Robinson, Rose, Shoemaker, Simonaire, Smith, Sophocleus, Vaughn, Vogt, C. Wilson, ~~and P. Young~~ P. Young, Hixson, Turner, Afzali, D. Barnes, Buckel, Ebersole, Kaiser, Luedtke, Patterson, Platt, Tarlau, Walker, A. Washington, and M. Washington

AN ACT concerning

Property Tax Credit – Elderly Individuals and Veterans

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1084)

The Bill was then sent to the House of Delegates.

House Bill 999 – Delegates Kaiser, D. Barnes, Ebersole, Fennell, Hixson, C. Howard, Jones, Luedtke, McIntosh, Patterson, Platt, Tarlau, Turner, Walker, A. Washington, and M. Washington

AN ACT concerning

Commission on Innovation and Excellence in Education

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1085)

The Bill was then sent to the House of Delegates.

House Bill 1145 – Delegates Turner, Morales, Atterbeary, Barkley, Ebersole, Gutierrez, Haynes, Hill, Hixson, Kaiser, Kelly, Lam, A. Miller, Moon, Pendergrass, Platt, and Reznik

AN ACT concerning

Maryland Clean Energy Incentive Act of 2016

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1086)

The Bill was then sent to the House of Delegates.

House Bill 1148 – Delegates Gilchrist, Barkley, Kipke, ~~and Simonaire~~ Simonaire, Afzali, D. Barnes, Buckel, Ebersole, Hixson, Hornberger, C. Howard, Long, Luedtke, Metzgar, Patterson, Platt, Reilly, Shoemaker, Tarlau, Turner, Walker, and M. Washington

AN ACT concerning

~~**Income Tax – Subtraction Modification – Retirement Income**~~
Income Tax – Retirement Income – Collection of Information

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1087)

The Bill was then sent to the House of Delegates.

House Bill 1155 – Calvert County Delegation

AN ACT concerning

Calvert County – Bonding Authority

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1088)

The Bill was then sent to the House of Delegates.

House Bill 1198 – Prince George’s County Delegation and Montgomery County Delegation

AN ACT concerning

**Prince George’s County – Maryland–National Capital Park and Planning Commission – Extraordinary Development District
PG/MC 109–16**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1089)

The Bill was then sent to the House of Delegates.

House Bill 1299 – Delegate A. Washington

AN ACT concerning

Property Tax – ~~Public Land and Public Use~~ Crane Located on State Property – Exemption

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1090)

The Bill was then sent to the House of Delegates.

House Bill 1445 – Calvert County Delegation

AN ACT concerning

Calvert County – Property Tax Credit – Commerce Zones

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1091)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #36

CONSENT CALENDAR #23

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 241	Del. Rosenberg	Elec Lw – St Elected Offcls – Cmpgn Fund–Raising During Gen Asm Session – Civil Pnlty	EHE
HB 344	Del. Afzali	Voter Rgstrtn – Affiliation Wth Pltel Party and Prtcptn in Primary Elec, Caucus, or Convention	EHE
HB 496	Del. Krebs	Ethics Comm, Comm on Jud Dsblts, Jud Ethics Com, and Jt Ethics Com – Duties	EHE

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

All of the above listed bills on the Third Reading Consent Calendar No. 23 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1092)

The Bills were then sent to the House of Delegates.

House Bill 828 – Delegates Ebersole, Hixson, and Turner

AN ACT concerning

Special Elections – Voting by Mail – Canvass of Votes

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1093)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #37

House Bill 117 – ~~Delegate Barron~~ Delegates Barron, Angel, Hammen, Hill, Kelly, McMillan, Oaks, Pena-Melnyk, K. Young, and West

AN ACT concerning

State Board of Pharmacy – Licensure Requirements for Pharmacists – Proof of Proficiency in English

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

Affirmative – 44 Negative – 2 (See Roll Call No. 1094)

The Bill was then sent to the House of Delegates.

House Bill 169 – Carroll County Delegation

EMERGENCY BILL

AN ACT concerning

Carroll County – Turkey Hunting on Private Property – Sundays

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

Affirmative – 44 Negative – 1 (See Roll Call No. 1095)

The Bill was then sent to the House of Delegates.

House Bill 412 – Delegates Kaiser, Ebersole, Haynes, Hettleman, Kramer, Krimm, Lam, Lierman, Luedtke, A. Miller, Morales, Morhaim, Turner, Valentino-Smith, ~~and Zucker~~ Zucker, Afzali, Fennell, Patterson, and Tarlau

AN ACT concerning

Education – ~~Administration of Assessments~~ – Administration and Provision of Information

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

Affirmative – 35 Negative – 11 (See Roll Call No. 1096)

The Bill was then sent to the House of Delegates.

House Bill 727 – Delegates West, Aumann, Hettleman, Morhaim, and Stein

AN ACT concerning

Horse Racing – ~~Intertrack~~ Satellite Simulcast Betting – Public Hearing Requirements

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

Affirmative – 44 Negative – 0 (See Roll Call No. 1097)

The Bill was then sent to the House of Delegates.

House Bill 801 – Chair, Health and Government Operations Committee (By Request – Departmental – Maryland Insurance Administration)

AN ACT concerning

Health Insurance – Required Conformity With Federal Law

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

Affirmative – 38 Negative – 8 (See Roll Call No. 1098)

The Bill was then sent to the House of Delegates.

House Bill 854 – Delegates Lisanti, Fennell, ~~and Tarlau~~ Tarlau, and O'Donnell

AN ACT concerning

State Highway Administration – Relocation of Water or Sewer Lines – Cost Sharing

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1099)

The Bill was then sent to the House of Delegates.

House Bill 1004 – Delegates Davis, Atterbeary, Branch, Bromwell, Brooks, Busch, Clippinger, Cullison, Ebersole, Frush, Gilchrist, Gutierrez, Haynes, Healey, Hettleman, Hixson, Holmes, C. Howard, Jackson, Jalisi, Jones, Kaiser, Kelly, Korman, Krimm, Lafferty, Lam, Lierman, Luedtke, McIntosh, A. Miller, Moon, Morhaim, Platt, B. Robinson, Sample–Hughes, Smith, Stein, Tarlau, Vallario, M. Washington, ~~and P. Young~~ P. Young, Aumann, Jameson, Queen, Valderrama, Waldstreicher, C. Wilson, Barkley, Carey, Frick, Glenn, Kramer, Lisanti, Vaughn, and K. Young

AN ACT concerning

Equal Pay Commission – Establishment

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

Affirmative – 39 Negative – 7 (See Roll Call No. 1100)

The Bill was then sent to the House of Delegates.

House Bill 1281 – Delegates Jameson and Gaines

AN ACT concerning

Strategic Energy Investment Program and Advisory Board – Alterations

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1101)

The Bill was then sent to the House of Delegates.

House Bill 1291 – ~~Delegates Davis and~~ Delegate Kelly

AN ACT concerning

State Board of Cosmetologists – Limited License – Hair Services – Blow Drying

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

Affirmative – 43 Negative – 2 (See Roll Call No. 1102)

The Bill was then sent to the House of Delegates.

House Bill 1318 – Delegates Kelly, Angel, Cullison, Hill, Pena–Melnik, Sample–Hughes, ~~and West~~ West, Hammen, Barron, Bromwell, Hayes, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Morhaim, Oaks, Pendergrass, Rose, Saab, and K. Young

AN ACT concerning

**Health Benefit Plans – Network Access Standards and
Provider Network Directories**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1103)

The Bill was then sent to the House of Delegates.

House Bill 1488 – Delegates Hettleman, Anderson, Atterbeary, B. Barnes, Barron, Chang, Clippinger, Ebersole, Frick, Gaines, Hayes, Haynes, Hill, Jackson, Jones, Kaiser, Kelly, Korman, Lafferty, Lierman, Lisanti, Luedtke, McIntosh, Morhaim, Platt, Reznik, Rosenberg, Sanchez, Smith, Sydnor, Valderrama, M. Washington, and P. Young

AN ACT concerning

Service, Stipends, and Scholarships – Maryland Corps Program – Established

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

Affirmative – 38 Negative – 8 (See Roll Call No. 1104)

The Bill was then sent to the House of Delegates.

House Bill 1493 – Calvert County Delegation

AN ACT concerning

Calvert County – Economic Development Incentive Fund – Eligibility Criteria

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1105)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #38

CONSENT CALENDAR #24

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 446	Del. West	State Government – Maryland Youth Advisory Council – Revisions	EHE
HB 551 (Amended)	Del. Kaiser	Education – Children With Disabilities – Individualized Education Program Mediation	EHE
HB 596	Del. Flanagan	State Department of Education – Hearing Aid Loan Bank Program – Age of Eligibility	EHE
HB 983	Del. D. Barnes	Public Schools – Food Recovery Programs – Authorization	EHE
HB 1105	Howard County Delegation	Howard County Public School System – Access to Public Information Ho. Co. 9–16	EHE
HB 1147 (Amended)	Carroll County Delegation	Carroll County – Board of Education Members – Term Limitation and Referendum	EHE

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

All of the above listed bills on the Third Reading Consent Calendar No. 24 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1106)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #39

House Bill 356 – Delegates Pendergrass, Atterbeary, Ebersole, Hammen, S. Howard, Jalisi, Jameson, Kipke, Kramer, Krebs, Lam, Luedtke, Malone, Patterson, Pena-Melnyk, Saab, Tarlau, Turner, West, ~~and K. Young~~ K. Young, Bromwell, Hill, McDonough, Miele, Morgan, Morhaim, and Sample-Hughes

AN ACT concerning

Supplemental Nutrition Assistance Program Benefits – ~~Exclusion of Sugar-Sweetened Beverages and Other Nonnutritious Foods~~ Grant Application

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1107)

The Bill was then sent to the House of Delegates.

House Bill 420 – Delegates Waldstreicher, Aumann, D. Barnes, Barve, Beidle, Bromwell, Brooks, Carey, Carr, Clippinger, Cullison, Davis, Ebersole, Fraser-Hidalgo, Frick, Frush, Gilchrist, Hammen, Hixson, Holmes, Impallaria, Lierman, Luedtke, McKay, A. Miller, Morales, Patterson, Pendergrass, Platt, Sanchez, Simonaire, Smith, Vaughn, M. Washington, West, C. Wilson, Wivell, ~~and Zucker~~ Zucker, Barkley, Branch, Glenn, Jameson, Lisanti, Queen, and Valderrama

AN ACT concerning

**~~Labor and Employment – Minimum Wage – Individuals With Disabilities~~
~~(Ken Capone Equal Employment Act)~~
Individuals With Disabilities – Minimum Wage and Community Integration**

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

Affirmative – 44 Negative – 2 (See Roll Call No. 1108)

The Bill was then sent to the House of Delegates.

House Bill 489 – ~~Delegate Hammen~~ Delegates Hammen, Angel, Barron, Bromwell, Cullison, Hayes, Hill, Kelly, Kipke, Krebs, McDonough, McMillan, Miele,

Morgan, Morhaim, Oaks, Pena-Melnyk, Pendergrass, Rose, Saab, Sample-Hughes, West, and K. Young

AN ACT concerning

Termination of Maryland Health Insurance Plan, Transfer of Senior Prescription Drug Assistance Program, and Funding for State Reinsurance Program

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1109)

The Bill was then sent to the House of Delegates.

House Bill 503 – Chair, Environment and Transportation Committee (By Request – Departmental – Transportation)

AN ACT concerning

Washington Metropolitan Area Transit Authority Compact – Board of Directors – Appointing Authority for Federal Members

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1110)

The Bill was then sent to the House of Delegates.

House Bill 724 – Delegates Oaks, West, Reznik, Oaks, Pena-Melnyk, and Rose ~~Rose, and Krebs~~

AN ACT concerning

Public Health – Copies of Medical Records – Fees

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1111)

The Bill was then sent to the House of Delegates.

House Bill 1181 – Delegates Morgan, Cullison, Hammen, Kipke, McMillan, ~~and Pena-Melnyk~~ Pena-Melnyk, Angel, Barron, Bromwell, Hayes, Hill, Kelly, Krebs, McDonough, Miele, Morhaim, Oaks, Pendergrass, Rose, Saab, Sample-Hughes, West, and K. Young

AN ACT concerning

**Maryland Medical Assistance Program – Nursing Homes – ~~Advance Payments~~
Partial Payment for Services Provided**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1112)

The Bill was then sent to the House of Delegates.

House Bill 1487 – Delegates Valderrama and Barkley

AN ACT concerning

Health Care Provider Malpractice Insurance – Scope of Coverage

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1113)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #40

House Bill 400 – Delegate M. Washington

AN ACT concerning

**Higher Education – Tuition Waivers for Foster Care Recipients and
Unaccompanied Homeless Youth – Modifications**

The President moved, duly seconded, to make the Bill a Special Order for the end of today's business.

The motion was adopted.

**House Bill 413 – Delegates Carr ~~and Cullison~~, Cullison, Hammen, Angel, Barron,
Bromwell, Hayes, Hill, Kelly, Kipke, Krebs, McDonough, McMillan, Miele,
Morgan, Morhaim, Oaks, Pena-Melnyk, Pendergrass, Rose, Saab,
Sample-Hughes, West, and K. Young**

AN ACT concerning

**~~Open Meetings Act – Minutes –~~ Maryland General Assembly – Pilot Program on
Closed Captioning for Video and Audio Streaming**

Senator Conway moved, duly seconded, to recommit the Bill.

The motion was adopted.

House Bill 1288 – Delegates P. Young and M. Washington

AN ACT concerning

**Higher Education – Tuition Waivers for Foster Care Recipients and
Unaccompanied Homeless Youth**

The President moved, duly seconded, to make the Bill a Special Order for the end of today's business.

The motion was adopted.

House Bill 1420 – Delegate Cullison

AN ACT concerning

**State Board of Massage Therapy Examiners – Licensure, Registration, and
Regulation**

The President moved, duly seconded, to make the Bill a Special Order for the end of today's business.

The motion was adopted.

House Bill 1457 – Delegates Vaughn and Mautz

AN ACT concerning

**Land Surveyors – Qualifications for License – Education, Experience, and
Examination Requirements**

The President moved, duly seconded, to make the Bill a Special Order for the end of today's business.

The motion was adopted.

CONCURRENCE CALENDAR #19

AMENDED IN THE HOUSE

Senate Bill 1005 – The President (By Request – Justice Reinvestment Coordinating Council)

AN ACT concerning

Justice Reinvestment Act

Senator Zirkin moved that the Senate not concur in the House amendments.

SB1005/152714/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 1005

(Third Reading File Bill)

AMENDMENT NO. 1

On pages 1 through 4, strike in their entirety the lines beginning with line 3 on page 1 through line 39 on page 4, inclusive, and substitute:

“FOR the purpose of requiring the Division of Parole and Probation to conduct a certain risk and needs assessment on certain inmates and include the results in certain case records; establishing requirements for a certain case plan; requiring the Division of Correction to have a certain study conducted at certain intervals on a certain assessment tool for a certain purpose; increasing a certain monthly deduction allowed to an inmate of a State correctional facility whose term of confinement includes a certain sentence for a certain crime of manufacturing, distributing, dispensing, or possessing a controlled dangerous substance; expanding the types of programs for which a certain inmate may receive a certain deduction from the inmate’s term of confinement under certain circumstances for a certain purpose; increasing the maximum monthly deductions allowed to an inmate of a State correctional facility for manifesting satisfactory progress in certain work projects or programs; increasing the maximum number of diminution credits that an inmate of a State correctional facility may earn in a month; requiring the Division of Parole and Probation to administer a certain screening tool and a certain risk and needs assessment on a certain supervised individual; requiring the Division of Parole and Probation to supervise a certain individual based on the results of a certain screening tool or a certain risk and needs assessment; requiring the Division of Parole and Probation to develop an individualized case plan for each individual with a certain assessment; requiring the Division of Parole and Probation to impose certain graduated sanctions; requiring the Division of Parole and Probation to provide prompt notice to the court on certain violations and certain graduated sanctions

imposed under certain circumstances; expanding eligibility for certain earned compliance credits to a person incarcerated, on probation, or convicted in this State for violation of certain prohibitions relating to manufacturing, distributing, dispensing, or possessing a controlled dangerous substance; requiring the Maryland Parole Commission or the court to adjust the period of a certain supervised individual's supervision on a certain recommendation for earned compliance credits accrued under a certain program; requiring the Division of Parole and Probation to place a certain individual on a certain abatement status under certain circumstances; requiring the Division of Parole and Probation to inform a certain supervised individual of a certain transfer date at certain intervals; requiring the Division of Parole and Probation to notify the Maryland Parole Commission or the court of a certain impending transfer at a certain time; providing that a supervised individual who is on abatement may not be required to regularly report to a certain agent or pay a supervision fee; requiring certain savings to revert to the Performance Incentive Grant Program Fund, rather than the General Fund; requiring the Department of Public Safety and Correctional Services to develop an automated application for the tracking and awarding of earned compliance credits by the Division of Parole and Probation; requiring the Division of Parole and Probation to use certain methods to aid and encourage a certain person to improve conduct and to reduce the risk of recidivism; requiring the Division of Parole and Probation to have an independent validation study conducted at certain intervals on its risk and needs assessment tool for a certain purpose; requiring the Department of Public Safety and Correctional Services to require all parole and probation agents, Maryland Parole Commission members, and hearing officers to undergo certain annual training; requiring the Department of Public Safety and Correctional Services, by a certain date, to establish a program to implement certain sanctions for certain violations of conditions of community supervision by a certain individual; requiring the Department of Public Safety and Correctional Services to adopt certain policies and procedures to implement certain programs and to ensure that certain protections are in place for a certain individual; requiring the Department to develop a certain matrix for a certain purpose; requiring the Division of Parole and Probation to refer a certain individual to the court or the Maryland Parole Commission for additional sanctions; requiring the Division of Parole and Probation to issue a certificate of rehabilitation to a certain individual; prohibiting a certain licensing board from denying an occupational license to a certain applicant for a certain reason; providing that an individual may receive only one certificate of rehabilitation under certain circumstances; providing that the Court of Appeals is not a licensing board for a certain purpose; requiring the Division of Parole and Probation to adopt regulations establishing an application and review process for a certificate of

rehabilitation that allows certain parties to object to the issuance of the certificate of rehabilitation; altering the exclusive powers of the Maryland Parole Commission; requiring the Maryland Parole Commission to conduct a certain investigation for an inmate in a correctional facility; requiring certain investigations to be submitted at certain times; requiring the Maryland Parole Commission to consider the results of a certain investigation, develop a certain case plan, and provide certain notifications to certain victims and a State's Attorney; providing that a certain inmate be released on administrative release under certain circumstances; establishing that a victim has certain rights related to administrative release; requiring that an inmate's debilitation or incapacitation be chronic to qualify for medical parole; requiring the Maryland Parole Commission to consider a certain medical recommendation or evaluation before granting medical parole; repealing a requirement that the Governor approve medical parole for an individual serving a certain sentence; providing that the Governor may disapprove a medical parole recommendation for a certain individual serving a certain sentence within a certain time; authorizing a parole commissioner to impose a certain period of imprisonment under certain circumstances; authorizing the Commissioner to depart from certain periods of incarceration under certain circumstances; authorizing a commissioner to revoke certain diminution credits previously earned by a certain individual under certain circumstances; requiring the State to provide each county a certain grant for each day that a certain inmate received certain programming or services from a certain local correctional facility at a certain time; altering certain deductions from an certain inmate's earnings to be used for certain purposes; altering a certain monthly deduction from postsentence confinement allowed to a certain inmate of a local correctional facility; altering the maximum penalty for first-degree child abuse that results in the death of a victim under a certain age to be life imprisonment; altering the maximum penalty for child abuse that results in the death of the victim after a previous conviction for child abuse to be life imprisonment; altering certain penalties for certain offenses relating to controlled dangerous substances; altering certain penalties for possession of marijuana; authorizing the court to order the Department of Health and Mental Hygiene to evaluate a defendant for drug dependence and provide a certain assessment before imposing a sentence for possession of a controlled dangerous substance; requiring the Department of Health and Mental Hygiene to evaluate a defendant and provide an assessment regarding drug treatment to certain parties; requiring the court to consider a certain assessment into a sentence for possession of a controlled dangerous substance in a certain manner; requiring the Division of Correction or a local facility to facilitate certain treatment for a certain person; repealing mandatory minimum sentences for certain offenses involving distribution of a controlled dangerous substance; authorizing a

person who is serving a certain mandatory minimum sentence to apply to the court to modify or reduce the mandatory minimum sentence under certain circumstances; increasing the amount of crack cocaine to be the same as the amount of powder cocaine that is required to trigger enhanced penalties for certain drug offenders; providing that a certain person whose previous conviction was for violation of a certain provision of law is subject to a certain penalty only under certain circumstances; altering the penalties for theft, issuing or passing a bad check, credit card fraud, identity fraud, counterfeiting, and exploitation of a vulnerable adult; altering the penalties for certain offenses relating to criminal gangs; prohibiting a criminal gang or an individual belonging to a criminal gang from receiving or investing certain proceeds in a certain manner; prohibiting criminal gangs and persons involved with criminal gangs from obtaining certain property under certain circumstances; prohibiting a person from conspiring to commit certain violations relating to criminal gangs; allowing a court to order a divestiture of certain property and to take certain other actions relating to criminal gangs and persons involved with criminal gangs; altering certain penalties; authorizing the Governor to request the Attorney General to aid in certain investigations or prosecutions; prohibiting a person from promoting or sponsoring a criminal gang; establishing certain venue provisions for certain offenses; providing that a certain geriatric parole procedure does not apply to a certain sexual offender; altering the age threshold for eligibility for geriatric parole; authorizing a court to impose a certain period of incarceration for a certain person who has violated a condition of probation under certain circumstances; authorizing the court to depart from certain periods of incarceration under certain circumstances; requiring the Department of Health and Mental Hygiene to immediately provide certain services; requiring the Department of Health and Mental Hygiene to facilitate certain treatment no later than a certain time period after a certain order; repealing certain limitations on certain duties of the Department of Health and Mental Hygiene relating to funding; authorizing the court to require the Department of Health and Mental Hygiene to appear in court to explain a certain delay under certain circumstances; establishing the Addiction Treatment Divestiture Fund as a special, nonlapsing fund in the Department of Health and Mental Hygiene; specifying the purposes of the Fund; requiring the Secretary of Health and Mental Hygiene to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purposes for which the Fund may be used; providing for the investment of the Fund; exempting the Fund from a certain provision of law that requires interest on State money in special funds to accrue to the General Fund; establishing the Justice Reinvestment Oversight Board; providing for the membership, duties, staffing, procedures, and reporting

requirements of the Board; establishing the Performance Incentive Grant Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Executive Director of the Governor's Office of Crime Control and Prevention to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; establishing the Local Government Justice Reinvestment Commission; providing for the membership, duties, staffing, procedures, and reporting of the Local Government Justice Reinvestment Commission; altering the penalties for certain traffic violations related to a driver's license; repealing certain provisions of law relating to the Justice Reinvestment Coordinating Council; requiring the Governor's Office of Crime Control and Prevention, in consultation with certain departments, agencies, and persons, to conduct a certain analysis relating to offender treatment and to submit a certain report; stating the intent of the General Assembly that the Governor provide certain funding in the annual budget; requiring the Maryland Mediation and Conflict Resolution Office to conduct a certain study and submit a certain report with recommendations on or before a certain date; requiring the State Commission on Criminal Sentencing Policy to study how more alternatives to incarceration may be included in the sentencing guidelines and submit a report with recommendations on or before a certain date; requiring the Department of Health and Mental Hygiene, the Department of Labor, Licensing, and Regulation, and the Department of Public Safety and Correctional Services, in consultation with certain organizations, to review and make recommendations regarding potential barriers to employment, licensing, and entrepreneurship for certain individuals and the criminalization of occupational licenses and to make certain recommendations regarding occupational licensing laws and report to the Governor and General Assembly on or before a certain date; requiring the Governor's Office of Crime Control and Prevention to conduct a certain study relating to restitution and victim services and submit a certain report; requiring the Governor to issue a certain order under certain circumstances; providing for the application of certain provisions of this Act; requiring the Administrative Office of the Courts to submit a certain annual report to the General Assembly; requiring the Justice Reinvestment Oversight Board to submit a certain report to the Governor and General Assembly on or before a certain date; providing for a delayed effective date for certain provisions of this Act; making conforming changes; altering certain definitions; defining certain terms; and generally relating to justice reinvestment."

On pages 4 through 7, strike in their entirety the lines beginning with line 40 on page 4 through line 15 on page 7, inclusive, and substitute:

“BY repealing

Article – Public Safety

Section 1–601 through 1–605 and the subtitle “Subtitle 6. Justice Reinvestment Coordinating Council”

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Correctional Services

Section 3–601, 3–704, 3–706, 3–707, 3–708, 6–101, 6–104, 6–111, 6–117, 7–205, 7–305, 7–309, 7–401, 7–504, 9–402, and 11–504

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Correctional Services

Section 3–705, 7–101(a) and (m), 7–103, and 7–301(a)

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

BY adding to

Article – Correctional Services

Section 6–119, 6–120, 6–121, 7–104, 7–301.1, and 9–614

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

BY repealing

Article – Correctional Services

Section 11–604

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 5–601(a) and (b), 5–602 through 5–606, 7–104(a) through (f), 8–301(a), (b), (b–1), and (c) through (f), and 8–801(a) and (b)

Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law
Section 3–601 and 5–601(c)(1) and (2)
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)
(As enacted by Chapter 4 of the Acts of the General Assembly of 2016)

BY adding to

Article – Criminal Law
Section 5–601(e), 5–609.1, and 9–807
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law
Section 5–607, 5–608, 5–609, 5–612, 5–905, 7–104(g), 7–108,
8–106, 8–206, 8–207, 8–209, 8–301(g), 8–516, 8–611, 8–801(c), 9–801 through
9–805, and 14–101
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

BY repealing

Article – Criminal Law
Section 5–609.1
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure
Section 1–101, 6–223, 6–224, and 11–819(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General
Section 8–507

Annotated Code of Maryland
(2015 Replacement Volume)

BY adding to

Article – Health – General

Section 8–6D–01 to be under the new subtitle “Subtitle 6D. Addiction Treatment
Divestiture Fund”

Annotated Code of Maryland
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)86.

Annotated Code of Maryland
(2015 Replacement Volume)

(As enacted by Section 3 of this Act)

BY adding to

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)87.

Annotated Code of Maryland
(2015 Replacement Volume)

(As enacted by Section 3 of this Act)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(i)

Annotated Code of Maryland
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)84. and 85.

Annotated Code of Maryland
(2015 Replacement Volume)

BY adding to

Article – State Finance and Procurement

Section 6–226(a)(2)(ii)86.

Annotated Code of Maryland
(2015 Replacement Volume)

BY adding to

Article – State Government
Section 9–3201 through 9–3212 to be under the new subtitle “Subtitle 32. Justice
Reinvestment Oversight Board”
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation
Section 27–101(b)
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation
Section 27–101(c)
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 3

On pages 7 through 96, strike in their entirety the lines beginning with line 18 on page 7 through line 11 on page 96, inclusive, and substitute:

“Article – Correctional Services

3–601.

(a) IN THIS SECTION, “RISK AND NEEDS ASSESSMENT” HAS THE MEANING STATED IN § 6–101 OF THIS ARTICLE.

(B) Promptly after an inmate is sentenced to the jurisdiction of the Division, the Division shall assemble an adequate case record for the inmate that includes:

- (1) a description of the inmate;
- (2) a photograph of the inmate;

(3) the family history of the inmate;

(4) any previous record of the inmate;

(5) a summary of the facts of each case for which the inmate is serving a sentence; [and]

(6) THE RESULTS OF A RISK AND NEEDS ASSESSMENT OF THE INMATE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION; AND

[(6)] (7) the results of the physical, mental, and educational examination of the inmate required under subsection [(b)] (C) of this section.

[(b)] (C) The Division shall conduct A RISK AND NEEDS ASSESSMENT AND a physical, mental, and educational examination of an inmate as soon as feasible after the individual is sentenced to the jurisdiction of the Division.

[(c)] (D) (1) Based on the information assembled under subsection [(a)] (B) of this section, the Division shall classify an inmate and [assign the inmate to any available treatment, training, or employment that the Division considers appropriate] DEVELOP A CASE PLAN TO GUIDE AN INMATE’S REHABILITATION WHILE UNDER THE CUSTODY OF THE DIVISION.

(2) THE CASE PLAN DEVELOPED UNDER THIS SUBSECTION SHALL INCLUDE:

(I) PROGRAMMING AND TREATMENT RECOMMENDATIONS BASED ON THE RESULTS OF THE RISK AND NEEDS ASSESSMENT CONDUCTED UNDER SUBSECTION (C) OF THIS SECTION;

(II) REQUIRED CONDUCT IN ACCORDANCE WITH THE RULES AND POLICIES OF THE DIVISION; AND

(III) A PLAN FOR THE PAYMENT OF RESTITUTION, NOT TO SUPERSEDE ANY PAYMENT PLAN ESTABLISHED BY THE COURT, IF RESTITUTION HAS BEEN ORDERED.

[(d)] (E) In accordance with regulations adopted by the Division, the managing official of each correctional facility shall maintain, as a part of an inmate's case record:

(1) an adequate record of the conduct, effort, and progress of the inmate during confinement; and

(2) a record of the character of any offense committed by the inmate and the nature and amount of punishment inflicted.

[(e)] (F) To identify an inmate, the Division may photograph and fingerprint the inmate and record a description of the inmate's personal background data.

3-704.

(a) An inmate shall be allowed a deduction in advance from the inmate's term of confinement.

(b) (1) The deduction allowed under subsection (a) of this section shall be calculated:

(i) from the first day of commitment to the custody of the Commissioner through the last day of the inmate's term of confinement;

(ii) except as provided in paragraph (2) of this subsection, at the rate of 10 days for each calendar month; and

(iii) on a prorated basis for any portion of a calendar month.

(2) If an inmate's term of confinement includes a consecutive or concurrent sentence for a crime of violence as defined in § 14-101 of the Criminal Law Article or a crime of manufacturing, distributing, dispensing, or possessing a controlled dangerous substance in violation of [§§ 5-602 through 5-609,] § 5-612[,] or § 5-613 of the Criminal Law Article, the deduction described in subsection (a) of this section shall be calculated at the rate of 5 days for each calendar month.

(c) A deduction under this section may not be allowed for a period during which an inmate does not receive credit for service of the inmate's term of confinement, including a period:

- (1) during which the inmate's sentence is stayed;
- (2) during which the inmate is not in the custody of the Commissioner because of escape; or
- (3) for which the Maryland Parole Commission has declined to grant credit after revocation of parole or mandatory supervision.

3-705.

(a) (1) In addition to any other deductions allowed under this subtitle, an inmate may be allowed a deduction of 5 days from the inmate's term of confinement for each calendar month during which the inmate manifests satisfactory performance of assigned work tasks.

(2) The deduction described in paragraph (1) of this subsection shall be calculated:

- (i) from the first day that the work task is performed; and
- (ii) on a prorated basis for any portion of a calendar month during which the inmate performed the work task.

(b) The Commissioner shall adopt regulations governing the determination of deductions authorized under this section.

3-706.

(a) In addition to any other deductions allowed under this subtitle, AS AN INCENTIVE TO REDUCE A TERM OF INCARCERATION, an inmate may be allowed a deduction of 5 days from the inmate's term of confinement for each calendar month during which the inmate manifests satisfactory progress in OR COMPLETION OF:

- (1) vocational courses; [or]
- (2) other educational and training courses;
- (3) **WORKFORCE DEVELOPMENT TRAINING;**

(4) COGNITIVE-BEHAVIORAL THERAPY; OR

(5) SUBSTANCE ABUSE THERAPY.

(b) The deduction described in subsection (a) of this section shall be calculated:

(1) from the first day that the inmate participates in the course; and

(2) on a prorated basis for any portion of the calendar month during which the inmate participates in the course.

3-707.

(a) (1) [In] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IN addition to any other deductions allowed under this subtitle, an inmate may be allowed a deduction of up to [10] 20 days from the inmate's term of confinement for each calendar month during which the inmate manifests satisfactory progress in those special selected work projects or other special programs, INCLUDING RECIDIVISM REDUCTION PROGRAMMING, designated by the Commissioner and approved by the Secretary.

(2) IF AN INMATE'S TERM OF CONFINEMENT INCLUDES A CONSECUTIVE OR CONCURRENT SENTENCE FOR A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, OR A CRIME OF MANUFACTURING, DISTRIBUTING, DISPENSING, OR POSSESSING A CONTROLLED DANGEROUS SUBSTANCE IN VIOLATION OF § 5-612 OR § 5-613 OF THE CRIMINAL LAW ARTICLE, THE DEDUCTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CALCULATED AT THE RATE OF UP TO 10 DAYS FOR EACH CALENDAR MONTH.

(b) A deduction described in subsection (a) of this section shall be calculated:

(1) from the first day that the inmate is assigned to the work project or program; and

(2) on a prorated basis for any portion of the calendar month during which the inmate participates in the work project or program.

3–708.

Notwithstanding any other provision of this subtitle, an inmate may not be allowed a deduction under this subtitle of more than [20]:

(1) 20 DAYS FOR A CALENDAR MONTH FOR AN INMATE DESCRIBED IN § 3–707(A)(2) OF THIS SUBTITLE; AND

(2) 30 days for a calendar month FOR ALL OTHER INMATES.

6–101.

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

(b) **(1) “ABSCONDING” MEANS WILLFULLY EVADING SUPERVISION.**

(2) “ABSCONDING” DOES NOT INCLUDE MISSING A SINGLE APPOINTMENT WITH A SUPERVISING AUTHORITY.

(c) “Commission” means the Maryland Parole Commission.

[(c)] (D) “Crime of violence” has the meaning stated in § 14–101 of the Criminal Law Article.

(E) “CRIMINAL RISK FACTORS” MEANS AN INDIVIDUAL’S CHARACTERISTICS AND BEHAVIORS THAT:

(1) AFFECT THE INDIVIDUAL’S RISK OF ENGAGING IN CRIMINAL BEHAVIOR; AND

(2) ARE DIMINISHED WHEN ADDRESSED BY EFFECTIVE TREATMENT, SUPERVISION, AND OTHER SUPPORT SERVICES, RESULTING IN A REDUCED RISK OF CRIMINAL BEHAVIOR.

[(d)] (F) “Director” means the Director of the Division or the Director’s designee.

[(e)] (G) “Division” means the Division of Parole and Probation.

[(f)] (H) “Mandatory supervision” has the meaning stated in § 7–101 of this article.

[(g)] (I) “Offender” means an individual on parole or under mandatory supervision.

[(h)] (J) “Parolee” means an individual who has been released on parole.

[(i)] (K) “Program” means a home detention program established under § 6–108 of this subtitle.

(L) “RISK AND NEEDS ASSESSMENT” MEANS AN ACTUARIAL TOOL VALIDATED ON THE STATE’S CORRECTIONAL POPULATION THAT DETERMINES:

(1) AN INDIVIDUAL’S RISK OF REOFFENDING; AND

(2) THE CRIMINAL RISK FACTORS THAT, WHEN ADDRESSED, REDUCE THE INDIVIDUAL’S RISK OF REOFFENDING.

(M) “TECHNICAL VIOLATION” MEANS A VIOLATION OF A CONDITION OF PROBATION, PAROLE, OR MANDATORY SUPERVISION THAT DOES NOT INVOLVE:

(1) AN ARREST OR A SUMMONS ISSUED BY A COMMISSIONER ON A STATEMENT OF CHARGES FILED BY A LAW ENFORCEMENT OFFICER;

(2) A VIOLATION OF A CRIMINAL PROHIBITION OTHER THAN A MINOR TRAFFIC OFFENSE;

(3) A VIOLATION OF A NO–CONTACT OR STAY–AWAY ORDER; OR

(4) ABSCONDING.

6–104.

(a) Subject to the authority of the Secretary and in addition to any other duties established by law, the Division:

(1) shall:

(I) ADMINISTER A VALIDATED SCREENING TOOL ON EACH INDIVIDUAL ON PAROLE OR MANDATORY SUPERVISION UNDER THE SUPERVISION OF THE DIVISION;

(II) ADMINISTER A RISK AND NEEDS ASSESSMENT AND DEVELOP AN INDIVIDUALIZED CASE PLAN FOR EACH INDIVIDUAL ON PAROLE OR MANDATORY SUPERVISION WHO HAS BEEN SCREENED AS MODERATE OR HIGH RISK TO REOFFEND;

[(i)] (III) supervise [the conduct of parolees] AN INDIVIDUAL ON PAROLE OR MANDATORY SUPERVISION BASED ON THE RESULTS OF A VALIDATED SCREENING TOOL OR RISK AND NEEDS ASSESSMENT CONDUCTED UNDER ITEMS (I) OR (II) OF THIS ITEM;

[(ii)] (IV) supervise an individual under mandatory supervision until the expiration of the individual's maximum term or terms of confinement;

[(iii)] (V) regularly inform the Commission of the activities of offenders who are supervised by the Division, INCLUDING, IF REQUESTED BY THE COMMISSION, ANY GRADUATED SANCTIONS IMPOSED UNDER § 6-121 OF THIS SUBTITLE;

[(iv)] (VI) issue a warrant for the retaking of an offender charged with a violation of a condition of parole or mandatory supervision, if this authority is delegated by the Commission to the Director of the Division; and

[(v)] (VII) administer the Drinking Driver Monitor Program, collect supervision fees, and adopt guidelines for collecting the monthly program fee assessed in accordance with § 6-115 of this subtitle; and

(2) may recommend:

(i) that the Commission modify any condition of parole or mandatory supervision; and

(ii) that the Commission issue a warrant for the retaking of an offender.

(b) Funding for the Drinking Driver Monitor Program shall be as provided in the State budget.

6-111.

If a court suspends the sentence of an individual convicted of a crime and orders the individual to continue under the supervision of the Division for a specified time or until ordered otherwise, the Division shall:

(1) [supervise the conduct of] ADMINISTER A VALIDATED SCREENING TOOL ON the individual;

(2) [determine whether the individual is complying with the conditions of probation or suspension of sentence; and] ADMINISTER A RISK AND NEEDS ASSESSMENT AND DEVELOP AN INDIVIDUALIZED CASE PLAN FOR EACH INDIVIDUAL WHO HAS BEEN SCREENED AS MODERATE OR HIGH RISK TO REOFFEND;

(3) SUPERVISE AN INDIVIDUAL BASED ON THE PROBATION ORDER AND, TO THE EXTENT NOT INCONSISTENT WITH THAT ORDER, ON THE RESULTS OF A VALIDATED SCREENING TOOL OR RISK AND NEEDS ASSESSMENT CONDUCTED UNDER ITEMS (1) OR (2) OF THIS SECTION;

(4) NOTWITHSTANDING ANY OTHER LAW, IMPOSE GRADUATED SANCTIONS UNDER § 6-121 OF THIS SUBTITLE IN RESPONSE TO TECHNICAL VIOLATIONS AS AN ALTERNATIVE TO SEEKING REVOCATION UNDER § 6-223 OR § 6-224 OF THE CRIMINAL PROCEDURE ARTICLE;

~~(3)~~ (5) PROVIDE PROMPT NOTICE TO THE COURT OF ANY TECHNICAL VIOLATIONS COMMITTED AND GRADUATED SANCTIONS IMPOSED UNDER § 6-121 OF THIS SUBTITLE; AND

(6) report to the court on the individual's compliance.

6-117.

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

(2) “Abatement” means an end to active supervision of a supervised individual, without effect on the legal expiration date of the case or the supervised individual’s obligation to:

(i) obey all laws; AND

(ii) [report as instructed; and

(iii)] obtain written permission from the Division of Parole and Probation before relocating the supervised individual’s residence outside the State.

(3) “Earned compliance credit” means a 20–day reduction from the period of active supervision of the supervised individual for every month that a supervised individual:

(i) exhibits [full compliance] COMPLIANCE with the conditions[.] AND goals[, and treatment as part] of the supervised individual’s probation, parole, or mandatory release supervision, as determined by the Department;

(ii) has no new arrests;

(iii) has not violated any conditions of no contact imposed on the supervised individual;

(iv) is current on court ordered payments for restitution, fines, and fees relating to the offense for which earned compliance credits are being accrued; and

(v) is current in completing any community supervision requirements included in the conditions of the supervised individual’s probation, parole, or mandatory release supervision.

(4) (i) “Supervised individual” means an individual placed on probation by a court or serving a period of parole or mandatory release supervision after release from a correctional facility.

(ii) “Supervised individual” does not include:

1. a person incarcerated, on probation, or convicted in this State for a crime of violence;

2. a person incarcerated, on probation, or convicted in this State for a crime under Title 3, Subtitle 3 of the Criminal Law Article;

3. a person incarcerated, on probation, or convicted in this State for a violation of § 2-503, [§] §§ [5-602 through § 5-617] **5-612 THROUGH 5-614**, § 5-627, or § 5-628 of the Criminal Law Article;

4. a person registered or eligible for registration under Title 11, Subtitle 7 of the Criminal Procedure Article;

5. a person who was convicted in any other jurisdiction of a crime and the person's supervision was transferred to this State; or

6. a person who was convicted in this State of a crime and the person's supervision was transferred to another state.

(b) The Department shall:

(1) establish a program to implement earned compliance credits; and

(2) adopt policies and procedures to implement the program.

(c) (1) Notwithstanding any other law, the Maryland Parole Commission or the court [may] SHALL adjust the period of a supervised individual's supervision on the recommendation of the Division of Parole and Probation for earned compliance credits accrued under a program created under this section.

(2) ONCE A COMBINATION OF TIME SERVED ON PROBATION, PAROLE, OR MANDATORY SUPERVISION, AND EARNED COMPLIANCE CREDITS SATISFY THE SUPERVISED INDIVIDUAL'S ACTIVE TERM OF SUPERVISION, THE DIVISION SHALL PLACE THE INDIVIDUAL ON ABATEMENT.

(D) THE DIVISION SHALL:

(1) PROVIDE REGULAR NOTIFICATION TO A SUPERVISED INDIVIDUAL OF THE TENTATIVE ABATEMENT TRANSFER DATE; AND

(2) DEVELOP POLICIES FOR NOTIFYING A SUPERVISED INDIVIDUAL OF CHANGE TO THE ABATEMENT TRANSFER DATE.

(E) AT LEAST 90 DAYS BEFORE THE DATE OF TRANSFER TO ABATEMENT, THE DIVISION SHALL NOTIFY THE COMMISSION OR THE COURT OF THE IMPENDING TRANSFER.

[(d)] (F) A supervised individual whose period of active supervision has been completely reduced as a result of earned compliance credits shall remain on abatement until the expiration of the supervised individual's sentence, unless:

(1) the supervised individual consents to continued active supervision; or

(2) the supervised individual violates a condition of probation, parole, or mandatory release supervision including failure to pay a required payment of restitution.

(G) A SUPERVISED INDIVIDUAL WHO IS PLACED ON ABATEMENT UNDER THIS SECTION MAY NOT BE REQUIRED TO:

(1) REGULARLY REPORT TO A PAROLE OR PROBATION AGENT; OR

(2) PAY A SUPERVISION FEE.

[(e)] (H) If a supervised individual violates a condition of probation while on abatement, a court may order the supervised individual to be returned to active supervision.

[(f)] (I) (1) Twenty-five percent of the savings realized by the Department as a result of the application of earned compliance credits shall revert to the Department.

(2) After the savings revert to the Department in accordance with paragraph (1) of this subsection, any remaining savings shall revert to the [General Fund] PERFORMANCE INCENTIVE GRANT FUND ESTABLISHED UNDER § 9-3209 OF THE STATE GOVERNMENT ARTICLE.

[(g)] (J) This section may not be construed to limit the authority of a court or the Parole Commission to extend probation, parole, or mandatory release supervision under § 6-222 of the Criminal Procedure Article.

(K) THE DEPARTMENT SHALL DEVELOP AN AUTOMATED APPLICATION FOR THE TRACKING AND AWARDING OF EARNED COMPLIANCE CREDITS BY THE DIVISION.

6-119.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "EVIDENCE-BASED PROGRAMS AND PRACTICES" MEANS PROGRAMS PROVEN BY SCIENTIFIC RESEARCH TO RELIABLY PRODUCE REDUCTIONS IN RECIDIVISM.

(3) "INNOVATIVE PROGRAMS AND PRACTICES" MEANS PROGRAMS THAT DO NOT MEET THE STANDARD OF EVIDENCE-BASED PRACTICES BUT WHICH PRELIMINARY RESEARCH OR DATA INDICATES WILL REDUCE THE LIKELIHOOD OF OFFENDER RECIDIVISM.

(B) THE DIVISION SHALL USE PRACTICABLE AND SUITABLE METHODS THAT ARE CONSISTENT WITH EVIDENCE-BASED PROGRAMS AND PRACTICES AND INNOVATIVE PROGRAMS AND PRACTICES TO AID AND ENCOURAGE A PROBATIONER OR PAROLEE TO IMPROVE CONDUCT, TO REDUCE THE RISK OF RECIDIVISM, AND TO PAY RESTITUTION.

(C) THE DIVISION SHALL HAVE AN INDEPENDENT VALIDATION STUDY CONDUCTED EVERY 3 YEARS ON THE RISK AND NEEDS ASSESSMENT TOOL.

6-120.

THE DEPARTMENT SHALL REQUIRE ALL PAROLE AND PROBATION AGENTS AND SUPERVISORS, COMMISSION MEMBERS, AND HEARING OFFICERS TO UNDERGO ANNUAL TRAINING BASED ON THE MOST CURRENT RESEARCH, REGARDING:

(1) IDENTIFYING, UNDERSTANDING, AND TARGETING AN INDIVIDUAL'S CRIMINAL RISK FACTORS;

(2) PRINCIPLES OF EFFECTIVE RISK INTERVENTIONS; AND

(3) SUPPORTING AND ENCOURAGING COMPLIANCE AND BEHAVIOR CHANGE, INCLUDING REGARDING THE PAYMENT OF RESTITUTION.

6-121.

(A) THIS SECTION SHALL APPLY TO ALL INDIVIDUALS UNDER THE SUPERVISION OF THE DIVISION.

(B) (1) THE DIVISION SHALL IMPOSE GRADUATED SANCTIONS IN RESPONSE TO TECHNICAL VIOLATIONS OF CONDITIONS OF SUPERVISION.

(2) GRADUATED SANCTIONS MAY NOT INCLUDE INCARCERATION OR INVOLUNTARY DETENTION.

(3) THE DIVISION SHALL PROVIDE NOTICE TO THE COURT OF A TECHNICAL VIOLATION COMMITTED AND A GRADUATED SANCTION IMPOSED AS A RESULT OF THE VIOLATION.

(C) THE DEPARTMENT SHALL:

(1) ESTABLISH A PROGRAM TO IMPLEMENT THE USE OF GRADUATED SANCTIONS IN RESPONSE TO TECHNICAL VIOLATIONS OF THE CONDITIONS OF COMMUNITY SUPERVISION;

(2) ADOPT POLICIES AND PROCEDURES TO IMPLEMENT THE PROGRAM AND TO ENSURE THAT DUE PROCESS PROTECTIONS ARE IN PLACE FOR AN INDIVIDUAL UNDER THE SUPERVISION OF THE DIVISION TO CHALLENGE GRADUATED SANCTIONS IMPOSED UNDER THE PROGRAM; AND

(3) DEVELOP A MATRIX TO GUIDE A PAROLE AND PROBATION AGENT IN DETERMINING THE SUITABLE RESPONSE TO A TECHNICAL VIOLATION THAT INCLUDES A RANGE OF THE MOST COMMON VIOLATIONS AND A RANGE OF POSSIBLE NONCUSTODIAL SANCTIONS TO BE IMPOSED.

(D) IF THE AVAILABLE GRADUATED SANCTIONS HAVE BEEN EXHAUSTED, THE DIVISION SHALL REFER THE INDIVIDUAL TO THE COURT OR THE COMMISSION FOR ADDITIONAL SANCTIONS, INCLUDING FORMAL REVOCATION OF PROBATION, PAROLE, OR MANDATORY SUPERVISION UNDER § 7-401 OR § 7-504 OF THIS ARTICLE OR § 6-223 OR § 6-224 OF THE CRIMINAL PROCEDURE ARTICLE.

7-101.

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

(m) “Violent crime” means:

(1) a crime of violence as defined in § 14-101 of the Criminal Law Article;

or

(2) burglary in the first, second, or third degree.

7-103.

(a) In this section, “offender” has the meaning stated in § 6-101 of this article.

(b) The Department may issue a certificate of completion to an offender who:

(1) was supervised by the Department under conditions of:

(i) parole;

(ii) probation; or

(iii) mandatory release supervision;

(2) has completed all special and general conditions of supervision, including paying all required restitution, fines, fees, and other payment obligations; and

(3) is no longer under the jurisdiction of the Department.

7-104.

(A) THE DEPARTMENT SHALL ISSUE A CERTIFICATE OF REHABILITATION TO AN INDIVIDUAL WHO:

(1) WAS CONVICTED OF A MISDEMEANOR OR FELONY THAT IS NOT:

(I) A CRIME OF VIOLENCE, AS DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE; OR

(II) A SEXUAL OFFENSE FOR WHICH REGISTRATION IS REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE;

(2) WAS SUPERVISED BY THE DIVISION OF PAROLE AND PROBATION UNDER CONDITIONS OF:

(I) PAROLE;

(II) PROBATION; OR

(III) MANDATORY RELEASE SUPERVISION;

(3) HAS COMPLETED ALL SPECIAL AND GENERAL CONDITIONS OF SUPERVISION, INCLUDING PAYING ALL REQUIRED RESTITUTION, FINES, FEES, AND OTHER PAYMENT OBLIGATIONS; AND

(4) IS NO LONGER UNDER THE JURISDICTION OF THE DIVISION OF PAROLE AND PROBATION.

(B) IT IS THE POLICY OF THE STATE TO ENCOURAGE THE EMPLOYMENT OF NONVIOLENT EX–OFFENDERS AND REMOVE BARRIERS TO THEIR ABILITY TO DEMONSTRATE FITNESS FOR OCCUPATIONAL LICENSES OR CERTIFICATIONS REQUIRED BY THE STATE.

(C) A LICENSING BOARD MAY NOT DENY AN OCCUPATIONAL LICENSE OR CERTIFICATE TO AN APPLICANT WHO HAS BEEN ISSUED A CERTIFICATE OF REHABILITATION SOLELY ON THE BASIS THAT THE APPLICANT HAS PREVIOUSLY BEEN CONVICTED OF THE CRIME THAT IS THE SUBJECT OF THE CERTIFICATE OF REHABILITATION, UNLESS THE LICENSING BOARD DETERMINES THAT:

(1) THERE IS A DIRECT RELATIONSHIP BETWEEN THE APPLICANT'S PREVIOUS CONVICTION AND THE SPECIFIC OCCUPATIONAL LICENSE OR CERTIFICATE SOUGHT; OR

(2) THE ISSUANCE OF THE LICENSE OR CERTIFICATE WOULD INVOLVE AN UNREASONABLE RISK TO PROPERTY OR TO THE SAFETY OR WELFARE OF SPECIFIC INDIVIDUALS OR THE GENERAL PUBLIC.

(D) IN MAKING A DETERMINATION UNDER SUBSECTION (C) OF THIS SECTION, THE LICENSING BOARD SHALL CONSIDER:

(1) THE POLICY OF THE STATE EXPRESSED IN SUBSECTION (B) OF THIS SECTION;

(2) THE SPECIFIC DUTIES AND RESPONSIBILITIES REQUIRED OF A LICENSEE OR CERTIFICATE HOLDER;

(3) WHETHER THE APPLICANT'S PREVIOUS CONVICTION HAS ANY IMPACT ON THE APPLICANT'S FITNESS OR ABILITY TO PERFORM THE DUTIES AND RESPONSIBILITIES AUTHORIZED BY THE LICENSE OR CERTIFICATE;

(4) THE AGE OF THE APPLICANT AT THE TIME OF THE CONVICTION AND THE AMOUNT OF TIME THAT HAS ELAPSED SINCE THE CONVICTION;

(5) THE SERIOUSNESS OF THE OFFENSE FOR WHICH THE APPLICANT WAS CONVICTED;

(6) OTHER INFORMATION PROVIDED BY THE APPLICANT OR ON THE APPLICANT'S BEHALF WITH REGARD TO THE APPLICANT'S REHABILITATION AND GOOD CONDUCT; AND

(7) THE LEGITIMATE INTEREST OF THE DEPARTMENT IN PROTECTING PROPERTY AND THE SAFETY AND WELFARE OF SPECIFIC INDIVIDUALS OR THE GENERAL PUBLIC.

(E) AN INDIVIDUAL MAY RECEIVE ONLY ONE CERTIFICATE OF REHABILITATION PER LIFETIME.

(F) THE COURT OF APPEALS IS NOT A LICENSING BOARD FOR PURPOSES OF THIS SECTION.

(G) THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING AN APPLICATION AND REVIEW PROCESS FOR A CERTIFICATE OF REHABILITATION THAT ALLOWS THE STATE’S ATTORNEY AND THE VICTIM TO OBJECT TO THE ISSUANCE OF THE CERTIFICATE OF REHABILITATION.

7–205.

(a) The Commission has the exclusive power to:

(1) authorize the parole of an individual sentenced under the laws of the State to any correctional facility in the State;

(2) negotiate, enter into, and sign predetermined parole release agreements as provided under subsection (b) of this section;

(3) hear cases for parole OR ADMINISTRATIVE RELEASE in which:

(i) the Commissioner of Correction, after reviewing the recommendation of the appropriate managing official, objects to a parole;

(ii) the inmate was convicted of a homicide;

(iii) the inmate is serving a sentence of life imprisonment; [or]

(iv) the parole hearing is open to the public under § 7–304 of this title;

(V) THE INMATE FAILS TO MEET THE REQUIREMENTS OF THE ADMINISTRATIVE RELEASE PROCESS ESTABLISHED UNDER § 7–301.1 OF THIS TITLE;
OR

(VI) A VICTIM REQUESTS A HEARING AS PROVIDED UNDER § 7–301.1 OF THIS TITLE;

(4) hear exceptions to recommendations of a hearing examiner or a commissioner acting as a hearing examiner;

(5) review summarily all recommendations of a hearing examiner or a commissioner acting as a hearing examiner to which an exception has not been filed;

(6) hear a case for parole in absentia when an individual who was sentenced in this State to serve a term of imprisonment is in a correctional facility of a jurisdiction other than this State;

(7) hear cases of parole revocation; [and]

(8) if delegated by the Governor, hear cases involving an alleged violation of a conditional pardon; AND

(9) DETERMINE CONDITIONS FOR ADMINISTRATIVE RELEASE UNDER § 7-301.1 OF THIS TITLE.

(b) (1) (i) The Commission may negotiate, enter into, and sign a predetermined parole release agreement with the Commissioner of Correction and an inmate under the jurisdiction of the Commission.

(ii) The agreement may provide for the release of the inmate on parole at a predetermined time if, during the inmate's term of confinement, the inmate participates in the programs designated by the Commission and fulfills any other conditions specified in the agreement.

(2) This subsection does not affect any diminution of an inmate's term of confinement awarded under Title 3, Subtitle 7 and §§ 9-506 and 9-513 of this article OR AN INMATE'S ELIGIBILITY FOR ADMINISTRATIVE RELEASE UNDER § 7-301.1 OF THIS TITLE.

7-301.

(a) (1) Except as otherwise provided in this section, the Commission shall request that the Division of Parole and Probation make an investigation for inmates in a local correctional facility and the Division of Correction make an investigation for inmates

in a State correctional facility that will enable the Commission to determine the advisability of granting parole to an inmate who:

(i) has been sentenced under the laws of the State to serve a term of 6 months or more in a correctional facility; and

(ii) has served in confinement one-fourth of the inmate's aggregate sentence.

(2) Except as provided in paragraph (3) of this subsection, or as otherwise provided by law or in a predetermined parole release agreement, an inmate is not eligible for parole until the inmate has served in confinement one-fourth of the inmate's aggregate sentence.

(3) An inmate may be released on parole at any time in order to undergo drug or alcohol treatment, mental health treatment, or to participate in a residential program of treatment in the best interest of an inmate's expected or newborn child if the inmate:

(i) is not serving a sentence for a crime of violence, as defined in § 14-101 of the Criminal Law Article;

(ii) is not serving a sentence for a violation of Title 3, Subtitle 6, § 5-608(d), § 5-609(d), § 5-612, § 5-613, § 5-614, § 5-621, § 5-622, or § 5-628 of the Criminal Law Article; and

(iii) has been determined to be amenable to treatment.

(4) The Division of Parole and Probation shall complete and submit to the Commission each investigation of an inmate in a local correctional facility required under paragraph (1) of this subsection within 60 days of commitment.

7-301.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ADMINISTRATIVE RELEASE” MEANS RELEASE OF AN ELIGIBLE INMATE WHO HAS SERVED ONE–FOURTH OF THE INMATE’S SENTENCE AND MET THE REQUIREMENTS ESTABLISHED UNDER THIS SECTION.

(3) “ELIGIBLE INMATE” MEANS AN INMATE WHO:

(I) HAS BEEN SENTENCED UNDER THE LAWS OF THE STATE TO SERVE A TERM OF 6 MONTHS OR MORE IN A CORRECTIONAL FACILITY;

(II) IS NOT SERVING A SENTENCE FOR:

1. A VIOLENT CRIME; OR

2. A SEXUAL OFFENSE FOR WHICH REGISTRATION IS REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE; AND

(III) IF SERVING A SENTENCE WITH A TERM OF CONFINEMENT THAT INCLUDES A MANDATORY MINIMUM SENTENCE, HAS SERVED THE MANDATORY PORTION OF THE SENTENCE.

(4) “VICTIM” MEANS:

(I) A PERSON WHO IS THE VICTIM OF A CRIME COMMITTED BY AN ELIGIBLE INMATE; OR

(II) IF THE PERSON DESCRIBED IN ITEM (I) OF THIS PARAGRAPH IS DECEASED, DISABLED, OR A MINOR, A DESIGNATED FAMILY MEMBER, GUARDIAN AD LITEM, OR OTHER REPRESENTATIVE OF THE PERSON.

(B) (1) FOR AN INMATE IN A CORRECTIONAL FACILITY, THE COMMISSION SHALL:

(I) CONDUCT AN INVESTIGATION TO DETERMINE THE INMATE’S ELIGIBILITY FOR ADMINISTRATIVE RELEASE;

(II) DETERMINE THE CONDITIONS UNDER WHICH AN ELIGIBLE INMATE MAY BE RELEASED AFTER HAVING SERVED ONE-FOURTH OF THE INMATE'S TERM OF CONFINEMENT; AND

(III) CALCULATE A TENTATIVE RELEASE ELIGIBILITY DATE FOR AN ELIGIBLE INMATE.

(2) THE INVESTIGATIONS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE COMPLETED AND SUBMITTED TO THE COMMISSION WITHIN 60 DAYS OF COMMITMENT.

(C) FOR AN INMATE IN A LOCAL CORRECTIONAL FACILITY, THE COMMISSION, IN COLLABORATION WITH THE LOCAL CORRECTIONAL FACILITY, SHALL CONSIDER THE RESULTS OF THE INVESTIGATION CONDUCTED UNDER SUBSECTION (B)(1) OF THIS SECTION AND DEVELOP AN INDIVIDUAL CASE PLAN WITH WHICH AN ELIGIBLE INMATE MUST COMPLY IN ORDER TO BE RELEASED ON ADMINISTRATIVE RELEASE.

(D) (1) THE INDIVIDUAL CASE PLANS DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION AND § 3-601(D) OF THIS ARTICLE SHALL INCLUDE CONDITIONS THAT AN INMATE WILL BE ABLE TO COMPLETE BEFORE THE INMATE'S ADMINISTRATIVE RELEASE DATE.

(2) AN INDIVIDUAL CASE PLAN MAY INCLUDE CONDITIONS THAT APPLY AFTER AN INMATE IS RELEASED ON ADMINISTRATIVE RELEASE.

(E) (1) NOTWITHSTANDING THE LIMITATIONS ON WHO IS CONSIDERED A VICTIM IN § 7-801 OF THIS TITLE, FOR PURPOSES OF THIS SECTION, A VICTIM HAS ALL THE RIGHTS UNDER THIS SECTION THAT ARE GRANTED TO A VICTIM UNDER THIS TITLE FOR A PAROLE HEARING.

(2) AS PROVIDED IN § 7-801 OF THIS TITLE, THE COMMISSION SHALL NOTIFY A VICTIM OF:

(I) THE ELIGIBLE INMATE'S ADMINISTRATIVE RELEASE ELIGIBILITY DATE;

(II) THE VICTIM'S RIGHT TO REQUEST AN OPEN HEARING UNDER § 7-304 OF THIS SUBTITLE; AND

(III) THE VICTIM'S RIGHT TO SUBMIT WRITTEN TESTIMONY CONCERNING THE CRIME AND THE IMPACT OF THE CRIME ON THE VICTIM.

(F) AN ELIGIBLE INMATE SHALL BE RELEASED ON ADMINISTRATIVE RELEASE, WITHOUT A HEARING BEFORE THE COMMISSION, AT THE INMATE'S RELEASE ELIGIBILITY DATE IF:

(1) THE INMATE HAS COMPLIED WITH THE CASE PLAN DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION OR § 3-601(D) OF THIS ARTICLE;

(2) THE INMATE HAS NOT COMMITTED A CATEGORY 1 OR CATEGORY 2 RULE VIOLATION, AS DEFINED IN 12.02.27.04 OF THE CODE OF MARYLAND REGULATIONS, WITHIN 120 DAYS OF THE INMATE'S ADMINISTRATIVE RELEASE ELIGIBILITY DATE; AND

(3) A VICTIM HAS NOT REQUESTED A HEARING UNDER SUBSECTION (E) OF THIS SECTION.

(G) THE DIVISION OF CORRECTION AND EACH LOCAL CORRECTIONAL FACILITY SHALL NOTIFY THE COMMISSION OF AN ELIGIBLE INMATE'S COMPLIANCE OR NONCOMPLIANCE WITH THE CASE PLAN AT LEAST 30 DAYS BEFORE THE INMATE'S TENTATIVE ADMINISTRATIVE RELEASE ELIGIBILITY DATE.

(H) AN INDIVIDUAL ON ADMINISTRATIVE RELEASE IS SUBJECT TO:

(1) THE JURISDICTION OF THE COMMISSION IN THE SAME MANNER AS A PAROLEE; AND

(2) ALL LAWS AND CONDITIONS THAT APPLY TO PAROLEES.

(I) AN ELIGIBLE INMATE WHO IS NOT RELEASED ON ADMINISTRATIVE RELEASE UNDER THIS SECTION IS OTHERWISE ELIGIBLE FOR RELEASE AS PROVIDED UNDER THIS SUBTITLE.

7-305.

Each hearing examiner and commissioner determining whether an inmate is suitable for parole, and the Commission before entering into a predetermined parole release agreement, shall consider:

- (1) the circumstances surrounding the crime;
- (2) the physical, mental, and moral qualifications of the inmate;
- (3) the progress of the inmate during confinement, including the academic progress of the inmate in the mandatory education program required under § 22-102 of the Education Article;
- (4) a report on a drug or alcohol evaluation that has been conducted on the inmate, including any recommendations concerning the inmate's amenability for treatment and the availability of an appropriate treatment program;
- (5) whether there is reasonable probability that the inmate, if released on parole, will remain at liberty without violating the law;
- (6) whether release of the inmate on parole is compatible with the welfare of society;
- (7) an updated victim impact statement or recommendation prepared under § 7-801 of this title;
- (8) any recommendation made by the sentencing judge at the time of sentencing;
- (9) any information that is presented to a commissioner at a meeting with the victim; [and]
- (10) any testimony presented to the Commission by the victim or the victim's designated representative under § 7-801 of this title; AND
- (11) **COMPLIANCE WITH THE CASE PLAN DEVELOPED UNDER § 7-301.1 OF THIS SUBTITLE OR § 3-601 OF THIS ARTICLE.**

7-309.

(a) This section applies to any inmate who is sentenced to a term of incarceration for which all sentences being served, including any life sentence, are with the possibility of parole.

(b) An inmate who is so **CHRONICALLY** debilitated or incapacitated by a medical or mental health condition, disease, or syndrome as to be physically incapable of presenting a danger to society may be released on medical parole at any time during the term of that inmate's sentence, without regard to the eligibility standards specified in § 7-301 of this subtitle.

(c) (1) A request for a medical parole under this section may be filed with the Maryland Parole Commission by:

(i) the inmate seeking the medical parole;

(ii) an attorney;

(iii) a prison official or employee;

(iv) a medical professional;

(v) a family member; or

(vi) any other person.

(2) The request shall be in writing and shall articulate the grounds that support the appropriateness of granting the medical parole.

(d) Following review of the request, the Commission may:

(1) find the request to be inconsistent with the best interests of public safety and take no further action; or

(2) request that department or local correctional facility personnel provide information for formal consideration of parole release.

(e) The information to be considered by the Commission before granting medical parole shall, at a minimum, include:

(1) (I) A RECOMMENDATION BY THE MEDICAL PROFESSIONAL TREATING THE INMATE UNDER CONTRACT WITH THE DEPARTMENT OR LOCAL CORRECTIONAL FACILITY; OR

(II) IF REQUESTED BY AN INDIVIDUAL IDENTIFIED IN SUBSECTION (C)(1) OF THIS SECTION, ONE MEDICAL EVALUATION CONDUCTED AT NO COST TO THE INMATE BY A MEDICAL PROFESSIONAL WHO IS INDEPENDENT FROM THE DIVISION OF CORRECTION OR LOCAL CORRECTIONAL FACILITY;

[(1)] (2) the inmate's medical information, including:

(i) a description of the inmate's condition, disease, or syndrome;

(ii) a prognosis concerning the likelihood of recovery from the condition, disease, or syndrome;

(iii) a description of the inmate's physical incapacity and score on the Karnofsky Performance Scale Index or similar classification of physical impairment; and

(iv) a mental health evaluation, where relevant;

[(2)] (3) discharge information, including:

(i) availability of treatment or professional services within the community;

(ii) family support within the community; and

(iii) housing availability, including hospital or hospice care; and

[(3)] (4) case management information, including:

(i) the circumstances of the current offense;

(ii) institutional history;

(iii) pending charges, sentences and other jurisdictions, and any other detainers; and

(iv) criminal history information.

(f) The Commission may require as a condition of release on medical parole that:

(1) the parolee agree to placement for a definite or indefinite period of time in a hospital or hospice or other housing accommodation suitable to the parolee's medical condition, including the family home of the parolee, as specified by the Commission or the supervising agent; and

(2) the parolee forward authentic copies of applicable medical records to indicate that the particular medical condition giving rise to the release continues to exist.

(g) (1) If the Commission has reason to believe that a parolee is no longer so debilitated or incapacitated as to be physically incapable of presenting a danger to society, the parolee shall be returned to the custody of the Division of Correction or the local correctional facility from which the inmate was released.

(2) (i) A parole hearing for a parolee returned to custody shall be held to consider whether the parolee remains incapacitated and shall be heard promptly.

(ii) A parolee returned to custody under this subsection shall be maintained in custody, if the incapacitation is found to no longer exist.

(3) An inmate whose medical parole is revoked for lack of continued incapacitation may be considered for parole in accordance with the eligibility requirements specified in § 7-301 of this subtitle.

(h) (1) Subject to paragraph (2) of this subsection, provisions of law relating to victim notification and opportunity to be heard shall apply to proceedings relating to medical parole.

(2) In cases of imminent death, time limits relating to victim notification and opportunity to be heard may be **REDUCED OR** waived in the discretion of the Commission.

(i) [Consistent with § 7–301(d)(4) of this subtitle, a medical parole under this section for a person serving a life sentence shall require the approval of the Governor]

(1) IF THE COMMISSION DECIDES TO GRANT MEDICAL PAROLE TO AN INMATE SENTENCED TO LIFE IMPRISONMENT, THE DECISION SHALL BE TRANSMITTED TO THE GOVERNOR.

(2) THE GOVERNOR MAY DISAPPROVE THE DECISION BY WRITTEN TRANSMITTAL TO THE COMMISSION.

(3) IF THE GOVERNOR DOES NOT DISAPPROVE THE DECISION WITHIN 180 DAYS AFTER RECEIPT OF THE WRITTEN TRANSMITTAL, THE DECISION BECOMES EFFECTIVE.

(j) The Commission shall issue regulations to implement the provisions of this section.

7–401.

(a) If a parolee is alleged to have violated a condition of parole, one commissioner shall hear the case on revocation of the parole at the time and place that the Commission designates.

(b) (1) Each individual charged with a parole violation is entitled to be represented by counsel of the individual's choice or, if eligible, counsel provided by the Public Defender's office.

(2) The Commission shall keep a record of the hearing.

(c) If the commissioner finds from the evidence that the parolee has violated a condition of parole, the commissioner may take any action that the commissioner considers appropriate, including:

(1) (i) SUBJECT TO SUBSECTION (D)(1) OF THIS SECTION, revoking the order of parole;

(ii) setting a future hearing date for consideration for reparole; and

(iii) remanding the individual to the Division of Correction or local correctional facility from which the individual was paroled; or

(2) continuing parole:

(i) without modification of its conditions; or

(ii) with modification of its conditions, including a requirement that the parolee spend all or part of the remaining parole period in a home detention program.

(d) (1) **SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, IF AN ORDER OF PAROLE IS REVOKED DUE TO A TECHNICAL VIOLATION, AS DEFINED IN § 6-101 OF THIS ARTICLE, THE COMMISSIONER HEARING THE PAROLE REVOCATION MAY REQUIRE THE INDIVIDUAL TO SERVE A PERIOD OF IMPRISONMENT OF:**

(I) **FOR A FIRST VIOLATION, NOT MORE THAN 15 DAYS;**

(II) **FOR A SECOND VIOLATION, NOT MORE THAN 30 DAYS; AND**

(III) **FOR A THIRD VIOLATION, NOT MORE THAN 45 DAYS.**

(2) Subject to paragraph [(2)] (3) of this subsection and further action by the Commission, if the order of parole is revoked **FOR A FOURTH OR SUBSEQUENT TECHNICAL VIOLATION OR A VIOLATION THAT IS NOT A TECHNICAL VIOLATION**, the commissioner hearing the parole revocation, in the commissioner's discretion, may require the inmate to serve any unserved portion of the sentence originally imposed.

[(2)] (3) **An inmate may not receive credit for time between release on parole and revocation of parole if:**

(i) the inmate was serving a sentence for a violent crime when parole was revoked; and

(ii) the parole was revoked due to a finding that the inmate committed a violent crime while on parole.

(4) (I) **THERE IS A REBUTTABLE PRESUMPTION THAT THE LIMITS ON THE PERIOD OF IMPRISONMENT THAT MAY BE IMPOSED FOR A TECHNICAL**

VIOLATION ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION ARE APPLICABLE.

(II) THE PRESUMPTION MAY BE REBUTTED IF A COMMISSIONER FINDS AND STATES ON THE RECORD, AFTER CONSIDERATION OF THE FOLLOWING FACTORS, THAT ADHERING TO THE LIMITS ON THE PERIOD OF IMPRISONMENT ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION WOULD CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS:

1. THE NATURE OF THE PAROLE VIOLATION;
2. THE FACTS AND CIRCUMSTANCES OF THE CRIME FOR WHICH THE PAROLEE WAS CONVICTED; AND
3. THE PAROLEE’S HISTORY.

(III) ON FINDING THAT ADHERING TO THE LIMITS WOULD CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMMISSIONER MAY:

1. DIRECT IMPOSITION OF A LONGER PERIOD OF IMPRISONMENT THAN PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, BUT NO MORE THAN THE TIME REMAINING ON THE ORIGINAL SENTENCE; OR
2. COMMIT THE PAROLEE TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE HEALTH – GENERAL ARTICLE.

(IV) A FINDING UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH OR AN ACTION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH IS SUBJECT TO APPEAL UNDER TITLE 12, SUBTITLE 3 OR TITLE 12, SUBTITLE 4 OF THE COURTS ARTICLE.

(e) Subject to subsection (d) of this section, if a sentence has commenced as provided under § 9-202(c)(2) of this article and the inmate is serving that sentence when the order of parole is revoked, any reimposed portion of the sentence originally imposed

shall begin at the expiration of any sentences which were begun under § 9–202(c)(2) of this article.

(f) (1) The inmate may seek judicial review in the circuit court within 30 days after receiving the written decision of the Commission.

(2) The court shall hear the action on the record.

7–504.

(a) (1) In this section[, “term] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “TERM of confinement” has the meaning stated in § 3–701 of this article.

(3) “TECHNICAL VIOLATION” HAS THE MEANING STATED IN § 6–101 OF THIS ARTICLE.

(b) (1) [The] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE commissioner presiding at an individual’s mandatory supervision revocation hearing may revoke [any or all of the] diminution credits previously earned by the individual on the individual’s term of confinement IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

(I) NOT MORE THAN 15 DAYS FOR A FIRST TECHNICAL VIOLATION;

(II) NOT MORE THAN 30 DAYS FOR A SECOND TECHNICAL VIOLATION;

(III) NOT MORE THAN 45 DAYS FOR A THIRD TECHNICAL VIOLATION; AND

(IV) UP TO ALL REMAINING DAYS FOR A FOURTH OR SUBSEQUENT TECHNICAL VIOLATION OR A VIOLATION THAT IS NOT A TECHNICAL VIOLATION.

(2) Nothing in this section affects the prohibition against the application of diminution credits under § 7–502 of this subtitle to the term of confinement of an inmate convicted and sentenced to imprisonment for a crime committed while on mandatory supervision.

(3) (I) THERE IS A REBUTTABLE PRESUMPTION THAT THE LIMITS ON THE REVOCATION OF DIMINUTION CREDITS FOR A TECHNICAL VIOLATION ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION ARE APPLICABLE.

(II) THE PRESUMPTION MAY BE REBUTTED IF A COMMISSIONER FINDS AND STATES ON THE RECORD, AFTER CONSIDERATION OF THE FOLLOWING FACTORS, THAT ADHERING TO THE LIMITS ON THE REVOCATION OF DIMINUTION CREDITS ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION WOULD CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS:

1. THE NATURE OF THE MANDATORY SUPERVISION VIOLATION;

2. THE FACTS AND CIRCUMSTANCES OF THE CRIME FOR WHICH THE INMATE WAS CONVICTED; AND

3. THE INMATE’S HISTORY.

(III) ON FINDING THAT ADHERING TO THE LIMITS WOULD CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMMISSIONER MAY:

1. DIRECT THAT A GREATER NUMBER OF DIMINUTION CREDITS BE REVOKED THAN PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION; OR

2. COMMIT THE INMATE TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8–507 OF THE HEALTH – GENERAL ARTICLE.

(IV) A FINDING UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH OR AN ACTION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH IS

SUBJECT TO APPEAL UNDER TITLE 12, SUBTITLE 3 OR TITLE 12, SUBTITLE 4 OF THE COURTS ARTICLE.

[(c) After an inmate's mandatory supervision has been revoked, the inmate may not be awarded any new diminution credits on the term of confinement for which the inmate was on mandatory supervision.]

9-402.

(a) In this section, "sentenced inmates" means those inmates confined in a local correctional facility after being sentenced to the custody of the local correctional facility for more than 12 months and not more than 18 months.

(b) Subject to subsection (d) of this section, for each fiscal year the State shall provide each county a grant equal to at least \$45 for each day from the end of the 12th month through the end of the 18th month that a sentenced inmate was confined in a local correctional facility during the second preceding fiscal year.

(c) Subject to subsection (d) of this section, for each fiscal year the State shall provide each county a grant equal to at least \$45:

(1) for each day after the first day through the day of release that an inmate who has been sentenced to the jurisdiction of the Division of Correction was confined in a local correctional facility during the second preceding fiscal year; AND

(2) FOR EACH DAY THAT AN INMATE WHO HAS BEEN SENTENCED TO THE JURISDICTION OF THE DIVISION OF CORRECTION RECEIVED REENTRY OR OTHER PRE-RELEASE PROGRAMMING AND SERVICES FROM A LOCAL CORRECTIONAL FACILITY DURING THE SECOND PRECEDING FISCAL YEAR.

(d) (1) On or before October 1 of each year, each county shall submit to the Department inmate days reports for the previous fiscal year.

(2) If a county fails to submit the information required under paragraph (1) of this subsection when due, the Department shall deduct an amount equal to 20% of the grant under subsection (b) of this section for each 30 days or part of 30 days after the due date that the information has not been submitted.

9-614.

(A) THIS SECTION APPLIES TO AN INMATE IN A STATE OR LOCAL CORRECTIONAL FACILITY.

(B) THE DEPARTMENT SHALL COLLECT AN INMATE'S EARNINGS.

(C) FROM AN INMATE'S EARNINGS, THE DEPARTMENT SHALL:

(1) IF REQUIRED BY LAW, REIMBURSE THE COUNTY OR STATE FOR THE COST OF PROVIDING FOOD, LODGING, AND CLOTHING TO THE INMATE;

(2) PAY COURT ORDERED PAYMENTS FOR SUPPORT OF DEPENDENTS;

(3) PAY COURT ORDERED PAYMENTS FOR RESTITUTION; AND

(4) PAY COMPENSATION FOR VICTIMS OF CRIME IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

(D) (1) OF THE EARNINGS OF AN INMATE IN THE PRIVATE SECTOR/PRISON INDUSTRY ENHANCEMENT CERTIFICATION PROGRAM OF THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, THE DEPARTMENT SHALL WITHHOLD 20% FOR COMPENSATION FOR VICTIMS OF CRIME, IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROGRAM.

(2) (I) IF A COURT IN A CRIMINAL OR JUVENILE DELINQUENCY PROCEEDING HAS ORDERED THE INMATE TO PAY RESTITUTION, THE DEPARTMENT SHALL FORWARD THE MONEY WITHHELD UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE CRIMINAL INJURIES COMPENSATION FUND ESTABLISHED UNDER § 11-819 OF THE CRIMINAL PROCEDURE ARTICLE.

(II) THE CRIMINAL INJURIES COMPENSATION BOARD SHALL DISTRIBUTE FROM THE CRIMINAL INJURIES COMPENSATION FUND ANY AMOUNT RECEIVED UNDER THIS PARAGRAPH TO THE PERSON OR GOVERNMENTAL UNIT SPECIFIED IN THE JUDGMENT OF RESTITUTION TO PAY THE RESTITUTION AS REQUIRED UNDER § 11-607(B)(2) OF THE CRIMINAL PROCEDURE ARTICLE.

(3) IF THE INMATE IS NOT SUBJECT TO A JUDGMENT OF RESTITUTION OR THE JUDGMENT OF RESTITUTION IS SATISFIED, OF THE MONEY WITHHELD UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL PAY:

(I) 50% INTO THE CRIMINAL INJURIES COMPENSATION FUND ESTABLISHED UNDER § 11-819 OF THE CRIMINAL PROCEDURE ARTICLE; AND

(II) 50% INTO THE STATE VICTIMS OF CRIME FUND ESTABLISHED UNDER § 11-916 OF THE CRIMINAL PROCEDURE ARTICLE.

(E) THE DEPARTMENT SHALL:

(1) CREDIT TO THE INMATE'S ACCOUNT ANY BALANCE THAT REMAINS AFTER PAYING THE ITEMS IN SUBSECTION (C)(1) THROUGH (4) OF THIS SECTION; AND

(2) PAY THE BALANCE IN THE INMATE'S ACCOUNT TO THE INMATE WITHIN 15 DAYS AFTER THE INMATE IS RELEASED.

11-504.

(a) An inmate who is sentenced to a local correctional facility shall be allowed an initial deduction from the inmate's term of confinement.

(b) The deduction described in subsection (a) of this section shall be calculated:

(1) from the first day of the inmate's postsentence commitment to the custody of the local correctional facility to the last day of the inmate's maximum term of confinement;

(2) (I) at the rate of 5 days for each calendar month IF THE INMATE'S TERM OF CONFINEMENT INCLUDES A CONSECUTIVE OR CONCURRENT SENTENCE FOR A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE; OR

(II) AT THE RATE OF 10 DAYS FOR EACH CALENDAR MONTH FOR ALL OTHER INMATES; and

(3) on a prorated basis for any portion of a calendar month.

[11-604.

(a) The Department shall collect an inmate's earnings.

(b) From an inmate's earnings, the Department shall:

(1) reimburse the county or State for the cost of providing food, lodging, and clothing to the inmate in a local correctional facility;

(2) pay court ordered payments for support of dependents;

(3) pay court ordered payments for restitution; and

(4) pay compensation for victims of crime in accordance with subsection (c) of this section.

(c) (1) Of the earnings of an inmate in the Private Sector/Prison Industry Enhancement Certification Program of the United States Department of Justice, Bureau of Justice Assistance, the Department shall withhold 20% for compensation for victims of crime, in accordance with the requirements of the Program.

(2) (i) If a court in a criminal or juvenile delinquency proceeding has ordered the inmate to pay restitution, the Department shall forward the 20% withheld under paragraph (1) of this subsection to the Criminal Injuries Compensation Fund established under § 11-819 of the Criminal Procedure Article.

(ii) The Criminal Injuries Compensation Board shall distribute from the Criminal Injuries Compensation Fund any amount received under this paragraph to the person or governmental unit specified in the judgment of restitution to pay the restitution as required under § 11-607(b)(2) of the Criminal Procedure Article.

(3) If the inmate is not subject to a judgment of restitution or the judgment of restitution is satisfied, of the money withheld under paragraph (1) of this subsection, the Department shall pay:

(i) 50% into the Criminal Injuries Compensation Fund established under § 11-819 of the Criminal Procedure Article; and

(ii) 50% into the State Victims of Crime Fund established under § 11-916 of the Criminal Procedure Article.

(d) The Department shall:

(1) credit to the inmate's account any balance that remains after paying the items in subsection (b)(1) through (3) of this section; and

(2) pay the balance in the inmate's account to the inmate within 15 days after the inmate is released.]

Article – Criminal Law

3-601.

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

(2) “Abuse” means physical injury sustained by a minor as a result of cruel or inhumane treatment or as a result of a malicious act under circumstances that indicate that the minor's health or welfare is harmed or threatened by the treatment or act.

(3) “Family member” means a relative of a minor by blood, adoption, or marriage.

(4) “Household member” means a person who lives with or is a regular presence in a home of a minor at the time of the alleged abuse.

(5) “Severe physical injury” means:

(i) brain injury or bleeding within the skull;

(ii) starvation; or

(iii) physical injury that:

1. creates a substantial risk of death; or

2. causes permanent or protracted serious:

- A. disfigurement;
- B. loss of the function of any bodily member or organ; or
- C. impairment of the function of any bodily member or organ.

(b) (1) A parent, family member, household member, or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor may not cause abuse to the minor that:

- (i) results in the death of the minor; or
- (ii) causes severe physical injury to the minor.

(2) Except as provided in subsection (c) of this section, a person who violates paragraph (1) of this subsection is guilty of the felony of child abuse in the first degree and on conviction is subject to:

- (i) imprisonment not exceeding 25 years; [or]
- (ii) if the violation results in the death of [the] A victim AT LEAST 13 YEARS OLD, imprisonment not exceeding 40 years; OR

(III) IF THE VIOLATION RESULTS IN THE DEATH OF A VICTIM UNDER THE AGE OF 13 YEARS, IMPRISONMENT FOR LIFE.

(c) A person who violates this section after being convicted of a previous violation of this section is guilty of a felony and on conviction is subject to:

- (1) imprisonment not exceeding 25 years; or
- (2) if the violation results in the death of the victim, imprisonment [not exceeding 40 years] FOR LIFE.

(d) (1) (i) A parent or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor may not cause abuse to the minor.

(ii) A household member or family member may not cause abuse to a minor.

(2) Except as provided in subsection (c) of this section, a person who violates paragraph (1) of this subsection is guilty of the felony of child abuse in the second degree and on conviction is subject to imprisonment not exceeding 15 years.

(e) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

5-601.

(a) Except as otherwise provided in this title, a person may not:

(1) possess or administer to another a controlled dangerous substance, unless obtained directly or by prescription or order from an authorized provider acting in the course of professional practice; or

(2) obtain or attempt to obtain a controlled dangerous substance, or procure or attempt to procure the administration of a controlled dangerous substance by:

(i) fraud, deceit, misrepresentation, or subterfuge;

(ii) the counterfeiting or alteration of a prescription or a written order;

(iii) the concealment of a material fact;

(iv) the use of a false name or address;

(v) falsely assuming the title of or representing to be a manufacturer, distributor, or authorized provider; or

(vi) making, issuing, or presenting a false or counterfeit prescription or written order.

(b) Information that is communicated to a physician in an effort to obtain a controlled dangerous substance in violation of this section is not a privileged communication.

(c) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to [imprisonment not exceeding 4 years or a fine not exceeding \$25,000 or both]:

(I) FOR A FIRST CONVICTION, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH;

(II) FOR A SECOND OR THIRD CONVICTION, IMPRISONMENT NOT EXCEEDING 18 MONTHS OR A FINE NOT EXCEEDING \$5,000 OR BOTH; OR

(III) FOR A FOURTH OR SUBSEQUENT CONVICTION, IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, a person whose violation of this section involves the use or possession of marijuana IS GUILTY OF A MISDEMEANOR AND is subject to imprisonment not exceeding [1 year] 6 MONTHS or a fine not exceeding \$1,000 or both.

(E) (1) (I) BEFORE IMPOSING A SENTENCE UNDER SUBSECTION (C) OF THIS SECTION, THE COURT MAY ORDER THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR A CERTIFIED AND LICENSED DESIGNEE TO CONDUCT AN ASSESSMENT OF THE DEFENDANT FOR SUBSTANCE USE DISORDER AND DETERMINE WHETHER THE DEFENDANT IS IN NEED OF AND MAY BENEFIT FROM DRUG TREATMENT.

(II) IF AN ASSESSMENT FOR SUBSTANCE USE DISORDER IS REQUESTED BY THE DEFENDANT AND THE COURT DENIES THE REQUEST, THE COURT SHALL STATE ON THE RECORD THE BASIS FOR THE DENIAL.

(2) ON RECEIVING AN ORDER UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE DESIGNEE, SHALL CONDUCT AN ASSESSMENT OF THE DEFENDANT FOR SUBSTANCE

USE DISORDER AND PROVIDE THE RESULTS TO THE COURT, THE DEFENDANT OR THE DEFENDANT'S ATTORNEY, AND THE STATE IDENTIFYING THE DEFENDANT'S DRUG TREATMENT NEEDS.

(3) THE COURT SHALL CONSIDER THE RESULTS OF AN ASSESSMENT PERFORMED UNDER PARAGRAPH (2) OF THIS SUBSECTION WHEN IMPOSING THE DEFENDANT'S SENTENCE AND:

(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COURT SHALL SUSPEND THE EXECUTION OF THE SENTENCE AND ORDER PROBATION AND, IF THE ASSESSMENT SHOWS THAT THE DEFENDANT IS IN NEED OF SUBSTANCE ABUSE TREATMENT, REQUIRE THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR THE DESIGNEE TO PROVIDE THE MEDICALLY APPROPRIATE LEVEL OF TREATMENT AS IDENTIFIED IN THE ASSESSMENT; OR

(II) THE COURT MAY IMPOSE A TERM OF IMPRISONMENT UNDER SUBSECTION (C) OF THIS SECTION AND ORDER THE DIVISION OF CORRECTION OR LOCAL CORRECTIONAL FACILITY TO FACILITATE THE MEDICALLY APPROPRIATE LEVEL OF TREATMENT FOR THE DEFENDANT AS IDENTIFIED IN THE ASSESSMENT.

5-602.

Except as otherwise provided in this title, a person may not:

(1) distribute or dispense a controlled dangerous substance; or

(2) possess a controlled dangerous substance in sufficient quantity reasonably to indicate under all circumstances an intent to distribute or dispense a controlled dangerous substance.

5-603.

Except as otherwise provided in this title, a person may not manufacture a controlled dangerous substance, or manufacture, distribute, or possess a machine, equipment, instrument, implement, device, or a combination of them that is adapted to produce a controlled dangerous substance under circumstances that reasonably indicate an intent to use it to produce, sell, or dispense a controlled dangerous substance in violation of this title.

5-604.

(a) In this section, “counterfeit substance” means a controlled dangerous substance, or its container or labeling, that:

(1) without authorization, bears a likeness of the trademark, trade name, or other identifying mark, imprint, number, or device of a manufacturer, distributor, or dispenser other than the actual manufacturer, distributor, or dispenser; and

(2) thereby falsely purports or is represented to be the product of, or to have been distributed by, the other manufacturer, distributor, or dispenser.

(b) Except as otherwise provided in this title, a person may not:

(1) create or distribute a counterfeit substance; or

(2) possess a counterfeit substance with intent to distribute it.

(c) Except as otherwise provided in this title, a person may not manufacture, distribute, or possess equipment that is designed to print, imprint, or reproduce an authentic or imitation trademark, trade name, other identifying mark, imprint, number, or device of another onto a drug or the container or label of a drug, rendering the drug a counterfeit substance.

5-605.

(a) “Common nuisance” means a dwelling, building, vehicle, vessel, aircraft, or other place:

(1) resorted to by individuals for the purpose of administering illegally controlled dangerous substances; or

(2) where controlled dangerous substances or controlled paraphernalia are manufactured, distributed, dispensed, stored, or concealed illegally.

(b) A person may not keep a common nuisance.

5-606.

(a) Except as otherwise provided in this title, a person may not pass, issue, make, or possess a false, counterfeit, or altered prescription for a controlled dangerous substance with intent to distribute the controlled dangerous substance.

(b) Information that is communicated to an authorized prescriber in an effort to obtain a controlled dangerous substance in violation of subsection (a) of this section is not a privileged communication.

5-607.

(a) Except as provided in §§ 5-608 and 5-609 of this subtitle, a person who violates a provision of §§ 5-602 through 5-606 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$15,000 or both.

(b) [(1) Except as provided in § 5-609.1 of this subtitle, a person who has been convicted previously under subsection (a) of this section shall be sentenced to imprisonment for not less than 2 years.

(2) The court may not suspend the mandatory minimum sentence to less than 2 years.

(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.

(c) A person convicted under [subsection (a) of] this section is not prohibited from participating in a drug treatment program under § 8-507 of the Health – General Article because of the length of the sentence.

5-608.

(a) Except as otherwise provided in this section, a person who violates a provision of §§ 5-602 through 5-606 of this subtitle with respect to a Schedule I or Schedule II narcotic drug is guilty of a felony and on conviction is subject to imprisonment not exceeding [20] 10 years or a fine not exceeding [\$25,000] \$15,000 or both.

(b) [(1) Except as provided in § 5-609.1 of this subtitle, a] A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section [shall be sentenced] IS SUBJECT to imprisonment [for not

less than] NOT EXCEEDING 10 years [and is subject to] OR a fine not exceeding [\$100,000] \$15,000 OR BOTH if the person previously has been convicted once:

[(i)] (1) under subsection (a) of this section or § 5–609 of this subtitle;

[(ii)] (2) of conspiracy to commit a crime included in subsection (a) of this section or § 5–609 of this subtitle; or

[(iii)] (3) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–609 of this subtitle if committed in this State.

[(2) The court may not suspend the mandatory minimum sentence to less than 10 years.

[(3) Except as provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.]

(c) (1) [Except as provided in § 5–609.1 of this subtitle, a] A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section [shall be sentenced] IS SUBJECT to imprisonment [for not less than 25] NOT EXCEEDING 15 years [and is subject to] OR a fine not exceeding [\$100,000] \$25,000 OR BOTH if the person previously:

(i) has served at least one term of confinement of at least 180 days in a correctional institution as a result of a conviction:

1. under subsection (a) of this section or § 5–609 or § 5–614 of this subtitle;

2. of conspiracy to commit a crime included in subsection (a) of this section or § 5–609 of this subtitle; or

3. of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–609 of this subtitle if committed in this State; and

(ii) has been convicted twice, if the convictions arise from separate occasions:

1. under subsection (a) of this section or § 5–609 of this subtitle;

2. of conspiracy to commit a crime included in subsection (a) of this section or § 5–609 of this subtitle;

3. of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–609 of this subtitle if committed in this State; or

4. of any combination of these crimes.

(2) [The court may not suspend any part of the mandatory minimum sentence of 25 years.

(3) Except as provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.

(4) A separate occasion is one in which the second or succeeding crime is committed after there has been a charging document filed for the preceding crime.

(d) [(1) Except as provided in § 5–609.1 of this subtitle, a] A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section [shall be sentenced] IS SUBJECT to imprisonment [for not less than 40] NOT EXCEEDING 20 years [and is subject to] OR a fine not exceeding [\$100,000] \$25,000 OR BOTH if the person previously has served three or more separate terms of confinement as a result of three or more separate convictions:

[(i)] (1) under subsection (a) of this section or § 5–609 of this subtitle;

[(ii)] (2) of conspiracy to commit a crime included in subsection (a) of this section or § 5–609 of this subtitle;

[(iii)] (3) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–609 of this subtitle if committed in this State; or

[(iv)] (4) of any combination of these crimes.

[(2) The court may not suspend any part of the mandatory minimum sentence of 40 years.

(3) Except as provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.]

(e) A person convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is not prohibited from participating in a drug treatment program under § 8–507 of the Health – General Article because of the length of the sentence.

5–609.

(a) Except as otherwise provided in this section, a person who violates a provision of §§ 5–602 through 5–606 of this subtitle with respect to any of the following controlled dangerous substances is guilty of a felony and on conviction is subject to imprisonment not exceeding [20] 10 years or a fine not exceeding [\$20,000] \$15,000 or both:

- (1) phencyclidine;
- (2) 1–(1–phenylcyclohexyl) piperidine;
- (3) 1–phenylcyclohexylamine;
- (4) 1–piperidinocyclohexanecarbonitrile;
- (5) N–ethyl–1–phenylcyclohexylamine;
- (6) 1–(1–phenylcyclohexyl)–pyrrolidine;
- (7) 1–(1–(2–thienyl)–cyclohexyl)–piperidine;
- (8) lysergic acid diethylamide; or

(9) 750 grams or more of 3, 4-methylenedioxyamphetamine (MDMA).

(b) [(1) Except as provided in § 5-609.1 of this subtitle, a] A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section [shall be sentenced] IS SUBJECT to imprisonment [for not less than] NOT EXCEEDING 10 years [and is subject to] OR a fine not exceeding [\$100,000] \$15,000 OR BOTH if the person previously has been convicted once:

[(i)] (1) under subsection (a) of this section or § 5-608 of this subtitle;

[(ii)] (2) of conspiracy to commit a crime included in subsection (a) of this section or § 5-608 of this subtitle;

[(iii)] (3) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5-608 of this subtitle if committed in this State; or

[(iv)] (4) of any combination of these crimes.

[(2) The court may not suspend the mandatory minimum sentence to less than 10 years.

(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.]

(c) (1) [Except as provided in § 5-609.1 of this subtitle, a] A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section [shall be sentenced] IS SUBJECT to imprisonment [for not less than 25] NOT EXCEEDING 15 years [and is subject to] OR a fine not exceeding [\$100,000] \$25,000 OR BOTH if the person previously:

(i) has served at least one term of confinement of at least 180 days in a correctional institution as a result of a conviction under subsection (a) of this section, § 5-608 of this subtitle, or § 5-614 of this subtitle; and

(ii) if the convictions do not arise from a single incident, has been convicted twice:

1. under subsection (a) of this section or § 5–608 of this subtitle;

2. of conspiracy to commit a crime included in subsection (a) of this section or § 5–608 of this subtitle;

3. of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–608 of this subtitle if committed in this State; or

4. of any combination of these crimes.

(2) [The court may not suspend any part of the mandatory minimum sentence of 25 years.

(3) Except as provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.

(4) A separate occasion is one in which the second or succeeding crime is committed after there has been a charging document filed for the preceding crime.

(d) [(1) Except as provided in § 5–609.1 of this subtitle, a] A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section [shall be sentenced] **IS SUBJECT** to imprisonment [for not less than 40] **NOT EXCEEDING 20** years [and is subject to] **OR** a fine not exceeding **[\$100,000] \$25,000 OR BOTH** if the person previously has served three separate terms of confinement as a result of three separate convictions:

[(i)] (1) under subsection (a) of this section or § 5–608 of this subtitle;

[(ii)] (2) of conspiracy to commit a crime included in subsection (a) of this section or § 5–608 of this subtitle;

[(iii)] (3) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–608 of this subtitle if committed in this State; or

[(iv)] (4) of any combination of these crimes.

[(2) The court may not suspend any part of the mandatory minimum sentence of 40 years.

[(3) Except as provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.]

(e) A person convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is not prohibited from participating in a drug treatment program under § 8–507 of the Health – General Article because of the length of the sentence.

[5–609.1.

A court may depart from a mandatory minimum sentence prescribed in § 5–607, § 5–608, or § 5–609 of this subtitle if the court finds and states on the record that, giving due regard to the nature of the crime, the history and character of the defendant, and the defendant’s chances of successful rehabilitation:

(1) imposition of the mandatory minimum sentence would NOT result in substantial injustice to the defendant; and

(2) the mandatory minimum sentence is not necessary for the protection of the public.]

5–609.1.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND SUBJECT TO SUBSECTION (C) OF THIS SECTION, A PERSON WHO IS SERVING A TERM OF CONFINEMENT THAT INCLUDES A MANDATORY MINIMUM SENTENCE IMPOSED ON OR BEFORE SEPTEMBER 30, 2017, FOR A VIOLATION OF §§ 5–602 THROUGH 5–606 OF THIS SUBTITLE MAY APPLY TO THE COURT TO MODIFY OR REDUCE THE MANDATORY MINIMUM SENTENCE AS PROVIDED IN MARYLAND RULE 4–345, REGARDLESS OF

WHETHER THE DEFENDANT FILED A TIMELY MOTION FOR RECONSIDERATION OR A MOTION FOR RECONSIDERATION WAS DENIED BY THE COURT.

(B) THE COURT MAY MODIFY THE SENTENCE AND DEPART FROM THE MANDATORY MINIMUM SENTENCE UNLESS THE STATE SHOWS THAT, GIVING DUE REGARD TO THE NATURE OF THE CRIME, THE HISTORY AND CHARACTER OF THE DEFENDANT, AND THE DEFENDANT’S CHANCES OF SUCCESSFUL REHABILITATION:

(1) RETENTION OF THE MANDATORY MINIMUM SENTENCE WOULD NOT RESULT IN SUBSTANTIAL INJUSTICE TO THE DEFENDANT; AND

(2) THE MANDATORY MINIMUM SENTENCE IS NECESSARY FOR THE PROTECTION OF THE PUBLIC.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN APPLICATION FOR A HEARING UNDER SUBSECTION (A) OF THIS SECTION SHALL BE SUBMITTED TO THE COURT OR REVIEW PANEL ON OR BEFORE SEPTEMBER 30, 2018.

(2) THE COURT MAY CONSIDER AN APPLICATION AFTER SEPTEMBER 30, 2018, ONLY FOR GOOD CAUSE SHOWN.

(3) THE COURT SHALL NOTIFY THE STATE’S ATTORNEY OF A REQUEST FOR A HEARING.

(4) A PERSON MAY NOT FILE MORE THAN ONE APPLICATION FOR A HEARING UNDER SUBSECTION (A) OF THIS SECTION FOR A MANDATORY MINIMUM SENTENCE FOR A VIOLATION OF §§ 5–602 THROUGH 5–606 OF THIS SUBTITLE.

5–612.

(a) A person may not manufacture, distribute, dispense, or possess:

(1) 50 pounds or more of marijuana;

(2) 448 grams or more of cocaine;

- (3) 448 grams or more of any mixture containing a detectable amount of cocaine;
- (4) [50] 448 grams or more of cocaine base, commonly known as “crack”;
- (5) 28 grams or more of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium;
- (6) any mixture containing 28 grams or more of morphine or opium or any derivative, salt, isomer, or salt of an isomer of morphine or opium;
- (7) 1,000 dosage units or more of lysergic acid diethylamide;
- (8) any mixture containing the equivalent of 1,000 dosage units of lysergic acid diethylamide;
- (9) 16 ounces or more of phencyclidine in liquid form;
- (10) 448 grams or more of any mixture containing phencyclidine;
- (11) 448 grams or more of methamphetamine; or
- (12) any mixture containing 448 grams or more of methamphetamine.

(b) For the purpose of determining the quantity of a controlled dangerous substance involved in individual acts of manufacturing, distributing, dispensing, or possessing under subsection (a) of this section, the acts may be aggregated if each of the acts occurred within a 90-day period.

(c) (1) A person who is convicted of a violation of subsection (a) of this section shall be sentenced to imprisonment for not less than 5 years and is subject to a fine not exceeding \$100,000.

(2) The court may not suspend any part of the mandatory minimum sentence of 5 years.

(3) Except as provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.

5–905.

(a) [A] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A person convicted of a subsequent crime under this title is subject to:

- (1) a term of imprisonment twice that otherwise authorized;
- (2) twice the fine otherwise authorized; or
- (3) both.

(b) For purposes of this section, a crime is considered a subsequent crime, if, before the conviction for the crime, the offender has ever been convicted of a crime under this title or under any law of the United States or of this or another state relating to other controlled dangerous substances.

(c) A person convicted of a subsequent crime under a law superseded by this title is eligible for parole, probation, and suspension of sentence in the same manner as those persons convicted under this title.

(d) A sentence on a single count under this section may be imposed in conjunction with other sentences under this title.

(E) A PERSON WHOSE PRIOR AND SUBSEQUENT CONVICTIONS WERE FOR A VIOLATION OF § 5–601, § 5–602, § 5–603, § 5–604, § 5–605, OR § 5–606 OF THIS TITLE IS SUBJECT TO THIS SECTION ONLY IF THE PERSON WAS ALSO PREVIOUSLY CONVICTED OF A CRIME OF VIOLENCE AS DEFINED IN § 14–101 OF THIS ARTICLE.

7–104.

(a) A person may not willfully or knowingly obtain or exert unauthorized control over property, if the person:

- (1) intends to deprive the owner of the property;
- (2) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(3) uses, conceals, or abandons the property knowing the use, concealment, or abandonment probably will deprive the owner of the property.

(b) A person may not obtain control over property by willfully or knowingly using deception, if the person:

(1) intends to deprive the owner of the property;

(2) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(3) uses, conceals, or abandons the property knowing the use, concealment, or abandonment probably will deprive the owner of the property.

(c) (1) A person may not possess stolen personal property knowing that it has been stolen, or believing that it probably has been stolen, if the person:

(i) intends to deprive the owner of the property;

(ii) willfully or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(iii) uses, conceals, or abandons the property knowing that the use, concealment, or abandonment probably will deprive the owner of the property.

(2) In the case of a person in the business of buying or selling goods, the knowledge required under this subsection may be inferred if:

(i) the person possesses or exerts control over property stolen from more than one person on separate occasions;

(ii) during the year preceding the criminal possession charged, the person has acquired stolen property in a separate transaction; or

(iii) being in the business of buying or selling property of the sort possessed, the person acquired it for a consideration that the person knew was far below a reasonable value.

(3) In a prosecution for theft by possession of stolen property under this subsection, it is not a defense that:

(i) the person who stole the property has not been convicted, apprehended, or identified;

(ii) the defendant stole or participated in the stealing of the property;

(iii) the property was provided by law enforcement as part of an investigation, if the property was described to the defendant as being obtained through the commission of theft; or

(iv) the stealing of the property did not occur in the State.

(4) Unless the person who criminally possesses stolen property participated in the stealing, the person who criminally possesses stolen property and a person who has stolen the property are not accomplices in theft for the purpose of any rule of evidence requiring corroboration of the testimony of an accomplice.

(d) A person may not obtain control over property knowing that the property was lost, mislaid, or was delivered under a mistake as to the identity of the recipient or nature or amount of the property, if the person:

(1) knows or learns the identity of the owner or knows, is aware of, or learns of a reasonable method of identifying the owner;

(2) fails to take reasonable measures to restore the property to the owner;
and

(3) intends to deprive the owner permanently of the use or benefit of the property when the person obtains the property or at a later time.

(e) A person may not obtain the services of another that are available only for compensation:

(1) by deception; or

(2) with knowledge that the services are provided without the consent of the person providing them.

(f) Under this section, an offender's intention or knowledge that a promise would not be performed may not be established by or inferred solely from the fact that the promise was not performed.

(g) (1) A person convicted of theft of property or services with a value of:

(i) at least [~~\$1,000~~] **\$1,500** but less than [~~\$10,000~~] **\$25,000** is guilty of a felony and:

1. is subject to imprisonment not exceeding [~~10~~] **5** years or a fine not exceeding \$10,000 or both; and

2. shall restore the property taken to the owner or pay the owner the value of the property or services;

(ii) at least [~~\$10,000~~] **\$25,000** but less than \$100,000 is guilty of a felony and:

1. is subject to imprisonment not exceeding [~~15~~] **10** years or a fine not exceeding \$15,000 or both; and

2. shall restore the property taken to the owner or pay the owner the value of the property or services; or

(iii) \$100,000 or more is guilty of a felony and:

1. is subject to imprisonment not exceeding [~~25~~] **20** years or a fine not exceeding \$25,000 or both; and

2. shall restore the property taken to the owner or pay the owner the value of the property or services.

(2) Except as provided in [paragraphs (3) and (4)] **PARAGRAPH (3)** of this subsection, a person convicted of theft of property or services with a value of **AT LEAST \$100 BUT** less than [~~\$1,000~~] **\$1,500**, is guilty of a misdemeanor and:

(i) is subject to imprisonment not exceeding [18 months] 360 DAYS or a fine not exceeding \$500 or both; and

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.

(3) A person convicted of theft of property or services with a value of less than \$100 is guilty of a misdemeanor and:

(i) is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both; and

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.

(4) Subject to paragraph (5) of this subsection, a person who has [two] FOUR or more prior convictions under this subtitle and who is convicted of theft of property or services with a value of less than [\$1,000] \$1,500 under paragraph (2) of this subsection is guilty of a misdemeanor and:

(i) is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both; and

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.

(5) The court may not impose the penalties under paragraph (4) of this subsection unless the State's Attorney serves notice on the defendant or the defendant's counsel before the acceptance of a plea of guilty or nolo contendere or at least 15 days before trial that:

(i) the State will seek the penalties under paragraph (4) of this subsection; and

(ii) lists the alleged prior convictions.

(a) An indictment, information, warrant, or other charging document for theft under this part, other than for taking a motor vehicle under § 7–105 of this part, is sufficient if it substantially states:

“(name of defendant) on (date) in (county) stole (property or services stolen) of (name of victim), having a value of (less than [\$1,000, at least \$1,000 but less than \$10,000, at least \$10,000] **\$1,500, AT LEAST \$1,500 BUT LESS THAN \$25,000, AT LEAST \$25,000** but less than \$100,000, or \$100,000 or more) in violation of § 7–104 of the Criminal Law Article, against the peace, government, and dignity of the State.”.

(b) An indictment, information, warrant, or other charging document for theft under this part for taking a motor vehicle under § 7–105 of this part is sufficient if it substantially states:

“(name of defendant) on (date) in (county) knowingly and willfully took a motor vehicle out of (name of victim)’s lawful custody, control, or use, without the consent of (name of victim), in violation of § 7–105 of the Criminal Law Article, against the peace, government, and dignity of the State.”.

(c) In a case in the circuit court in which the general form of indictment or information is used to charge a defendant with a crime under this part, the defendant, on timely demand, is entitled to a bill of particulars.

(d) Unless specifically charged by the State, theft of property or services with a value of less than \$100 as provided under § 7–104(g)(3) of this subtitle may not be considered a lesser included crime of any other crime.

8–106.

(a) (1) A person who obtains property or services with a value of at least [\$1,000] **\$1,500** but less than [\$10,000] **\$25,000** by issuing or passing a check in violation of § 8–103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding [10] **5** years or a fine not exceeding \$10,000 or both.

(2) A person who obtains property or services with a value of at least [\$10,000] **\$25,000** but less than \$100,000 by issuing or passing a check in violation of § 8–103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding [15] **10** years or a fine not exceeding \$15,000 or both.

(3) A person who obtains property or services with a value of \$100,000 or more by issuing or passing a check in violation of § 8–103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding [25] 20 years or a fine not exceeding \$25,000 or both.

(b) A person who obtains property or services by issuing or passing more than one check in violation of § 8–103 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding [10] 5 years or a fine not exceeding \$10,000 or both if:

(1) each check that is issued is for [less than \$1,000] AT LEAST \$1,500 BUT LESS THAN \$25,000 and is issued to the same person within a 30–day period; and

(2) the cumulative value of the property or services is [\$1,000 or more] AT LEAST \$1,500 BUT LESS THAN \$25,000.

(c) Except as provided in subsections (b) and (d) of this section, a person who obtains property or services with a value of AT LEAST \$100 BUT less than [\$1,000] \$1,500 by issuing or passing a check in violation of § 8–103 of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [18 months] 360 DAYS or a fine not exceeding \$500 or both.

(d) (1) A person who obtains property or services with a value of less than \$100 by issuing or passing a check in violation of § 8–103 of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

(2) It is not a defense to the crime of obtaining property or services with a value of less than \$100 by issuing or passing a check in violation of § 8–103 of this subtitle that the value of the property or services at issue is \$100 or more.

8–206.

(a) A person may not for the purpose of obtaining money, goods, services, or anything of value, and with the intent to defraud another, use:

(1) a credit card obtained or retained in violation of § 8–204 or § 8–205 of this subtitle; or

(2) a credit card that the person knows is counterfeit.

(b) A person may not, with the intent to defraud another, obtain money, goods, services, or anything of value by representing:

(1) without the consent of the cardholder, that the person is the holder of a specified credit card; or

(2) that the person is the holder of a credit card when the credit card had not been issued.

(c) (1) (i) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least ~~[\$1,000]~~ **\$1,500** but less than ~~[\$10,000]~~ **\$25,000**, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding ~~[10]~~ **5** years or a fine not exceeding \$10,000 or both.

(ii) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least ~~[\$10,000]~~ **\$25,000** but less than \$100,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding ~~[15]~~ **10** years or a fine not exceeding \$15,000 or both.

(iii) If the value of all money, goods, services, and other things of value obtained in violation of this section is \$100,000 or more, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding ~~[25]~~ **20** years or a fine not exceeding \$25,000 or both.

(2) Except as provided in paragraph (3) of this subsection, if the value of all money, goods, services, and other things of value obtained in violation of this section is **AT LEAST \$100 BUT** less than ~~[\$1,000]~~ **\$1,500**, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding ~~[18 months]~~ **360 DAYS** or a fine not exceeding \$500 or both.

(3) If the value of all money, goods, services, and other things of value obtained in violation of this section ~~[does not exceed]~~ **IS LESS THAN \$100**, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

(a) If a person is authorized by an issuer to furnish money, goods, services, or anything of value on presentation of a credit card by the cardholder, the person or an agent or employee of the person may not, with the intent to defraud the issuer or cardholder:

(1) furnish money, goods, services, or anything of value on presentation of:

(i) a credit card obtained or retained in violation of § 8–204 or § 8–205 of this subtitle; or

(ii) a credit card that the person knows is counterfeit; or

(2) fail to furnish money, goods, services, or anything of value that the person represents in writing to the issuer that the person has furnished.

(b) (1) (i) If the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is at least ~~[\$1,000]~~ **\$1,500** but less than ~~[\$10,000]~~ **\$25,000**, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding ~~[10]~~ **5** years or a fine not exceeding \$10,000 or both.

(ii) If the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is at least ~~[\$10,000]~~ **\$25,000** but less than \$100,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding ~~[15]~~ **10** years or a fine not exceeding \$15,000 or both.

(iii) If the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is \$100,000 or more, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding ~~[25]~~ **20** years or a fine not exceeding \$25,000 or both.

(2) Except as provided in paragraph (3) of this subsection, if the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section is **AT LEAST \$100 BUT** less than ~~[\$1,000]~~ **\$1,500**, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding ~~[18 months]~~ **360 DAYS** or a fine not exceeding \$500 or both.

(3) If the value of all money, goods, services, and other things of value furnished or not furnished in violation of this section [does not exceed] IS LESS THAN \$100, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

8-209.

(a) A person may not receive money, goods, services, or anything of value if the person knows or believes that the money, goods, services, or other thing of value was obtained in violation of § 8-206 of this subtitle.

(b) (1) (i) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least [~~\$1,000~~] **\$1,500** but less than [~~\$10,000~~] **\$25,000**, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [~~10~~] **5** years or a fine not exceeding \$10,000 or both.

(ii) If the value of all money, goods, services, and other things of value obtained in violation of this section is at least [~~\$10,000~~] **\$25,000** but less than \$100,000, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [~~15~~] **10** years or a fine not exceeding \$15,000 or both.

(iii) If the value of all money, goods, services, and other things of value obtained in violation of this section is \$100,000 or more, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [~~25~~] **20** years or a fine not exceeding \$25,000 or both.

(2) Except as provided in paragraph (3) of this subsection, if the value of all money, goods, services, and other things of value obtained in violation of this section is **AT LEAST \$100 BUT** less than [~~\$1,000~~] **\$1,500**, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [~~18 months~~] **360 DAYS** or a fine not exceeding \$500 or both.

(3) If the value of all money, goods, services, and other things of value obtained in violation of this section [does not exceed] IS LESS THAN \$100, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

8-301.

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

(2) “Health care” means care, services, or supplies related to the health of an individual that includes the following:

(i) preventative, diagnostic, therapeutic, rehabilitative, maintenance care, palliative care and counseling, service assessment, or procedure:

1. with respect to the physical or mental condition or functional status of an individual; or

2. that affects the structure or function of the body; and

(ii) the sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription.

(3) “Health information” means any information, whether oral or recorded in any form or medium, that:

(i) is created or received by:

1. a health care provider;

2. a health care carrier;

3. a public health authority;

4. an employer;

5. a life insurer;

6. a school or university; or

7. a health care clearinghouse; and

(ii) relates to the:

1. past, present, or future physical or mental health or condition of an individual;
2. provision of health care to an individual; or
3. past, present, or future payment for the provision of health care to an individual.

(4) “Interactive computer service” means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a system that provides access to the Internet and cellular phones.

(5) “Payment device number” has the meaning stated in § 8–213 of this title.

(6) (i) “Personal identifying information” includes a name, address, telephone number, driver’s license number, Social Security number, place of employment, employee identification number, health insurance identification number, medical identification number, mother’s maiden name, bank or other financial institution account number, date of birth, personal identification number, unique biometric data, including fingerprint, voice print, retina or iris image or other unique physical representation, digital signature, credit card number, or other payment device number.

(ii) “Personal identifying information” may be derived from any element in subparagraph (i) of this paragraph, alone or in conjunction with any other information to identify a specific natural or fictitious individual.

(7) “Re–encoder” means an electronic device that places encoded personal identifying information or a payment device number from the magnetic strip or stripe of a credit card onto the magnetic strip or stripe of a different credit card or any electronic medium that allows such a transaction to occur.

(8) “Skimming device” means a scanner, skimmer, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, personal identifying information or a payment device number encoded on the magnetic strip or stripe of a credit card.

(b) A person may not knowingly, willfully, and with fraudulent intent possess, obtain, or help another to possess or obtain any personal identifying information of an individual, without the consent of the individual, in order to use, sell, or transfer the information to get a benefit, credit, good, service, or other thing of value or to access health information or health care.

(b-1) A person may not maliciously use an interactive computer service to disclose or assist another person to disclose the driver's license number, bank or other financial institution account number, credit card number, payment device number, Social Security number, or employee identification number of an individual, without the consent of the individual, in order to annoy, threaten, embarrass, or harass the individual.

(c) A person may not knowingly and willfully assume the identity of another, including a fictitious person:

(1) to avoid identification, apprehension, or prosecution for a crime; or

(2) with fraudulent intent to:

(i) get a benefit, credit, good, service, or other thing of value;

(ii) access health information or health care; or

(iii) avoid the payment of debt or other legal obligation.

(d) A person may not knowingly, willfully, and with fraudulent intent to obtain a benefit, credit, good, service, or other thing of value or to access health information or health care, use:

(1) a re-encoder to place information encoded on the magnetic strip or stripe of a credit card onto the magnetic strip or stripe of a different credit card or use any other electronic medium that allows such a transaction to occur without the consent of the individual authorized to use the credit card from which the personal identifying information or payment device number is being re-encoded; or

(2) a skimming device to access, read, scan, obtain, memorize, or store personal identifying information or a payment device number on the magnetic strip or stripe of a credit card without the consent of the individual authorized to use the credit card.

(e) A person may not knowingly, willfully, and with fraudulent intent possess, obtain, or help another possess or obtain a re-encoder device or a skimming device for the unauthorized use, sale, or transfer of personal identifying information or a payment device number.

(f) A person may not knowingly and willfully claim to represent another person without the knowledge and consent of that person, with the intent to solicit, request, or take any other action to otherwise induce another person to provide personal identifying information or a payment device number.

(g) (1) (i) A person who violates this section where the benefit, credit, good, service, health information or health care, or other thing of value that is the subject of subsection (b), (c), or (d) of this section has a value of at least ~~[\$1,000]~~ **\$1,500** but less than ~~[\$10,000]~~ **\$25,000** is guilty of a felony and on conviction is subject to imprisonment not exceeding ~~[10]~~ **5** years or a fine not exceeding \$10,000 or both.

(ii) A person who violates this section where the benefit, credit, good, service, or other thing of value that is the subject of subsection (b), (c), or (d) of this section has a value of at least ~~[\$10,000]~~ **\$25,000** but less than \$100,000 is guilty of a felony and on conviction is subject to imprisonment not exceeding ~~[15]~~ **10** years or a fine not exceeding \$15,000 or both.

(iii) A person who violates this section where the benefit, credit, good, service, or other thing of value that is the subject of subsection (b), (c), or (d) of this section has a value of \$100,000 or more is guilty of a felony and on conviction is subject to imprisonment not exceeding ~~[25]~~ **20** years or a fine not exceeding \$25,000 or both.

(2) A person who violates this section where the benefit, credit, good, service, health information or health care, or other thing of value that is the subject of subsection (b), (c), or (d) of this section has a value of **AT LEAST \$100 BUT** less than ~~[\$1,000]~~ **\$1,500** is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding ~~[18 months]~~ **360 DAYS** or a fine not exceeding \$500 or both.

(3) A person who violates this section under circumstances that reasonably indicate that the person's intent was to manufacture, distribute, or dispense another individual's personal identifying information without that individual's consent is guilty of

a felony and on conviction is subject to imprisonment not exceeding [15] 10 years or a fine not exceeding \$25,000 or both.

(4) A person who violates subsection (b–1), (c)(1), (e), or (f) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [18 months] 360 DAYS or a fine not exceeding \$500 or both.

(5) When the violation of this section is pursuant to one scheme or continuing course of conduct, whether from the same or several sources, the conduct may be considered as one violation and the value of the benefit, credit, good, service, or other thing of value may be aggregated in determining whether the violation is a felony or misdemeanor.

8–516.

(a) If a violation of this part results in the death of an individual, a person who violates a provision of this part is guilty of a felony and on conviction is subject to imprisonment not exceeding life or a fine not exceeding \$200,000 or both.

(b) If a violation of this part results in serious injury to an individual, a person who violates a provision of this part is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$100,000 or both.

(c) If the value of the money, health care services, or other goods or services involved is [\$1,000] \$1,500 or more in the aggregate, a person who violates a provision of this part is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$100,000 or both.

(d) A person who violates any other provision of this part is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$50,000 or both.

(e) (1) In this subsection, “business entity” includes an association, firm, institution, partnership, and corporation.

(2) A business entity that violates a provision of this part is subject to a fine not exceeding:

(i) \$250,000 for each felony; and

(ii) \$100,000 for each misdemeanor.

8-611.

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

(2) “Counterfeit mark” means:

(i) an unauthorized copy of intellectual property; or

(ii) intellectual property affixed to goods knowingly sold, offered for sale, manufactured, or distributed, to identify services offered or rendered, without the authority of the owner of the intellectual property.

(3) “Intellectual property” means a trademark, service mark, trade name, label, term, device, design, or word adopted or used by a person to identify the goods or services of the person.

(4) “Retail value” means:

(i) a trademark counterfeiter’s selling price for the goods or services that bear or are identified by the counterfeit mark; or

(ii) a trademark counterfeiter’s selling price of the finished product, if the goods that bear a counterfeit mark are components of the finished product.

(5) “Trademark counterfeiter” means a person who commits the crime of trademark counterfeiting prohibited by this section.

(b) A person may not willfully manufacture, produce, display, advertise, distribute, offer for sale, sell, or possess with the intent to sell or distribute goods or services that the person knows are bearing or are identified by a counterfeit mark.

(c) If the aggregate retail value of the goods or services is [~~\$1,000~~] **\$1,500** or more, a person who violates this section is guilty of the felony of trademark counterfeiting and on conviction:

(1) is subject to imprisonment not exceeding [15] 10 years or a fine not exceeding \$10,000 or both; and

(2) shall transfer all of the goods to the owner of the intellectual property.

(d) If the aggregate retail value of the goods or services is less than [\$1,000] \$1,500, a person who violates this section is guilty of the misdemeanor of trademark counterfeiting and on conviction:

(1) is subject to[:

(i) for a first violation,] imprisonment not exceeding [18 months] 360 DAYS or a fine not exceeding \$1,000 or both[; or

(ii) for each subsequent violation, imprisonment not exceeding 18 months or a fine not exceeding \$5,000 or both]; and

(2) shall transfer all of the goods to the owner of the intellectual property.

(e) An action or prosecution for trademark counterfeiting in which the aggregate retail value of the goods or services is less than [\$1,000] \$1,500 shall be commenced within 2 years after the commission of the crime.

(f) Any goods bearing a counterfeit mark are subject to seizure by a law enforcement officer to preserve the goods for transfer to the owner of the intellectual property either:

(1) under an agreement with the person alleged to have committed the crime; or

(2) after a conviction under this section.

(g) State or federal registration of intellectual property is prima facie evidence that the intellectual property is a trademark or trade name.

8-801.

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

(2) “Deception” has the meaning stated in § 7–101 of this article.

(3) “Deprive” has the meaning stated in § 7–101 of this article.

(4) “Obtain” has the meaning stated in § 7–101 of this article.

(5) “Property” has the meaning stated in § 7–101 of this article.

(6) (i) “Undue influence” means domination and influence amounting to force and coercion exercised by another person to such an extent that a vulnerable adult or an individual at least 68 years old was prevented from exercising free judgment and choice.

(ii) “Undue influence” does not include the normal influence that one member of a family has over another member of the family.

(7) “Value” has the meaning stated in § 7–103 of this article.

(8) “Vulnerable adult” has the meaning stated in § 3–604 of this article.

(b) (1) A person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is a vulnerable adult with intent to deprive the vulnerable adult of the vulnerable adult’s property.

(2) A person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is at least 68 years old, with intent to deprive the individual of the individual’s property.

(c) (1) (i) A person convicted of a violation of this section when the value of the property is at least ~~[\$1,000]~~ **\$1,500** but less than ~~[\$10,000]~~ **\$25,000** is guilty of a felony and:

1. is subject to imprisonment not exceeding ~~[10]~~ **5** years or a fine not exceeding \$10,000 or both; and

2. shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner’s estate.

(ii) A person convicted of a violation of this section when the value of the property is at least [~~\$10,000~~] **\$25,000** but less than \$100,000 is guilty of a felony and:

1. is subject to imprisonment not exceeding [~~15~~] **10** years or a fine not exceeding \$15,000 or both; and

2. shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(iii) A person convicted of a violation of this section when the value of the property is \$100,000 or more is guilty of a felony and:

1. is subject to imprisonment not exceeding [~~25~~] **20** years or a fine not exceeding \$25,000 or both; and

2. shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

(2) A person convicted of a violation of this section when the value of the property is less than [~~\$1,000~~] **\$1,500** is guilty of a misdemeanor and:

(i) is subject to imprisonment not exceeding [~~18 months~~] **360 DAYS** or a fine not exceeding \$500 or both; and

(ii) shall restore the property taken or its value to the owner, or, if the owner is deceased, restore the property or its value to the owner's estate.

9-801.

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

(b) "Coerce" means to compel or attempt to compel another by threat of harm or other adverse consequences.

(c) "Criminal gang" means a group or association of three or more persons whose members:

(1) individually or collectively engage in a pattern of criminal gang activity;

(2) have as one of their primary objectives or activities the commission of one or more underlying crimes, including acts by juveniles that would be underlying crimes if committed by adults; and

(3) have in common an overt or covert organizational or command structure.

(D) “ENTERPRISE” INCLUDES:

(1) A SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, BUSINESS TRUST, OR OTHER LEGAL ENTITY; OR

(2) ANY GROUP OF INDIVIDUALS ASSOCIATED IN FACT ALTHOUGH NOT A LEGAL ENTITY.

[(d)] (E) “Pattern of criminal gang activity” means the commission of, attempted commission of, conspiracy to commit, or solicitation of two or more underlying crimes or acts by a juvenile that would be an underlying crime if committed by an adult, provided the crimes or acts were not part of the same incident.

[(e)] (F) “Solicit” has the meaning stated in § 11–301 of this article.

[(f)] (G) “Underlying crime” means:

(1) a crime of violence as defined under § 14–101 of this article;

(2) a violation of § 3–203 (second degree assault), § 4–203 (wearing, carrying, or transporting a handgun), § 9–302 (inducing false testimony or avoidance of subpoena), § 9–303 (retaliation for testimony), § 9–305 (intimidating or corrupting juror), § 11–303 (human trafficking), § 11–304 (receiving earnings of prostitute), or § 11–306(a)(2), (3), or (4) (house of prostitution) of this article;

(3) a felony violation of § 3–701 (extortion), § 4–503 (manufacture or possession of destructive device), § 5–602 (distribution of CDS), § 5–603 (manufacturing CDS or equipment), **§ 5–604(B) (CREATING OR POSSESSING A COUNTERFEIT SUBSTANCE), § 5–606 (FALSE PRESCRIPTION),** § 6–103 (second degree arson), § 6–202

(first degree burglary), § 6–203 (second degree burglary), § 6–204 (third degree burglary), § 7–104 (theft), or § 7–105 (unauthorized use of a motor vehicle) of this article; or

(4) a felony violation of § 5–133 of the Public Safety Article.

9–802.

(a) A person may not threaten an individual, or a friend or family member of an individual, with physical violence with the intent to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal gang.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding [~~\$1,000~~] **\$10,000** or both.

9–803.

(a) A person may not threaten an individual, or a friend or family member of an individual, with or use physical violence to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal gang:

(1) in a school vehicle, as defined under § 11–154 of the Transportation Article; or

(2) in, on, or within 1,000 feet of real property owned by or leased to an elementary school, secondary school, or county board of education and used for elementary or secondary education.

(b) Subsection (a) of this section applies whether or not:

(1) school was in session at the time of the crime; or

(2) the real property was being used for purposes other than school purposes at the time of the crime.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 4 years or a fine not exceeding [~~\$4,000~~] **\$20,000** or both.

(d) Notwithstanding any other law, a conviction under this section may not merge with a conviction under § 9-802 of this subtitle.

9-804.

(a) A person may not:

(1) participate in a criminal gang knowing that the members of the gang engage in a pattern of criminal gang activity; and

(2) knowingly and willfully direct or participate in an underlying crime, or act by a juvenile that would be an underlying crime if committed by an adult, committed for the benefit of, at the direction of, or in association with a criminal gang.

(B) A CRIMINAL GANG OR AN INDIVIDUAL BELONGING TO A CRIMINAL GANG MAY NOT:

(1) RECEIVE PROCEEDS KNOWN TO HAVE BEEN DERIVED DIRECTLY OR INDIRECTLY FROM AN UNDERLYING CRIME; AND

(2) USE OR INVEST, DIRECTLY OR INDIRECTLY, AN AGGREGATE OF \$10,000 OR MORE OF THE PROCEEDS FROM AN UNDERLYING CRIME IN:

(I) THE ACQUISITION OF A TITLE TO, RIGHT TO, INTEREST IN, OR EQUITY IN REAL PROPERTY; OR

(II) THE ESTABLISHMENT OR OPERATION OF ANY ENTERPRISE.

(C) A CRIMINAL GANG MAY NOT ACQUIRE OR MAINTAIN, DIRECTLY OR INDIRECTLY, ANY INTEREST IN OR CONTROL OF ANY ENTERPRISE OR REAL PROPERTY THROUGH AN UNDERLYING CRIME.

(D) A PERSON MAY NOT CONSPIRE TO VIOLATE SUBSECTION (A), (B), OR (C) OF THIS SECTION.

[(b)] (E) A person may not violate subsection (a) of this section that results in the death of a victim.

[(c)] (F) (1) (i) Except as provided in subparagraph (ii) of this paragraph, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [10] 15 years or a fine not exceeding [\$100,000] \$1,000,000 or both.

(ii) A person who violates subsection [(b)] (E) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding [20] 25 years or a fine not exceeding [\$100,000] \$5,000,000 or both.

(2) (i) A sentence imposed under paragraph (1)(i) of this subsection for a first offense may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing a violation of this section.

(ii) A sentence imposed under paragraph (1)(i) of this subsection for a second or subsequent offense, or paragraph (1)(ii) of this subsection shall be separate from and consecutive to a sentence for any crime based on the act establishing a violation of this section.

(iii) A consecutive sentence for a second or subsequent offense shall not be mandatory unless the State notifies the person in writing of the State's intention to proceed against the person as a second or subsequent offender at least 30 days before trial.

(3) IN ADDITION TO THE OTHER PENALTIES PROVIDED IN THIS SUBSECTION, ON CONVICTION THE COURT MAY:

(I) ORDER A PERSON OR CRIMINAL GANG TO BE DIVESTED OF ANY INTEREST IN AN ENTERPRISE OR REAL PROPERTY;

(II) ORDER THE DISSOLUTION OR REORGANIZATION OF AN ENTERPRISE; AND

(III) ORDER THE SUSPENSION OR REVOCATION OF ANY LICENSE, PERMIT, OR PRIOR APPROVAL GRANTED TO THE ENTERPRISE OR PERSON BY A UNIT OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.

(G) (1) THIS SUBSECTION APPLIES TO A VIOLATION OF § 5-602, § 5-603, § 5-604(B), § 5-606, § 5-612, § 5-613, § 5-614, OR § 5-617 OF THIS ARTICLE.

(2) ASSETS DIVESTED UNDER THIS SECTION AND DERIVED FROM THE COMMISSION OF, ATTEMPTED COMMISSION OF, CONSPIRACY TO COMMIT, OR SOLICITATION OF A CRIME DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, EITHER IN WHOLE OR IN PART, SHALL BE DEPOSITED IN THE ADDICTION TREATMENT DIVESTITURE FUND ESTABLISHED UNDER § 8-6D-01 OF THE HEALTH – GENERAL ARTICLE.

[(d)] (H) A person may be charged with a violation of this section only by indictment, criminal information, or petition alleging a delinquent act.

[(e)] (I) (1) The Attorney General, at the request of the GOVERNOR OR THE State's Attorney for a county in which a violation or an act establishing a violation of this section occurs, may:

- (i) aid in the investigation of the violation or act; and
- (ii) prosecute the violation or act.

(2) In exercising authority under paragraph (1) of this subsection, the Attorney General has all the powers and duties of a State's Attorney, including the use of the grand jury in the county, to prosecute the violation.

(3) Notwithstanding any other provision of law, in circumstances in which violations of this section are alleged to have been committed in more than one county, the respective State's Attorney of each county, or the Attorney General, may join the causes of action in a single complaint with the consent of each State's Attorney having jurisdiction over an offense sought to be joined.

[(f)] (J) Notwithstanding any other provision of law and provided at least one criminal gang activity of a criminal gang allegedly occurred in the county in which a grand jury is sitting, the grand jury may issue subpoenas, summon witnesses, and otherwise conduct an investigation of the alleged criminal gang's activities and offenses in other counties.

9-805.

(a) A person may not organize, supervise, PROMOTE, SPONSOR, finance, or manage a criminal gang.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding [\$100,000] \$1,000,000 or both.

(c) A sentence imposed under this section shall be separate from and consecutive to a sentence for any crime based on the act establishing a violation of this section.

9–807.

FOR PURPOSES OF VENUE, ANY VIOLATION OF THIS SUBTITLE IS CONSIDERED TO HAVE BEEN COMMITTED IN ANY COUNTY:

(1) IN WHICH ANY ACT WAS PERFORMED IN FURTHERANCE OF A VIOLATION OF THIS SUBTITLE;

(2) THAT IS THE PRINCIPAL PLACE OF THE OPERATIONS OF THE CRIMINAL GANG IN THE STATE;

(3) IN WHICH A DEFENDANT HAD CONTROL OR POSSESSION OF PROCEEDS OF A VIOLATION OF THIS SUBTITLE OR OF RECORDS OR OTHER MATERIAL OR OBJECTS THAT WERE USED IN FURTHERANCE OF A VIOLATION; OR

(4) IN WHICH A DEFENDANT RESIDES.

14–101.

(a) In this section, “crime of violence” means:

(1) abduction;

(2) arson in the first degree;

(3) kidnapping;

(4) manslaughter, except involuntary manslaughter;

(5) mayhem;

- (6) maiming, as previously proscribed under former Article 27, §§ 385 and 386 of the Code;
- (7) murder;
- (8) rape;
- (9) robbery under § 3–402 or § 3–403 of this article;
- (10) carjacking;
- (11) armed carjacking;
- (12) sexual offense in the first degree;
- (13) sexual offense in the second degree;
- (14) use of a handgun in the commission of a felony or other crime of violence;
- (15) child abuse in the first degree under § 3–601 of this article;
- (16) sexual abuse of a minor under § 3–602 of this article if:
 - (i) the victim is under the age of 13 years and the offender is an adult at the time of the offense; and
 - (ii) the offense involved:
 - 1. vaginal intercourse, as defined in § 3–301 of this article;
 - 2. a sexual act, as defined in § 3–301 of this article;
 - 3. an act in which a part of the offender’s body penetrates, however slightly, into the victim’s genital opening or anus; or

4. the intentional touching, not through the clothing, of the victim's or the offender's genital, anal, or other intimate area for sexual arousal, gratification, or abuse;

(17) an attempt to commit any of the crimes described in items (1) through (16) of this subsection;

(18) continuing course of conduct with a child under § 3–315 of this article;

(19) assault in the first degree;

(20) assault with intent to murder;

(21) assault with intent to rape;

(22) assault with intent to rob;

(23) assault with intent to commit a sexual offense in the first degree; and

(24) assault with intent to commit a sexual offense in the second degree.

(b) (1) Except as provided in subsection (f) of this section, on conviction for a fourth time of a crime of violence, a person who has served three separate terms of confinement in a correctional facility as a result of three separate convictions of any crime of violence shall be sentenced to life imprisonment without the possibility of parole.

(2) Notwithstanding any other law, the provisions of this subsection are mandatory.

(c) (1) Except as provided in subsection (f) of this section, on conviction for a third time of a crime of violence, a person shall be sentenced to imprisonment for the term allowed by law but not less than 25 years, if the person:

(i) has been convicted of a crime of violence on two prior separate occasions:

1. in which the second or succeeding crime is committed after there has been a charging document filed for the preceding occasion; and

2. for which the convictions do not arise from a single incident; and

(ii) has served at least one term of confinement in a correctional facility as a result of a conviction of a crime of violence.

(2) The court may not suspend all or part of the mandatory 25-year sentence required under this subsection.

(3) A person sentenced under this subsection is not eligible for parole except in accordance with the provisions of § 4-305 of the Correctional Services Article.

(d) (1) On conviction for a second time of a crime of violence committed on or after October 1, 1994, a person shall be sentenced to imprisonment for the term allowed by law, but not less than 10 years, if the person:

(i) has been convicted on a prior occasion of a crime of violence, including a conviction for a crime committed before October 1, 1994; and

(ii) served a term of confinement in a correctional facility for that conviction.

(2) The court may not suspend all or part of the mandatory 10-year sentence required under this subsection.

(e) If the State intends to proceed against a person as a subsequent offender under this section, it shall comply with the procedures set forth in the Maryland Rules for the indictment and trial of a subsequent offender.

(f) (1) THIS SUBSECTION DOES NOT APPLY TO A PERSON REGISTERED OR ELIGIBLE FOR REGISTRATION UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE.

(2) A person sentenced under this section may petition for and be granted parole if the person:

(i) is at least [65] 60 years old; and

(ii) has served at least [15] 10 years of the sentence imposed under this section.

[(2)] (3) The Maryland Parole Commission shall adopt regulations to implement this subsection.

Article – Criminal Procedure

1–101.

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

(b) **“ABSCONDING” HAS THE MEANING STATED IN § 6–101 OF THE CORRECTIONAL SERVICES ARTICLE.**

(C) (1) “Charging document” means a written accusation alleging that a defendant has committed a crime.

(2) “Charging document” includes a citation, an indictment, an information, a statement of charges, and a warrant.

[(c)] (D) “Correctional facility” has the meaning stated in § 1–101 of the Correctional Services Article.

[(d)] (E) “County” means a county of the State or Baltimore City.

[(e)] (F) “Crime of violence” has the meaning stated in § 14–101 of the Criminal Law Article.

[(f)] (G) “Department” means the Department of Public Safety and Correctional Services.

[(g)] (H) “Inmate” has the meaning stated in § 1–101 of the Correctional Services Article.

[(h)] (I) “Local correctional facility” has the meaning stated in § 1–101 of the Correctional Services Article.

[(i)] (J) “Managing official” has the meaning stated in § 1–101 of the Correctional Services Article.

[(i)] (K) “Nolle prosequi” means a formal entry on the record by the State that declares the State’s intention not to prosecute a charge.

[(k)] (L) “Nolo contendere” means a plea stating that the defendant will not contest the charge but does not admit guilt or claim innocence.

[(l)] (M) “Person” means an individual, receiver, trustee, guardian, personal representative, fiduciary, representative of any kind, partnership, firm, association, corporation, or other entity.

[(m)] (N) “Secretary” means the Secretary of the Department of Public Safety and Correctional Services.

[(n)] (O) “State” means:

- (1) a state, possession, territory, or commonwealth of the United States; or
- (2) the District of Columbia.

[(o)] (P) “State correctional facility” has the meaning stated in § 1–101 of the Correctional Services Article.

(Q) “TECHNICAL VIOLATION” HAS THE MEANING STATED IN § 6–101 OF THE CORRECTIONAL SERVICES ARTICLE.

6–223.

(a) A circuit court or the District Court may end the period of probation at any time.

(b) On receipt of written charges, filed under oath, that a probationer or defendant violated a condition of probation during the period of probation, the District Court may, during the period of probation or within 30 days after the violation, whichever is later, issue a warrant or notice requiring the probationer or defendant to be brought or appear before the judge issuing the warrant or notice:

(1) to answer the charge of violation of a condition of probation or of suspension of sentence; and

(2) to be present for the setting of a timely hearing date for that charge.

(c) Pending the hearing or determination of the charge, a circuit court or the District Court may remand the probationer or defendant to a correctional facility or release the probationer or defendant with or without bail.

(d) If, at the hearing, a circuit court or the District Court finds that the probationer or defendant has violated a condition of probation, the court may:

(1) revoke the probation granted or the suspension of sentence; and

(2) **(I) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR A TECHNICAL VIOLATION, IMPOSE A PERIOD OF INCARCERATION OF:**

1. NOT MORE THAN 15 DAYS FOR A FIRST TECHNICAL VIOLATION;

2. NOT MORE THAN 30 DAYS FOR A SECOND TECHNICAL VIOLATION; AND

3. NOT MORE THAN 45 DAYS FOR A THIRD TECHNICAL VIOLATION; AND

(II) FOR A FOURTH OR SUBSEQUENT TECHNICAL VIOLATION OR A VIOLATION THAT IS NOT A TECHNICAL VIOLATION, impose any sentence that might have originally been imposed for the crime of which the probationer or defendant was convicted or pleaded nolo contendere.

(3) (I) THERE IS A REBUTTABLE PRESUMPTION THAT THE LIMITS ON THE PERIOD OF INCARCERATION THAT MAY BE IMPOSED FOR A TECHNICAL VIOLATION ESTABLISHED IN PARAGRAPH (2) OF THIS SUBSECTION ARE APPLICABLE.

(II) THE PRESUMPTION MAY BE REBUTTED IF THE COURT FINDS AND STATES ON THE RECORD, AFTER CONSIDERATION OF THE FOLLOWING FACTORS, THAT ADHERING TO THE LIMITS ON THE PERIOD OF INCARCERATION ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION WOULD CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS:

1. THE NATURE OF THE PROBATION VIOLATION;
2. THE FACTS AND CIRCUMSTANCES OF THE CRIME FOR WHICH THE PROBATIONER OR DEFENDANT WAS CONVICTED; AND
3. THE PROBATIONER'S OR DEFENDANT'S HISTORY.

(III) ON FINDING THAT ADHERING TO THE LIMITS WOULD CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COURT MAY:

1. DIRECT IMPOSITION OF A LONGER PERIOD OF INCARCERATION THAN PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BUT NO MORE THAN THE TIME REMAINING ON THE ORIGINAL SENTENCE; OR
2. COMMIT THE PROBATIONER OR DEFENDANT TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE HEALTH – GENERAL ARTICLE.

(IV) A FINDING UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH OR AN ACTION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH IS SUBJECT TO APPEAL UNDER TITLE 12, SUBTITLE 3 OR TITLE 12, SUBTITLE 4 OF THE COURTS ARTICLE.

6-224.

(a) This section applies to a defendant who is convicted of a crime for which the court:

- (1) does not impose a sentence;

- (2) suspends the sentence generally;
- (3) places the defendant on probation for a definite time; or
- (4) passes another order and imposes other conditions of probation.

(b) If a defendant is brought before a circuit court to be sentenced on the original charge or for violating a condition of probation, and the judge then presiding finds that the defendant violated a condition of probation, the judge:

(1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, may sentence the defendant to:

(i) all or any part of the period of imprisonment imposed in the original sentence; or

(ii) any sentence allowed by law, if a sentence was not imposed before; and

(2) may suspend all or part of a sentence and place the defendant on further probation on any conditions that the judge considers proper, and that do not exceed the maximum set under § 6–222 of this subtitle.

(c) **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE COURT FINDS THAT THE DEFENDANT VIOLATED A CONDITION OF PROBATION THAT IS A TECHNICAL VIOLATION, THE COURT MAY IMPOSE A PERIOD OF INCARCERATION OF:**

(I) NOT MORE THAN 15 DAYS FOR A FIRST TECHNICAL VIOLATION;

(II) NOT MORE THAN 30 DAYS FOR A SECOND TECHNICAL VIOLATION;

(III) NOT MORE THAN 45 DAYS FOR A THIRD TECHNICAL VIOLATION; AND

(IV) ALL OR ANY PART OF THE PERIOD OF IMPRISONMENT IMPOSED IN THE ORIGINAL SENTENCE FOR A FOURTH OR SUBSEQUENT TECHNICAL VIOLATION.

(2) (I) THERE IS A REBUTTABLE PRESUMPTION THAT THE LIMITS ON THE PERIOD OF INCARCERATION THAT MAY BE IMPOSED FOR A TECHNICAL VIOLATION ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION ARE APPLICABLE.

(II) THE PRESUMPTION MAY BE REBUTTED IF THE COURT FINDS AND STATES ON THE RECORD, AFTER CONSIDERATION OF THE FOLLOWING FACTORS, THAT ADHERING TO THE LIMITS ON THE PERIOD OF INCARCERATION ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION WOULD CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS:

1. THE NATURE OF THE PROBATION VIOLATION;
2. THE FACTS AND CIRCUMSTANCES OF THE CRIME FOR WHICH THE DEFENDANT WAS CONVICTED; AND
3. THE DEFENDANT'S HISTORY.

(III) ON FINDING THAT ADHERING TO THE LIMITS WOULD CREATE A RISK TO PUBLIC SAFETY, A VICTIM, OR A WITNESS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COURT MAY:

1. DIRECT IMPOSITION OF A LONGER PERIOD OF INCARCERATION THAN PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, BUT NO MORE THAN THE TIME REMAINING ON THE ORIGINAL SENTENCE; OR
2. COMMIT THE DEFENDANT TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE HEALTH – GENERAL ARTICLE.

(IV) A FINDING UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH OR AN ACTION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH IS

SUBJECT TO APPEAL UNDER TITLE 12, SUBTITLE 3 OR TITLE 12, SUBTITLE 4 OF THE COURTS ARTICLE.

(D) (1) The District Court judge who originally imposed conditions of probation or suspension of sentence shall hear any charge of violation of the conditions of probation or suspension of sentence.

(2) Except as provided in paragraph (3) of this subsection, the judge shall sentence the defendant if probation is revoked or suspension stricken.

(3) If the judge has been removed from office, has died or resigned, or is otherwise incapacitated, any other judge of the District Court may act in the matter.

11-819.

(b) The Criminal Injuries Compensation Fund:

(1) shall be used to:

(i) carry out the provisions of this subtitle; and

(ii) distribute restitution payments forwarded to the Fund under [§ 11-604] § 9-614 of the Correctional Services Article; and

(2) may be used for:

(i) any award given under this subtitle; and

(ii) the costs of carrying out this subtitle.

Article – Health – General

8-507.

(a) Subject to the limitations in this section, a court that finds in a criminal case or during a term of probation that a defendant has an alcohol or drug dependency may commit the defendant as a condition of release, after conviction, or at any other time the defendant voluntarily agrees to participate in treatment, to the Department for treatment that the Department recommends, even if:

(1) The defendant did not timely file a motion for reconsideration under Maryland Rule 4–345; or

(2) The defendant timely filed a motion for reconsideration under Maryland Rule 4–345 which was denied by the court.

(b) Before a court commits a defendant to the Department under this section, the court shall:

(1) Offer the defendant the opportunity to receive treatment;

(2) Obtain the written consent of the defendant:

(i) To receive treatment; and

(ii) To have information reported back to the court;

(3) Order an evaluation of the defendant under § 8–505 or § 8–506 of this subtitle;

(4) Consider the report on the defendant’s evaluation; and

(5) Find that the treatment that the Department recommends to be appropriate and necessary.

(c) Immediately on receiving an order for treatment under this section, the Department shall order a report of all pending cases, warrants, and detainers for the defendant and forward a copy of the report to the court, the defendant, and the defendant’s last attorney of record.

(d) (1) The Department shall provide the services required by this section.

(2) A designee of the Department may carry out any of the Department’s duties under this section [if appropriate funding is provided].

(e) (1) A court may not order that the defendant be delivered for treatment until:

(i) [The Department gives the court notice that an appropriate treatment program is able to begin treatment of the defendant;

(ii) Any detainer based on an untried indictment, information, warrant, or complaint for the defendant has been removed; and

[(iii)] (II) Any sentence of incarceration for the defendant is no longer in effect.

(2) The Department shall facilitate [the prompt] treatment of a defendant WITHOUT UNNECESSARY DELAY AND IN NO EVENT LATER THAN 21 DAYS FROM THE ORDER.

(3) IF A DEFENDANT WHO HAS BEEN COMMITTED FOR TREATMENT UNDER THIS SECTION IS NOT PLACED IN TREATMENT WITHIN 21 DAYS OF THE ORDER, THE COURT MAY ORDER THE DEPARTMENT TO APPEAR TO EXPLAIN THE REASON FOR THE LACK OF PLACEMENT.

(f) For a defendant committed for treatment under this section, a court shall order supervision of the defendant:

(1) By an appropriate pretrial release agency, if the defendant is released pending trial;

(2) By the Division of Parole and Probation under appropriate conditions in accordance with §§ 6–219 through 6–225 of the Criminal Procedure Article and Maryland Rule 4–345, if the defendant is released on probation; or

(3) By the Department, if the defendant remains in the custody of a local correctional facility.

(g) A court may order law enforcement officials, detention center staff, Department of Public Safety and Correctional Services staff, or sheriff's department staff within the appropriate local jurisdiction to transport a defendant to and from treatment under this section.

(h) The Department shall promptly report to a court a defendant's withdrawal of consent to treatment and have the defendant returned to the court within 7 days for further proceedings.

(i) A defendant who is committed for treatment under this section may question at any time the legality of the commitment by a petition for a writ of habeas corpus.

(j) (1) A commitment under this section shall be for at least 72 hours and not more than 1 year.

(2) On good cause shown by the Department, the court, or the State, the court may extend the time period for providing the necessary treatment services in increments of 6 months.

(3) Except during the first 72 hours after admission of a defendant to a treatment program, the Department may terminate the treatment if the Department determines that:

(i) Continued treatment is not in the best interest of the defendant;
or

(ii) The defendant is no longer amenable to treatment.

(k) When a defendant is to be released from treatment under this section, the Department shall notify the court that ordered the treatment.

(l) (1) If a defendant leaves treatment without authorization, the responsibility of the Department is limited to the notification of the court that ordered the defendant's treatment as soon as it is reasonably possible.

(2) Notice under this subsection shall constitute probable cause for a court to issue a warrant for the arrest of a defendant.

(m) Nothing in this section imposes any obligation on the Department:

(1) To treat any defendant who knowingly and willfully declines to consent to further treatment; or

(2) In reporting to the court under this section, to include an assessment of a defendant's dangerousness to one's self, to another individual, or to the property of another individual by virtue of a drug or alcohol problem.

(n) Time during which a defendant is held under this section for inpatient evaluation or inpatient or residential treatment shall be credited against any sentence imposed by the court that ordered the evaluation or treatment.

(o) This section may not be construed to limit a court's authority to order drug treatment in lieu of incarceration under Title 5 of the Criminal Law Article.

SUBTITLE 6D. ADDICTION TREATMENT DIVESTITURE FUND.

8-6D-01.

(A) THERE IS AN ADDICTION TREATMENT DIVESTITURE FUND IN THE DEPARTMENT.

(B) THE PURPOSE OF THE FUND IS TO SUPPORT ADDICTION TREATMENT SERVICES TO PERSONS WITH SUBSTANCE-RELATED DISORDERS.

(C) THE SECRETARY SHALL ADMINISTER THE FUND.

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

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

(E) THE FUND CONSISTS OF:

(1) REVENUE DISTRIBUTED TO THE FUND UNDER § 9-804 OF THE CRIMINAL LAW 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.

(F) THE FUND MAY BE USED ONLY TO SUPPORT THE ACTIONS OF THE SECRETARY TO PROVIDE TREATMENT FOR SUBSTANCE-RELATED DISORDERS.

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

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

Article – State Finance and Procurement

6-226.

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

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

85. the Military Personnel and Veteran-Owned Small Business No-Interest Loan Fund; [and]

86. the Performance Incentive Grant Fund; AND

87. THE ADDICTION TREATMENT DIVESTITURE FUND.

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

Article – State Finance and Procurement

6–226.

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

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

84. the Economic Development Marketing Fund; [and]

85. the Military Personnel and Veteran–Owned Small Business No–Interest Loan Fund; AND

86. THE PERFORMANCE INCENTIVE GRANT FUND.

Article – State Government

SUBTITLE 32. JUSTICE REINVESTMENT OVERSIGHT BOARD.

9–3201.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “BOARD” MEANS THE JUSTICE REINVESTMENT OVERSIGHT BOARD.

(C) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

(D) “FUND” MEANS THE PERFORMANCE INCENTIVE GRANT FUND ESTABLISHED IN § 9–3209 OF THIS SUBTITLE.

9–3202.

THERE IS A JUSTICE REINVESTMENT OVERSIGHT BOARD IN THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

9-3203.

(A) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

(1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;

(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;

(3) THE EXECUTIVE DIRECTOR, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(4) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, OR THE SECRETARY'S DESIGNEE;

(5) THE CHAIR OF THE MARYLAND PAROLE COMMISSION, OR THE CHAIR'S DESIGNEE;

(6) THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S DESIGNEE;

(7) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S DESIGNEE;

(8) THE PUBLIC DEFENDER, OR THE PUBLIC DEFENDER'S DESIGNEE;

(9) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE SECRETARY'S DESIGNEE;

(10) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE SECRETARY'S DESIGNEE;

(11) THE CHAIR OF THE LOCAL GOVERNMENT JUSTICE REINVESTMENT COMMISSION, OR THE CHAIR'S DESIGNEE;

(12) TWO MEMBERS APPOINTED BY THE CHIEF JUDGE OF THE COURT OF APPEALS;

(13) THE SECRETARY OF LABOR, LICENSING, AND REGULATION, OR THE SECRETARY'S DESIGNEE;

(14) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE SUPERINTENDENT'S DESIGNEE;

(15) ONE MEMBER APPOINTED BY THE MARYLAND CHIEFS AND SHERIFFS ASSOCIATION;

(16) THE PRESIDENT OF THE MARYLAND STATE'S ATTORNEYS' ASSOCIATION OR THE PRESIDENT'S DESIGNEE;

(17) TWO MEMBERS OF THE MARYLAND CORRECTIONAL ADMINISTRATORS ASSOCIATION, APPOINTED BY THE PRESIDENT OF THE MARYLAND CORRECTIONAL ADMINISTRATORS ASSOCIATION, INCLUDING ONE REPRESENTATIVE FROM A LARGE CORRECTIONAL FACILITY AND ONE REPRESENTATIVE FROM A SMALL CORRECTIONAL FACILITY;

(18) THE PRESIDENT OF THE MARYLAND ASSOCIATION OF COUNTIES OR THE PRESIDENT'S DESIGNEE; AND

(19) THE FOLLOWING INDIVIDUALS, APPOINTED BY THE GOVERNOR:

(I) ONE MEMBER REPRESENTING VICTIMS OF CRIME;

(II) ONE MEMBER REPRESENTING LAW ENFORCEMENT; AND

(III) ONE MEMBER WITH DIRECT EXPERIENCE TEACHING INMATES IN ACADEMIC PROGRAMS INTENDED TO ACHIEVE THE GOAL OF A HIGH SCHOOL DIPLOMA OR GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATION.

(B) TO THE EXTENT PRACTICABLE, IN MAKING APPOINTMENTS UNDER THIS SECTION, THE GOVERNOR SHALL ENSURE GEOGRAPHIC DIVERSITY AMONG THE MEMBERSHIP OF THE BOARD.

(C) (1) THE TERM OF AN APPOINTED MEMBER OF THE BOARD IS 4 YEARS.

(2) THE TERMS OF THE APPOINTED MEMBERS OF THE BOARD ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2016.

(3) AT THE END OF A TERM, AN APPOINTED MEMBER:

(I) IS ELIGIBLE FOR REAPPOINTMENT; AND

(II) CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED OR REAPPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) THE MEMBERS OF THE BOARD APPOINTED FROM THE SENATE OF MARYLAND, THE HOUSE OF DELEGATES, AND THE CHIEF JUDGE OF THE COURT OF APPEALS, SHALL SERVE IN AN ADVISORY CAPACITY ONLY.

9-3204.

(A) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE BOARD.

(B) WITH THE APPROVAL OF THE BOARD, THE CHAIR MAY APPOINT A VICE CHAIR WHO SHALL HAVE THE DUTIES ASSIGNED BY THE CHAIR.

9-3205.

(A) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE BOARD IS A QUORUM.

(B) THE BOARD SHALL MEET AT LEAST QUARTERLY EACH YEAR AT THE TIMES AND PLACES DETERMINED BY THE BOARD OR THE CHAIR OF THE BOARD.

(C) A MEMBER OF THE BOARD:

(1) MAY NOT RECEIVE COMPENSATION FOR SERVICE ON THE BOARD; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

9-3206.

THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL PROVIDE STAFF FOR THE BOARD.

9-3207.

(A) THE BOARD SHALL:

(1) MONITOR PROGRESS AND COMPLIANCE WITH THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL;

(2) CONSIDER THE RECOMMENDATIONS OF THE LOCAL GOVERNMENT JUSTICE REINVESTMENT COMMISSION AND ANY LEGISLATION, REGULATIONS, RULES, BUDGETARY CHANGES, OR OTHER ACTIONS TAKEN TO IMPLEMENT THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL;

(3) MAKE ADDITIONAL LEGISLATIVE AND BUDGETARY RECOMMENDATIONS FOR FUTURE DATA-DRIVEN, FISCALLY SOUND CRIMINAL JUSTICE POLICY CHANGES;

(4) COLLECT AND ANALYZE THE DATA SUBMITTED UNDER § 9-3208 OF THIS SUBTITLE REGARDING PRETRIAL DETAINEES;

(5) IN COLLABORATION WITH THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE MARYLAND PAROLE COMMISSION, THE ADMINISTRATIVE OFFICE OF THE COURTS, AND THE MARYLAND STATE COMMISSION ON CRIMINAL SENTENCING POLICY, CREATE PERFORMANCE MEASURES TO TRACK AND ASSESS THE OUTCOMES OF THE LAWS RELATED TO THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL;

(6) CREATE PERFORMANCE MEASURES TO ASSESS THE EFFECTIVENESS OF THE GRANTS ADMINISTERED UNDER § 9-3209 OF THIS SUBTITLE; AND

(7) CONSULT AND COORDINATE WITH:

(I) THE LOCAL GOVERNMENT JUSTICE REINVESTMENT COMMISSION; AND

(II) OTHER UNITS OF THE STATE AND LOCAL JURISDICTIONS CONCERNING JUSTICE REINVESTMENT ISSUES.

(B) (1) IN COLLABORATION WITH THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE BOARD SHALL DETERMINE THE ANNUAL SAVINGS FROM THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL BASED ON THE DIFFERENCE BETWEEN THE PRISON POPULATION AS MEASURED ON OCTOBER 1, 2017, THE BASELINE DAY, AND THE PRISON POPULATION AS MEASURED ON OCTOBER 1, 2018, THE COMPARISON DAY, AND THE VARIABLE COST OF INCARCERATION.

(2) IF THE PRISON POPULATION ON THE COMPARISON DAY IS LESS THAN THE PRISON POPULATION ON THE BASELINE DAY, THE BOARD SHALL DETERMINE A SAVINGS BASED ON THE DIFFERENCE IN THE PRISON POPULATION MULTIPLIED BY THE VARIABLE COST.

(3) THE BOARD ANNUALLY SHALL DETERMINE THE DIFFERENCE BETWEEN THE PRISON POPULATION ON OCTOBER 1, 2017, AND THE PRISON POPULATION ON OCTOBER 1 OF THE CURRENT YEAR AND CALCULATE ANY SAVINGS IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.

(4) IF A PRISON POPULATION DECLINE CAUSES A CORRECTIONAL UNIT, WING, OR FACILITY TO CLOSE, THE BOARD SHALL CONDUCT AN ASSESSMENT TO DETERMINE THE SAVINGS FROM THE CLOSURE AND DISTRIBUTE THE SAVINGS, REALIZED ANNUALLY, ACCORDING TO THE SCHEDULE IN PARAGRAPH (5) OF THIS SUBSECTION.

(5) THE BOARD ANNUALLY SHALL RECOMMEND THAT THE SAVINGS IDENTIFIED IN PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION BE DISTRIBUTED AS FOLLOWS:

(I) UP TO 50% OF THE SAVINGS SHALL BE PLACED IN THE PERFORMANCE INCENTIVE GRANT FUND FOR PURPOSES ESTABLISHED UNDER § 9-3209(B)(1) OF THIS SUBTITLE; AND

(II) THE REMAINING SAVINGS SHALL BE USED FOR ADDITIONAL SERVICES IDENTIFIED AS REINVESTMENT PRIORITIES IN THE JUSTICE REINVESTMENT COORDINATING COUNCIL'S FINAL REPORT.

(C) AT EACH MEETING OF THE BOARD, THE SECRETARY OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR THE SECRETARY'S DESIGNEE, SHALL REPORT TO THE BOARD:

(1) THE NUMBER OF INDIVIDUALS COMMITTED TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE HEALTH – GENERAL ARTICLE IN THE PREVIOUS 3 MONTHS INCLUDING THE NUMBER OF DAYS THAT IT TOOK TO PLACE EACH INDIVIDUAL INTO TREATMENT AND WHERE THE INDIVIDUAL WAS PLACED FOR TREATMENT;

(2) THE NUMBER OF INDIVIDUALS COMMITTED TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR TREATMENT UNDER § 8-507 OF THE HEALTH – GENERAL ARTICLE WHO ARE WAITING FOR TREATMENT BUT CANNOT BE PLACED DUE TO LACK OF CAPACITY; AND

(3) THE NUMBER OF INDIVIDUALS ASSESSED FOR SUBSTANCE USE DISORDER IN THE PREVIOUS 3 MONTHS UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE AND WHETHER EACH INDIVIDUAL WAS PLACED INTO TREATMENT AS A RESULT OF THE ASSESSMENT.

(D) (1) THE BOARD MAY ENTER INTO AN AGREEMENT WITH AN ACADEMIC INSTITUTION OR ANOTHER SIMILAR ENTITY THAT IS QUALIFIED TO COLLECT AND INTERPRET DATA IN ORDER TO ASSIST THE BOARD WITH ITS DUTIES.

(2) (I) THE BOARD MAY RECOMMEND THAT A UNIT OF THE STATE ENTER INTO A CONTRACT OR AGREEMENT WITH A PUBLIC OR PRIVATE ENTITY TO OBTAIN ASSISTANCE OR FINANCIAL RESOURCES TO FUND AND OTHERWISE FURTHER THE PURPOSES OF THIS SUBTITLE, INCLUDING ENTERING INTO PUBLIC-PRIVATE PARTNERSHIPS, SOCIAL IMPACT BONDS, AND OPPORTUNITY COMPACTS.

(II) IF THE BOARD MAKES A RECOMMENDATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE BOARD SHALL PROVIDE WRITTEN NOTICE TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE, THE HOUSE JUDICIARY COMMITTEE, AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, OF THE RECOMMENDATION.

(III) A UNIT OF THE STATE MAY NOT ENTER INTO A CONTRACT OR AN AGREEMENT RECOMMENDED BY THE BOARD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH UNTIL 60 DAYS AFTER THE DATE OF THE NOTICE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH.

(E) (1) THE BOARD SHALL ESTABLISH AN ADVISORY BOARD FOR THE PURPOSE OF INCLUDING STAKEHOLDERS IN THE CRIMINAL JUSTICE SYSTEM IN THE ANALYSIS OF THE IMPLEMENTATION OF JUSTICE REINVESTMENT INITIATIVES.

(2) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL APPOINT MEMBERS OF THE ADVISORY BOARD, SUBJECT TO THE APPROVAL OF THE CHAIR OF THE BOARD.

(3) MEMBERS OF THE ADVISORY BOARD SHALL INCLUDE:

(I) A REPRESENTATIVE OF THE EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES OF THE DIVISION OF PAROLE AND PROBATION;

(II) A REPRESENTATIVE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE;

(III) A REPRESENTATIVE OF CASA DE MARYLAND;

(IV) A REPRESENTATIVE OF THE AMERICAN CIVIL LIBERTIES UNION;

(V) THE CHAIR OF THE CRIMINAL LAW AND PRACTICE SECTION OF THE MARYLAND STATE BAR ASSOCIATION OR THE CHAIR'S DESIGNEE;

(VI) A REPRESENTATIVE OF VICTIMS OF DOMESTIC VIOLENCE;

(VII) A REPRESENTATIVE OF VICTIMS OF SEXUAL ASSAULT;

(VIII) A REPRESENTATIVE WITH CLINICAL EXPERIENCE AND EXPERTISE IN BEHAVIORAL HEALTH AND CRIMINAL JUSTICE;

(IX) A REPRESENTATIVE OF THE MARYLAND RETAILERS ASSOCIATION;

(X) A REPRESENTATIVE OF AN ORGANIZATION WHOSE MISSION IS TO DEVELOP AND ADVOCATE FOR POLICIES AND PROGRAMS TO INCREASE THE SKILLS, JOB OPPORTUNITIES, AND INCOMES OF LOW-SKILL, LOW-INCOME WORKERS AND JOB SEEKERS;

(XI) A REPRESENTATIVE OF AN ORGANIZATION WHOSE MISSION IS TO ADVOCATE FOR EX-OFFENDERS; AND

(XII) A REPRESENTATIVE OF THE MARYLAND CHAMBER OF COMMERCE.

9-3208.

(A) SEMIANNUALLY, EACH COUNTY, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, THE MARYLAND PAROLE COMMISSION, THE ADMINISTRATIVE OFFICE OF THE COURTS, AND THE MARYLAND STATE

COMMISSION ON CRIMINAL SENTENCING POLICY SHALL COLLECT AND REPORT DATA TO THE BOARD THAT IS DISAGGREGATED BY RACE AND ETHNICITY IN ORDER FOR THE BOARD TO PERFORM ITS DUTIES UNDER § 9-3207 OF THIS SUBTITLE, INCLUDING DATA RELATING TO:

(1) THE ADMISSION OF INMATES TO STATE AND LOCAL CORRECTIONAL FACILITIES;

(2) THE LENGTH OF INMATE SENTENCES;

(3) THE LENGTH OF TIME BEING SERVED BY INMATES, INCLUDING SUSPENDED PERIODS OF A CRIMINAL SENTENCE;

(4) RECIDIVISM;

(5) THE POPULATION OF COMMUNITY SUPERVISION;

(6) INFORMATION ABOUT THE INMATE POPULATION, INCLUDING THE AMOUNT OF RESTITUTION ORDERED AND THE AMOUNT PAID; AND

(7) DEPARTURES BY THE COURT AND THE COMMISSION FROM THE SENTENCING LIMITS FOR TECHNICAL VIOLATIONS UNDER §§ 6-223 AND 6-224 OF THE CRIMINAL PROCEDURE ARTICLE AND §§ 7-401 AND 7-504 OF THE CORRECTIONAL SERVICES ARTICLE.

(B) ON OR BEFORE MARCH 31 EACH YEAR, EACH COUNTY, AND THE DIVISION OF PRETRIAL DETENTION AND SERVICES SHALL REPORT TO THE BOARD THE FOLLOWING INFORMATION FOR THE PRIOR CALENDAR YEAR REGARDING INDIVIDUALS HELD IN PRETRIAL DETENTION:

(1) THE NUMBER OF INDIVIDUALS DETAINED PRETRIAL ON THE SAME DAY EACH YEAR;

(2) THE MEAN AND MEDIAN DAYS INDIVIDUALS WERE DETAINED IN PRETRIAL DETENTION;

(3) THE CHARGES UNDER WHICH INDIVIDUALS WERE DETAINED IN PRETRIAL DETENTION;

(4) THE REASONS WHY INDIVIDUALS WERE UNABLE TO SECURE RELEASE;

(5) THE NUMBER OF INDIVIDUALS WHO WERE RELEASED DURING THE PRETRIAL PERIOD; AND

(6) THE DISPOSITION OF EACH CASE.

9-3209.

(A) THERE IS A PERFORMANCE INCENTIVE GRANT FUND.

(B) (1) THE PURPOSE OF THE FUND IS TO MAKE USE OF THE SAVINGS FROM THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD MAY RECOMMEND TO THE EXECUTIVE DIRECTOR THAT GRANTS BE MADE TO:

(I) ENSURE THAT THE RIGHTS OF CRIME VICTIMS ARE PROTECTED AND ENHANCED;

(II) PROVIDE FOR PRETRIAL RISK ASSESSMENTS;

(III) PROVIDE FOR SERVICES TO REDUCE PRETRIAL DETENTION;

(IV) PROVIDE FOR DIVERSION PROGRAMS, INCLUDING MEDIATION AND RESTORATIVE JUSTICE PROGRAMS;

(V) PROVIDE FOR RECIDIVISM REDUCTION PROGRAMMING;

(VI) PROVIDE FOR EVIDENCE-BASED PRACTICES AND POLICIES;

(VII) PROVIDE FOR SPECIALTY COURTS;

(VIII) PROVIDE FOR REENTRY PROGRAMS;

(IX) PROVIDE FOR SUBSTANCE USE DISORDER AND COMMUNITY MENTAL HEALTH SERVICE PROGRAMS; AND

(X) PROVIDE FOR ANY OTHER PROGRAM OR SERVICE THAT WILL FURTHER THE PURPOSES ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION.

(3) (I) AT LEAST 5% OF THE GRANTS PROVIDED TO A COUNTY UNDER THIS SECTION SHALL BE USED TO FUND PROGRAMS AND SERVICES TO ENSURE THAT THE RIGHTS OF CRIME VICTIMS ARE PROTECTED AND ENHANCED.

(II) THE GRANTS SHALL BE USED TO SUPPLEMENT, BUT NOT SUPPLANT, FUNDS RECEIVED FROM OTHER SOURCES.

(4) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL RECEIVE FROM THE FUND EACH FISCAL YEAR THE AMOUNT NECESSARY TO OFFSET THE COSTS OF ADMINISTERING THE FUND, INCLUDING THE COSTS INCURRED IN AN AGREEMENT TO COLLECT AND INTERPRET DATA AS AUTHORIZED BY § 9-3207 OF THIS SUBTITLE.

(C) (1) SUBJECT TO THE AUTHORITY OF THE EXECUTIVE DIRECTOR, THE BOARD SHALL ADMINISTER THE FUND.

(2) THE EXECUTIVE DIRECTOR MAY APPROVE OR DISAPPROVE ANY GRANTS FROM THE FUND.

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

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

(E) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED IN THE STATE BUDGET;

(2) INTEREST EARNED ON MONEY IN THE FUND; AND

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

(F) THE FUND MAY BE USED ONLY FOR THE PURPOSES ESTABLISHED IN SUBSECTION (B) OF THIS SECTION.

(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

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

(I) MONEY EXPENDED FROM THE FUND FOR PROGRAMS TO REDUCE RECIDIVISM AND CONTROL CORRECTIONAL COSTS IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THESE PURPOSES.

9-3210.

THE BOARD MAY PERFORM ANY ACTS NECESSARY AND APPROPRIATE TO CARRY OUT THE POWERS AND DUTIES SET FORTH IN THIS SUBTITLE.

9-3211.

(A) IN THIS SECTION, “COMMISSION” MEANS THE LOCAL GOVERNMENT JUSTICE REINVESTMENT COMMISSION.

(B) THERE IS A LOCAL GOVERNMENT JUSTICE REINVESTMENT COMMISSION.

(C) THE COMMISSION SHALL:

(1) ADVISE THE BOARD ON MATTERS RELATED TO LEGISLATION, REGULATIONS, RULES, BUDGETARY CHANGES, AND ALL OTHER ACTIONS NEEDED TO IMPLEMENT THE RECOMMENDATIONS OF THE JUSTICE REINVESTMENT COORDINATING COUNCIL AS THEY RELATE TO LOCAL GOVERNMENTS;

(2) MAKE RECOMMENDATIONS TO THE BOARD REGARDING GRANTS TO LOCAL GOVERNMENTS FROM THE FUND; AND

(3) CREATE PERFORMANCE MEASURES TO ASSESS THE EFFECTIVENESS OF THE GRANTS.

(D) (1) THE COMMISSION CONSISTS OF ONE MEMBER FROM EACH COUNTY APPOINTED BY THE GOVERNING BODY OF THE COUNTY.

(2) THE EXECUTIVE DIRECTOR SHALL APPOINT THE CHAIR OF THE COMMISSION.

(E) (1) THE TERM OF A MEMBER OF THE COMMISSION IS 4 YEARS.

(2) THE TERMS OF THE MEMBERS OF THE COMMISSION ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON OCTOBER 1, 2016.

(3) AT THE END OF A TERM, A MEMBER:

(I) IS ELIGIBLE FOR REAPPOINTMENT; AND

(II) CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED OR REAPPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(F) 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.

(G) THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION SHALL PROVIDE STAFF FOR THE COMMISSION.

9-3212.

ON OR BEFORE DECEMBER 31, 2017, AND EACH YEAR THEREAFTER, THE BOARD SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THIS ARTICLE, TO THE GENERAL ASSEMBLY ON THE ACTIVITIES OF THE BOARD AND THE LOCAL GOVERNMENT JUSTICE REINVESTMENT COMMISSION.

SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Transportation

27-101.

(b) Except as otherwise provided in this section, any person convicted of a misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is subject to a fine of not more than \$500.

(c) Any person who is convicted of a violation of any of the provisions of the following sections of this article is subject to a fine of not more than \$500 or imprisonment for not more than 2 months or both:

(1) § 12-301(e) or (f) (“Special identification cards: Unlawful use of identification card prohibited”);

(2) § 14-102 (“Taking or driving vehicle without consent of owner”);

(3) § 14-104 (“Damaging or tampering with vehicle”);

- (4) § 14–107 (“Removed, falsified, or unauthorized identification number or registration card or plate”);
- (5) § 14–110 (“Altered or forged documents and plates”);
- (6) § 15–312 (“Dealers: Prohibited acts – Vehicle sales transactions”);
- (7) § 15–313 (“Dealers: Prohibited acts – Advertising practices”);
- (8) § 15–314 (“Dealers: Prohibited acts – Violation of licensing laws”);
- (9) § 15–411 (“Vehicle salesmen: Prohibited acts”);
- (10) § 16–113(j) (“Violation of alcohol restriction”);
- (11) § 16–301, except § 16–301(a) or (b) (“Unlawful use of license”);
- (12) [§ 16–303(h) (“Licenses suspended under certain provisions of Code”)];
- (13) § 16–303(i) (“Licenses suspended under certain provisions of the traffic laws or regulations of another state”);
- (15) § 20–103 (“Driver to remain at scene – Accidents resulting only in damage to attended vehicle or property”);
- ~~[(16)]~~ **(13)** § 20–104 (“Duty to give information and render aid”);
- ~~[(17)]~~ **(14)** § 20–105 (“Duty on striking unattended vehicle or other property”);
- ~~[(18)]~~ **(15)** § 20–108 (“False reports prohibited”);
- ~~[(19)]~~ **(16)** § 21–206 (“Interference with traffic control devices or railroad signs and signals”);
- ~~[(20)]~~ **(17)** As to a pedestrian in a marked crosswalk, § 21–502(a) (“Pedestrians’ right-of-way in crosswalks: In general”), if the violation contributes to an accident;

[(21)] (18) As to another vehicle stopped at a marked crosswalk, § 21–502(c) (“Passing of vehicle stopped for pedestrian prohibited”), if the violation contributes to an accident;

[(22)] (19) Except as provided in subsections (f) and (q) of this section, § 21–902(b) (“Driving while impaired by alcohol”);

[(23)] (20) Except as provided in subsections (f) and (q) of this section, § 21–902(c) (“Driving while impaired by drugs or drugs and alcohol”);

[(24)] (21) § 21–902.1 (“Driving within 12 hours after arrest”);

[(25)] (22) Title 21, Subtitle 10A (“Towing or Removal of Vehicles from Parking Lots”); or

[(26)] (23) § 27–107(d), (e), (f), or (g) (“Prohibited acts – Ignition interlock systems”).

SECTION 5. AND BE IT FURTHER ENACTED, That the Governor’s Office of Crime Control and Prevention shall:

(1) in coordination with the Department of Public Safety and Correctional Services, the Department of Health and Mental Hygiene, the Judiciary, public health and treatment professionals, and local corrections authorities, conduct an analysis to determine the gap between offender treatment needs and available treatment services in the State, including:

(i) a feasibility study of local jail and service provider capacity for substance use and mental health disorder and related treatment; and

(ii) a plan for how a sequential intercept model could be used to address the gap between offender treatment needs and available treatment services in the State; and

(2) report the results of the analysis with recommendations to the General Assembly, in accordance with § 2–1246 of the State Government Article, on or before December 31, 2016.

SECTION 6. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor provide funding annually in the budget bill for:

(1) the Department of Health and Mental Hygiene to expand the use of drug treatment under § 8–507 of the Health – General Article, as enacted by Section 2 of this Act;

(2) the Department of Health and Mental Hygiene and the Department of Public Safety and Correctional Services to establish a process to expand the enrollment of incarcerated individuals in Medicaid on release;

(3) the Division of Correction to expand treatment and programming within correctional institutions for substance abuse treatment, mental health treatment, cognitive–behavioral programming, and other evidence–based interventions for offenders;

(4) the Division of Parole and Probation to expand treatment and programming in the community to include day reporting centers, mental health treatment, cognitive–behavioral programming, and other evidence–based interventions for offenders;
and

(5) the State unit responsible for the improvement of the collection of restitution as determined under Sections 12 and 13 of this Act.

SECTION 7. AND BE IT FURTHER ENACTED, That, on or before January 1, 2017, the Maryland Mediation and Conflict Resolution Office shall study and identify best practices for criminal referrals to mediation, based on experiences across the State and research, and submit a report of its findings and recommendations to the Justice Reinvestment Oversight Board, the Governor, and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 8. AND BE IT FURTHER ENACTED, That, on or before January 1, 2018, the State Commission on Criminal Sentencing Policy shall study how more alternatives to incarceration may be included in the sentencing guidelines and shall submit a report of the findings and recommendations to the Justice Reinvestment Oversight Board, the Governor, and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 9. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene, the Department of Labor, Licensing and Regulation, and the Department of Public Safety and Correctional Services shall:

(1) in consultation with organizations representing businesses dedicated to improving the business climate in Maryland and nonprofit organizations with the mission to develop and advocate policies and programs to increase the skills, job opportunities, and incomes of low-skill and low-income workers and job seekers, review and make recommendations regarding:

(i) potential barriers to employment, licensing, and entrepreneurship for individuals with a criminal record, including the denial, suspension, or revocation of occupational licenses for criminal convictions; and

(ii) the criminalization of occupational license violations, including the practicing of an occupation without a license;

(2) make recommendations regarding changes to occupational licensing laws that:

(i) promote the State's policy of encouraging employment of workers with a criminal record by removing barriers for applicants seeking to demonstrate fitness for occupational licenses;

(ii) protect the integrity of professional occupations while promoting the State's interest in maintaining public safety and reducing costs and burdens to the criminal justice system; and

(iii) promote consistency in and uniform application of the occupational licensing laws across all State agencies, including the State Department of Agriculture, the Department of the Environment, the Department of Health and Mental Hygiene, the Department of Human Resources, the Department of Labor, Licensing, and Regulation, and the Department of Public Safety and Correctional Services; and

(iv) on or before December 31, 2016, report the findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 10. AND BE IT FURTHER ENACTED, That the terms of the initial appointed members of the Justice Reinvestment Oversight Board shall expire as follows:

(1) two members in 2017;

- (2) two members in 2018;
- (3) two members in 2019; and
- (4) two members in 2020.

SECTION 11. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Local Government Justice Reinvestment Commission shall expire as follows:

- (1) six members in 2017;
- (2) six members in 2018;
- (3) six members in 2019; and
- (4) six members in 2020.

SECTION 12. AND BE IT FURTHER ENACTED, That the Governor's Office of Crime Control and Prevention shall:

- (1) study the restitution process in the State and make recommendations concerning the restitution process, including:
 - (i) recommending a process and State unit for collecting data and developing evidence-based practices for restitution collection; and
 - (ii) recommending methods for developing additional enforcement and data collection technology infrastructure;
- (2) determine which State unit should assume the duties currently undertaken by the Division of Parole and Probation and the Central Collection Unit regarding collection of restitution;
- (3) determine whether the Criminal Injuries Compensation Board and any other victim services programs should be transferred to another entity, including considering whether a transfer would;

(i) minimize fragmentation of functions that the State government performs on behalf of victims of crime and delinquent acts, while ensuring that services for special populations, including victims of sexual assault and child sexual abuse, are performed by providers with expertise in the area of need; and

(ii) improve the coordination, efficiency, and effectiveness of State assistance to victims of crime and delinquent acts;

(4) consider any other ways to improve the collection of restitution;

(5) review the classifications for larceny–theft under the Uniform Crime Reporting Program to determine how to distinguish shoplifting offenses from theft by organized retail crime rings; and

(6) report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly by December 1, 2016, on its findings and recommendations.

SECTION 13. AND BE IT FURTHER ENACTED, That unless the Governor determines that transferring the collection of restitution from the Division of Parole and Probation and the Central Collection Unit to another State unit will not improve the collection of restitution, the Governor shall order the new State unit to assume the responsibility of collecting restitution by issuing an executive order to reorganize State government under Article II, Section 24 of the Maryland Constitution for the 2017 regular session of the General Assembly. The Governor shall include a provision in the executive order providing that the transfer may not be effective until 30 days after the Governor’s Office of Crime Control and Prevention notifies in writing the Governor, the President of the Senate, and the Speaker of the House that the new State unit is able to assume the collection roles and responsibilities.

SECTION 14. AND BE IT FURTHER ENACTED, That § 3–704, § 3–707, and § 3–708 of the Correctional Services Article, as enacted by Section 2 of this Act, shall be construed prospectively to apply only to inmates that are sentenced on or after October 1, 2017.

SECTION 15. AND BE IT FURTHER ENACTED, That on or before March 1 annually, the Administrative Office of the Courts shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, on the

number of substance abuse disorder assessments ordered by courts in criminal cases under § 8–505 of the Health – General Article during the previous calendar year.

SECTION 16. AND BE IT FURTHER ENACTED, That, on or before January 1, 2017, the Justice Reinvestment Oversight Board shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on:

- (1) the status of the progress toward the implementation of this Act; and
- (2) the projected financial impact of the implementation of this Act on local jurisdictions and correctional facilities.

SECTION 17. AND BE IT FURTHER ENACTED, That Section 2 and Section 4 of this Act shall take effect October 1, 2017.

SECTION 18. AND BE IT FURTHER ENACTED, That, except as provided in Section 17 of this Act, this Act shall take effect October 1, 2016.”.

The preceding 3 amendments were read and not concurred in.

The President moved, duly seconded, to suspend Rule 21(a) to allow more than 3 members of the Senate on the Conference Committee.

The motion was adopted by roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1114)

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: **SB1005**
SPONSOR: President
SUBJECT: Justice Reinvestment Act

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 Zirkin, Chair

Senator McFadden
Senator Hough
Senator Peters
Senator DeGrange

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.
Secretary

Read and adopted.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB0127**
SPONSOR: Delegate Reznik, et al
SUBJECT: Criminal Law – Gaming – Home Games

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

The House has appointed:

Delegate Ebersole, Chairman
Delegate Fennell
Delegate Hornberger.

The Senate appoints:

Senator King, Chair
Senator Eckardt
Senator Currie

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.
Secretary

Read and adopted.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB0378**
SPONSOR: Delegate Tarlau, et al
SUBJECT: Homeowners' Property Tax Credit Program – Eligibility
 Awareness Campaign

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

The House has appointed:

Delegate A. Washington, Chairman
Delegate D. Barnes
Delegate Simonaire.

The Senate appoints:

Senator DeGrange, Chair
Senator Ferguson
Senator Edwards

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.
Secretary

Read and adopted.

THE COMMITTEE ON FINANCE REPORT #46

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

Senate Bill 726 – Senators Mathias, Benson, Feldman, Guzzone, Klausmeier, Madaleno, Middleton, and Peters

EMERGENCY BILL

AN ACT concerning

Maryland Clean Energy Center – Clean Energy Technology Funding

SB0726/747874/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 726

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike “EMERGENCY BILL”; in line 2, strike “Clean Energy Technology Funding” and substitute “Task Force”; strike beginning with “expanding” in line 3 down through “measure” in line 19 and substitute “establishing the Task Force on the Maryland Clean Energy Center; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; specifying the charge of the Task Force; requiring the Task Force to assess certain programs, review certain State financing instrumentalities, identify certain resources, review certain cost-effective opportunities, and make certain determinations; requiring the Task Force to report its findings and recommendations to the General Assembly on or before a certain date; requiring the Office of Legislative Audits to conduct a certain performance audit; providing for the termination of this Act”; and in line 20, strike “and project funding”.

On pages 1 and 2, strike in their entirety the lines beginning with line 21 on page 1 through line 13 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, in line 15, strike “the Laws of Maryland read as follows”; and after line 15, insert:

“(a) There is a Task Force on the Maryland Clean Energy Center.

(b) The Task Force consists of the following members:

(1) three members of the Senate of Maryland, appointed by the President of the Senate;

(2) three members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of the Department of Economic Competitiveness and Commerce, or the Secretary's designee;

(4) the Director of the Maryland Energy Administration, or the Director's designee;

(5) the Executive Director of the Maryland Economic Development Corporation, or the Executive Director's designee;

(6) the Executive Director of the Maryland Technology Development Corporation, or the Executive Director's designee;

(7) the Executive Director of the Maryland Clean Energy Center, or the Executive Director's designee;

(8) the Executive Director of the Maryland Industrial Development Finance Authority, or the Executive Director's designee; and

(9) the Executive Director of the Maryland Environmental Service, or the Executive Director's designee.

(c) The presiding officers shall designate the cochairs of the Task Force from the members of the General Assembly appointed by the presiding officers.

(d) The Department of Legislative Services, in consultation with the Department of Economic Competitiveness and Commerce, shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force is charged with determining how best to make the Center self-sustaining without deviating from the Center's mission and charge to:

(1) encourage the development of the clean energy industry and deployment of clean energy technologies in the State;

(2) help retain and attract business activity and commerce in the clean energy technology industry sectors in the State; and

(3) promote economic development and the health, safety, and welfare of residents of the State.

(g) The Task Force shall:

(1) assess the programs currently provided by the Center and the programs that, within its mission, charge, and structure, may be provided by the Center, including the establishment of a green bank;

(2) review existing State financing instrumentalities that may have similar financing capabilities for purposes of determining whether there are advantages to the Center to coordinate or partner with those State financing instrumentalities on financing programs;

(3) identify the availability of resource capacity in State financing instrumentalities for purposes of determining whether there are cost-effective opportunities for the Center to share resources with those State financing instrumentalities on financing programs;

(4) review other cost-effective opportunities, including having the Center co-locate with another State financing instrumentality or State agency, that may assist the Center during the time when the Center is working toward becoming self-sustaining;

(5) determine whether the outstanding balance of loans initiated in fiscal year 2009 from the Maryland Energy Administration should be converted to a grant and considered as start-up funds as a way in assisting the Center to become self-sustaining;

(6) determine an appropriate amount of State annual grant funding that the Center should receive for operating and program assistance as the Center works toward becoming self-sustaining and in no further need of operating and program support from the Maryland Strategic Energy Investment Fund or any other State money; and

(7) consider any other related matter that the Task Force determines appropriate.

(h) On or before December 1, 2016, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.”.

On pages 2 through 20, strike in their entirety the lines beginning with line 16 on page 2 through line 26 on page 20, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Office of Legislative Audits shall conduct a performance audit of the Maryland Clean Energy Center.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016. It shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2017, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 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 922 – Senators Rosapepe, Bates, Benson, Conway, Currie, Feldman, Ferguson, Guzzone, Kagan, Kelley, Klausmeier, Madaleno, Manno, Mathias, McFadden, Muse, Nathan–Pulliam, Peters, Raskin, Salling, Simonaire, Waugh, Young, and Zucker

AN ACT concerning

Career Apprenticeship Opportunity Act of 2016

SB0922/937577/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 922
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Zucker” and substitute “Zucker, Astle, Hershey, Middleton, Pugh, and Reilly”; in line 8, after “credential” insert “or completion of a certain apprenticeship program”; in line 14, after “purpose;” insert “requiring the Division to identify opportunities to create certain registered apprenticeship programs to address the workforce needs of the State;”; in line 17, after the semicolon, insert “limiting the amount of certain credits approved by the Comptroller in a taxable year;”; and in line 19, after “Act;” insert “providing for the termination of certain provisions of this Act;”.

AMENDMENT NO. 2

On page 3, in line 8, after “CREDENTIAL” insert “OR COMPLETION OF AN APPRENTICESHIP PROGRAM”; in line 11, after “(1)” insert “(I)”; in line 13, strike “(2)” and substitute “(II)”; and in line 14, after “STUDY” insert “; OR”

(2) SUCCESSFULLY COMPLETED AN APPRENTICESHIP PROGRAM APPROVED BY THE MARYLAND APPRENTICESHIP TRAINING COUNCIL IN ACCORDANCE WITH § 11-405 OF THE LABOR AND EMPLOYMENT ARTICLE”.

On page 4, strike beginning with “IT” in line 16 down through “STATE” in line 17, and substitute “THE DIVISION SHALL IDENTIFY OPPORTUNITIES TO CREATE REGISTERED APPRENTICESHIP PROGRAMS, INCLUDING GOALS FOR THE NUMBER OF APPRENTICESHIPS REGISTERED EACH YEAR, TO HELP ADDRESS THE WORKFORCE NEEDS OF THE STATE”.

AMENDMENT NO. 3

On page 4, after line 17, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:”.

On page 5, after line 9, insert:

“(3) FOR ANY TAXABLE YEAR, THE TOTAL AMOUNT OF CREDITS APPROVED BY THE COMPTROLLER UNDER THIS SECTION MAY NOT EXCEED \$500,000.”;

and strike in their entirety lines 23 and 24 and substitute:

“SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2016, and shall be applicable to all taxable years beginning after December 31, 2015. It shall remain effective for a period of 3 years and, at the end of June 30, 2019, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect June 1, 2016.”.

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 1145 – Senator Middleton

AN ACT concerning

Unemployment Insurance – Maximum Benefit – Increase

SB1145/487277/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 1145

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Middleton” and substitute “Senators Middleton and Kelley”; strike beginning with “making” in line 4 down through “contingency;” in line 5; and strike in their entirety lines 12 through 17, inclusive.

AMENDMENT NO. 2

On page 10, in line 40, strike “**TO \$10,680.00**” and substitute “AND OVER”.

On pages 10 and 11, strike in their entirety the lines beginning with line 41 on page 10 through line 20 on page 11, inclusive.

On pages 11 through 22, strike in their entirety the lines beginning with line 36 on page 11 through line 8 on page 22, inclusive.

On page 22, in line 9, strike “3.” and substitute “2.”; in the same line, strike “Section 1 of”; and strike in their entirety lines 12 through 24, inclusive.

The preceding 2 amendments were read only.

Senator Serafini moved, duly seconded, to make the Bill and Amendments a Special Order for April 8, 2016.

The motion was adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #38

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

Senate Bill 1108 – Senators Salling, Bates, Eckardt, Guzzone, King, Lee, Middleton, Serafini, and Zucker

AN ACT concerning

Video Lottery Terminals – Disposition of Unclaimed Winnings

SB1108/359835/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 1108

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “deposited into the Education Trust Fund” and substitute “distributed in a certain manner”; strike in its entirety line 7 and substitute “BY repealing and reenacting, with amendments,”; and in line 9, strike “9-1A-22.1” and substitute “9-1A-26”.

AMENDMENT NO. 2

On page 1, strike in its entirety line 15 and substitute:

“9-1A-26.

(a) (1) Except as provided in paragraphs (2) and (3) of this subsection, all proceeds from the operation of video lottery terminals and table games shall be electronically transferred daily into the State Lottery Fund established under Subtitle 1 of this title and distributed as provided under § 9-1A-27 of this subtitle.

(2) The requirement under paragraph (1) of this subsection does not apply on a day when State government is closed.

(3) The amount from the proceeds of video lottery terminals to be paid to video lottery operation licensees under § 9-1A-27(a)(2) and (7), (b), and (c)(1)(ii) and (2) of this subtitle shall be retained by the licensee.

(b) (1) The Commission shall account to the Comptroller for all of the revenue under this subtitle.

(2) The proceeds from video lottery terminals and table games shall be under the control of the Comptroller and, EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, shall be distributed as provided under § 9-1A-27 of this subtitle.”;

in line 16, before “A” insert “(C)”; and strike in their entirety lines 19 and 20 and substitute:

“(2) BE DISTRIBUTED AS FOLLOWS:

(I) 2.5% TO THE SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES ACCOUNT ESTABLISHED UNDER § 9-1A-35 OF THIS SUBTITLE;

(II) 9.5% IN LOCAL IMPACT GRANTS, IN ACCORDANCE WITH § 9-1A-31 OF THIS SUBTITLE;

(III) 10% TO THE PURSE DEDICATION ACCOUNT ESTABLISHED UNDER § 9-1A-28 OF THIS SUBTITLE;

(IV) 1.5% TO THE RACETRACK FACILITY RENEWAL ACCOUNT ESTABLISHED UNDER § 9-1A-29 OF THIS SUBTITLE; AND

(V) THE REMAINDER TO THE EDUCATION TRUST FUND ESTABLISHED UNDER § 9-1A-30 OF THIS SUBTITLE.

[(c)] (D) The admissions and amusement tax may not be imposed on any proceeds from the operation of video lottery terminals and table games.”.

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 BUDGET AND TAXATION REPORT #40

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 1112 – The President (By Request – Departmental – Commerce)

AN ACT concerning

Income Tax – Aerospace, Electronics, or Defense Contract Tax Credit Program

Favorable report adopted.

FLOOR AMENDMENT

SB1112/273128/1

BY: Senator Pinsky

AMENDMENTS TO SENATE BILL 1112

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, strike “making the credit refundable;”.

AMENDMENT NO. 2

On page 6, in line 15, strike “(1)”; and strike in their entirety lines 17 through 20, inclusive.

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

Affirmative – 14 Negative – 29 (See Roll Call No. 1115)

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 43 Members present.

(See Roll Call No. 1116)

RECESS

At 1:36 P.M. on motion of Senator Pugh, seconded, the Senate recessed until 3:30 P.M. on Legislative Day, April 1, 2016, Calendar Day, Thursday, April 7, 2016.

AFTER RECESS
Annapolis, Maryland
Legislative Day: April 1, 2016
Calendar Day: Thursday, April 7, 2016

At 3:46 P.M. the Senate resumed its session.

QUORUM CALL

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

(See Roll Call No. 1118)

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

The Journal of March 31, 2016 was read and approved.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 1167 – Delegates Buckel, Beitzel, Mautz, and Otto

AN ACT concerning

**Biotechnology Investment Tax Credit – Investment in Qualified Companies in
Low-Income Areas**

FOR the purpose of altering the amount of the credit allowed against the State income tax for certain investments in certain qualified Maryland biotechnology companies located in certain counties; providing for the application of this Act; and generally relating to a credit against the State income tax for certain investments in certain biotechnology companies.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–725(b)(1)
Annotated Code of Maryland
(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General
Section 10–725(d)(1)
Annotated Code of Maryland
(2010 Replacement Volume and 2015 Supplement)

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

House Bill 1168 – Delegates Buckel, Beitzel, Mautz, and Otto

AN ACT concerning

**Cybersecurity Investment Tax Credit – Investment in Qualified Companies in
Low–Income Areas**

FOR the purpose of altering the amount of the credit allowed against the State income tax for certain investments in certain qualified Maryland cybersecurity companies located in certain counties; providing for the application of this Act; and generally relating to a credit allowed against the State income tax for investments in certain cybersecurity companies.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–733(b)(1)
Annotated Code of Maryland
(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–733(d)(1)
Annotated Code of Maryland
(2010 Replacement Volume and 2015 Supplement)

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

**House Bill 1261 – Delegates K. Young, Cullison, Ebersole, Hill, Kelly, Moon,
Pena–Melnyk, Reznik, Sample–Hughes, Tarlau, and M. Washington**

AN ACT concerning

State Archivist – Process for Evaluating State Designations

FOR the purpose of altering the process by which the State Archivist reviews, evaluates, and makes recommendations to the General Assembly regarding certain State designations; providing that a certain provision of law does not affect the ability of the General Assembly to enact certain legislation; requiring the State Archivist to assist the General Assembly in reviewing and evaluating certain State designations in accordance with certain provisions of law; requiring the State Archivist to review

certain documentary evidence, establish a certain workgroup under certain circumstances, and consider certain factors when reviewing and evaluating certain State designations; requiring a certain member of the General Assembly who sponsors certain legislation or otherwise makes a certain request to the State Archivist to submit a certain statement and certain documentation to the State Archivist; authorizing the State Archivist to contract for certain professional services ~~or reimburse certain workgroup members~~ under certain circumstances; prohibiting a member of a certain workgroup from receiving certain compensation but authorizing the reimbursement of certain expenses; requiring the State Archivist to submit certain reports to the General Assembly on or before certain dates; requiring that certain reports include an evaluation of certain State designations; making certain technical changes; defining a certain term; and generally relating to the State Archivist and a process for evaluating State designations.

BY repealing and reenacting, with amendments,
 Article – State Government
 Section 9–1007
 Annotated Code of Maryland
 (2014 Replacement Volume and 2015 Supplement)

BY adding to
 Article – State Government
 Section 9–1007.1
 Annotated Code of Maryland
 (2014 Replacement Volume and 2015 Supplement)

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

House Bill 1537 – ~~Delegate Hixson~~ Delegates Hixson, Hammen, Angel, Barron, Bromwell, Cullison, Hayes, Hill, Kelly, Kipke, Krebs, McMillan, Miele, Morgan, Morhaim, Oaks, Pena-Melnyk, Pendergrass, Rose, Saab, Sample-Hughes, West, and K. Young

AN ACT concerning

Procurement – Priority of Purchasing Preferences – Individual With Disability Owned Business

FOR the purpose of altering the purchasing preference priority required to be given to individual with disability owned businesses by State and State aided or controlled entities when buying supplies and services; and generally relating to the priority of purchasing preferences in State procurement law.

BY repealing and reenacting, with amendments,
 Article – State Finance and Procurement
 Section 14–103
 Annotated Code of Maryland

(2015 Replacement Volume)

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

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #41

House Bill 112 – Delegates Jackson, Barron, Haynes, Healey, C. Howard, Jameson, Morales, and Patterson

AN ACT concerning

Election Law – Campaign Finance Entities – Activity ~~and Forfeiture of Salary~~

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

Affirmative – 42 Negative – 0 (See Roll Call No. 1119)

The Bill was then sent to the House of Delegates.

House Bill 873 – Delegates Smith, Luedtke, Hixson, and P. Young

AN ACT concerning

Election Law – Special Elections – Absentee Ballots for Absent Uniformed Services Voters and Overseas Voters

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

Affirmative – 41 Negative – 0 (See Roll Call No. 1120)

The Bill was then sent to the House of Delegates.

House Bill 1008 – Delegates Turner, Atterbeary, B. Barnes, Branch, Brooks, Busch, Clippinger, Ebersole, Fennell, Frush, Gutierrez, Haynes, Hettleman, Hill, Hixson, Holmes, C. Howard, Jackson, Jalisi, Jones, Kaiser, Krimm, Lam, Lisanti, Luedtke, A. Miller, Moon, Morhaim, Platt, Reznik, B. Robinson, Sample-Hughes, Sanchez, Smith, Stein, Tarlau, Valderrama, Vallario, Waldstreicher, ~~and M. Washington~~ M. Washington, and Patterson

AN ACT concerning

Election Law – Early Voting Centers

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

Affirmative – 43 Negative – 0 (See Roll Call No. 1121)

The Bill was then sent to the House of Delegates.

House Bill 1077 – Montgomery County Delegation

AN ACT concerning

**Montgomery County Board of Elections – Election Director – Appointment
Requirement
MC 26–16**

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

Affirmative – 43 Negative – 0 (See Roll Call No. 1122)

The Bill was then sent to the House of Delegates.

House Bill 1127 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Dissemination of Voter Information Material –
Multifamily Residential Structures
PG 408–16**

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

Affirmative – 42 Negative – 0 (See Roll Call No. 1123)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #42

CONSENT CALENDAR #26

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 249	Del. Smith	Members of the National Guard – Employment and Reemployment Rights – Enforcement	EHE

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 747	Del. Gilchrist	Real Estate Brokers – Licensure Requirement – Exemption for Lawyers	EHE
HB 984	Del. Saab	Open Meetings Act – Retention of Minutes and Recordings – Revision	EHE
HB 1453	Del. Vaughn	Real Estate Licensees – Verification of Service Provider Licensing Status	EHE
HB 1469	Del. Carey	Real Este Brokers – Agency Rltnshps in Rsdntl Real Este Trnsetns – Dsclsr and Consent Reqmts	EHE

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

All of the above listed bills on the Third Reading Consent Calendar No. 26 were read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1124)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #43

House Bill 20 – Delegate O’Donnell

AN ACT concerning

Calvert County and St. Mary’s County – Archery Hunting – Safety Zone

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

Affirmative – 43 Negative – 1 (See Roll Call No. 1125)

The Bill was then sent to the House of Delegates.

**House Bill 62 – Chair, Environment and Transportation Committee (By Request
– Departmental – Natural Resources)**

AN ACT concerning

Natural Resources – Fishing and Hunting Licenses

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

Affirmative – 44 Negative – 0 (See Roll Call No. 1126)

The Bill was then sent to the House of Delegates.

House Bill 494 – Delegates Miele, Hettleman, Aumann, Bromwell, Buckel, Carr, Cassilly, Cluster, Flanagan, Frick, Frush, Jacobs, Kramer, Lierman, Luedtke, McComas, McKay, Metzgar, Morgan, Morhaim, Rose, Stein, Turner, West, and K. Young

AN ACT concerning

**Agriculture – Animal Shelters – Uniform Standards of Operation and Care
(Animal Shelters Standards Act of 2016)**

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1127)

The Bill was then sent to the House of Delegates.

House Bill 1003 – Delegates Valderrama, Davis, K. Young, Anderson, Angel, Atterbeary, Aumann, Barkley, B. Barnes, D. Barnes, Barron, Barve, Beidle, Branch, Bromwell, Brooks, Busch, Carey, Carr, Carter, Chang, Clippinger, Conaway, Cullison, Dumais, Ebersole, Fennell, Fraser–Hidalgo, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Hammen, Hayes, Haynes, Healey, Hettleman, Hill, Hixson, Holmes, C. Howard, Jackson, Jalisi, Jameson, Jones, Kaiser, Kelly, Knotts, Korman, Krimm, Lafferty, Lam, Lierman, Lisanti, Luedtke, McCray, McIntosh, A. Miller, Moon, Morales, Morhaim, Oaks, Patterson, Pena–Melnik, Pendergrass, Platt, Proctor, Reznik, B. Robinson, S. Robinson, Rosenberg, Sample–Hughes, Sanchez, Simonaire, Smith, Sophocleus, Stein, Sydnor, Tarlau, Turner, Vallario, Vaughn, Waldstreicher, Walker, A. Washington, M. Washington, C. Wilson, and P. Young

AN ACT concerning

Labor and Employment – Equal Pay for Equal Work

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

Affirmative – 32 Negative – 13 (See Roll Call No. 1128)

The Bill was then sent to the House of Delegates.

House Bill 1051 – ~~Delegate Lisanti~~ Harford County Delegation

AN ACT concerning

Harford County – Alcoholic Beverages – Community College License

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1129)

The Bill was then sent to the House of Delegates.

House Bill 1129 – Prince George’s County Delegation and Montgomery County Delegation

AN ACT concerning

**Washington Suburban Sanitary Commission – Commissioners Appointed From
Montgomery County – Qualifications
PG/MC 116-16**

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1130)

The Bill was then sent to the House of Delegates.

House Bill 1320 – Delegate B. Wilson

AN ACT concerning

Washington County – Alcoholic Beverages – Class CT (Cinema/Theater) License

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1131)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #44**CONSENT CALENDAR #27**

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 232	Del. Hayes	Athletic Trainers – Evaluation and Treatment Protocols – Approval	EHE
HB 470	Del. Krebs	Health Occupations – Dental Hygienists – Administration of Nitrous Oxide	EHE
HB 490	Del. Cullison	Maryland Nurse Practice Act – Peer Review and Advisory Committees and Penalties	EHE
HB 680	Del. Kipke	Health Occupations – Dental Hygienists – Local Anesthesia	EHE
HB 998	Del. Hill	State Board of Physicians – Physician Licensing Reciprocity	EHE

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

All of the above listed bills on the Third Reading Consent Calendar No. 27 were read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1132)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #45**CONSENT CALENDAR #28**

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 136	Del. Stein	State Government – Financial Education and Capability Commission – Composition	EHE
HB 163	Del. Anderson	Baltimore Cty Bd of Schl Commrs – Submission of a Cmprhnsv Master Plan – Rpl of Duplicative Reqmt	EHE
HB 226	Del. Mautz	Talbot County – Board of Education – Student Members	EHE
HB 713	Del. Luedtke	School Behavioral Health Accountability Act	EHE
HB 878	Del. Parrott	Maryland Higher Education Commission – Religious Educational Institutions – Authority to Operate	EHE
HB 1095	Del. Platt	Ed – Prekindergarten Programs – Ntfctn of Eligibility by Lcl Depts of Scl Srvc	EHE
HB 1463	Del. Patterson	Coordinating Council for Juvenile Services Educational Programs – Membership	EHE

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

All of the above listed bills on the Third Reading Consent Calendar No. 28 were read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1133)

The Bills were then sent to the House of Delegates.

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.

Jamie Raskin
Chair

Senate Executive Nominations Committee
Report #7
April 8, 2016

Education, State Board of

1. Chester E. Finn, Jr. District 16
5404 Surrey Street
Chevy Chase, MD 20815

Member of the State Board of Education; appointed to serve a term of four years from July 1, 2014

2. Michele Jenkins Guyton, Ph.D. District 42
14110 Phoenix Road
Phoenix, MD 21131

Member of the State Board of Education; appointed to serve a term of four years from July 1, 2015

3. Stephanie R. Iszard District 30
615 Admiral Drive
Annapolis, MD 21401

Member of the State Board of Education; appointed to serve a term of four years from July 1, 2015

4. Andrew R. Smarick District 36
208 Columbia Lane
Stevensville, MD 21666

Member of the State Board of Education; appointed to serve a term of four years from July 1, 2014

5. Quinn Wandalowski District 2
23327 Angela Court
Smithsburg, MD 21783

Member of the State Board of Education; appointed to serve a term of one year from July 1, 2015

6. Laura E. Weeldreyer District 43
3103 Guilford Avenue
Baltimore, MD 21218

Member of the State Board of Education; appointed to serve a term of four years from July 1, 2015

Public Service Commission

7. Michael Richard District 26
9701 Potomac Drive
Fort Washington, MD 20774

Member of the Public Service Commission; appointed to serve a term of five years from July 1, 2015

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. 7, Michael Richard, were all confirmed by roll call vote as follows:

Affirmative – 42 Negative – 0 (See Roll Call No. 1134)

Nominee No. 7, Michael Richard, was confirmed by roll call vote as follows:

Affirmative – 31 Negative – 15 (See Roll Call No. 1135)

THE COMMITTEE ON FINANCE REPORT #47

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

House Bill 439 – Delegates Kramer and Fraser–Hidalgo

AN ACT concerning

Commercial Law – Consumer Protection – Door-to-Door Sales

HB0439/347974/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 439
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after “contract;” insert “requiring the Department of Labor, Licensing, and Regulation, in collaboration with the Consumer Protection Division of the Office of the Attorney General, to convene a certain workgroup to study certain issues; authorizing the workgroup to include certain individuals; requiring the Department, in collaboration with the Division, to report certain findings and recommendations to certain committees of the General Assembly on or before a certain date;”.

AMENDMENT NO. 2

On page 3, in line 7, strike “**10**” and substitute “7”; in line 22, after “**(E)**” insert “**(1)**”; and after line 23, insert:

“(2) “HOME IMPROVEMENT CONTRACT” DOES NOT INCLUDE AN ORAL OR WRITTEN AGREEMENT BETWEEN A CONTRACTOR AND AN OWNER FOR THE INSTALLATION OF A SMOKE DETECTOR, A HEAT DETECTOR, OR A CARBON MONOXIDE DETECTOR.”

On page 7, in lines 11, 19, and 25, in each instance, strike “**10TH**” and substitute “7TH”.

On page 8, in line 1, strike “**10**” and substitute “7”.

AMENDMENT NO. 3

On page 8, after line 9, insert:

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

(a) (1) The Department of Labor, Licensing, and Regulation, in collaboration with the Consumer Protection Division of the Office of the Attorney General, shall convene a stakeholder workgroup to study issues relating to door-to-door sales of home improvement services.

(2) The study shall include:

(i) a review of complaints that have been made by consumers relating to door-to-door sales of home improvement services; and

(ii) a review of recommendations made in the 2010 sunset evaluation of the Maryland Home Improvement Commission and the laws that govern door-to-door sales and home improvement contracts to determine what, if any, updates are needed to the laws governing door-to-door sales and home improvement contracts to protect consumers and clarify the requirements for providers of home improvement services.

(b) The workgroup may include:

(1) members of the General Assembly;

(2) representatives of consumer advocacy organizations;

(3) representatives of the National Association of the Remodeling Industry, the Maryland Building Industry Association, and other home improvement industry organizations;

(4) local officials with responsibility for issuing building permits or enforcing building codes; and

(5) representatives of the homeowner's insurance industry.

(c) On or before December 1, 2016, the Department of Labor, Licensing, and Regulation, in collaboration with the Consumer Protection Division, shall report, in accordance with § 2-1246 of the State Government Article, its findings and recommendations to the Senate Finance Committee and House Economic Matters Committee.”;

in line 10, strike “2.” and substitute “3.”; and in line 11, strike “October” and substitute “June”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 557 – Delegate Jameson

AN ACT concerning

Homeowner’s Insurance – Underwriting Standards – Deductibles

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 676 – Delegates McCray, Anderson, Barkley, Carter, Clippinger, Conaway, Glenn, Healey, Lierman, Moon, Morales, Oaks, Platt, Sydnor, Tarlau, Waldstreicher, A. Washington, and M. Washington

AN ACT concerning

Labor and Employment – Maryland Apprenticeship and Training Council – Annual Report

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:

House Bill 965 – ~~Delegate Walker~~ Delegates Walker, Hornberger, and Metzgar

AN ACT concerning

The Maryland International and Preakness Stakes Incentive Act of 2016

HB0965/657877/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 965

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “race” insert “beginning on a certain date”; in line 9, strike “a certain unclaimed prize fund” and substitute “the State Lottery Fund”; in line 10, strike “who win” and substitute “running in”; strike beginning with “or” in line 10 down through “Stakes” in line 11 and substitute “in a certain fiscal year”; in line 12, strike “requiring” and substitute “prohibiting”; in the same line, strike “State Lottery Fund” and substitute “General Fund”; in line 16, strike “requiring” and substitute “authorizing”; and in line 18, strike “of certain provisions”.

On page 2, after line 11, insert:

“BY repealing and reenacting, with amendments,

Article – State Government

Section 9–120(b)(1)

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 2, strike beginning with “AN” in line 24 down through “§ 9–122(F)” in line 25 and substitute “THE STATE LOTTERY FUND DISTRIBUTED UNDER § 9–120(B)”.

On page 3, in line 17, before “\$500,000” insert “BEGINNING JULY 1, 2017,”; and in the same line, strike “§ 9–120(A)(2)” and substitute “§ 9–120(B)”.

On pages 3 and 4, strike in their entirety the lines beginning with line 20 on page 3 through line 6 on page 4, inclusive, and substitute:

“(B) (1) IN FISCAL YEAR 2017, THE COMPTROLLER SHALL PAY, FROM THE MONEY DISTRIBUTED TO THE SPECIAL FUND, \$500,000 TO THE MARYLAND RACING COMMISSION TO BE USED, IN A MANNER DETERMINED BY THE MARYLAND RACING COMMISSION, FOR A BONUS AWARD PROGRAM FOR MARYLAND–BRED OR MARYLAND–SIREN HORSES RUNNING IN THE PREAKNESS STAKES.

(2) THE MARYLAND RACING COMMISSION SHALL CONSULT WITH REPRESENTATIVES OF THE THOROUGHBRED RACING INDUSTRY PRIOR TO ESTABLISHING THE RULES AND CRITERIA FOR THE BONUS AWARD PROGRAM.

(3) IF, UNDER THE RULES OF THE BONUS AWARD PROGRAM, FUNDS REMAIN IN THE PROGRAM AFTER THE PREAKNESS STAKES IS CONDUCTED ON ONE

OR MORE OCCASIONS, REMAINING FUNDS SHALL CARRY OVER TO THE NEXT FISCAL YEAR AND MAY NOT REVERT TO THE GENERAL FUND.”.

On page 4, strike in their entirety lines 16 and 17; and in line 25, strike “OF §§ 11–514 AND 11–515”.

On page 5, in line 1, strike “SHALL” and substitute “MAY”; after line 23, insert:

“Article – State Government

9–120.

(b) (1) By the end of the month following collection, the Comptroller shall deposit or cause to be deposited:

(i) into the Maryland Stadium Facilities Fund established under § 7–312 of the State Finance and Procurement Article from the money that remains in the State Lottery Fund, after the distribution under subsection (a) of this section, an amount not to exceed \$20,000,000 in any fiscal year;

(ii) after June 30, 2014, into the Maryland Veterans Trust Fund 10% of the money that remains in the State Lottery Fund from the proceeds of sales of tickets from instant ticket lottery machines by veterans’ organizations under § 9–112(d) of this subtitle, after the distribution under subsection (a) of this section;

(iii) after June 30, 2014, into the Baltimore City Public School Construction Financing Fund established under § 10–656 of the Economic Development Article the money that remains in the State Lottery Fund from the proceeds of all lotteries after the distributions under subsection (a) of this section and items (i) and (ii) of this paragraph, an amount equal to \$20,000,000 in each fiscal year that bonds are outstanding and unpaid, to be paid in two installments with at least \$10,000,000 paid no later than December 1 of each fiscal year; [and]

(IV) AFTER JUNE 30, 2016, INTO THE RACING SPECIAL FUND ESTABLISHED UNDER § 11–401 OF THE BUSINESS REGULATION ARTICLE FROM MONEY THAT REMAINS IN THE STATE LOTTERY FUND AFTER THE DISTRIBUTIONS UNDER SUBSECTION (A) OF THIS SECTION AND ITEMS (I), (II), AND (III) OF THIS PARAGRAPH, AN AMOUNT EQUAL TO \$500,000 IN EACH FISCAL YEAR; AND

[(iv)] (v) into the General Fund of the State the money that remains in the State Lottery Fund from the proceeds of all lotteries after the distributions under subsection (a) of this section and items (i), (ii), [and] (iii), AND (IV) of this paragraph.”;

in line 24, strike “3.” and substitute “2.”; in line 25, strike “October” and substitute “July”; in the same line, strike “Section 2 of this Act” and substitute “It”; in the same line, strike “5” and substitute “3”; in line 26, strike “September 30, 2021” and substitute “June 30, 2019”; and in line 27, strike “Section 2 of”.

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:

House Bill 1106 – Delegates Frick, Davis, B. Barnes, Barkley, Barron, Barve, Brooks, Clippinger, Cullison, Dumais, Ebersole, Fraser–Hidalgo, Gilchrist, Gutierrez, Healey, Hill, Hixson, Jalisi, Kaiser, Kelly, Korman, Kramer, Lam, Lierman, Luedtke, A. Miller, Moon, Morhaim, Pena–Melnyk, Platt, Reznik, S. Robinson, Smith, Tarlau, Turner, Valderrama, Valentino–Smith, Vaughn, Waldstreicher, and A. Washington

AN ACT concerning

Clean Energy ~~Jobs~~ – Renewable Energy Portfolio Standard Revisions

HB1106/507779/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1106

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Energy” insert “Jobs”.

On page 2, in line 8, before “stating” insert “authorizing the Small, Minority, and Women–Owned Businesses Account to receive money from the Strategic Energy Investment Fund; requiring any money that the Account receives from the Fund to be used for a certain purpose; authorizing the Maryland Energy Administration to use the Strategic”

Energy Investment Fund for a certain purpose; requiring the Department of Labor, Licensing, and Regulation to study the workforce development training needs for the clean energy industry in the State; requiring the Department to seek input from certain agencies and stakeholders and identify certain information; requiring the Department to report to the General Assembly on or before a certain date on certain findings and recommendations;”; in the same line, strike “stating certain findings of the General Assembly”; in line 9, before “providing” insert “defining a certain term;”; in line 10, after “energy” insert “jobs”; after line 21, insert:

“BY repealing and reenacting, without amendments,

Article – Public Utilities

Section 7–702

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)”;

in line 24, strike “7–702,”; in the same line, strike the first comma and substitute “and”; after line 37, insert:

“BY repealing and reenacting, with amendments,

Article – State Government

Section 9–1A–35 and 9–20B–01

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 9–20B–05(f)

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

BY adding to

Article – State Government

Section 9–20B–05(f–1)

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 5, in line 21, strike the brackets; and strike beginning with “; AND” in line 23 down through “ARTICLE” in line 27.

On page 15, after line 16, insert:

“Article – State Government

9–1A–35.

(a) There is a Small, Minority, and Women–Owned Businesses Account under the authority of the Board of Public Works.

(b) (1) (I) The Account shall receive money as required under § 9–1A–27 of this subtitle.

(II) **THE ACCOUNT MAY RECEIVE MONEY FROM THE STRATEGIC ENERGY INVESTMENT FUND UNDER § 9–20B–05 OF THIS TITLE.**

(2) Money in the Account shall be invested and reinvested by the Treasurer and interest and earnings shall accrue to the Account.

(3) The Comptroller shall:

(i) account for the Account; and

(ii) on a properly approved transmittal prepared by the Board of Public Works, issue a warrant to pay out money from the Account in the manner provided under this section.

(4) The Account is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(5) Expenditures from the Account shall only be made on a properly approved transmittal prepared by the Board of Public Works as provided under subsection (c) of this section.

(c) (1) In this subsection, “eligible fund manager” means an entity that has significant financial or investment experience, under criteria developed by the Board of Public Works.

(2) Subject to the provisions of paragraph (3) of this subsection, the Board of Public Works shall make grants to eligible fund managers to provide investment capital and loans to small, minority, and women–owned businesses in the State.

(3) The Board of Public Works shall ensure that eligible fund managers allocate at least 50% of the funds from this Account to small, minority, and women–owned businesses in the jurisdictions and communities surrounding a video lottery facility.

(D) ANY MONEY RECEIVED FROM THE STRATEGIC ENERGY INVESTMENT FUND SHALL BE USED TO BENEFIT SMALL, MINORITY, AND WOMEN–OWNED BUSINESSES IN THE CLEAN ENERGY INDUSTRY IN THE STATE.

[(d)](E) Fund managers receiving grants under this section shall:

(1) keep proper records of funds and accounts;

(2) provide an annual report to the Governor and, in accordance with § 2–1246 of this article, the General Assembly on investment capital and loans made pursuant to subsection (c) of this section; and

(3) be subject to audit by the Office of Legislative Audits of the Department of Legislative Services.

[(e)] (F) (1) Subject to paragraph (2) of this subsection, an eligible fund manager may use money from grants received under this section to pay expenses for administrative, actuarial, legal, and technical services.

(2) The Board of Public Works shall set the maximum amount of grant money that each eligible fund manager may use under paragraph (1) of this subsection.

[(f)] (G) Each fiscal year the Legislative Auditor shall audit and evaluate the utilization of the funds that are allocated to small, minority, and women–owned businesses by eligible fund managers under subsection (c)(3) of this section.

9–20B–01.

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

(b) “Administration” means the Maryland Energy Administration.

(c) “Board” means the Strategic Energy Investment Advisory Board established under § 9–20B–07 of this subtitle.

(D) “CLEAN ENERGY INDUSTRY” MEANS A GROUP OF EMPLOYERS THAT ARE ASSOCIATED BY THEIR PROMOTION OF:

(1) PRODUCTS AND SERVICES THAT IMPROVE ENERGY EFFICIENCY AND CONSERVATION, INCLUDING PRODUCTS AND SERVICES PROVIDED BY:

(I) ELECTRICIANS;

(II) HEATING, VENTILATION, AND AIR–CONDITIONING INSTALLERS;

(III) PLUMBERS; AND

(IV) ENERGY AUDITORS; AND

(2) RENEWABLE AND CLEAN ENERGY RESOURCES.

[(d)] (E) “Fund” means the Maryland Strategic Energy Investment Fund.

[(e)] (F) “Program” means the Maryland Strategic Energy Investment Program.

9–20B–05.

(f) The Administration shall use the Fund:

(1) to invest in the promotion, development, and implementation of:

(i) cost–effective energy efficiency and conservation programs, projects, or activities, including measurement and verification of energy savings;

(ii) renewable and clean energy resources;

(iii) climate change programs directly related to reducing or mitigating the effects of climate change; and

(iv) demand response programs that are designed to promote changes in electric usage by customers in response to:

1. changes in the price of electricity over time; or

2. incentives designed to induce lower electricity use at times of high wholesale market prices or when system reliability is jeopardized;

(2) to provide targeted programs, projects, activities, and investments to reduce electricity consumption by customers in the low-income and moderate-income residential sectors;

(3) to provide supplemental funds for low-income energy assistance through the Electric Universal Service Program established under § 7-512.1 of the Public Utilities Article and other electric assistance programs in the Department of Human Resources;

(4) to provide rate relief by offsetting electricity rates of residential customers, including an offset of surcharges imposed on ratepayers under § 7-211 of the Public Utilities Article;

(5) to provide grants, loans, and other assistance and investment as necessary and appropriate to implement the purposes of the Program as set forth in § 9-20B-03 of this subtitle;

(6) to implement energy-related public education and outreach initiatives regarding reducing energy consumption and greenhouse gas emissions;

(7) to provide rebates under the Electric Vehicle Recharging Equipment Rebate Program established under § 9-2009 of this title;

(8) to provide grants to encourage combined heat and power projects at industrial facilities; and

(9) to pay the expenses of the Program.

(F-1) THE ADMINISTRATION MAY USE THE FUND, INCLUDING MONEY THAT THE FUND RECEIVES UNDER PUBLIC SERVICE COMMISSION ORDER NUMBER

86372, TO PROVIDE FUNDING FOR ACCESS TO CAPITAL FOR SMALL, MINORITY, AND WOMEN-OWNED BUSINESSES IN THE CLEAN ENERGY INDUSTRY UNDER § 9-1A-35 OF THIS TITLE.”.

AMENDMENT NO. 3

On page 15, before line 17, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Labor, Licensing, and Regulation shall:

(1) study the workforce development training needs for the clean energy industry in the State;

(2) in conducting the study required under item (1) of this section, seek input from:

(i) State agencies, including the Department of Budget and Management, the Department of Commerce, the Governor’s Office of Minority Affairs, the Maryland Energy Administration, and the Maryland Clean Energy Center;

(ii) clean energy industry stakeholders; and

(iii) any other persons that the Department determines appropriate;

(3) identify:

(i) existing programs that could help address the clean energy industry workforce needs;

(ii) any new program that could be developed to provide workforce development training for the clean energy workforce;

(iii) ways to advance clean energy job training and employment opportunities for:

1. individuals from economically distressed areas; and

2. disadvantaged workers who have barriers to entry into the labor force, including homelessness, prior criminal records, receipt of public assistance,

unemployment with no high school education, veterans of the armed forces of the United States, and former foster care youth;

(iv) barriers to entry for small, minority, and women-owned businesses in the clean energy industry;

(v) funding ways that may be used to provide incentives for the development of clean energy workforce development training programs, including through tax credits, grants, or other forms; and

(vi) options for funding sources, including the Strategic Energy Investment Fund, money directed by Public Service Commission orders, and other sources; and

(4) on or before July 1, 2017, report, in accordance with § 2–1246 of the State Government Article, to the General Assembly its findings and any recommendations.”;

and in lines 17, 20, and 25, strike “2.”, “3.”, and “4.”, respectively, and substitute “3.”, “4.”, and “5.”, 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 Middleton, Chair, for the Committee on Finance reported favorably with amendments:

House Bill 1115 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Cigarette Retailers – County License Fee MC 12–16

HB1115/467673/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1115

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after the semicolon, insert “prohibiting the use of certain funds to supplant certain existing funding for a certain purpose;”.

AMENDMENT NO. 2

On page 3, in line 1, before “**FROM**” insert “**(1)**”; in lines 4 and 5, strike “**(1)**” and “**(2)**”, respectively, and substitute “**(I)**” and “**(II)**”, respectively; and after line 7, insert:

“(2) FUNDS DISTRIBUTED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION MAY NOT BE USED TO SUPPLANT EXISTING FUNDING FOR THE ENFORCEMENT OF LAWS BANNING THE SALE OR DISTRIBUTION OF TOBACCO OR TOBACCO PRODUCTS TO MINORS.”

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 #48**CONSENT CALENDAR #68**

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

BILL NO.	REPORT	SPONSOR	CONTENT
<u>FAVORABLE</u>			
HB 886	FAV	Del. West	Maryland Medical Assistance Program – Telemedicine – Modifications
HB 981	FAV	Del. Kelly	Maryland Medical Assistance Program – Guardianship Fees – Personal Needs Allowance

BILL NO.	REPORT	SPONSOR	CONTENT
HB 1247 (Emerg)	FAV	Del. Hayes	Insurance – Self-Funded Student Health Plans
HB 1411	FAV	Del. McMillan	Health – Recovery Residences – Certification

Favorable report adopted on all of the preceding bills.

The preceding bills were read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #39

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

House Bill 385 – Delegate Anderson (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Abandoned Property – Tax Sales – Ground Rent

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:

House Bill 452 – The Speaker (By Request – Administration) and Delegates Adams, Anderton, Arentz, Aumann, Bromwell, Carozza, Cassilly, Ciliberti, Cluster, Folden, Ghrist, Glass, Grammer, Hornberger, S. Howard, Impallaria, Jacobs, Kipke, Kittleman, Krebs, Long, Malone, Mautz, McComas, McConkey, McDonough, McKay, Metzgar, Miele, W. Miller, Otto, Reilly, Rey, Rose, Saab, Shoemaker, Simonaire, Szeliga, Vogt, West, B. Wilson, ~~and Wivell~~ Wivell, and Afzali

AN ACT concerning

~~Income Tax – Earned Income Credit – Refundability~~ Earned Income Tax Credit – Expansion

HB0452/679437/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 452

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Earned” insert “Income Tax – Rates, Personal Exemptions, Subtraction Modifications, and”; in line 3, strike “– Expansion”; in line 7, after “of” insert “altering certain State income tax rates for certain taxable years; altering the amount of certain exemptions allowed under the State income tax for certain taxable years;”; strike beginning with “allowing” in line 12 down through the first “credit;” in line 13 and substitute “allowing an individual to claim the credit without regard to a certain age limitation;”; in line 13, after “year;” insert “providing a subtraction modification under the Maryland income tax under certain circumstances for certain retirement income attributable to a resident’s employment as a law enforcement officer or the individual’s service as fire, rescue, or emergency services personnel; declaring the intent of the General Assembly;”; in line 14, after “Act;” insert “providing for a delayed effective date for certain provisions of this Act;”; in the same line, strike “Maryland”; in line 15, strike “earned income tax credit” and substitute “State individual income tax”; and in line 18, after “Section” insert “10–105(a), 10–209, 10–211(a)(1), and”.

AMENDMENT NO. 2

On page 2, after line 1, insert:

“BY repealing and reenacting, with amendments,

Article – Tax – General

Section 10–105(a)

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 10–105(a)

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

(As enacted by Section 3 of this Act)

BY repealing and reenacting, with amendments,

Article – Tax – General
Section 10–105(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2015 Supplement)
(As enacted by Section 4 of this Act)

BY repealing and reenacting, with amendments,

Article – Tax – General
Section 10–105(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2015 Supplement)
(As enacted by Section 5 of this Act)”;

after line 9, insert:

“10–105.

(a) (1) **For A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2015, BUT BEFORE JANUARY 1, 2017, FOR** an individual other than an individual described in paragraph (2) of this subsection, the State income tax rate is:

- (i) **2%** of Maryland taxable income of \$1 through \$1,000;
- (ii) **3%** of Maryland taxable income of \$1,001 through \$2,000;
- (iii) **4%** of Maryland taxable income of \$2,001 through \$3,000;
- (iv) **4.75%** of Maryland taxable income of \$3,001 through \$100,000;
- (v) **[5%] 4.975%** of Maryland taxable income of \$100,001 through \$125,000;
- (vi) **[5.25%] 5.20%** of Maryland taxable income of \$125,001 through \$150,000;
- (vii) **[5.5%] 5.45%** of Maryland taxable income of \$150,001 through \$250,000; and

(viii) [5.75%] 5.725% of Maryland taxable income in excess of \$250,000.

(2) For A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2015, BUT BEFORE JANUARY 1, 2017, FOR spouses filing a joint return or for a surviving spouse or head of household as defined in § 2 of the Internal Revenue Code, the State income tax rate is:

(i) 2% of Maryland taxable income of \$1 through \$1,000;

(ii) 3% of Maryland taxable income of \$1,001 through \$2,000;

(iii) 4% of Maryland taxable income of \$2,001 through \$3,000;

(iv) 4.75% of Maryland taxable income of \$3,001 through \$150,000;

(v) [5%] 4.975% of Maryland taxable income of \$150,001 through \$175,000;

(vi) [5.25%] 5.20% of Maryland taxable income of \$175,001 through \$225,000;

(vii) [5.5%] 5.45% of Maryland taxable income of \$225,001 through \$300,000; and

(viii) [5.75%] 5.725% of Maryland taxable income in excess of \$300,000.

10-211.

(a) Except as provided in subsection (b) of this section, whether or not a federal return is filed, to determine Maryland taxable income, an individual other than a fiduciary may deduct as an exemption:

(1) (I) [\$3,200] FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2015, BUT BEFORE JANUARY 1, 2017, \$3,250 for each exemption that the individual may deduct in the taxable year to determine federal taxable income under § 151 of the Internal Revenue Code;

(II) FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2016, BUT BEFORE JANUARY 1, 2018, \$3,300 FOR EACH EXEMPTION THAT THE INDIVIDUAL MAY DEDUCT IN THE TAXABLE YEAR TO DETERMINE FEDERAL TAXABLE INCOME UNDER § 151 OF THE INTERNAL REVENUE CODE;

(III) FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2017, BUT BEFORE JANUARY 1, 2019, \$3,350 FOR EACH EXEMPTION THAT THE INDIVIDUAL MAY DEDUCT IN THE TAXABLE YEAR TO DETERMINE FEDERAL TAXABLE INCOME UNDER § 151 OF THE INTERNAL REVENUE CODE; AND

(IV) FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2018, \$3,400 FOR EACH EXEMPTION THAT THE INDIVIDUAL MAY DEDUCT IN THE TAXABLE YEAR TO DETERMINE FEDERAL TAXABLE INCOME UNDER § 151 OF THE INTERNAL REVENUE CODE;”;

and in line 16, strike “paragraph (2)” and substitute “**PARAGRAPHS (2) AND (3)**”.

AMENDMENT NO. 3

On page 3, in line 10, after “**1.**” insert:

“A. FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2015, BUT BEFORE JANUARY 1, 2017, IS EQUAL TO 75% OF THE EARNED INCOME CREDIT ALLOWABLE FOR THE TAXABLE YEAR UNDER § 32 OF THE INTERNAL REVENUE CODE; AND

B. FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2016.”;

and in line 23, strike “**2017**” and substitute “**2016**”.

AMENDMENT NO. 4

On page 4, strike beginning with “**BY**” in line 6 down through “**CODE**” in line 8 and substitute “**WITHOUT REGARD TO THE MINIMUM AGE REQUIREMENT UNDER § 32(C)(1)(A)(II)(II) OF THE INTERNAL REVENUE CODE**”.

AMENDMENT NO. 5

On page 5, after line 2, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

10–209.

(a) In this section:

(1) “employee retirement system” means a plan:

(i) established and maintained by an employer for the benefit of its employees; and

(ii) qualified under § 401(a), § 403, or § 457(b) of the Internal Revenue Code; and

(2) “employee retirement system” does not include:

(i) an individual retirement account or annuity under § 408 of the Internal Revenue Code;

(ii) a Roth individual retirement account under § 408A of the Internal Revenue Code;

(iii) a rollover individual retirement account;

(iv) a simplified employee pension under Internal Revenue Code § 408(k); or

(v) an ineligible deferred compensation plan under § 457(f) of the Internal Revenue Code.

(b) Subject to [subsection (d)] SUBSECTIONS (D) AND (E) of this section, to determine Maryland adjusted gross income, if, on the last day of the taxable year, a resident is at least 65 years old or is totally disabled or the resident’s spouse is totally disabled, OR THE RESIDENT IS AT LEAST 55 YEARS OLD AND IS A RETIRED LAW ENFORCEMENT

OFFICER OR FIRE, RESCUE, OR EMERGENCY SERVICES PERSONNEL OF THE UNITED STATES, THE STATE, OR A POLITICAL SUBDIVISION OF THE STATE, an amount is subtracted from federal adjusted gross income equal to the lesser of:

(1) the cumulative or total annuity, pension, or endowment income from an employee retirement system included in federal adjusted gross income; or

(2) the maximum annual benefit under the Social Security Act computed under subsection (c) of this section, less any payment received as old age, survivors, or disability benefits under the Social Security Act, the Railroad Retirement Act, or both.

(c) For purposes of subsection (b)(2) of this section, the Comptroller:

(1) shall determine the maximum annual benefit under the Social Security Act allowed for an individual who retired at age 65 for the prior calendar year; and

(2) may allow the subtraction to the nearest \$100.

(d) Military retirement income that is included in the subtraction under § 10–207(q) of this subtitle may not be taken into account for purposes of the subtraction under this section.

(E) IN THE CASE OF A RETIRED LAW ENFORCEMENT OFFICER OR FIRE, RESCUE, OR EMERGENCY SERVICES PERSONNEL OF THE UNITED STATES, THE STATE, OR A POLITICAL SUBDIVISION OF THE STATE, THE AMOUNT INCLUDED UNDER SUBSECTION (B)(1) OF THIS SECTION IS LIMITED TO THE FIRST \$15,000 OF RETIREMENT INCOME THAT IS ATTRIBUTABLE TO THE RESIDENT’S EMPLOYMENT AS A LAW ENFORCEMENT OFFICER OR FIRE, RESCUE, OR EMERGENCY SERVICES PERSONNEL OF THE UNITED STATES, THE STATE, OR A POLITICAL SUBDIVISION OF THE STATE UNLESS:

(1) THE RESIDENT IS AT LEAST 65 YEARS OLD OR IS TOTALLY DISABLED; OR

(2) THE RESIDENT’S SPOUSE IS TOTALLY DISABLED.

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

Article – Tax – General10–105.

(a) (1) For a taxable year beginning after December 31, [2015] 2016, but before January 1, [2017] 2018, for an individual other than an individual described in paragraph (2) of this subsection, the State income tax rate is:

- (i) 2% of Maryland taxable income of \$1 through \$1,000;
- (ii) 3% of Maryland taxable income of \$1,001 through \$2,000;
- (iii) 4% of Maryland taxable income of \$2,001 through \$3,000;
- (iv) 4.75% of Maryland taxable income of \$3,001 through \$100,000;
- (v) [4.975%] 4.95% of Maryland taxable income of \$100,001 through \$125,000;
- (vi) [5.20%] 5.15% of Maryland taxable income of \$125,001 through \$150,000;
- (vii) [5.45%] 5.40% of Maryland taxable income of \$150,001 through \$250,000; and
- (viii) [5.725%] 5.70% of Maryland taxable income in excess of \$250,000.

(2) For a taxable year beginning after December 31, [2015] 2016, but before January 1, [2017] 2018, for spouses filing a joint return or for a surviving spouse or head of household as defined in § 2 of the Internal Revenue Code, the State income tax rate is:

- (i) 2% of Maryland taxable income of \$1 through \$1,000;
- (ii) 3% of Maryland taxable income of \$1,001 through \$2,000;
- (iii) 4% of Maryland taxable income of \$2,001 through \$3,000;

- (iv) 4.75% of Maryland taxable income of \$3,001 through \$150,000;
- (v) [4.975%] 4.95% of Maryland taxable income of \$150,001 through \$175,000;
- (vi) [5.20%] 5.15% of Maryland taxable income of \$175,001 through \$225,000;
- (vii) [5.45%] 5.40% of Maryland taxable income of \$225,001 through \$300,000; and
- (viii) [5.725%] 5.70% of Maryland taxable income in excess of \$300,000.

SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

10–105.

(a) (1) For a taxable year beginning after December 31, [2016] 2017, but before January 1, [2018] 2019, for an individual other than an individual described in paragraph (2) of this subsection, the State income tax rate is:

- (i) 2% of Maryland taxable income of \$1 through \$1,000;
- (ii) 3% of Maryland taxable income of \$1,001 through \$2,000;
- (iii) 4% of Maryland taxable income of \$2,001 through \$3,000;
- (iv) 4.75% of Maryland taxable income of \$3,001 through \$100,000;
- (v) [4.95%] 4.925% of Maryland taxable income of \$100,001 through \$125,000;
- (vi) [5.15%] 5.10% of Maryland taxable income of \$125,001 through \$150,000;

(vii) [5.40%] 5.35% of Maryland taxable income of \$150,001 through \$250,000; and

(viii) [5.70%] 5.675% of Maryland taxable income in excess of \$250,000.

(2) For a taxable year beginning after December 31, [2016] 2017, but before January 1, [2018] 2019, for spouses filing a joint return or for a surviving spouse or head of household as defined in § 2 of the Internal Revenue Code, the State income tax rate is:

(i) 2% of Maryland taxable income of \$1 through \$1,000;

(ii) 3% of Maryland taxable income of \$1,001 through \$2,000;

(iii) 4% of Maryland taxable income of \$2,001 through \$3,000;

(iv) 4.75% of Maryland taxable income of \$3,001 through \$150,000;

(v) [4.95%] 4.925% of Maryland taxable income of \$150,001 through \$175,000;

(vi) [5.15%] 5.10% of Maryland taxable income of \$175,001 through \$225,000;

(vii) [5.40%] 5.35% of Maryland taxable income of \$225,001 through \$300,000; and

(viii) [5.70%] 5.675% of Maryland taxable income in excess of \$300,000.

SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

(a) (1) For a taxable year beginning after December 31, [2017] 2018, but before January 1, [2019] 2020, for an individual other than an individual described in paragraph (2) of this subsection, the State income tax rate is:

- (i) 2% of Maryland taxable income of \$1 through \$1,000;
- (ii) 3% of Maryland taxable income of \$1,001 through \$2,000;
- (iii) 4% of Maryland taxable income of \$2,001 through \$3,000;
- (iv) 4.75% of Maryland taxable income of \$3,001 through \$100,000;
- (v) [4.925%] 4.90% of Maryland taxable income of \$100,001 through \$125,000;
- (vi) [5.10%] 5.05% of Maryland taxable income of \$125,001 through \$150,000;
- (vii) [5.35%] 5.30% of Maryland taxable income of \$150,001 through \$250,000; and
- (viii) [5.675%] 5.65% of Maryland taxable income in excess of \$250,000.

(2) For a taxable year beginning after December 31, [2017] 2018, but before January 1, [2019] 2020, for spouses filing a joint return or for a surviving spouse or head of household as defined in § 2 of the Internal Revenue Code, the State income tax rate is:

- (i) 2% of Maryland taxable income of \$1 through \$1,000;
- (ii) 3% of Maryland taxable income of \$1,001 through \$2,000;
- (iii) 4% of Maryland taxable income of \$2,001 through \$3,000;
- (iv) 4.75% of Maryland taxable income of \$3,001 through \$150,000;

- (v) [4.925%] 4.90% of Maryland taxable income of \$150,001 through \$175,000;
- (vi) [5.10%] 5.05% of Maryland taxable income of \$175,001 through \$225,000;
- (vii) [5.35%] 5.30% of Maryland taxable income of \$225,001 through \$300,000; and
- (viii) [5.675%] 5.65% of Maryland taxable income in excess of \$300,000.

SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

10–105.

(a) (1) [For a taxable year beginning after December 31, 2018, but before January 1, 2020, for] FOR an individual other than an individual described in paragraph (2) of this subsection, the State income tax rate is:

- (i) 2% of Maryland taxable income of \$1 through \$1,000;
- (ii) 3% of Maryland taxable income of \$1,001 through \$2,000;
- (iii) 4% of Maryland taxable income of \$2,001 through \$3,000;
- (iv) 4.75% of Maryland taxable income of \$3,001 through \$100,000;
- (v) [4.90%] 4.875% of Maryland taxable income of \$100,001 through \$125,000;
- (vi) [5.05%] 5.00% of Maryland taxable income of \$125,001 through \$150,000;

(vii) [5.30%] 5.25% of Maryland taxable income of \$150,001 through \$250,000; and

(viii) [5.65%] 5.60% of Maryland taxable income in excess of \$250,000.

(2) [For a taxable year beginning after December 31, 2018, but before January 1, 2020, for] FOR spouses filing a joint return or for a surviving spouse or head of household as defined in § 2 of the Internal Revenue Code, the State income tax rate is:

(i) 2% of Maryland taxable income of \$1 through \$1,000;

(ii) 3% of Maryland taxable income of \$1,001 through \$2,000;

(iii) 4% of Maryland taxable income of \$2,001 through \$3,000;

(iv) 4.75% of Maryland taxable income of \$3,001 through \$150,000;

(v) [4.90%] 4.875% of Maryland taxable income of \$150,001 through \$175,000;

(vi) [5.05%] 5.00% of Maryland taxable income of \$175,001 through \$225,000;

(vii) [5.30%] 5.25% of Maryland taxable income of \$225,001 through \$300,000; and

(viii) [5.65%] 5.60% of Maryland taxable income in excess of \$300,000.

SECTION 7. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that if the revised estimate of total General Fund revenues for the fiscal year in which the budget bill is being prepared, as reflected in the report of estimated State revenues submitted by the Board of Revenue Estimates to the Governor under § 6–106(b) of the State Finance and Procurement Article in December of that fiscal year, exceeds the estimate for the prior December by less than 2%, the income tax rates in effect for the next taxable year shall remain unchanged from the previous taxable year.

SECTION 8. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be applicable to all taxable years beginning after December 31, 2015.

SECTION 9. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2017.

SECTION 10. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall take effect July 1, 2018.

SECTION 11. AND BE IT FURTHER ENACTED, That Section 5 of this Act shall take effect July 1, 2019.

SECTION 12. AND BE IT FURTHER ENACTED, That Section 6 of this Act shall take effect July 1, 2020, and shall be applicable to all taxable years beginning after December 31, 2019.”;

in line 3, strike “2.” and substitute “13.”; and strike beginning with “this” in line 3 down through “2016” in line 4 and substitute “, except as provided in Sections 9, 10, 11, and 12 of this Act, this Act shall take effect July 1, 2016”.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0452/903223/1

BY: Senator Rosapepe

AMENDMENTS TO HOUSE BILL 452, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (HB0452/679437/1), in line 1 of Amendment No. 1, strike “Rates.”; in line 3, strike “altering certain State income tax rates for certain taxable years.”; in line 12, strike “providing for a delayed effective date for certain provisions of this Act.”; and in line 14, strike “10–105(a).”.

AMENDMENT NO. 2

On pages 1 and 2 of the Budget and Taxation Committee Amendments, in Amendment No. 2, strike beginning with “BY” in line 2 on page 1 down through “Act” in line 18 on page 2.

On pages 2 through 4 of the Budget and Taxation Committee Amendments, in Amendment No. 2, strike beginning with “10–105.” in line 20 on page 2 down through “\$300,000.” in line 8 on page 4.

On pages 8 through 16 of the Budget and Taxation Committee Amendments, in Amendment No. 5, strike in their entirety the lines beginning with line 12 on page 8 through line 8 on page 16, inclusive.

On page 16 of the Budget and Taxation Committee Amendments, in line 9 of Amendment No. 5, strike “8.” and substitute “3.”; strike in their entirety lines 11 through 19, inclusive; in line 20, strike “13.” and substitute “4.”; and strike beginning with “. except” in line 21 down through “Act.” in line 22.

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

Affirmative – 7 Negative – 37 (See Roll Call No. 1136)

FLOOR AMENDMENT

HB0452/333128/1

BY: Senator Raskin

AMENDMENTS TO HOUSE BILL 452, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (HB0452/679437/1), in line 3 of Amendment No. 1, strike “altering certain State income tax rates for certain taxable years;”; and in line 11, after “personnel;” insert “altering certain State income tax rates for certain taxable years;”.

On page 1 of the Budget and Taxation Committee Amendments, in line 7 of Amendment No. 2, strike “1” and substitute “3”.

On page 2 of the Budget and Taxation Committee Amendments, in Amendment No. 2, strike beginning with “BY” in line 1 down through “Act” in line 18.

AMENDMENT NO. 2

On pages 2 through 4 of the Budget and Taxation Committee Amendments, in Amendment No. 2, strike beginning with “10–105.” in line 20 on page 2 down through “\$300,000.” in line 8 on page 4.

On page 9 of the Budget and Taxation Committee Amendments, in lines 1, 3, 5, 7, 9, 18, and 20 of Amendment No. 5, strike “4.75%”, “[4.975%] 4.95%”, “[5.20%] 5.15%”, “[5.45%] 5.40%”, “[5.725%] 5.70%”, “4.75%”, and “[4.975%] 4.95%”, respectively, and substitute “[4.75%] 4.725%”, “[5%] 4.975%”, “[5.25%] 5.225%”, “[5.5%] 5.475%”, “[5.75%] 5.725%”, “[4.75%] 4.725%”, and “[5%] 4.975%”, respectively.

On page 10 of the Budget and Taxation Committee Amendments, in lines 1, 3, and 5 of Amendment No. 5, strike “[5.20%] 5.15%”, “[5.45%] 5.40%”, and “[5.725%] 5.70%”, respectively, and substitute “[5.25%] 5.225%”, “[5.5%] 5.475%”, and “[5.75%] 5.725%”, respectively.

On pages 10 through 14 of the Budget and Taxation Committee Amendments, in Amendment No. 5, strike in their entirety the lines beginning with line 7 on page 10 through line 2 on page 14, inclusive.

On page 14 of the Budget and Taxation Committee Amendments, in lines 3, 13, 15, and 17 of Amendment No. 5, strike “6.”, “4.75%”, “[4.90%] 4.875%”, and “[5.05%] 5.00%”, respectively, and substitute “4.”, “[4.725%] 4.70%”, “[4.975%] 4.95%”, and “[5.225%] 5.20%”, respectively.

On page 15 of the Budget and Taxation Committee Amendments, in lines 1, 3, 12, 14, 16, 18, and 20 of Amendment No. 5, strike “[5.30%] 5.25%”, “[5.65%] 5.60%”, “4.75%”, “[4.90%] 4.875%”, “[5.05%] 5.00%”, “[5.30%] 5.25%”, and “[5.65%] 5.60%”, respectively, and substitute “[5.475%] 5.45%”, “[5.725%] 5.70%”, “[4.725%] 4.70%”, “[4.975%] 4.95%”, “[5.225%] 5.20%”, “[5.475%] 5.45%”, and “[5.725%] 5.70%”, respectively.

On page 16 of the Budget and Taxation Committee Amendments, in lines 1, 9, 11, 17, 20, and 21 and 22 of Amendment No. 5, strike “7.”, “8.”, “9.”, “12.”, “13.”, and “9, 10, 11, and 12”, respectively, and substitute “5.”, “6.”, “7.”, “8.”, “9.”, and “7 and 8”; strike in their entirety lines 13 through 16, inclusive; and in lines 18 and 19, strike “2020” and “2019”, respectively, and substitute “2018” and “2017”, respectively.

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

Affirmative – 10 Negative – 35 (See Roll Call No. 1137)

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

House Bill 722 – Delegates Hixson, Barkley, Barve, Brooks, Carr, Chang, Ebersole, Fraser–Hidalgo, Frick, Healey, Jackson, Kaiser, Kelly, Korman, Kramer, Lam, Luedtke, A. Miller, Moon, Morales, Pena–Melnik, Platt, Reznik, S. Robinson, Smith, Turner, Valderrama, and Waldstreicher

AN ACT concerning

Capital Grant Program for Local School Systems With Significant Enrollment Growth or Relocatable Classrooms – Funding

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:

House Bill 1015 – Delegates Kaiser, Angel, Atterbeary, Barkley, B. Barnes, Barve, Branch, Brooks, Busch, Chang, Cullison, Ebersole, Fennell, Frick, Frush, Gutierrez, Haynes, Healey, Hettleman, Hill, Hixson, Holmes, Hornberger, Jackson, Jalisi, Jones, Korman, Krimm, Lafferty, Lierman, Lisanti, Luedtke, McIntosh, McMillan, A. Miller, Moon, Morhaim, Pena–Melnik, Pendergrass, Platt, Reznik, B. Robinson, Sanchez, Smith, Sophocleus, Stein, Valderrama, Valentino–Smith, Waldstreicher, M. Washington, ~~and K. Young~~ K. Young, Metzgar, Patterson, Tarlau, and A. Washington

AN ACT concerning

Study of Student Loan Refinancing in Maryland

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:

House Bill 1494 – Delegates Sample–Hughes, Carozza, Hayes, Haynes, Jacobs, Krimm, Otto, and Patterson

AN ACT concerning

**Income Tax – Credit for ~~Physician~~ Preceptors in Areas With Health Care
Workforce Shortages**

HB1494/739033/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 1494

(Third Reading File Bill)

On page 3, strike beginning with “THAT” in line 12 down through “PHYSICIANS” in line 13.

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 JUDICIAL PROCEEDINGS REPORT #31

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

**House Bill 166 – Delegates Valentino–Smith, Cluster, Sanchez, Smith, and
B. Wilson**

AN ACT concerning

**Criminal Procedure – Pretrial Release – ~~Nonresident~~
Out-of-State Sex Offenders**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

**House Bill 177 – Delegates Bromwell, Aumann, Brooks, Cluster, Folden,
Grammer, Hettleman, Hornberger, Lafferty, Luedtke, Metzgar, Miele,
Morgan, Morhaim, West, and C. Wilson**

AN ACT concerning

Criminal Law – Prohibition on Marking Flags – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 184 – Delegate Dumais

AN ACT concerning

Public Safety – Firearm Application

HB0184/838472/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 184

(Third Reading File Bill)

On page 3, in line 10, strike “October” and substitute “July”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 359 – Delegates Dumais and B. Wilson

AN ACT concerning

Criminal Procedure – Charges Against Correctional Officer – Review by State’s Attorney

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 1371 – Delegate Folden

AN ACT concerning

**Criminal Law – ~~Assault in the First Degree~~ – Strangulation – Lethality
Screening Protocol and Training**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #32

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 58 – Delegate O’Donnell

AN ACT concerning

Vehicle Laws – Historic Motor Vehicles – Authorized Uses and Inspections

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

**House Bill 472 – Delegates Miele, ~~Arentz~~, Aumann, Carozza, Jacobs, Morgan, and
Otto**

AN ACT concerning

Estates and Trusts – Registers of Wills – Retention of Estate Files

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

**House Bill 1059 – Delegates Morales, Carr, Cullison, Ebersole, Fennell,
Fraser-Hidalgo, Frush, Gutierrez, Healey, Hill, Hixson, C. Howard, Jalisi,
Knotts, Lafferty, Lam, Moon, S. Robinson, Sanchez, Tarlau, A. Washington,
and M. Washington**

AN ACT concerning

Landlord and Tenant – Security Deposit – Contents of Lease

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 1182 – Delegate Sydnor

AN ACT concerning

**Charitable Organizations and Representatives – Fund–Raising Counsel –
Definition**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

**House Bill 1461 – Delegates Folden, Anderton, Cassilly, Grammer, S. Howard,
Krebs, Long, McKay, Parrott, Rose, Simonaire, Szeliga, and C. Wilson**

AN ACT concerning

**Commercial Drivers’ Licenses – Cancellations and Downgrades
(Driving Privilege Preservation Act of 2016)**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #68**

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

House Bill 238 – ~~Delegate Sophocles~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Disposition of Fees

HB0238/594031/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 238

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike “rather than the county,” and substitute “from certain fees.”; in the same line, after “to” insert “approve and remit to the county certain amounts necessary to”; in the same line, strike “from”; in line 8, strike “receipts certain”; in the same line, after “salaries” insert “, benefits.”; in the same line, after “expenses” insert “; requiring the Comptroller”; in the same line, strike the second “and”; and in the same line, after “balance” insert “of certain fees”.

AMENDMENT NO. 2

On page 4, in line 1, strike “The” and substitute “**FROM THE FEES RECEIVED, THE**”; in line 2, after “**AND**” insert “**REMIT TO THE COUNTY THE AMOUNTS NECESSARY TO**”; in the same line, strike “expenses” and substitute “**BENEFITS**”; in line 3, strike “from the fees received”; in the same line, strike “and”; after line 3, insert:

“(2) APPROVE AND REMIT TO THE COUNTY THE AMOUNT NECESSARY TO PAY THE EXPENSES OF THE BOARD; AND”;

in line 4, strike “(2)” and substitute “(3)”; and in the same line, before “**REMIT**” insert “**AT THE END OF EACH FISCAL YEAR.**”.

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:

House Bill 632 – Howard County Delegation

AN ACT concerning

**Howard County – Alcoholic Beverages – Luxury Restaurants and Farm
Breweries – Licenses**

Ho. Co. 14–16

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:

House Bill 654 – Howard County Delegation

AN ACT concerning

**Howard County – Alcoholic Beverages – Class D Beer, Wine, and Liquor
Licenses
Ho. Co. 10–16**

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:

House Bill 655 – Howard County Delegation

AN ACT concerning

**Howard County – Alcoholic Beverages – Class D Licenses
Ho. Co. 7–16**

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:

House Bill 1020 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Alcoholic Beverages Licenses –
Class B–WPL (Waterfront Pavilion) Beer, Wine, and Liquor License
PG 314–16**

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:

House Bill 1029 – Montgomery County Delegation

AN ACT concerning

**Montgomery County – Alcoholic Beverages – Class BD–BWL License – Hours of Sale
MC 17–16**

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:

House Bill 1064 – Montgomery County Delegation

AN ACT concerning

**Montgomery County – Sale of Alcoholic Beverages – Distance From Places of Worship, Schools, and Youth Centers
MC 18–16**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #69

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

House Bill 969 – ~~Delegates Impalleria and Lisanti~~ Harford County Delegation

AN ACT concerning

Harford County – Alcoholic Beverages – Business Establishments Near Schools

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:

House Bill 1069 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Alcoholic Beverages – Entertainment Concessionaire
and Facility Licenses
PG 311–16**

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:

House Bill 1073 – Montgomery County Delegation

AN ACT concerning

**Montgomery County – Alcoholic Beverages – License Applications – Online
Notice
MC 5–16**

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:

House Bill 1074 – Montgomery County Delegation

EMERGENCY BILL

AN ACT concerning

**Montgomery County – Laytonsville – Alcoholic Beverages Licenses
MC 22–16**

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:

House Bill 1076 – Montgomery County Delegation

AN ACT concerning

**Montgomery County – Alcoholic Beverages – Sports Stadium License
MC 19–16**

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:

House Bill 1135 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Board of License Commissioners – Budget and
Funding
PG 308–16**

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:

House Bill 1311 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Alcoholic Beverages Licenses – ~~Riverdale Park~~
~~Station~~ Development District Licenses and Sunday Off-Sale Permits
PG 305–16**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #70**

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

House Bill 616 – Delegate Barkley

AN ACT concerning

Alcoholic Beverages – Class 1 Distillery Licenses

HB0616/954536/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 616

(Third Reading File Bill)

On page 4, in line 4, strike “(j)” and substitute “**(I)**”; and in line 6, strike “(k)” and substitute “**(J)**”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 733 – Delegate Barkley

AN ACT concerning

**Alcoholic Beverages – Multiple Manufacturer’s Licenses – Sampling, Sale, and
Consumption of Products**

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:

House Bill 739 – Delegate Barkley

AN ACT concerning

Alcoholic Beverages – Nonprofit Beer Festival Permit – Revisions

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:

House Bill 1316 – Delegate Arentz

AN ACT concerning

Alcoholic Beverages – Class 9 Limited Distillery Licenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #71**

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

House Bill 91 – ~~Delegate Morhaim~~ Delegates Morhaim, Hammen, Angel, Barron, Bromwell, Cullison, Hayes, Hill, Kelly, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Oaks, Pena-Melnyk, Pendergrass, Rose, Saab, Sample-Hughes, West, and K. Young

AN ACT concerning

**General Provisions – Commemorative Days – National Healthcare Decisions
Day**

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:

House Bill 365 – Delegates Jackson, Angel, Chang, Hettleman, C. Howard, Knotts, Korman, Lierman, McConkey, McKay, Morales, Patterson, Sanchez, Smith, Tarlau, ~~and Zucker~~ Zucker, Afzali, D. Barnes, Buckel, Ebersole, Fennell, Hixson, Hornberger, Kaiser, Long, Luedtke, Metzgar, Platt, Shoemaker, Walker, A. Washington, and M. Washington

AN ACT concerning

Public Schools – Bullying, Harassment, and Intimidation Policies – Update

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

House Bill 460 – The Speaker (By Request – Administration) and Delegates Adams, Arentz, Carozza, Cassilly, Ciliberti, Cluster, Fisher, Flanagan, Folden, Ghrist, Glass, Hornberger, Jacobs, Kipke, Kittleman, Long, Mautz, McComas, McConkey, McDonough, McKay, McMillan, Metzgar, Miele, Otto, Reilly, Rose, Saab, Shoemaker, Simonaire, Szeliga, Vogt, West, ~~and B. Wilson~~ B. Wilson, Beidle, Carr, Healey, Jalisi, O'Donnell, and A. Washington

AN ACT concerning

Housing and Community Development – Community Development Administration – Student and Residential Mortgage Loans

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:

House Bill 610 – Delegates Barve, Stein, Beidle, Carr, Chang, Ebersole, Fraser-Hidalgo, Frick, Frush, Gaines, Healey, Hixson, Holmes, Jalisi, Kaiser, Korman, Lafferty, Lam, Lierman, Luedtke, Morhaim, Pena-Melnyk, Platt, Reznik, S. Robinson, Tarlau, Turner, Valderrama, Vaughn, ~~and Waldstreicher~~ Waldstreicher, Gilchrist, Knotts, Hill, A. Miller, and Smith

AN ACT concerning

Greenhouse Gas Emissions Reduction Act – Reauthorization

Senator Serafini moved, duly seconded, to make the Bill and Report a Special Order for the end of today's business.

The motion was adopted.

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

House Bill 849 – Delegates Sample–Hughes, Holmes, Anderton, Carr, Fennell, Ghrist, Healey, C. Howard, Jalisi, McCray, McKay, Otto, Patterson, Proctor, ~~and Sanchez~~ Sanchez, and Queen

AN ACT concerning

Public Safety – Rental Dwelling Units – Carbon Monoxide Alarms

HB0849/844137/2

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 849

(Third Reading File Bill)

On page 1, in line 6, strike “a certain term” and substitute “certain terms”.

On page 3, in line 3, after “wired” insert “OR PLUGGED”; and after line 21, insert:

“(H) “SLEEPING AREA” HAS THE MEANING STATED IN § 9–101 OF THIS ARTICLE.”.

On page 5, in line 2, after “DWELLING” insert “AS FOLLOWS”; and in line 7, strike “, AS DEFINED IN § 9–101 OF THIS ARTICLE”.

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:

House Bill 1476 – Delegates Jalisi, M. Washington, Gaines, Haynes, Hettleman, Jones, McCray, A. Miller, Morales, Morhaim, S. Robinson, Sophocleus, Tarlau, and P. Young

AN ACT concerning

Housing and Community Development – Shelter and Transitional Housing Facilities Grant Program – Mandated Funding

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #72

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

House Bill 133 – Charles County Delegation

AN ACT concerning

Charles County – Annual Financial Report and Annual Audit Report – Filing Date

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:

House Bill 318 – Delegates Jacobs, Arentz, and Ghrist

AN ACT concerning

Kent County – Fisheries – Use of Haul Seines

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:

House Bill 558 – Delegates Glenn, Anderson, Carter, Clippinger, Conaway, Hammen, Hayes, Haynes, Lierman, McCray, McIntosh, Oaks, B. Robinson, and M. Washington

AN ACT concerning

Baltimore City – Partially Elected School Board

Senator Ferguson moved, duly seconded, to make the Bill and Report a Special Order for April 9, 2016.

The motion was adopted.

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

House Bill 671 – Howard County Delegation

AN ACT concerning

**Howard County – Practice of Massage – Regulation
Ho. Co. 13–16**

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:

House Bill 1123 – Prince George’s County Delegation and Montgomery County Delegation

AN ACT concerning

**Maryland–Washington Metropolitan District – Boundaries – City of Greenbelt
PG/MC 117–16**

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:

House Bill 1128 – Prince George’s County Delegation and Montgomery County Delegation

AN ACT concerning

**Washington Suburban Sanitary Commission – Drinking Water – Testing
PG/MC 113–16**

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:

House Bill 1138 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – School Facilities Surcharge – Student Housing
Exemptions
PG 439–16**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

House Bill 1001 – Delegates Smith, Dumais, Anderson, Angel, Atterbearn, Barkley, B. Barnes, Barron, Barve, Branch, Brooks, Busch, Carr, Chang, Clippinger, Conaway, Cullison, Davis, Ebersole, Fennell, Frick, Frush, Gaines, Gilchrist, Gutierrez, Haynes, Hettleman, Hill, Hixson, Holmes, C. Howard, Jalisi, Jones, Kaiser, Kelly, Korman, Kramer, Krimm, Lafferty, Lam, Lierman, Luedtke, McIntosh, A. Miller, Moon, Morales, Pena–Melnik, Platt, Proctor, Reznik, B. Robinson, S. Robinson, Rosenberg, Sample–Hughes, Sanchez, Stein, Sydnor, Tarlau, Turner, Valentino–Smith, Waldstreicher, Walker, A. Washington, M. Washington, and P. Young

AN ACT concerning

Criminal Procedure – Firearms – Transfer

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

HB1001/138477/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1001

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 7 and 12, in each instance, strike “court” and substitute “Department of Public Safety and Correctional Services”; and in line 8, strike “owned by the person or”.

On page 2, after line 8, insert:

“BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 6–233

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO.2

On page 4, in line 14, after “A” insert “FELONY OR CONVICTED OF A”; in line 15, strike “OR THAT PERSON’S REPRESENTATIVE,”; in line 17, after “2” insert “BUSINESS”; strike beginning with “OF” in line 17 down through “CRIME” in line 18; and in lines 19 and 24, in each instance, strike “OR THE PERSON’S REPRESENTATIVE”.

On page 6, in line 8, after “A” insert “FELONY OR CONVICTED OF A”; in line 9, strike “OR THAT PERSON’S REPRESENTATIVE,”; in line 11, after “2” insert “BUSINESS”; strike beginning with “OF” in line 11 down through “CRIME” in line 12; in lines 13 and 18, in each instance, strike “OR THE PERSON’S REPRESENTATIVE”; and after line 21, insert:

“6–233.

(a) In this section, “domestically related crime” means a crime committed by a defendant against a victim who is a person eligible for relief, as defined in § 4–501 of the Family Law Article, or who had a sexual relationship with the defendant within 12 months before the commission of the crime.

(b) (1) If a defendant is convicted of or receives a probation before judgment disposition for a crime, on request of the State’s Attorney, the court shall make a finding of fact, based on evidence produced at trial, as to whether the crime is a domestically related crime.

(2) The State has the burden of proving by a preponderance of the evidence that the crime is a domestically related crime.

(c) If the court finds that the crime is a domestically related crime under subsection (b) of this section, that finding shall become part of the court record for purposes of reporting to the Criminal Justice Information System Central Repository under § 10–215 of this article.”.

On page 7, strike in their entirety lines 8 and 9; in lines 10 and 12, strike “**(3)**” and “**(4)**”, respectively, and substitute “**(2)**” and “**(3)**”, respectively; after line 15, insert:

“(4) “DOMESTICALLY RELATED CRIME” HAS THE MEANING STATED IN § 6–233 OF THIS SUBTITLE.”;

strike in their entirety lines 16 through 22, inclusive, and substitute:

“(B) (1) THE COURT SHALL INFORM A PERSON CONVICTED OF A FELONY OR A DISQUALIFYING CRIME THAT IS A DOMESTICALLY RELATED CRIME THAT THE PERSON IS PROHIBITED FROM POSSESSING A REGULATED FIREARM UNDER § 5–133 OF THE PUBLIC SAFETY ARTICLE.

(2) THE COURT SHALL INFORM A PERSON CONVICTED OF A DOMESTICALLY RELATED CRIME THAT IS A DISQUALIFYING CRIME THAT THE PERSON IS PROHIBITED FROM POSSESSING A RIFLE OR SHOTGUN UNDER § 5–205 OF THE PUBLIC SAFETY ARTICLE.”;

in line 32, strike “COURT” and substitute “**DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES**”; and in line 33, strike “OWNED BY THE PERSON OR”.

On page 8, in line 3, strike “A” and substitute “**EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, A**”; in line 4, after “2” insert “**BUSINESS**”; in line 5, strike “**OF A DISQUALIFYING CRIME**” and substitute “**OR ENTRY OF PROBATION BEFORE JUDGMENT**”; after line 10, insert:

“(III) A PERSON WHO IS PROHIBITED FROM POSSESSING A RIFLE OR SHOTGUN UNDER § 5-205 OF THE PUBLIC SAFETY ARTICLE SHALL TRANSFER THE RIFLE OR SHOTGUN WITHIN 2 BUSINESS DAYS AFTER THE CONVICTION TO:

1. A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL;

2. A FEDERALLY LICENSED FIREARMS DEALER; OR

3. ANOTHER PERSON WHO:

A. IS NOT PROHIBITED FROM POSSESSING THE FIREARM UNDER STATE AND FEDERAL LAW; AND

B. DOES NOT LIVE IN THE SAME RESIDENCE.”;

in line 30, strike “COURT” and substitute “DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES”; strike beginning with “OWNED” in line 30 down through “OR” in line 31; and in line 32, strike “OWN OR”.

On page 9, in line 1, strike “COURT” and substitute “DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES”; in lines 1 and 2, in each instance, strike “OWN OR”; after line 5, insert:

“(F) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL DEVELOP PROCEDURES FOR THE COLLECTION OF THE FILING REQUIRED UNDER SUBSECTION (D)(1) OF THIS SECTION.”;

in line 10, after “A” insert “FELONY OR CONVICTED OF A”; in line 11, strike “OR THAT PERSON’S REPRESENTATIVE” and substitute “AS DEFINED IN § 5-101 OF THIS SUBTITLE”; in line 13, after “2” insert “BUSINESS”; strike beginning with “OF” in line 13 down through “CRIME” in line 14; and in lines 15 and 20, in each instance, strike “OR THE PERSON’S REPRESENTATIVE”.

On page 10, in line 4, after “A” insert “FELONY OR CONVICTED OF A”; in lines 5 and 6, strike “OR THAT PERSON’S REPRESENTATIVE,”; in line 8, after “2” insert

“**BUSINESS**”; strike beginning with “**OF**” in line 8 down through “**CRIME**” in line 9; and in lines 10 and 15, in each instance, strike “**OR THE PERSON’S REPRESENTATIVE**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 400 – Delegate M. Washington

AN ACT concerning

**Higher Education – Tuition Waivers for Foster Care Recipients and
Unaccompanied Homeless Youth – Modifications**

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1138)

The Bill was then sent to the House of Delegates.

House Bill 1288 – Delegates P. Young and M. Washington

AN ACT concerning

**Higher Education – Tuition Waivers for Foster Care Recipients and
Unaccompanied Homeless Youth**

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1139)

The Bill was then sent to the House of Delegates.

House Bill 1420 – Delegate Cullison

AN ACT concerning

**State Board of Massage Therapy Examiners – Licensure, Registration, and
Regulation**

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1140)

The Bill was then sent to the House of Delegates.

House Bill 1457 – Delegates Vaughn and Mautz

AN ACT concerning

Land Surveyors – Qualifications for License – Education, Experience, and Examination Requirements

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1141)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #20

AMENDED IN THE HOUSE

Senate Bill 354 – ~~Senator Feldman~~ Senators Feldman, Kelley, Klausmeier, Mathias, and Middleton

AN ACT concerning

Petitions for Emergency Evaluation – Minors – Sealing of Court Records

Senator Middleton moved that the Senate concur in the House amendment.

SB0354/686989/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 354

(Third Reading File Bill)

On page 3, in line 6, after “SEALED” insert “**FOR GOOD CAUSE SHOWN**”; and strike beginning with “**IF:**” in line 6 down through “**SHOWN**” in line 12.

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1142)

MESSAGE TO THE SENATE

BILL: **SB0587**
SPONSOR: Senator Madaleno, et al
SUBJECT: Alcoholic Beverages – Sale of Powdered Alcohol – Prohibition

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

The House of Delegates does not recede in the House Amendments.

The House respectfully requests the Senate to reconsider and concur.

Said Bill is returned herewith.

By Order,

Sylvia Siegert
Chief Clerk

Read and ordered journalized.

AMENDED IN THE HOUSE

**Senate Bill 587 – Senators Madaleno, Nathan-Pulliam, Rosapepe, ~~and Young~~
Young, Conway, Simonaire, Bates, Salling, and Zucker**

AN ACT concerning

Alcoholic Beverages – Sale of Powdered Alcohol – Prohibition

Senator Conway moved that the Senate not concur in the House amendments.

SB0587/603691/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 587

(Third Reading File Bill)

On page 1, in line 5, after “penalty;” insert “providing for the termination of this Act;”.

On page 2, in line 14, after “2016.” insert “It shall remain effective for a period of 2 years and, at the end of June 30, 2018, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding amendment was read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: **SB0587**
SPONSOR: Senator Madaleno, et al
SUBJECT: Alcoholic Beverages – Sale of Powdered Alcohol – Prohibition

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 Young, Chair
Senator Simonaire
Senator Rosapepe

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.
Secretary

Read and adopted.

SPECIAL ORDERS

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

House Bill 610 – Delegates Barve, Stein, Beidle, Carr, Chang, Ebersole, Fraser-Hidalgo, Frick, Frush, Gaines, Healey, Hixson, Holmes, Jalisi, Kaiser, Korman, Lafferty, Lam, Lierman, Luedtke, Morhaim, Pena-Melnyk, Platt, Reznik, S. Robinson, Tarlau, Turner, Valderrama, Vaughn, ~~and Waldstreicher~~ Waldstreicher, Gilchrist, Knotts, Hill, A. Miller, and Smith

AN ACT concerning

Greenhouse Gas Emissions Reduction Act – Reauthorization

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

Senator Serafini moved, duly seconded, to make the Bill and Report a Special Order for April 8, 2016.

The motion was adopted.

House Bill 958 – Delegate Jameson

AN ACT concerning

Insurance – Rate Filings – Trade Secrets

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1143)

The Bill was then sent to the House of Delegates.

House Bill 870 – Delegate Parrott

AN ACT concerning

**Natural Resources – Black Fly Management and Control – ~~Washington County~~
Study**

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

FLOOR AMENDMENT

HB0870/123622/1

BY: Senator Conway

AMENDMENTS TO HOUSE BILL 870, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (HB0870/614233/1), in lines 3 and 8 of Amendment No. 1, in each instance, strike “requiring” and substitute “authorizing”; in line 3, after “Resources” insert “, in conjunction with the Department of Agriculture,”; in line 4, after “State” insert “under certain circumstances”; in line 5, after “Department” insert “of Natural Resources”; in line 6, after “with” insert “the Department of Agriculture and”; in line 7, after “Resources” insert “and the Department of Agriculture”; and in line 8, after “Department” insert “of Natural Resources, in conjunction with the Department of Agriculture,”.

AMENDMENT NO. 2

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments, in line 7 of Amendment No. 2, after “WITH” insert “THE DEPARTMENT OF AGRICULTURE AND”; in line 11, strike “THE” and substitute “SUBJECT TO FUNDING MADE AVAILABLE TO THE DEPARTMENT AND THE DEPARTMENT OF AGRICULTURE TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE, THE”; and in the same line, strike “SHALL” and substitute “MAY, IN CONJUNCTION WITH THE DEPARTMENT OF AGRICULTURE,”.

On page 3 of the Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 2, after “WITH” insert “THE DEPARTMENT OF AGRICULTURE AND”; and in line 18, after “DEPARTMENT” insert “AND THE DEPARTMENT OF AGRICULTURE”.

On page 4 of the Education, Health, and Environmental Affairs Committee Amendments, in line 2 of Amendment No. 2, strike “SHALL” and substitute “MAY, IN CONJUNCTION WITH THE DEPARTMENT OF AGRICULTURE,”.

The preceding 2 amendments were read and adopted.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1144)

The Bill was then sent to the House of Delegates.

House Bill 637 – Delegates Smith, Conaway, Dumais, Moon, Morales, Proctor, Rosenberg, Sanchez, and Sydnor

AN ACT concerning

Local Government Tort Claims Act – Notice Requirement – Exception

STATUS OF BILL: BILL IS ON THE THIRD READING FOR FINAL PASSAGE.

FLOOR AMENDMENT

HB0637/293525/1

BY: Senator Conway

AMENDMENTS TO HOUSE BILL 637, AS AMENDED

(Third Reading File Bill)

AMENDMENT NO. 1

Strike the Judicial Proceedings Committee Amendments (HB0637/488177/1) in their entirety.

AMENDMENT NO. 2

On page 2 of the bill, in line 27, after “TO” insert “AN ACTION FILED BY A PERSON CLAIMING TO BE AGGRIEVED BY”; in line 29, strike “A CLAIM CONCERNING AN” and substitute “AN”; in line 30, after “IS” insert “THE SUBJECT OF A COMPLAINT”; and in the same line, after “ARTICLE” insert “IF THE COMPLAINT IS SERVED ON THE LOCAL GOVERNMENT WITHIN 1 YEAR AFTER THE INJURY”.

On page 3 of the bill, strike beginning with “A” in line 1 down through “AND” in line 2 and substitute “AN ALLEGED DISCRIMINATORY OR RETALIATORY ACT THAT IS THE SUBJECT OF A CHARGE OR COMPLAINT FILED UNDER ANY OTHER PROVISION OF LAW THAT”; and in line 4, after “ACTION” insert “IF THE CHARGE OR COMPLAINT IS SERVED ON THE LOCAL GOVERNMENT WITHIN 1 YEAR AFTER THE INJURY”.

The preceding 2 amendments were withdrawn.

Senator Conway moved, duly seconded, to make the Bill a Special Order for April 8, 2016.

The motion was adopted by a roll call vote as follows:

Affirmative – 25 Negative – 20 (See Roll Call No. 1145)

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #73**

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 with amendments:

Senate Bill 376 – The President (By Request – Administration) and Senators Bates, Cassilly, Eckardt, Edwards, Hershey, Jennings, Mathias, Muse, Norman, Ready, Reilly, Rosapepe, Salling, Serafini, Simonaire, and Waugh

AN ACT concerning

**Pathways in Technology Early College High (P-TECH)
Schools Act of 2016**

SB0376/754732/2

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 376
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “a”; in the same line, strike “number of”; in line 5, after “State,” insert “authorizing certain planning grants for P-TECH schools; requiring certain P-TECH schools to reserve at least a certain percentage of their available space for certain students; requiring certain memorandums of understanding to include certain provisions;”; strike beginning with “requiring” in line 8 down through “costs;” in line 12; strike beginning with “authorizing” in line 13 down through “college;” in line 14; in line 15, strike “a certain report by a certain date” and substitute “certain reports by certain dates”; in line 16, strike “certification process” and substitute “requirement”; in line 20, strike “8-801 and 18-14A-07” and substitute “7-1701 to be under the new subtitle “Subtitle 17. Pathways in Technology Early College High (P-TECH) Schools””; and strike in their entirety lines 23 through 27, inclusive.

AMENDMENT NO. 2

On page 2, after line 19, insert:

**“SUBTITLE 17. PATHWAYS IN TECHNOLOGY EARLY COLLEGE HIGH (P-TECH)
SCHOOLS.”;**

in line 20, strike “8–801.” and substitute “7–1701.”; after line 22, insert:

“(2) “COMMISSION” MEANS THE MARYLAND HIGHER EDUCATION COMMISSION.

“(3) “COUNTY BOARD” INCLUDES A CONSORTIUM OF COUNTY BOARDS THAT HAVE AN AGREEMENT TO OPERATE A P–TECH SCHOOL THAT SERVES THE STUDENTS IN THE LOCAL SCHOOL SYSTEMS THAT ARE PART OF THE CONSORTIUM.”;

in lines 23 and 25, strike “(2)” and “(3)”, respectively, and substitute “(4)” and “(5)”, respectively; in line 28, strike “AND”; in line 29, strike “HAS” and substitute “PARTNERS WITH AN INSTITUTION OF HIGHER EDUCATION THAT HAS”; and in line 30, after “COMMISSION” insert “UNDER TITLE 11, SUBTITLE 2 OF THIS ARTICLE; AND

(III) 1. SUBMITTED A MEMORANDUM OF UNDERSTANDING TO THE DEPARTMENT ON OR BEFORE MARCH 15, 2016; AND

2. HAS EXECUTED A MEMORANDUM OF UNDERSTANDING IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION ON OR BEFORE JULY 1, 2016”.

On page 3, in lines 1 and 14, strike “(4)” and “(5)”, respectively, and substitute “(6)” and “(7)”, respectively; and in lines 18 and 19, strike “AS A SEPARATE UNIT WITHIN A SCHOOL”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 16 and 17; after line 17, insert:

“(B) (1) (I) THERE ARE SIX PLANNING GRANTS AUTHORIZED FOR STATE–FUNDED P–TECH SCHOOLS IN THE STATE.

(II) NO MORE THAN TWO PLANNING GRANTS MAY BE AWARDED IN ANY JURISDICTION.

(2) A P–TECH SCHOOL SHALL RESERVE AT LEAST 50% OF ITS AVAILABLE SPACE FOR STUDENTS WHO MEET THE FREE AND REDUCED PRICE MEAL INCOME CRITERIA.”;

and in line 18, strike “(2)” and substitute “(3)”.

AMENDMENT NO. 4

On page 3, after line 19, insert:

“(4) A P-TECH SCHOOL SHALL BE ESTABLISHED THROUGH A MEMORANDUM OF UNDERSTANDING EXECUTED BETWEEN ONE OR MORE INDUSTRY PARTNERS, ONE OR MORE INSTITUTIONS OF HIGHER EDUCATION DESCRIBED UNDER SUBSECTION (A)(5)(II) OF THIS SECTION, AND A COUNTY BOARD.

(C) THE MEMORANDUM OF UNDERSTANDING EXECUTED UNDER SUBSECTION (B)(4) OF THIS SECTION SHALL INCLUDE THE FOLLOWING PROVISIONS:

(1) SUBSTANTIVE MENTORING OF P-TECH STUDENTS;

(2) AT LEAST ONE PAID SUMMER INTERNSHIP OF AT LEAST 6 WEEKS DURATION PER STUDENT; AND

(3) P-TECH STUDENTS ARE FIRST IN LINE FOR CONSIDERATION OF A JOB AT THE INDUSTRY PARTNER AFTER GRADUATION.”;

and in lines 20 and 25, strike “(C)” and “(D)”, respectively, and substitute “(D)” and “(E)”, respectively.

AMENDMENT NO. 5

On page 3, in line 20, after “(1)” insert “(I)”; after line 22, insert:

“(II) THE GRANTS SHALL BE DISTRIBUTED PROPORTIONATELY BASED ON ENROLLMENT IN EACH P-TECH SCHOOL.”;

in line 25, strike “(I)”; and in line 28, strike “(II)” and substitute “(2)”.

On page 4, strike in their entirety lines 1 through 10, inclusive.

AMENDMENT NO. 6

On page 4, in line 11, strike “(E)” and substitute “(F)”; in line 22, after “DEGREE” insert “OR COMMISSION-APPROVED CERTIFICATE”; and in line 23, after “DEGREE” insert “OR CERTIFICATE”.

AMENDMENT NO. 7

On page 4, after line 23, insert:

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

(1) THE NUMBER OF STUDENTS ENROLLED IN EACH P-TECH SCHOOL;

(2) THE INDUSTRY PARTNERS ASSOCIATED WITH EACH P-TECH SCHOOL;

(3) THE CURRICULUM CREATED FOR EACH P-TECH SCHOOL;

(4) THE PERFORMANCE OF THE P-TECH STUDENTS ON FEDERAL AND STATE ASSESSMENTS;

(5) THE NUMBER OF P-TECH STUDENTS DUALY ENROLLED IN A COMMUNITY COLLEGE; AND

(6) THE NUMBER OF P-TECH STUDENTS GRADUATING FROM THE SCHOOL, RECEIVING AN ASSOCIATE’S DEGREE OR COMMISSION-APPROVED CERTIFICATE, AND THE YEAR IN WHICH THEY GRADUATED AND RECEIVED THE DEGREE OR CERTIFICATE.”.

AMENDMENT NO. 8

On pages 4 through 7, strike in their entirety the lines beginning with line 24 on page 4 through line 12 on page 7, inclusive.

AMENDMENT NO. 9

On page 7, strike in their entirety lines 14 through 29, inclusive, and substitute:

“(a) The State Department of Education, in collaboration with stakeholders, including the Maryland Higher Education Commission, the Maryland Association of Community Colleges, private sector representatives with experience in the P-TECH model, and representatives of proposed P-TECH schools shall determine the optimal funding strategy for P-TECH schools in the State.

(b) On or before December 1, 2016, the State Department of Education and the Maryland Higher Education Commission shall jointly report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the Senate Budget and Taxation Committee, the Senate Education, Health, and Environmental Affairs Committee, the House Appropriations Committee, and the House Committee on Ways and Means regarding:

(1) the status of the planning grants authorized under § 7-1701(b)(1) of the Education Article as enacted by Section 1 of this Act and the implementation of P-TECH schools in the State, including whether any of the planning grants resulted in proposed P-TECH schools that are ready to be implemented in accordance with the requirements of § 7-1701 of the Education Article as enacted by Section 1 of this Act;

(2) the number of credits a P-TECH student is expected to take from both the P-TECH school and the institution of higher education in each year of the program;

(3) the number of students that are expected to graduate with both a high school diploma and an associate’s degree or Commission-approved certificate in each cohort that attends a P-TECH school;

(4) whether P-TECH students should be included in the Maryland public school enrollment count in years 5 and 6 of the program, or in any year or semester during which the majority of credits are being taken from the institution of higher education;

(5) if a P-TECH student should be included under item (4) of this subsection, a justification for the inclusion;

(6) a framework for funding the dual enrollment costs of P-TECH students that includes:

(i) the requirements of the P-TECH model to pay for student transportation, fees, and books in addition to tuition; and

(ii) a comparison and explanation for the difference, if any, from current law provisions relating to dual enrollment;

(7) an examination of P-TECH schools in other states; and

(8) recommendations for legislation to be introduced during the 2017 Legislative Session that include:

(i) a justification for, and a reasonable division of, P-TECH model costs among the State, school system, higher education and, in alignment with the P-TECH model, industry partners of the P-TECH schools, while maximizing opportunities to minimize State costs; and

(ii) whether additional P-TECH schools are ready to be implemented based on the status of the planning grants and, if so, where they may be located.”.

On page 8, strike beginning with the colon in line 2 down through “(1)” in line 3; in line 3, strike “8-801” and substitute “7-1701”; strike beginning with the semicolon in line 3 down through “Article” in line 6; in lines 7 and 8, strike “8-801 or § 18-14A-07” and substitute “7-1701”; and strike beginning with “certificate” in line 8 down through “Article” in line 9 and substitute “definition of a P-TECH school described under § 7-1701 of the Education Article as enacted by Section 1 of this Act”.

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE TO THE SENATE

BILL: **SB1005**
SPONSOR: President
SUBJECT: Justice Reinvestment Act

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 Zirkin, Chairman
Senator McFadden
Senator Hough
Senator Peters
Senator DeGrange.

The House appoints:

Delegate Dumais, Chair
Delegate Hammen
Delegate Barron
Delegate Vallario
Delegate West

Said Bill is returned herewith.

By Order,

Sylvia Siegert
Chief Clerk

Read and ordered journalized.

SPECIAL ORDERS

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

Senate Bill 350 – Senators Manno, Ramirez, Raskin, Benson, Conway, Currie, Feldman, Ferguson, Gladden, Guzzone, King, Lee, Madaleno, McFadden, Nathan–Pulliam, Peters, Pinsky, Pugh, Rosapepe, and Young

AN ACT concerning

Universal Voter Registration Act

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

SB0350/424334/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 350

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Universal” and substitute “Election Law – Enhanced”.

On pages 1 and 2, strike in their entirety the lines beginning with line 3 on page 1 through line 13 on page 2 and substitute:

“FOR the purpose of requiring certain State agencies that are deemed electronic voter registration agencies to implement electronic voter registration systems on or before a certain date; requiring an electronic voter registration system to comply with certain requirements; requiring the State Board of Elections to register individuals whose voter registration information is transmitted to the State Board through an electronic voter registration system; prohibiting an agent of an electronic voter registration agency who is responsible for carrying out certain voter registration functions from taking certain actions; restricting the use of certain data related to voter registration; authorizing the State Board to adopt regulations to implement electronic voter registration systems; requiring an electronic voter registration agency to submit certain reports to certain committees of the General Assembly on or before certain dates; requiring certain State agencies deemed expanded voter registration agencies to provide electronic records relating to certain individuals who have previously transacted business with the agency to the State Board on or before a certain date; requiring the electronic records to include certain information; requiring the State Board to review the electronic record of each individual it receives; requiring the State Board to provide the electronic records of individuals who are not registered to vote or whose voter registration record is eligible to be updated to the local board for the county where the individual resides; requiring the local board to send by mail to each individual who is not registered to vote or whose voter registration record is eligible to be updated certain notices that include certain information; requiring a local board to promptly add to the statewide voter registration list or update the voter registration record of each individual who does not decline to register to vote or update the individual’s voter registration record within a certain period of time after issuance of the notice; requiring that an individual added to the statewide voter registration list who has not affirmatively selected a political party affiliation be listed as not affiliated with any political party; providing that an individual who becomes registered to vote after receiving a certain

notice shall be considered to have become registered to vote based on information and confirmation provided to the State Board by an expanded voter registration agency; requiring the State Board to permanently delete an individual's voter registration record if the individual was inadvertently registered to vote under certain circumstances; requiring the State Board to follow certain procedures to update the voter registration records of individuals who are registered to vote on or before certain dates; requiring the State Board and expanded voter registration agencies to take appropriate measures to educate the public about expanded voter registration; authorizing the State Board to adopt certain regulations; requiring the State Board and each expanded voter registration agency jointly to submit a certain report to certain committees of the General Assembly on or before a certain date; designating all one-stop career centers in the Department of Labor, Licensing, and Regulation as voter registration agencies; providing that voter registration agencies that are subject to certain requirements are not subject to certain provisions of law; requiring voter registration agencies to ensure that certain applications for service or assistance may not be completed until the applicant has indicated whether the applicant wishes to register to vote; requiring a public institution of higher education to provide a link to the online voter registration system on the home page of the online portal used by students to register for course work; requiring the Maryland Higher Education Commission to submit certain reports to certain committees of the General Assembly on or before certain dates; requiring the Department of Labor, Licensing, and Regulation to submit certain reports concerning voter registration at one-stop career centers to certain committees of the General Assembly on or before certain dates; requiring the State Board and the Department of Natural Resources to develop procedures for applicants who apply for hunting and fishing licenses or who are issued a certificate of title for certain vessels online to register to vote through a link to the online voter registration system; requiring the State Board and the Department of Labor, Licensing, and Regulation to develop procedures for individuals who use the Maryland Workforce Exchange Web site to register to vote through a link to the online voter registration system; requiring the State Board to send by mail or e-mail certain information concerning voter registration to certain individuals who conducted certain transactions with certain State agencies during the previous year; requiring the State Board to adopt certain regulations regarding participants in address confidentiality programs; authorizing the disclosure of information concerning an applicant for certain services and public assistance programs as necessary to administer electronic voter registration; requiring certain agencies to take certain actions to train employees of the agency concerning the requirements of this Act; repealing certain provisions of law relating to voter registration at the Motor Vehicle Administration; requiring the Attorney General to

request certain determinations from the United States Department of Labor and the Internal Revenue Service; making certain provisions of this Act contingent on certain determinations made by the United States Department of Labor; defining certain terms; and generally relating to voter registration.

BY adding to

Article – Election Law

Section 1–101(b–1), 3–203, 3–203.1, 3–204(a–1), (c), and (j), 3–204.2, and 3–204.3

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Election Law

Section 1–101(y) and 3–204(d), (e), (g), (h), and (i)

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Election Law

Section 3–102

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

(As enacted by Chapter 6 of the Acts of the General Assembly of 2016)

BY repealing

Article – Election Law

Section 3–203 and 3–204(c)

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Election Law

Section 3–204(a)(2), (b), and (f) and 3–506

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Human Services

Section 1–201

Annotated Code of Maryland
(2007 Volume and 2015 Supplement)".

AMENDMENT NO. 2

On pages 2 through 10, strike in their entirety the lines beginning with line 17 on page 2 through line 32 on page 10, inclusive, and substitute:

"1-101.

(B-1) "ADDRESS CONFIDENTIALITY PROGRAM" MEANS:

(1) THE ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE UNDER TITLE 4, SUBTITLE 5, PART IV OF THE FAMILY LAW ARTICLE; OR

(2) THE HUMAN TRAFFICKING ADDRESS CONFIDENTIALITY PROGRAM UNDER TITLE 7, SUBTITLE 3 OF THE STATE GOVERNMENT ARTICLE.

(y) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

3-102.

(a) (1) Except as provided in subsection (b) of this section, an individual may become registered to vote if the individual:

(i) is a citizen of the United States;

(ii) is at least 16 years old;

(iii) is a resident of the State as of the day the individual seeks to register; and

(iv) registers pursuant to this title.

(2) Notwithstanding paragraph (1)(ii) of this subsection, an individual under the age of 18 years:

(i) may vote in a primary election in which candidates are nominated for a general or special election that will occur when the individual is at least 18 years old; and

(ii) may not vote in any other election.

(b) An individual is not qualified to be a registered voter if the individual:

(1) has been convicted of a felony and is currently serving a court-ordered sentence of imprisonment for the conviction;

(2) is under guardianship for mental disability and a court of competent jurisdiction has specifically found by clear and convincing evidence that the individual cannot communicate, with or without accommodations, a desire to participate in the voting process; or

(3) has been convicted of buying or selling votes.

[3-203.

(a) The Motor Vehicle Administration shall provide the opportunity to apply to register to vote or update a voter registration record to each individual who:

(1) applies for or renews a driver's license or identification card; or

(2) changes a name or address on an existing driver's license or identification card.

(b) (1) The Motor Vehicle Administration shall inquire orally or in writing whether the applicant wishes to register to vote or update a voter registration record during the transactions specified under subsection (a) of this section.

(2) If the applicant chooses to register to vote or to update a voter registration record:

(i) all applicable information received by the Motor Vehicle Administration in the course of completing a transaction under subsection (a) of this section shall be transferred to a voter registration application;

(ii) any additional necessary information shall be obtained by the Motor Vehicle Administration and may not duplicate any information already obtained while completing a transaction under subsection (a) of this section; and

(iii) a voter registration application with all of the applicant's voter registration information shall be presented to the applicant to sign or affirm electronically.

(3) (i) An applicant may decline to register to vote, update the applicant's voter registration record, or change the applicant's name or address by:

1. affirmatively indicating as such on the application; or
2. failing to sign the voter registration application.

(ii) The Motor Vehicle Administration shall maintain declination information in a manner specified jointly by the Motor Vehicle Administration and the State Board.

(4) Within 5 days of the receipt of an application under subsection (a) of this section, the Motor Vehicle Administration shall forward to the State Board the voter registration information in a manner and format specified jointly by the Motor Vehicle Administration and the State Board.

(c) (1) (i) In consultation with the Motor Vehicle Administration, the State Board shall prepare a voter registration application to be used for voter registration at the Motor Vehicle Administration.

(ii) Except as provided in this section, the voter registration portion of the application may not require information that duplicates information required in the driver's license or identification card portion of the application.

(2) The voter registration portion of the application shall:

(i) contain the same information as the statewide voter registration application prescribed in § 3-202(a) of this subtitle; and

(ii) require only the minimum amount of information necessary, including the applicant's telephone number;

1. to prevent duplicate voter registration; and
2. to enable the appropriate election official to assess the eligibility of an applicant and to administer voter registration and other aspects of the election process.

(3) The application shall contain a box for the applicant to check, with the statement, “I do not wish to register to vote at this time”.

(d) The Motor Vehicle Administration shall follow the procedures established jointly by the Motor Vehicle Administration and the State Board to process the voter registration information received under this section.

(e) Information relating to the failure of an applicant for a driver’s license or identification card to register to vote may not be used for any purpose other than the maintenance of registration statistics.]

3-203.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) “APPLICABLE TRANSACTION” MEANS:

1. AT THE MOTOR VEHICLE ADMINISTRATION, AN INITIAL APPLICATION FOR OR RENEWAL OF A DRIVER’S LICENSE OR IDENTIFICATION CARD, OR A CHANGE OF NAME OR ADDRESS ON AN EXISTING DRIVER’S LICENSE OR IDENTIFICATION CARD;

2. AT THE MARYLAND HEALTH BENEFIT EXCHANGE, ANY APPLICATION FOR OR RENEWAL OF HEALTH INSURANCE COVERAGE;

3. AT A LOCAL DEPARTMENT OF SOCIAL SERVICES, AN INITIAL APPLICATION FOR A STATE OR FEDERALLY FUNDED PUBLIC ASSISTANCE PROGRAM OR AN APPLICATION FOR A RECERTIFICATION, RENEWAL, OR CHANGE OF

NAME OR ADDRESS RELATING TO A STATE OR FEDERALLY FUNDED PUBLIC ASSISTANCE PROGRAM; OR

4. AT THE MOBILITY CERTIFICATION OFFICE IN THE MARYLAND TRANSIT ADMINISTRATION, AN INITIAL APPLICATION FOR PARATRANSIT SERVICE OR AN APPLICATION FOR RECERTIFICATION FOR PARATRANSIT SERVICE.

(II) "APPLICABLE TRANSACTION" INCLUDES ANY TRANSACTION DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT IS COMPLETED ONLINE.

(3) "ELECTRONIC VOTER REGISTRATION AGENCY" MEANS:

(I) THE MOTOR VEHICLE ADMINISTRATION;

(II) THE MARYLAND HEALTH BENEFIT EXCHANGE;

(III) LOCAL DEPARTMENTS OF SOCIAL SERVICES; AND

(IV) THE MOBILITY CERTIFICATION OFFICE IN THE MARYLAND TRANSIT ADMINISTRATION.

(4) "ELECTRONIC VOTER REGISTRATION SYSTEM" MEANS A SYSTEM THAT, AS AN INTEGRAL PART OF EACH APPLICABLE TRANSACTION AT AN ELECTRONIC VOTER REGISTRATION AGENCY:

(I) OFFERS AN APPLICANT THE OPPORTUNITY TO REGISTER TO VOTE OR UPDATE A VOTER REGISTRATION RECORD;

(II) INFORMS AN APPLICANT:

1. OF THE QUALIFICATIONS TO REGISTER TO VOTE UNDER § 3-102 OF THIS TITLE;

2. THAT THE APPLICANT SHOULD NOT REGISTER IF THE APPLICANT DOES NOT MEET ALL THE QUALIFICATIONS;

3. OF THE PENALTIES FOR THE SUBMISSION OF A FALSE APPLICATION; AND

4. THAT VOTER REGISTRATION IS VOLUNTARY AND THAT NEITHER REGISTERING NOR DECLINING TO REGISTER TO VOTE WILL IN ANY WAY AFFECT THE AVAILABILITY OF SERVICES OR BENEFITS;

(III) REQUIRES THE ELECTRONIC SIGNATURE OF THE APPLICANT, SUBJECT TO THE PENALTIES FOR PERJURY, BY WHICH THE APPLICANT ATTESTS THAT THE INFORMATION CONTAINED IN THE VOTER REGISTRATION APPLICATION IS TRUE AND THAT THE APPLICANT MEETS ALL THE QUALIFICATIONS TO BECOME A REGISTERED VOTER, INCLUDING UNITED STATES CITIZENSHIP; AND

(IV) ELECTRONICALLY TRANSMITS THE VOTER REGISTRATION INFORMATION OF THE APPLICANT DIRECTLY TO THE STATE BOARD:

1. IN A MANNER AND FORMAT SPECIFIED JOINTLY BY THE ELECTRONIC VOTER REGISTRATION AGENCY AND THE STATE BOARD; AND

2. WITHIN 5 DAYS OF THE APPLICABLE TRANSACTION.

(5) “LOCAL DEPARTMENT OF SOCIAL SERVICES” MEANS:

(I) THE LOCAL DEPARTMENTS OF SOCIAL SERVICES IN THE DEPARTMENT OF HUMAN RESOURCES; AND

(II) THE MONTGOMERY COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(B) AN ELECTRONIC VOTER REGISTRATION AGENCY SHALL IMPLEMENT AN ELECTRONIC VOTER REGISTRATION SYSTEM ON OR BEFORE JULY 1, 2017.

(C) AN ELECTRONIC VOTER REGISTRATION SYSTEM:

(1) MAY NOT REQUIRE ANY INFORMATION THAT DUPLICATES THE INFORMATION REQUIRED TO COMPLETE AN APPLICABLE TRANSACTION;

(2) SHALL REQUIRE ONLY THE MINIMUM AMOUNT OF INFORMATION NECESSARY FOR BOTH AN APPLICABLE TRANSACTION AND A VOTER REGISTRATION TO:

(i) PREVENT DUPLICATE VOTER REGISTRATION; AND

(ii) ENABLE ELECTION OFFICIALS TO REVIEW THE ELIGIBILITY OF AN APPLICANT AND TO ADMINISTER VOTER REGISTRATION AND OTHER ASPECTS OF THE ELECTION PROCESS; AND

(3) SHALL INFORM AN APPLICANT:

(i) THAT IF THE APPLICANT DOES NOT SELECT A POLITICAL PARTY AFFILIATION, THE INDIVIDUAL WILL BE DESIGNATED AS NOT AFFILIATED WITH A POLITICAL PARTY AND WILL BE UNABLE TO VOTE IN A PARTY PRIMARY ELECTION;

(ii) THAT THE INDIVIDUAL'S VOTER REGISTRATION RECORD WILL BE SUBJECT TO PUBLIC DISCLOSURE FOR PURPOSES RELATED TO THE ELECTORAL PROCESS UNLESS:

1. THE INDIVIDUAL IS A PARTICIPANT IN AN ADDRESS CONFIDENTIALITY PROGRAM; OR

2. REGULATIONS ADOPTED BY THE STATE BOARD AUTHORIZE THE INDIVIDUAL TO APPLY TO KEEP THE INDIVIDUAL'S RESIDENCE ADDRESS CONFIDENTIAL FOR SPECIFIED SAFETY OR PRIVACY REASONS; AND

(iii) OF THE MANNER IN WHICH THE INDIVIDUAL MAY APPLY TO KEEP THE INDIVIDUAL'S RESIDENCE ADDRESS CONFIDENTIAL FOR SPECIFIED SAFETY OR PRIVACY REASONS, AS PRESCRIBED BY THE STATE BOARD BY REGULATION.

(D) THE STATE BOARD SHALL ENSURE THAT EACH INDIVIDUAL WHOSE VOTER REGISTRATION INFORMATION IS TRANSMITTED TO THE STATE BOARD THROUGH AN ELECTRONIC VOTER REGISTRATION SYSTEM IS PROMPTLY REGISTERED TO VOTE.

(E) AN AGENT OF AN ELECTRONIC VOTER REGISTRATION AGENCY WHO IS RESPONSIBLE FOR CARRYING OUT THE REQUIREMENTS OF THIS SECTION MAY NOT:

(1) SEEK TO INFLUENCE AN APPLICANT'S POLITICAL PREFERENCE OR PARTY REGISTRATION;

(2) DISPLAY ANY POLITICAL PREFERENCE OR PARTY ALLEGIANCE;
OR

(3) MAKE ANY STATEMENT TO AN APPLICANT OR TAKE ANY ACTION THE PURPOSE OR EFFECT OF WHICH IS TO:

(I) DISCOURAGE THE APPLICANT FROM REGISTERING TO VOTE; OR

(II) LEAD THE APPLICANT TO BELIEVE THAT A DECISION TO REGISTER OR NOT TO REGISTER HAS ANY BEARING ON THE AVAILABILITY OF SERVICES OR BENEFITS.

(F) INFORMATION RELATING TO THE DECISION OF AN APPLICANT AT AN ELECTRONIC VOTER REGISTRATION AGENCY TO DECLINE TO REGISTER TO VOTE MAY NOT BE USED FOR ANY PURPOSE OTHER THAN THE MAINTENANCE OF REGISTRATION STATISTICS.

(G) NOTWITHSTANDING § 3-501 OF THIS TITLE AND § 4-401 OF THE GENERAL PROVISIONS ARTICLE, THE IDENTITY OF AN ELECTRONIC VOTER REGISTRATION AGENCY THROUGH WHICH A PARTICULAR VOTER HAS REGISTERED MAY NOT BE DISCLOSED TO THE PUBLIC.

(H) THE STATE BOARD MAY ADOPT REGULATIONS AS NECESSARY TO IMPLEMENT THIS SECTION.

(I) (1) EACH ELECTRONIC VOTER REGISTRATION AGENCY SHALL:

(I) ON OR BEFORE JANUARY 1, 2017, SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE COMMITTEE ON WAYS AND MEANS THAT DESCRIBES:

1. THE EFFORTS OF THE ELECTRONIC VOTER REGISTRATION AGENCY TO REGISTER VOTERS IN THE PRECEDING CALENDAR YEAR;

2. THE STATUS OF THE IMPLEMENTATION OF AN ELECTRONIC VOTER REGISTRATION SYSTEM;

3. THE NUMBER OF INDIVIDUALS WHO COMPLETED AN APPLICABLE TRANSACTION IN THE PRECEDING CALENDAR YEAR AT THE ELECTRONIC VOTER REGISTRATION AGENCY AND THE NUMBER OF THOSE INDIVIDUALS WHO REGISTERED TO VOTE OR UPDATED A VOTER REGISTRATION RECORD; AND

4. ANY OTHER EFFORTS THE ELECTRONIC VOTER REGISTRATION AGENCY PLANS TO MAKE TO IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF THE VOTER REGISTRATION PROCESS AT THE AGENCY; AND

(II) ON OR BEFORE JANUARY 1, 2018, AND JANUARY 1 EACH SUBSEQUENT YEAR, SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE COMMITTEE ON WAYS AND MEANS THAT DESCRIBES:

1. THE NUMBER OF INDIVIDUALS WHO COMPLETED AN APPLICABLE TRANSACTION IN THE PRECEDING CALENDAR YEAR AT THE ELECTRONIC VOTER REGISTRATION AGENCY AND THE NUMBER OF THOSE

INDIVIDUALS WHO REGISTERED TO VOTE OR UPDATED A VOTER REGISTRATION RECORD; AND

2. ANY EFFORTS THE ELECTRONIC VOTER REGISTRATION AGENCY PLANS TO MAKE TO IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF THE VOTER REGISTRATION PROCESS AT THE AGENCY.

(2) THE DEPARTMENT OF HUMAN RESOURCES SHALL SUBMIT THE REPORTS REQUIRED UNDER PARAGRAPH (1)(I) AND (II) OF THIS SUBSECTION AS SINGLE DOCUMENTS ON BEHALF OF ALL THE LOCAL DEPARTMENTS OF SOCIAL SERVICES.

3-203.1.

(A) IN THIS SECTION, “EXPANDED VOTER REGISTRATION AGENCY” MEANS:

(1) THE MOTOR VEHICLE ADMINISTRATION; AND

(2) THE MARYLAND HEALTH BENEFIT EXCHANGE.

(B) (1) ON OR BEFORE JUNE 1, 2017, AN EXPANDED VOTER REGISTRATION AGENCY SHALL PROVIDE TO THE STATE BOARD AN ELECTRONIC RECORD OF EACH INDIVIDUAL WHO:

(i) 1. HOLDS A DRIVER’S LICENSE OR IDENTIFICATION CARD; OR

2. HAS ENROLLED IN HEALTH INSURANCE COVERAGE THROUGH THE MARYLAND HEALTH BENEFIT EXCHANGE;

(ii) IS NOT REGISTERED TO VOTE OR WHOSE VOTER REGISTRATION RECORD IS ELIGIBLE TO BE UPDATED;

(iii) IS AT LEAST 16 YEARS OLD; AND

(IV) HAS INFORMATION ON FILE AT THE EXPANDED VOTER REGISTRATION AGENCY THAT DEMONSTRATES THAT THE INDIVIDUAL IS A CITIZEN OF THE UNITED STATES.

(2) AN INDIVIDUAL'S VOTER REGISTRATION RECORD SHALL BE CONSIDERED TO BE ELIGIBLE TO BE UPDATED UNDER THIS SECTION IF:

(I) THE VOTER'S NAME OR ADDRESS IN THE VOTER REGISTRATION RECORD IS INCONSISTENT WITH THE INDIVIDUAL'S RECORD ON FILE WITH AN EXPANDED VOTER REGISTRATION AGENCY; AND

(II) THE EXPANDED VOTER REGISTRATION AGENCY'S RECORD HAS A LATER DATE THAN THE VOTER REGISTRATION RECORD.

(3) THIS SUBSECTION MAY NOT BE CONSTRUED TO REQUIRE AN EXPANDED VOTER REGISTRATION AGENCY TO OBTAIN CITIZENSHIP INFORMATION FROM ANY EXISTING CLIENT OF THE AGENCY WHO HAS NOT PREVIOUSLY PROVIDED CITIZENSHIP INFORMATION IN THE ORDINARY COURSE OF TRANSACTING BUSINESS WITH THE AGENCY.

(C) THE ELECTRONIC RECORD OF AN INDIVIDUAL THAT IS PROVIDED TO THE STATE BOARD UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:

(1) THE LEGAL NAME AND RESIDENCE ADDRESS OF THE INDIVIDUAL;
AND

(2) THE ELECTRONIC SIGNATURE OF THE INDIVIDUAL.

(D) THE STATE BOARD SHALL REVIEW THE ELECTRONIC RECORD OF EACH INDIVIDUAL THAT IT RECEIVES UNDER SUBSECTION (B) OF THIS SECTION.

(E) THE STATE BOARD SHALL PROVIDE THE ELECTRONIC RECORD OF EACH INDIVIDUAL WHO IS NOT REGISTERED TO VOTE OR WHOSE VOTER REGISTRATION RECORD IS ELIGIBLE TO BE UPDATED TO THE LOCAL BOARD FOR THE COUNTY WHERE THE INDIVIDUAL RESIDES.

(F) (1) THE LOCAL BOARD SHALL SEND BY MAIL TO EACH INDIVIDUAL WHO IS NOT REGISTERED TO VOTE A NOTICE THAT CONTAINS THE FOLLOWING INFORMATION:

(I) THE QUALIFICATIONS TO BE A REGISTERED VOTER UNDER § 3-102 OF THIS TITLE;

(II) THAT THE INDIVIDUAL WILL BE AUTOMATICALLY REGISTERED TO VOTE UNLESS THE INDIVIDUAL DECLINES TO REGISTER TO VOTE WITHIN 60 DAYS AFTER THE ISSUANCE OF THE NOTICE;

(III) THE MANNER IN WHICH THE INDIVIDUAL MAY DECLINE TO REGISTER TO VOTE, WHICH SHALL INCLUDE:

1. THE OPTION TO MAIL A POSTCARD TO THE LOCAL BOARD WITH POSTAGE PREPAID BY THE LOCAL BOARD; AND

2. ANY OTHER METHOD PRESCRIBED BY THE STATE BOARD BY REGULATION;

(IV) THE MANNER IN WHICH THE INDIVIDUAL MAY SELECT A POLITICAL PARTY AFFILIATION, AS PRESCRIBED BY THE STATE BOARD BY REGULATION;

(V) THAT IF THE INDIVIDUAL DOES NOT SELECT A POLITICAL PARTY AFFILIATION, THE INDIVIDUAL WILL BE DESIGNATED AS NOT AFFILIATED WITH A POLITICAL PARTY AND WILL BE UNABLE TO VOTE IN A PARTY PRIMARY ELECTION;

(VI) THAT THE INDIVIDUAL'S VOTER REGISTRATION RECORD WILL BE SUBJECT TO PUBLIC DISCLOSURE FOR PURPOSES RELATED TO THE ELECTORAL PROCESS UNLESS:

1. THE INDIVIDUAL IS A PARTICIPANT IN AN ADDRESS CONFIDENTIALITY PROGRAM; OR

2. REGULATIONS ADOPTED BY THE STATE BOARD AUTHORIZE THE INDIVIDUAL TO APPLY TO KEEP THE INDIVIDUAL'S RESIDENCE ADDRESS CONFIDENTIAL FOR SPECIFIED SAFETY OR PRIVACY REASONS; AND

(VII) THE MANNER IN WHICH THE INDIVIDUAL MAY APPLY TO KEEP THE INDIVIDUAL'S RESIDENCE ADDRESS CONFIDENTIAL FOR SPECIFIED SAFETY OR PRIVACY REASONS, AS PRESCRIBED BY THE STATE BOARD BY REGULATION.

(2) IF AN INDIVIDUAL WHO IS SENT A NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION HAS NOT DECLINED TO REGISTER TO VOTE WITHIN 30 DAYS AFTER THE ISSUANCE OF THE NOTICE, THE LOCAL BOARD SHALL SEND THE INDIVIDUAL A SECOND NOTICE MARKED "FINAL NOTICE" THAT CONTAINS THE SAME INFORMATION THAT IS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, EXCEPT THAT THE NOTICE SHALL STATE THAT THE INDIVIDUAL WILL BE AUTOMATICALLY REGISTERED TO VOTE UNLESS THE INDIVIDUAL DECLINES TO REGISTER TO VOTE WITHIN 30 DAYS AFTER THE ISSUANCE OF THE FINAL NOTICE.

(3) THE LOCAL BOARD SHALL SEND BY MAIL TO EACH INDIVIDUAL WHOSE VOTER REGISTRATION RECORD IS ELIGIBLE TO BE UPDATED A NOTICE THAT CONTAINS THE FOLLOWING INFORMATION:

(I) THAT THE INDIVIDUAL'S VOTER REGISTRATION RECORD WILL BE UPDATED UNLESS THE INDIVIDUAL DECLINES TO UPDATE THE INDIVIDUAL'S VOTER REGISTRATION RECORD WITHIN 30 DAYS AFTER THE ISSUANCE OF THE NOTICE; AND

(II) THE MANNER IN WHICH THE INDIVIDUAL MAY DECLINE TO UPDATE THE INDIVIDUAL'S VOTER REGISTRATION RECORD, WHICH SHALL INCLUDE:

1. THE OPTION TO MAIL A POSTCARD TO THE LOCAL BOARD WITH POSTAGE PREPAID BY THE LOCAL BOARD; AND

2. ANY OTHER METHOD PRESCRIBED BY THE STATE BOARD BY REGULATION.

(4) SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION, THE STATE BOARD SHALL PRESCRIBE THE FORM AND CONTENT OF THE NOTICES REQUIRED UNDER THIS SUBSECTION.

(G) (1) THE LOCAL BOARD SHALL PROMPTLY ADD TO THE STATEWIDE VOTER REGISTRATION LIST THE NAME OF EACH INDIVIDUAL WHO DOES NOT DECLINE TO REGISTER TO VOTE WITHIN 60 DAYS AFTER ISSUANCE OF THE FIRST NOTICE REQUIRED UNDER SUBSECTION (F) OF THIS SECTION.

(2) (I) THE LOCAL BOARD SHALL PROMPTLY UPDATE THE VOTER REGISTRATION RECORD OF EACH INDIVIDUAL WHO DOES NOT DECLINE TO UPDATE THE INDIVIDUAL'S VOTER REGISTRATION RECORD WITHIN 30 DAYS AFTER ISSUANCE OF THE NOTICE REQUIRED UNDER SUBSECTION (F) OF THIS SECTION.

(II) IF AN INDIVIDUAL'S VOTER REGISTRATION RECORD IS UPDATED UNDER THIS PARAGRAPH:

1. ONLY THE INDIVIDUAL'S NAME OR ADDRESS MAY BE CHANGED; AND

2. ALL OTHER INFORMATION IN THE INDIVIDUAL'S VOTER REGISTRATION RECORD SHALL REMAIN UNCHANGED.

(H) AN INDIVIDUAL WHO IS ADDED TO THE STATEWIDE VOTER REGISTRATION LIST UNDER SUBSECTION (G) OF THIS SECTION SHALL BE LISTED AS NOT AFFILIATED WITH ANY POLITICAL PARTY IF THE INDIVIDUAL HAS NOT AFFIRMATIVELY SELECTED A POLITICAL PARTY AFFILIATION.

(I) AFTER ADDING AN INDIVIDUAL TO THE STATEWIDE VOTER REGISTRATION LIST OR UPDATING AN INDIVIDUAL'S VOTER REGISTRATION RECORD UNDER SUBSECTION (G) OF THIS SECTION, THE LOCAL BOARD SHALL SEND TO THE INDIVIDUAL A VOTER NOTIFICATION CARD UNDER § 3-301(C)(2) OF THIS TITLE.

(J) AN INDIVIDUAL WHO BECOMES AUTOMATICALLY REGISTERED TO VOTE UNDER THIS SECTION SHALL BE CONSIDERED TO HAVE BECOME REGISTERED TO

VOTE BASED ON INFORMATION AND CONFIRMATION PROVIDED TO THE STATE BOARD BY AN EXPANDED VOTER REGISTRATION AGENCY.

(K) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF AN INDIVIDUAL WHO BECOMES REGISTERED TO VOTE UNDER THIS SECTION NOTIFIES THE STATE BOARD OR A LOCAL BOARD AFTER RECEIVING A VOTER NOTIFICATION CARD UNDER § 3-301(C)(2) OF THIS TITLE THAT THE INDIVIDUAL WAS INADVERTENTLY REGISTERED TO VOTE AND SHOULD NOT HAVE BEEN REGISTERED TO VOTE, THE STATE BOARD SHALL PERMANENTLY DELETE THE INDIVIDUAL'S VOTER REGISTRATION RECORD AND PROCEED AS IF NO REGISTRATION HAD OCCURRED.

(2) THE STATE BOARD MAY NOT DELETE AN INDIVIDUAL'S VOTER REGISTRATION RECORD UNDER THIS SUBSECTION IF THE INDIVIDUAL VOTED AFTER THE INDIVIDUAL BECAME REGISTERED TO VOTE UNDER THIS SECTION.

(L) ON OR BEFORE JUNE 1, 2023, AND ON OR BEFORE JUNE 1 OF EACH FOURTH YEAR THEREAFTER, THE STATE BOARD, IN COLLABORATION WITH EACH EXPANDED VOTER REGISTRATION AGENCY, SHALL FOLLOW THE PROCEDURES PRESCRIBED IN THIS SECTION TO UPDATE THE VOTER REGISTRATION RECORDS OF INDIVIDUALS WHO ARE REGISTERED TO VOTE.

(M) THE STATE BOARD AND EXPANDED VOTER REGISTRATION AGENCIES SHALL TAKE APPROPRIATE MEASURES TO EDUCATE THE PUBLIC ABOUT EXPANDED VOTER REGISTRATION UNDER THIS SECTION.

(N) THE STATE BOARD MAY ADOPT REGULATIONS AS NECESSARY TO IMPLEMENT THIS SECTION.

(O) THE STATE BOARD AND EACH EXPANDED VOTER REGISTRATION AGENCY SHALL JOINTLY SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE COMMITTEE ON WAYS AND MEANS ON OR BEFORE JANUARY 1, 2018, THAT DESCRIBES:

(1) THE ACTIONS TAKEN TO IMPLEMENT THIS SECTION;

(2) THE NUMBER OF INDIVIDUALS SENT A NOTICE UNDER SUBSECTION (F) OF THIS SECTION; AND

(3) THE NUMBER OF INDIVIDUALS SENT A NOTICE UNDER SUBSECTION (F) OF THIS SECTION WHO:

(I) WERE REGISTERED TO VOTE;

(II) HAD A VOTER REGISTRATION RECORD UPDATED;

(III) OPTED OUT OF VOTER REGISTRATION OR UPDATING A VOTER REGISTRATION RECORD; AND

(IV) WERE ADDED TO THE STATEWIDE VOTER REGISTRATION LIST UNDER SUBSECTION (G) OF THIS SECTION BUT SUBSEQUENTLY, AT THE INDIVIDUAL'S REQUEST, HAD THE INDIVIDUAL'S NAME DELETED FROM THE VOTER REGISTRATION REGISTRY.

3-204.

(A-1) A VOTER REGISTRATION AGENCY THAT IS SUBJECT TO THE REQUIREMENTS OF § 3-203 OF THIS SUBTITLE:

(1) SHALL CONDUCT VOTER REGISTRATION IN THE MANNER SPECIFIED IN § 3-203 OF THIS SUBTITLE; AND

(2) IS NOT SUBJECT TO THE REQUIREMENTS OF THIS SECTION.

(b) Except for a public institution of higher education in the State, which institution shall comply with the requirements of subsection (c) of this section, each voter registration agency, as provided in subsection (a)(2) and (3) of this section, shall:

(1) distribute a voter registration application approved by the State Board or the Federal Election Commission with each application for service or assistance it renders and with each recertification, renewal, or change of address form relating to such service or assistance;

(2) provide a document to prospective registrants that includes:

(i) the question, “If you are not registered to vote where you live now, would you like to apply to register to vote here today?”;

(ii) if the agency provides public assistance, the statement, “Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.”;

(iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote together with the statement (in close proximity to the boxes and in prominent type), “If you do not check either box, you will be considered to have decided not to register to vote at this time.”;

(iv) the statement, “If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.”;

(v) the statement, “If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the State Board of Elections.”; and

(vi) the address and toll free telephone number of the State Board;

(3) provide each applicant who does not decline to register to vote and who accepts assistance the same degree of assistance with regard to completion of the registration application as is provided by the office with regard to the completion of its own applications, unless the applicant refuses such assistance; [and]

(4) ENSURE THAT EACH APPLICATION FOR SERVICE OR ASSISTANCE FROM THE AGENCY AND EACH RECERTIFICATION, RENEWAL, OR CHANGE OF ADDRESS FORM RELATING TO THE SERVICE OR ASSISTANCE MAY NOT BE COMPLETED UNTIL THE APPLICANT HAS INDICATED WHETHER THE APPLICANT WISHES TO REGISTER TO VOTE; AND

[(4)](5) accept the completed voter registration application for transmittal to the appropriate election board.

[(c) At the time that an individual enrolls, registers, or pays for course work provided by a public institution of higher education in the State, the institution shall provide the individual with an opportunity to request a voter registration application. If the individual requests a voter registration application, the institution shall provide, or cause to be provided, an application to the individual.]

(C) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “COMMISSION” MEANS THE MARYLAND HIGHER EDUCATION COMMISSION.

(III) “INSTITUTION OF HIGHER EDUCATION” HAS THE MEANING STATED IN § 10-101(H) OF THE EDUCATION ARTICLE.

(2) (I) ON OR BEFORE JULY 1, 2017, A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE A LINK TO THE ONLINE VOTER REGISTRATION SYSTEM ON THE HOME PAGE OF THE ONLINE PORTAL USED BY STUDENTS TO REGISTER FOR COURSE WORK.

(II) THE LINK TO THE ONLINE VOTER REGISTRATION SYSTEM SHALL BE PROMINENTLY PLACED ON THE HOME PAGE IN A LOCATION WHERE IT MAY BE EASILY VIEWED BY STUDENTS REGISTERING FOR COURSE WORK.

(3) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL:

(I) ON OR BEFORE JANUARY 1, 2018, SUBMIT A REPORT TO THE COMMISSION THAT INCLUDES:

1. THE EFFORTS OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION TO REGISTER VOTERS IN THE PRECEDING CALENDAR YEAR;

2. A SCREEN SHOT OF THE HOME PAGE OF THE ONLINE PORTAL USED BY STUDENTS TO REGISTER FOR COURSE WORK THAT INCLUDES THE LINK REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION;

3. THE NUMBER OF STUDENTS WHO ARE RESIDENTS OF THE STATE AND REGISTERED FOR COURSE WORK IN THE PRECEDING 6 MONTHS AT THE PUBLIC INSTITUTION OF HIGHER EDUCATION AND THE NUMBER OF THOSE STUDENTS WHO CLICKED ON THE LINK REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION; AND

4. ANY OTHER EFFORTS THE PUBLIC INSTITUTION OF HIGHER EDUCATION PLANS TO MAKE TO IMPROVE ACCESS TO VOTER REGISTRATION FOR STUDENTS AT THE INSTITUTION; AND

(II) ON OR BEFORE JANUARY 1, 2019, AND JANUARY 1 EACH SUBSEQUENT YEAR, SUBMIT A REPORT TO THE COMMISSION THAT DESCRIBES:

1. THE NUMBER OF STUDENTS WHO ARE RESIDENTS OF THE STATE AND REGISTERED FOR COURSE WORK IN THE PRECEDING CALENDAR YEAR AT THE PUBLIC INSTITUTION OF HIGHER EDUCATION AND THE NUMBER OF THOSE STUDENTS WHO CLICKED ON THE LINK REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION; AND

2. ANY EFFORTS THE PUBLIC INSTITUTION OF HIGHER EDUCATION PLANS TO MAKE TO IMPROVE ACCESS TO VOTER REGISTRATION FOR STUDENTS AT THE INSTITUTION.

(4) THE COMMISSION SHALL COMPILE AND SUMMARIZE THE INFORMATION REPORTED BY PUBLIC INSTITUTIONS OF HIGHER EDUCATION:

(I) UNDER PARAGRAPH (3)(I) OF THIS SUBSECTION, IN A SINGLE REPORT THAT THE COMMISSION SHALL SUBMIT ON OR BEFORE JANUARY 15, 2017, TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE COMMITTEE ON WAYS AND MEANS, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE; AND

(II) UNDER PARAGRAPH (3)(II) OF THIS SUBSECTION, IN A SINGLE REPORT THAT THE COMMISSION SHALL SUBMIT ON OR BEFORE JANUARY 15, 2018, AND JANUARY 15 EACH SUBSEQUENT YEAR 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.

(d) An applicant may mail the voter registration application to the appropriate State election official or return it to the voter registration agency for transmittal to the appropriate election official.

(e) Within 5 days from the acceptance of a voter registration application, the voter registration agency shall forward the application to the appropriate State election official.

(f) (1) An applicant registering to vote at a voter registration agency may affirmatively consent to the use of [an] THE INDIVIDUAL'S electronic [copy of the individual's] signature that is on file with the voter registration agency as the individual's signature for the application being submitted.

(2) If an applicant signs a voter registration application as provided in paragraph (1) of this subsection, the voter registration agency shall transmit an electronic copy of the applicant's signature to the State Board within 5 days after the day on which the agency accepted the application.

(g) If a voter registration agency is an office described in subsection (a)(2)(ii) of this section, which provides services to an individual with a disability at the individual's home, the agency shall provide the services described in subsection (b) of this section at the individual's home.

(h) (1) An individual who provides any service described in subsection (b) of this section may not:

(i) seek to influence an applicant's political preference or party registration;

(ii) display any political preference or party allegiance; or

(iii) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(2) No information relating to a declination to register to vote in connection with an application made at an office designated as a voter registration agency may be used for any purpose other than the maintenance of voter registration statistics.

(3) Notwithstanding § 3-501 of this title and § 4-401 of the General Provisions Article, the identity of a voter registration agency through which a particular voter has registered may not be disclosed to the public.

(i) Regulations necessary to carry out the requirements of this section and § 3-203 of this subtitle, including provisions for training the employees of voter registration agencies and the Motor Vehicle Administration, shall be adopted by the State Board in cooperation with each agency.

3-204.2.

(A) THE STATE BOARD AND THE DEPARTMENT OF NATURAL RESOURCES SHALL JOINTLY DEVELOP AND IMPLEMENT PROCEDURES FOR INDIVIDUALS WHO APPLY FOR THE ISSUANCE OR RENEWAL OF A RECREATIONAL HUNTING OR FISHING LICENSE ONLINE TO BE OFFERED THE OPPORTUNITY TO REGISTER TO VOTE THROUGH A LINK TO THE ONLINE VOTER REGISTRATION SYSTEM.

(B) THE STATE BOARD AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION SHALL JOINTLY DEVELOP AND IMPLEMENT PROCEDURES FOR INDIVIDUALS WHO USE THE MARYLAND WORKFORCE EXCHANGE WEB SITE TO BE OFFERED THE OPPORTUNITY TO REGISTER TO VOTE THROUGH A LINK TO THE ONLINE VOTER REGISTRATION SYSTEM.

3-204.3.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “APPLICABLE TRANSACTION” HAS THE MEANING STATED IN § 3-203 OF THIS SUBTITLE.

(3) “ELECTRONIC VOTER REGISTRATION AGENCY” HAS THE MEANING STATED IN § 3-203 OF THIS SUBTITLE.

(B) EACH CALENDAR YEAR, THE STATE BOARD SHALL SEND, BY MAIL OR, IF APPLICABLE, BY E-MAIL, A VOTER REGISTRATION APPLICATION AND INSTRUCTIONS ON HOW TO ACCESS THE ONLINE VOTER REGISTRATION SYSTEM TO EACH INDIVIDUAL WHO, DURING THE PREVIOUS YEAR:

(1) (I) COMPLETED AN APPLICABLE TRANSACTION AT AN ELECTRONIC VOTER REGISTRATION AGENCY;

(II) APPLIED FOR THE ISSUANCE OR RENEWAL OF A RECREATIONAL HUNTING OR FISHING LICENSE OR WAS ISSUED A CERTIFICATE OF TITLE FOR A VESSEL UNDER § 8-715 OF THE NATURAL RESOURCES ARTICLE FROM THE DEPARTMENT OF NATURAL RESOURCES; OR

(III) USED THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION’S MARYLAND WORKFORCE EXCHANGE WEB SITE; AND

(2) IS NOT REGISTERED TO VOTE.

3-506.

(a) (1) A copy of a list of registered voters shall be provided to a Maryland registered voter on receipt of:

(i) a written application; and

(ii) a statement, signed under oath, that the list is not intended to be used for:

1. commercial solicitation; or

2. any other purpose not related to the electoral process.

(2) In consultation with the local boards, the State Board shall adopt regulations that specify:

(i) the time for a list to be provided under this subsection;

(ii) the authorization to be required for providing a list;

(iii) the fee to be paid for providing a list;

(iv) the information to be included on a list;

(V) THAT THE RESIDENCE ADDRESS OF AN INDIVIDUAL WHO IS A PARTICIPANT IN AN ADDRESS CONFIDENTIALITY PROGRAM MAY NOT BE DISCLOSED;

(VI) THAT A PARTICIPANT IN AN ADDRESS CONFIDENTIALITY PROGRAM IS NOT REQUIRED TO APPLY TO THE STATE BOARD TO KEEP THE INDIVIDUAL'S RESIDENCE ADDRESS CONFIDENTIAL;

[(v)] (VII) the format of the information; and

[(vi)] (VIII) the medium or media on which the information is to be provided.

(b) (1) The State Administrator or a designee shall provide a copy of the statewide voter registration list and voter registration records to a jury commissioner on request and without charge by means agreed to with the Administrative Office of the Courts.

(2) On application of the Attorney General, a circuit court may compel compliance with paragraph (1) of this subsection.

(c) A person who knowingly allows a list of registered voters, under the person's control, to be used for any purpose not related to the electoral process is guilty of a misdemeanor and, on conviction, is subject to the penalties under Title 16 of this article.

Article – Human Services

(a) Except as provided in subsection (b) of this section, a person may not disclose any information concerning an applicant for or recipient of social services, child welfare services, cash assistance, food stamps, or medical assistance that is directly or indirectly derived from the records, investigations, or communications of the State, a county, or a municipal corporation or a unit of the State, a county, or a municipal corporation or that is acquired in the course of the performance of official duties.

(b) This section does not prohibit the disclosure of information:

(1) in accordance with a court order; or

(2) to an officer or employee of any state or local government, the United States, or a fiduciary institution, if the officer or employee is entitled to the information in an official capacity and the disclosure is necessary to administer:

(I) public assistance, medical assistance, social services, or child welfare services programs; OR

(II) VOTER REGISTRATION IN ACCORDANCE WITH § 3-203 OF THE ELECTION LAW ARTICLE.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Election Law

3-204.

(a) (2) The State Board shall designate the following offices as voter registration agencies:

(i) all offices in the State that provide public assistance;

(ii) all offices in the State that provide State-funded programs primarily engaged in providing services to individuals with disabilities; [and]

(iii) all public institutions of higher education in the State; AND

(IV) ALL ONE-STOP CAREER CENTERS IN THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION.

(J) ON OR BEFORE JANUARY 1, 2017, AND JANUARY 1 EACH SUBSEQUENT YEAR, THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION SHALL SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE COMMITTEE ON WAYS AND MEANS THAT DESCRIBES:

(1) THE EFFORTS OF THE ONE-STOP CAREER CENTERS TO REGISTER VOTERS UNDER THIS SECTION IN THE PRECEDING CALENDAR YEAR; AND

(2) ANY EFFORTS THE DEPARTMENT PLANS TO MAKE TO IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF THE VOTER REGISTRATION PROCESS AT THE ONE-STOP CAREER CENTERS.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Each agency with responsibility for carrying out this Act shall designate an employee to act as the agency's voter registration coordinator.

(b) Each voter registration coordinator shall complete an annual training program conducted by the State Board of Elections concerning the requirements of this Act.

(c) Each voter registration coordinator shall oversee an annual training program concerning the requirements of this Act for all employees of the coordinator's agency with responsibility for carrying out this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That, on or before August 1, 2016, the Attorney General shall request a determination letter from the United States Department of Labor confirming that federal law does not preclude the Department of Labor, Licensing, and Regulation from utilizing State funds to conduct voter registration in accordance with § 3-204 of the Election Law Article as enacted by Section 2 of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect contingent on the receipt by the Attorney General of Maryland of a favorable determination letter from the United States Department of Labor confirming that federal law does not preclude the Department of Labor, Licensing, and Regulation from utilizing State funds to conduct voter registration in accordance with § 3–204 of the Election Law Article as enacted by Section 2 of this Act. If a favorable determination letter is received on or before July 1, 2017, Section 2 of this Act shall take effect on the date notice of the letter is received by the Department of Legislative Services in accordance with this section. If the Attorney General does not receive a favorable determination letter on or before July 1, 2017, Section 2 of this Act shall be null and void and of no further force and effect. The Attorney General, within 5 days after receiving the determination letter from the United States Department of Labor, shall forward a copy of the letter to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

SECTION 6. AND BE IT FURTHER ENACTED, That, subject to Section 5 of this Act, this Act shall take effect July 1, 2016.”.

The preceding 2 amendments were read and adopted.

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

Affirmative – 21 Negative – 24 (See Roll Call No. 1146)

Favorable report, as amended, rejected.

QUORUM CALL

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

(See Roll Call No. 1147)

ADJOURNMENT

At 6:43 P.M. on motion of Senator Pugh, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day April 2, 2016, Calendar Day, Friday, April 8, 2016.

Annapolis, Maryland
Legislative Day: April 2, 2016
Calendar Day: Friday, April 8, 2016
10:00 A.M. Session

The Senate met at 10:18 A.M.

Prayer by Dr. C. Anthony Hunt, Epworth Chapel UMC, guest of Senator Kelley.

(See Exhibit A of Appendix III)

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 1152)

On motion of Senator Pugh it was ordered that Senators Benson, Gladden and Norman be excused from today's session.

The Journal of April 1, 2016 was read and approved.

CONCURRENCE CALENDAR #21

AMENDED IN THE HOUSE

Senate Bill 637 – Senator Cassilly

AN ACT concerning

Evidence – Admissibility of DNA Profile – Definition and Validation of DNA Profile

Senator Zirkin moved that the Senate concur in the House amendment.

SB0637/392518/1

BY: House Judiciary Committee

AMENDMENT TO SENATE BILL 637
(Third Reading File Bill)

On page 2, in line 10, strike the brackets; strike beginning with “**INVESTIGATION’S**” in line 10 down through “**OR**” in line 11 and substitute a semicolon; after line 11, insert:

“(III) THE FEDERAL BUREAU OF INVESTIGATION’S QUALITY ASSURANCE STANDARDS FOR FORENSIC DNA TESTING LABORATORIES; OR”;

in line 12, strike “**(III)**” and substitute “**(IV)**”; in line 18, strike “**THE**” and substitute “**STANDARDS ESTABLISHED BY THE**”; in line 20, strike “**OR**” and substitute:

“(III) THE FEDERAL BUREAU OF INVESTIGATION’S QUALITY ASSURANCE STANDARDS FOR FORENSIC DNA TESTING LABORATORIES; OR”;

and in line 21, strike “**(III)**” and substitute “**(IV)**”.

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1153)

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

BILL NO.	SPONSOR	CONTENT
SB 8	Sen. Simonaire	Anne Arundel County – Property Tax Deferrals – Payment Due Date
SB 10	Sen. Simonaire	Business Regulation – Charitable Organizations – Audit and Review
SB 47	Sen. Simonaire	Anne Arundel Co – Property Tax Credit – Benefit Corporations and Benefit LLCs
SB 48	Anne Arundel County Senators	Anne Arundel County – Property Tax Credit – Blind Individuals

BILL NO.	SPONSOR	CONTENT
SB 61	Sen. Simonaire	Ntrl Rsracs – Frst Lnds and the Chspk and Atlantic Cstl Bays 2010 Trst Fnd – Misc Crctns and Clrfctns
SB 74	Chair, Finance Committee	Unemployment Insurance – Effect of Retirement Payments on Eligibility for Benefits – Revision
SB 76	Chair, Budget and Taxation Committee	Enterprise Zones – Reimbursements to Local Governments – Schedule
SB 84	Chair, Finance Committee	Unemployment Insurance – Calculation and Application of Table of Rates – Revision
SB 87	Chair, Finance Committee	Mortgage Loan Originators – State Criminal History Records Check Requirement – Repeal
SB 90	Chair, Finance Committee	Unemployment Insurance – Recovery of Benefits and Penalties for Fraud
SB 91	Chair, Finance Committee	Public Health – State–Identified HIV Priorities
SB 92	Chair, Finance Committee	Planned Apprenticeship Standards and On–the–Job Training Activities – Revisions
SB 93	Chair, Finance Committee	Maryland Workforce Corporation and Health Care Personnel Training Fund – Repeal
SB 94	Chair, Finance Committee	Workforce Development – Revisions
SB 96	Chair, Finance Committee	DLLR – State Collection Agency Licensing Bd – Authority of the Secretary
SB 107	Chair, Education, Health, and Environmental Affairs Committee	Military Department – Summary Courts–Martial – Penalties

BILL NO.	SPONSOR	CONTENT
SB 119	Sen. Simonaire	Business Regulation – Business Discounts and Preferences for Veterans – Identification
SB 141	Anne Arundel County Senators	Anne Arundel County – Special Taxing Districts – Water or Wastewater Services
SB 187	Sen. Lee	Criminal Procedure – Victim’s Right to Restitution – Appeal
SB 233	Sen. Norman	Public Safety – Motorcycle Profiling – Training
SB 234	Sen. Hough	Agreements to Defend or Pay the Cost of Defense – Void
SB 256	Sen. Currie	Prince George’s County – Property Tax Deferrals – Elderly and Disabled Homeowners
SB 271	Sen. King	Cptl Grnt Prgrm for Lcl Schl Sstms Wth Significant Enrllmnt Growth or Rlctble Classrooms – Fndg
SB 278	Sen. Lee	Criminal Law – Stalking
SB 281	Chair, Education, Health, and Environmental Affairs Committee	State Government – Members of the National Guard – Active Duty – Employment Protection
SB 287	Sen. Hough	Criminal Law – False Statement Concerning Destructive Device or Toxic Material – Venue
SB 342	Sen. Feldman	St Fin and Procurement – Public Senior Hghr Ed Instns – Plcs Concerning Procurement Cntrcts
SB 346	Sen. Ramirez	Peace Orders – Grounds for Relief
SB 374	Sen. Serafini	Income Tax Subtraction Modification – College Savings Plans – Contributions

BILL NO.	SPONSOR	CONTENT
SB 450	Sen. Kelley	Health Care Provider Malpractice Insurance – Scope of Coverage
SB 451	Sen. Lee	Maryland Trust Act – Revocable Trust – Partial Revocation by Divorce or Annulment
SB 499	Sen. Ferguson	Admissions and Amusement Tax – Baltimore City – Amateur Sports League Fees
SB 532	Sen. McFadden	Correctional Officers' Retirement System – Mbrshp – Correctional Case Mgt Specialist
SB 542	Sen. Feldman	State Retirement and Pension System – Forfeiture of Benefits
SB 551	Sen. Pugh	Bhvrl Health Advrsy Cncl – Clinical Crisis Walk-In Services and Mobile Crisis Teams – Strategic Plan
SB 584	Sen. King	Preschool Development Grants – Expansion Grants – Required State Funding
SB 591	Sen. King	Tax Sales – Condominium Assessments and Homeowners Association Fees
SB 597	Sen. Peters	Recordation and Transfer Taxes – Transfer of Controlling Interest – Exemptions
SB 608	Sen. Guzzone	Employees' Pension System – Redeposit of Contributions
SB 759	Sen. Madaleno	Heritage Structure Rehabilitation Tax Credit – Alteration and Extension
SB 853	Sen. Kelley	Guardians of Property and Custodians – Authority to Fund Certain Trusts and Accounts
SB 859	Sen. Young	Frederick Co – Dvlp Rights and Responsibilities Agreements – Administrative Appeals
SB 861	Sen. Young	Frederick County – Dry Election Districts – Repeal

BILL NO.	SPONSOR	CONTENT
SB 863	Sen. Lee	Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking – Sunset Extension
SB 888	Sen. Middleton	Motor Vehicle Insurance – Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured
SB 899	Sen. Klausmeier	Md Med Assistance Program – Specialty Mental Hlth and Sbstnc Use Disorder Srvcs – Parity
SB 931	Sen. Zucker	Birth Certificates – Homeless Individuals – Prohibition on Collection of Fee
SB 996	Sen. Waugh	St. Mary’s County – Local Landlord and Tenant Law – Repeal
SB 1020	Sen. Pugh	State Board of Physicians – Physician Licensing Reciprocity
SB 1077	Washington County Senators	Washington County – Alcoholic Beverages – License Renewal Procedures
SB 1079	Washington County Senators	Washington County – Alcoholic Beverages – Hotel and Motel Licenses
SB 1119	Sen. Rosapepe	State Treasurer – Supranational Issuers
SB 1158	Sen. McFadden	Higher Education – Morgan State University – Office of Technology Transfer

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

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 1350 – ~~Delegate Hammen~~ Delegates Hammen, Angel, Barron, Bromwell, Cullison, Hayes, Hill, Kelly, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Morhaim, Oaks, Pena-Melnyk, Pendergrass, Rose, Saab, Sample-Hughes, West, and K. Young

AN ACT concerning

Freestanding Medical Facilities – Certificate of Need, Rates, and Definition

FOR the purpose of exempting from certain certificate of need requirements the conversion of a certain hospital to a freestanding medical facility in accordance with certain requirements; altering the number of days before the proposed closing or partial closing of a health care facility for the filing of a certain notice by a certain person; altering the requirements for a public informational hearing for a hospital that files a notice of its proposed closing; requiring a certain hospital to hold a public informational hearing if the hospital requests an exemption from certificate of need requirements to convert to a freestanding medical facility; requiring the Maryland Health Care Commission to establish by regulation requirements for certain public informational hearings; requiring, for a hospital seeking to close, partially close, or convert to a freestanding medical facility, that the regulations require the hospital to address certain items at a public informational hearing; requiring a hospital to provide a written summary of a public informational hearing within a certain period of time to certain individuals, entities, and legislative committees; clarifying the circumstances in which a certificate of need is required to establish or operate a freestanding medical facility; authorizing the Commission to approve a site for a freestanding medical facility that is not on a certain site, under certain circumstances; prohibiting a certain hospital from converting to a freestanding medical facility before a certain date; prohibiting a certain hospital from closing before the later of a certain date or a certain conversion is completed; altering the services provided at a freestanding medical facility that may be considered hospital services for purposes of rate-setting; requiring a freestanding medical facility to have a certain license, instead of a certificate of need, to obtain certain rates; altering the definition of “freestanding medical facility” to require a facility to meet the requirements for provider-based status under a certain certification and to exempt, from the requirement that the facility be physically separate from a hospital or hospital grounds, a freestanding medical facility established as a result of a certain hospital conversion; requiring the Department of Health and Mental Hygiene to issue a license to a freestanding medical facility that receives an exemption from obtaining a certificate of need; establishing a workgroup on rural health care delivery; providing for the membership, chair, and staff of the workgroup; requiring the workgroup to oversee a certain study of health care needs in certain counties and to hold certain public hearings; providing for the contents of a certain study; requiring the workgroup to review certain policy options and to report on a certain study and certain recommendations on or before a certain date; stating the intent of the General Assembly; providing for the construction of a certain provision of this Act; authorizing the use of certain funds for a certain purpose; and generally relating to freestanding medical facilities.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–120(j)(1) and (k)(1)
Annotated Code of Maryland
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–120(j)(2)(iv), (k)(6)(viii) and (ix) and (7), and (l), 19–201(d), 19–211(c),
19–3A–01, 19–3A–03, and 19–3A–08
Annotated Code of Maryland
(2015 Replacement Volume)

BY adding to
Article – Health – General
Section 19–120(k)(6)(x) and (o)
Annotated Code of Maryland
(2015 Replacement Volume)

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

House Bill 1642 – Delegate Oaks

AN ACT concerning

Higher Education – Morgan State University – Office of Technology Transfer

FOR the purpose of requiring the Board of Regents of Morgan State University to develop and implement a plan to enhance the Office of Technology Transfer at the University; requiring the Maryland Technology Development Corporation, at the request of the Board of Regents, to provide certain technical assistance to the Office of Technology Transfer; requiring the Governor to include in the annual budget bill an appropriation of a certain amount for certain fiscal years for certain purposes; requiring the Board of Regents to report to the Governor and the General Assembly on or before a certain date each year on certain matters; providing for the termination of this Act; and generally relating to the Office of Technology Transfer at Morgan State University.

BY adding to
Article – Education
Section 14–104.2
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)

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

MESSAGE TO THE SENATE

BILL: **HB0641**
SPONSOR: Delegate Sophocleus, et al
SUBJECT: Evidence – Admissibility of DNA Profile – Definition and Validation of DNA Profile

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

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

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

Delegate Conaway, Chair
Delegate Queen
Delegate Rey

Said Bill is returned herewith.

By Order,

Sylvia Siegert
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB0641**
SPONSOR: Delegate Sophocleus, et al
SUBJECT: Evidence – Admissibility of DNA Profile – Definition and Validation of DNA Profile

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

The House has appointed:

Delegate Conaway, Chairman

Delegate Queen
Delegate Rey.

The Senate appoints:

Senator Cassilly, Chair
Senator Muse
Senator Ramirez

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **HB0190**
SPONSOR: Delegate Lierman, et al
SUBJECT: Civil Penalties for Shoplifting and Employee Theft – Repeal

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

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

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

Delegate Smith, Chair
Delegate Morales
Delegate Sanchez

Said Bill is returned herewith.

By Order,

Sylvia Siegert
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB0190**
SPONSOR: Delegate Lierman, et al
SUBJECT: Civil Penalties for Shoplifting and Employee Theft – Repeal

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

The House has appointed:

Delegate Smith, Chairman
Delegate Morales
Delegate Sanchez.

The Senate appoints:

Senator Ramirez, Chair
Senator Brochin
Senator Norman

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.
Secretary

Read and adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 1154)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #75

Senate Bill 376 – The President (By Request – Administration) and Senators Bates, Cassilly, Eckardt, Edwards, Hershey, Jennings, Mathias, Muse, Norman, Ready, Reilly, Rosapepe, Salling, Serafini, Simonaire, and Waugh

AN ACT concerning

**Pathways in Technology Early College High (P-TECH)
Schools Act of 2016**

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

Affirmative – 43 Negative – 1 (See Roll Call No. 1155)

The Bill was then sent to the House of Delegates.

Senate Bill 726 – Senators Mathias, Benson, Feldman, Guzzone, Klausmeier, Madaleno, Middleton, and Peters

~~EMERGENCY BILL~~

AN ACT concerning

Maryland Clean Energy Center – ~~Clean Energy Technology Funding~~ Task Force

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

Affirmative – 44 Negative – 0 (See Roll Call No. 1156)

The Bill was then sent to the House of Delegates.

Senate Bill 922 – Senators Rosapepe, Bates, Benson, Conway, Currie, Feldman, Ferguson, Guzzone, Kagan, Kelley, Klausmeier, Madaleno, Manno, Mathias, McFadden, Muse, Nathan-Pulliam, Peters, Raskin, Salling, Simonaire, Waugh, Young, ~~and Zucker~~ Zucker, Astle, Hershey, Middleton, Pugh, and Reilly

AN ACT concerning

Career Apprenticeship Opportunity Act of 2016

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

Affirmative – 44 Negative – 0 (See Roll Call No. 1157)

The Bill was then sent to the House of Delegates.

Senate Bill 1108 – Senators Salling, Bates, Eckardt, Guzzone, King, Lee, Middleton, Serafini, and Zucker

AN ACT concerning

Video Lottery Terminals – Disposition of Unclaimed Winnings

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

Affirmative – 44 Negative – 0 (See Roll Call No. 1158)

The Bill was then sent to the House of Delegates.

Senate Bill 1112 – The President (By Request – Departmental – Commerce)

AN ACT concerning

Income Tax – Aerospace, Electronics, or Defense Contract Tax Credit Program

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

Affirmative – 31 Negative – 13 (See Roll Call No. 1159)

The Bill was then sent to the House of Delegates.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #74**

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

Senate Bill 788 – Senator Ferguson

AN ACT concerning

Baltimore City – Alcoholic Beverages – Pub Crawl Promoter’s Permits

SB0788/884038/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 788

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “permit” insert “and provide a completed application and any other document that the Board requires”; in line 10, strike “and pay a certain fee” and substitute “; requiring the Board to take a certain action within a certain time period”; in line 14, strike “a”; and in the same line, strike “penalty” and substitute “penalties; defining certain terms”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 7 through 11, inclusive, and substitute:

“(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “PUB CRAWL” MEANS AN EVENT IN WHICH:

(I) AN ORGANIZED GROUP OF AT LEAST THREE LICENSE HOLDERS WHOSE PREMISES ARE WITHIN WALKING DISTANCE OF EACH OTHER PARTICIPATES IN A COORDINATED PROMOTION TO SELL OR PROVIDE ALCOHOLIC BEVERAGES DURING A SPECIFIED TIME; AND

(II) AT LEAST 75 INDIVIDUALS ARE REASONABLY ANTICIPATED TO PARTICIPATE.

(3) “PUB CRAWL PROMOTER” MEANS AN INDIVIDUAL, A FOR-PROFIT ORGANIZATION, OR A NONPROFIT ORGANIZATION THAT CONDUCTS A PUB CRAWL.”;

in line 13, strike “FOR-PROFIT ORGANIZATION OR A NONPROFIT ORGANIZATION” and substitute “PUB CRAWL PROMOTER OR A PARTICIPATING LICENSE HOLDER ON BEHALF OF A PUB CRAWL PROMOTER”; in line 14, strike “ORGANIZATION” and substitute “PUB CRAWL PROMOTER”; in line 18, strike “ISSUE” and substitute “GRANT”; in line 21, strike “ISSUED” and substitute “GRANTED”; in line 23, strike “AND”; and strike lines 25 through 29, inclusive, and substitute:

“BOARD; AND

(III) PROVIDE A COMPLETED APPLICATION THAT:

1. IS SIGNED AND DATED BY EACH LICENSE HOLDER THAT WILL PARTICIPATE IN THE PUB CRAWL;

2. LISTS EACH PREMISES FOR WHICH THE PUB CRAWL WILL BE HELD; AND

3. IS ACCOMPANIED BY ANY OTHER DOCUMENT THAT THE BOARD REQUIRES.

(3) AN APPLICATION MAY NOT BE ALTERED WITHIN 30 DAYS BEFORE THE PUB CRAWL IS SCHEDULED TO TAKE PLACE.

(4) WITHIN 14 DAYS AFTER RECEIVING AN APPLICATION, THE BOARD SHALL GRANT OR DENY THE PERMIT OR REQUEST MORE INFORMATION FROM THE APPLICANT.”.

On page 3, in line 1, strike “PERMIT HOLDER” and substitute “PUB CRAWL PROMOTER AND PARTICIPATING LICENSE HOLDERS”; strike in their entirety lines 3 through 5, inclusive; in lines 6 and 9, strike “(G)” and “(H)”, respectively, and substitute “(F)” and “(G)”, respectively; in line 10, after “FOR” insert “:

(1)”;

in line 11, strike “PERMIT HOLDER” and substitute “PUB CRAWL PROMOTER AND PARTICIPATING LICENSE HOLDERS; AND

(2) PROVIDING PUBLIC NOTICE OF A PUB CRAWL AT THE PREMISES OF PARTICIPATING LICENSE HOLDERS BY THE PUB CRAWL PROMOTER OR PARTICIPATING LICENSE HOLDERS”;

strike in their entirety lines 12 and 13, and substitute:

“(H) (1) THE APPLICATION FEE IS \$50, PAYABLE ON THE SUBMISSION OF THE APPLICATION.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE PERMIT FEE, PAYABLE WHEN THE PERMIT IS GRANTED, IS:

1. \$120; AND

2. \$100 FOR EACH LICENSE HOLDER THAT PARTICIPATES IN THE PUB CRAWL.

(II) ON RECEIPT OF AN APPLICATION, THE BOARD MAY REDUCE THE PERMIT FEE BY NOT MORE THAN 50% IF THE APPLICANT SHOWS THAT THE PROCEEDS FROM THE PUB CRAWL AFTER ADMINISTRATIVE EXPENSES ARE DEDUCTED SHALL BE USED TO BENEFIT AN ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.”;

in line 26, after “(C)” insert “**(1)**”; in line 27, after “PRODUCING,” insert “**FACILITATING,**”; in lines 27 and 28, strike “**WITHOUT OBTAINING**” and substitute “**WITH THE KNOWLEDGE OR A REASON TO KNOW THAT**”; in line 28, strike “AS”; in line 29, after “TITLE” insert “**HAS NOT BEEN OBTAINED**”; and after line 30, insert:

“(2) A PERSON WHO VIOLATES § 12-1101.1 OF THIS TITLE MAY NOT BE GRANTED A PROMOTER’S PERMIT FOR AT LEAST 1 YEAR.”.

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 1145 – Senator Middleton

AN ACT concerning

Unemployment Insurance – Maximum Benefit – Increase

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

SB1145/487277/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 1145

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Middleton” and substitute “Senators Middleton and Kelley”; strike beginning with “making” in line 4 down through “contingency;” in line 5; and strike in their entirety lines 12 through 17, inclusive.

AMENDMENT NO. 2

On page 10, in line 40, strike “**TO \$10,680.00**” and substitute “**AND OVER**”.

On pages 10 and 11, strike in their entirety the lines beginning with line 41 on page 10 through line 20 on page 11, inclusive.

On pages 11 through 22, strike in their entirety the lines beginning with line 36 on page 11 through line 8 on page 22, inclusive.

On page 22, in line 9, strike “3.” and substitute “2.”; in the same line, strike “Section 1 of”; and strike in their entirety lines 12 through 24, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB1145/203320/1

BY: Senator Serafini

AMENDMENTS TO SENATE BILL 1145, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “Act;” insert “making this Act subject to a certain contingency;”.

AMENDMENT NO. 2

On page 22, strike beginning with “shall” in line 9 down through “and” in line 10; in line 11, strike “January 2, 2017” and substitute “January 7, 2019”; and after line 11, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That this Act is contingent on the satisfaction of the federal funding goals requirement in 20 C.F.R. § 606.32(b)(2)(i) for the Unemployment Insurance Fund balance. The Department of Labor, Licensing, and Regulation shall notify the Department of Legislative Services within 5 days after the satisfaction of the federal funding goals requirement. If notice of the satisfaction of the federal funding goals requirement is not received by the Department of Legislative Services on or before December 31, 2018, this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this Act, this Act shall take effect June 1, 2016.”.

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

Affirmative – 17 Negative – 27 (See Roll Call No. 1160)

Read the second time and ordered prepared for Third Reading.

CALENDAR OF VETOED BILLS

(See Exhibit P of Appendix III for Governor’s Veto Letter)

House Bill 1013 – Delegates Beidle, Lierman, B. Barnes, Branch, Brooks, Busch, Clippinger, Fennell, Frush, Haynes, Healey, Hixson, Holmes, C. Howard, ~~Jacobs~~, Krimm, Lafferty, McCray, McIntosh, Moon, Reznik, Tarlau, and P. Young

AN ACT concerning

Maryland Open Transportation Investment Decision Act of 2016

The President put the question: “Shall the Bill pass, notwithstanding the objections of the Chief Executive?”

The veto was overridden by roll call vote as follows:

Affirmative – 29 Negative – 17 (See Roll Call No. 1161)

The Bill was then returned to the House of Delegates.

House Bill 172 – ~~Delegate Sophocles (By Request – Anne Arundel County Administration)~~ Anne Arundel County Delegation

AN ACT concerning

~~Anne Arundel County –~~ County Board of Education and School Board Nominating Commission – Membership

The President put the question: “Shall the Bill pass, notwithstanding the objections of the Chief Executive?”

The veto was overridden by roll call vote as follows:

Affirmative – 31 Negative – 15 (See Roll Call No. 1162)

The Bill was then returned to the House of Delegates.

CONCURRENCE CALENDAR #23

AMENDED IN THE HOUSE

Senate Bill 66 – Senator Waugh

AN ACT concerning

Professional Corporations – Approval of Corporate Name by Licensing Unit and Professional Organization – Exemption

Senator Zirkin moved that the Senate concur in the House amendment.

SB0066/803893/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 66

(Third Reading File Bill)

On page 2, strike beginning with “**IN**” in line 10 down through “**EXAMINERS**” in line 12 and substitute “**THAT PROVIDES DENTAL SERVICES**”.

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1163)

AMENDED IN THE HOUSE

Senate Bill 239 – Senator Kelley

AN ACT concerning

Maryland Fiduciary Access to Digital Assets Act

Senator Zirkin moved that the Senate concur in the House amendment.

SB0239/866486/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 239

(Third Reading File Bill)

On page 10, in line 21, strike “CONTENT” and substitute “CATALOGUE”.

On page 14, in line 16, strike “CUSTODIAN” and substitute “GUARDIAN”.

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1164)

CONCURRENCE CALENDAR #22

AMENDED IN THE HOUSE

Senate Bill 161 – Senators Hough, ~~Raskin, and Zirkin~~ Brochin, Cassilly, Lee, Muse, Ramirez, Raskin, Ready, and Zirkin

AN ACT concerning

Criminal Procedure – Seizure and Forfeiture

Senator Zirkin moved that the Senate not concur in the House amendments.

SB0161/502316/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 161

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “circumstances;” insert “repealing a certain provision authorizing the forfeiture of certain money or weapons relating to possession of a controlled dangerous substance;”; and strike beginning with “authorizing” in line 20 down through “Fund;” in line 24.

On page 2, in line 4, strike “that includes certain information”; in line 7, after “agency;” insert “prohibiting the construction of a certain provision of law in a certain manner;”; strike beginning with “providing” in line 10 down through “sealed;” in line 14; and strike in their entirety lines 42 through 46, inclusive.

On page 3, in line 19, strike “12-304.1, 12-313,” and substitute “12-313”.

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 31 on page 3 through line 15 on page 4, inclusive.

AMENDMENT NO. 3

On page 5, in line 1, strike “money [of more than \$300] or”; and in line 3, strike “dispensing, or possession” and substitute “OR DISPENSING”.

On page 7, in line 30, strike “THAT INCLUDES PROOF OF OWNERSHIP,”.

On page 8, in line 26, strike “THAT INCLUDES PROOF OF OWNERSHIP”.

On page 9, in line 5, strike “OR”; after line 5, insert:

“(III) THE SEIZING AUTHORITY DOES HAVE CUSTODY OF THE PROPERTY AND WILL RETAIN IT FOR EVIDENTIARY PURPOSES UNTIL AFTER THE CONCLUSION OF A CRIMINAL CASE; OR”;

and in line 6, strike “(III)” and substitute “(IV)”.

AMENDMENT NO. 4

On page 10, strike beginning with “**THIS**” in line 17 down through “**(B)**” in line 23; in line 27, after “**forfeiture;**” insert “**OR**”; and strike beginning with “**A**” in line 28 down through “**OR**” in line 30.

On page 11, strike in their entirety lines 1 through 3, inclusive, and substitute “**THE PROPERTY IS CASH OF AT LEAST \$50,000.**”

(B) SUBJECT TO SUBSECTION (A) OF THIS SECTION, NOTHING IN THIS SECTION MAY BE CONSTRUED TO LIMIT THE FEDERAL CONCURRENT JURISDICTION OVER SEIZED PROPERTY.”;

and in line 6, strike “**AND § 12–304.1 OF THIS SUBTITLE**”.

On pages 11 and 12, strike in their entirety the lines beginning with line 29 on page 11 through line 25 on page 12, inclusive.

AMENDMENT NO. 5

On page 15, in line 16, strike “**AND**”; after line 16, insert:

“(8) THE RACE AND GENDER OF THE PERSON OR PERSONS FROM WHOM THE PROPERTY WAS SEIZED, IF KNOWN; AND”;

and in line 17, strike “**(8)**” and substitute “**(9)**”.

The preceding 5 amendments were read and not concurred in.

SB0161/273523/1

BY: Delegate Vallario

AMENDMENT TO SENATE BILL 161, AS AMENDED

(Third Reading File Bill)

On page 11, in line 5, after “**(b)**” insert “**, (C), AND (D)**”; and strike in their entirety lines 13 through 28, inclusive, and substitute:

“(C) IF THE STATE OR A POLITICAL SUBDIVISION DOES NOT FILE A TIMELY COMPLAINT SEEKING FORFEITURE UNDER SUBSECTION (A) OR (B) OF THIS SECTION, THE PROPERTY SHALL BE PROMPTLY RELEASED TO THE OWNER, IF KNOWN.

[(c)] (D) (1) A proceeding about money shall be filed within 90 days after the final disposition of criminal proceedings that arise out of the Controlled Dangerous Substances law.

(2) If the State or a political subdivision does not file proceedings about money within the 90-day period, the money seized under this title shall be returned to the owner on request by the owner.

(3) If the owner fails to ask the return of the money within 1 year after the final disposition of criminal proceedings, as provided under § 12-403 of this title, the money shall revert to:

- (i) the political subdivision in which the money was seized; or**
- (ii) the State, if the money was seized by State authorities.”.**

The preceding amendment was read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: SB0161
SPONSOR: Senator Hough, et al
SUBJECT: Criminal Procedure – Seizure and Forfeiture

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 Hough, Chair
 Senator Muse
 Senator Raskin

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.
Secretary

Read and adopted.

AMENDED IN THE HOUSE

Senate Bill 508 – Senators Ramirez, Norman, and Ferguson

AN ACT concerning

Civil Penalties for Shoplifting and Employee Theft –~~Repeal~~

Senator Zirkin moved that the Senate not concur in the House amendments.

SB0508/912218/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 508

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Theft” insert “– Repeal”; strike beginning with “altering” in line 4 down through “changes” in line 11 and substitute “repealing certain provisions establishing liability to a merchant for civil penalties for shoplifting and employee theft”; and after line 12, insert:

“BY repealing

Article – Courts and Judicial Proceedings

Section 3–1301 through 3–1308 and the subtitle “Subtitle 13. Civil Penalties for Shoplifting and Employee Theft”

Annotated Code of Maryland

(2013 Replacement Volume and 2015 Supplement)”.

On pages 1 and 2, strike in their entirety the lines beginning with line 19 on page 1 through line 10 on page 2.

AMENDMENT NO. 2

On page 2, in line 14, before “Subtitle” insert an opening bracket; in the same line, after “Theft.” insert a closing bracket; and in line 15, before “3–1301.” insert an opening bracket.

On page 3, in lines 12 and 23, in each instance, after the period insert a closing bracket; in line 13, before “3–1302.” insert an opening bracket; and in line 24, before “3–1303.” insert an opening bracket.

On page 4, strike beginning with “, PREPARED” in line 1 down through “STATE.” in line 2; in line 5, strike “BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED”; strike beginning with “, INCLUDING” in line 8 down through “THEFT” in line 12; in lines 13, 15, 17, 19, and 23, strike “(III)”, “(IV)”, “(V)”, “(VI)”, and “(VII)”, respectively, and substitute “(ii)”, “(iii)”, “(iv)”, “(v)”, and “(vi)”, respectively; and in line 22, after the semicolon insert “and”.

On pages 4 and 5, strike beginning with the semicolon in line 26 on page 4 down through “LETTER.” in line 7 on page 5 and substitute a period.

On page 5, in lines 9 and 10, strike “, PREPARED BY A LAWYER ADMITTED TO PRACTICE LAW IN THE STATE.”; strike beginning with “BY” in line 11 down through “REQUESTED” in line 12; in line 15, strike “(VIII)” and substitute “(v)”; in lines 26 and 31, in each instance, after the period insert a closing bracket; in line 27, before “3–1304.” insert an opening bracket; and in line 32, before “3–1305.” insert an opening bracket.

On page 6, strike beginning with “IN” in line 3 down through “(C)” in line 7; in lines 9 and 20, in each instance, after the period insert a closing bracket; strike in their entirety lines 10 through 13, inclusive; in line 14, before “3–1306.” insert an opening bracket; in line 19, strike “(C) THE” and substitute “However, the”.

On pages 6 and 7, strike in their entirety the lines beginning with line 21 on page 6 through line 13 on page 7, inclusive.

On page 7, in line 14, before “3–1307.” insert an opening bracket; in lines 20 and 24, in each instance, after the period insert a closing bracket; and in line 21, before “3–1308.” insert an opening bracket.

The preceding 2 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: **SB0508**
SPONSOR: Senator Ramirez, et al
SUBJECT: Civil Penalties for Shoplifting and Employee Theft

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 Ramirez, Chair
Senator Brochin
Senator Norman

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.
Secretary

Read and adopted.

AMENDED IN THE HOUSE

Senate Bill 864 – Senators Lee, Benson, ~~and Madaleno~~ Brochin, Cassilly, Hough, Madaleno, Muse, Ramirez, Raskin, Ready, and Zirkin

AN ACT concerning

**Public Safety – Internet Crimes Against Children Task Force Fund –
Establishment
(Alicia’s Law)**

Senator Zirkin moved that the Senate not concur in the House amendments.

SB0864/514866/1

BY: Appropriations Committee

AMENDMENT TO SENATE BILL 864

(Third Reading File Bill)

On page 1, in line 15, after “appropriation” insert “of not less than a certain amount”.

On page 4, in line 21, after “APPROPRIATION” insert “OF NOT LESS THAN \$2,000,000”.

The preceding amendment was read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **SB0864**
SPONSOR: Senator Lee, et al
SUBJECT: Public Safety – Internet Crimes Against Children Task Force
Fund – Establishment (Alicia’s Law)

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 Lee, Chair
Senator Muse
Senator Ready

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.
Secretary

Read and adopted.

AMENDED IN THE HOUSE

Senate Bill 945 – Senators Raskin, Brochin, Feldman, Guzzone, King, Lee, Madaleno, Manno, Muse, Ramirez, Ready, Rosapepe, Young, Zirkin, and Zucker

AN ACT concerning

**Drunk Driving Reduction Act of 2016
(Noah’s Law)**

Senator Zirkin moved that the Senate not concur in the House amendments.

SB0945/952311/2

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 945

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “increasing” in line 4 down through “impaired;” in line 6; in line 8, strike “and driving while impaired”; in line 10, after “regarding” insert “certain revocations and”; in line 11, strike “suspensions on” and substitute “revocations of”; strike beginning with “and” in line 13 down through “person” in line 16; in line 20, after “Program” insert “under certain circumstances”; in line 21, strike “refuses or”; in line 22, after “a” insert “certain”; in the same line, strike “for breath alcohol concentration”; and strike beginning with “authorizing” in line 23 down through “circumstances” in line 24 and substitute “repealing certain disqualifying criteria from participation in the Program”.

On page 2, in line 4, after “for” insert “certain participation toward certain”; in the same line, after “participation;” insert “requiring a court to order a person to participate in the Program under certain circumstances;”; strike beginning with “establishing” in line 4 down through the semicolon in line 5; strike beginning with “altering” in line 6 down through “interlock” in line 7 and substitute “providing for the construction of a certain provision of law”; and in line 8, strike “required”.

AMENDMENT NO. 2

On page 2, in line 12, after “16–205.1,” insert “and”; in the same line, strike “ , and 27–107”; and after line 14, insert:

“BY adding to

Article – Transportation

Section 27–107.1

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 3

On page 2, in line 29, after “(a)” insert “**(1)**”; and in lines 30 and 33, strike “(1)” and “(2)”, respectively, and substitute “**(I)**” and “**(II)**”, respectively.

On page 3, in lines 1, 4, 6, and 9, strike “(i)”, “(ii)”, “(iii)”, and “(iv)”, respectively, and substitute “**1.**”, “**2.**”, “**3.**”, and “**4.**”, respectively; and after line 10, insert:

“(2) IN THE NOTICE OF PROPOSED REVOCATION, THE ADMINISTRATION SHALL ADVISE AN INDIVIDUAL WHO IS CONVICTED UNDER § 21-902(A) OF THIS ARTICLE THAT THE INDIVIDUAL, IF ELIGIBLE, IS REQUIRED TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM FOR THE FOLLOWING PERIODS:

(I) 6 MONTHS THE FIRST TIME THE INDIVIDUAL IS REQUIRED TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM;

(II) 1 YEAR THE SECOND TIME THE INDIVIDUAL IS REQUIRED TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM; AND

(III) 3 YEARS THE THIRD OR ANY SUBSEQUENT TIME THE INDIVIDUAL IS REQUIRED TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM.”.

AMENDMENT NO. 4

On page 3, in lines 20, 21, and 22, in each instance, strike the bracket; in line 20, strike “SUBSECTIONS (D) AND (E)”; in the same line, after “section” insert “**AND § 16-404.1 OF THIS TITLE**”; in line 21, strike “SHALL”; strike beginning with “A” in line 22 down through “PERSON” in line 23; and strike beginning with the semicolon in line 26 down through “ARTICLE” in line 31.

On page 4, in lines 1 and 12, in each instance, strike the bracket; in line 1, after “section” insert “**AND § 16-404.1 OF THIS TITLE**”; in line 12, strike “SUBSECTION”; and in line 13, after “section” insert “**AND SUBJECT TO § 16-404.1 OF THIS TITLE**”.

On page 5, in lines 9, 17, 18, 20, and 22, in each instance, strike the bracket; in line 9, after “subsection” insert “**AND § 16-404.1 OF THIS TITLE**”; in line 18, strike “SUBSECTION (C)”; in the same line, strike “SECTION”; in line 20, after “year” insert

“SUBJECT TO § 16–404.1 OF THIS TITLE”; in line 21, strike beginning with **“THE”** through **“SECTION”**; in line 25, after “year” insert **“OR A LONGER PERIOD IF REQUIRED UNDER § 16–404.1 OF THIS TITLE”**.

On page 6, in lines 12, 13, 14, 15, 27, and 32, in each instance, strike the bracket; in line 14, strike **“(III)”**; strike beginning with **“The”** in line 20 down through **“3.”** in line 22; in line 25, strike **“4.”** and substitute **“3.”**; strike beginning with **“PARTICIPATE”** in line 27 down through **“TITLE”** in line 28; in line 29, strike **“(IV)”** and substitute **“(VI)”**; in lines 30 and 31, strike **“AS REQUIRED”**; in line 32, strike **“(3)”**; and in the same line, strike **“(2)”**.

On page 7, in lines 7, 12, and 14, in each instance, strike the bracket; strike beginning with **“A”** in line 3 down through **“OR”** in line 4 and substitute **“A VIOLATION OF § 21–902(A) OF THIS ARTICLE MORE THAN ONCE WITHIN A 5–YEAR PERIOD;”**; strike in their entirety lines 5 and 6; in line 16, after “year” insert **“OR A LONGER PERIOD IF REQUIRED UNDER § 16–404.1 OF THIS TITLE”**; and in line 18, strike “for 1 year”.

On page 8 in lines 7, 12, 17, and 32, and on page 9 in line 9, in each instance, strike **“3”** and substitute **“6”**.

On page 8 in lines 8, 12 and 13, 18, and 32, and on page 9 in line 9, in each instance, strike “more than 1 year” and substitute **“LESS THAN THE PERIOD REQUIRED UNDER § 16–401.1 OF THIS TITLE”**.

On page 9 in lines 11, 12, 14, 19, and 32, and on page 10 in lines 1 and 2, in each instance, strike the bracket.

On page 9, in lines 12 and 14, strike **“(4)”** and **“(5)”**, respectively.

On page 9 in lines 29 and 31, on page 14 in line 4, on page 29 in line 28, on page 30 in lines 19 and 22, on page 32 in line 11, and on page 33 in line 3, in each instance, strike “restrictive” and substitute **“RESTRICTED”**.

On page 10, in line 1, strike **“(F)”**.

AMENDMENT NO. 5

On page 11, in line 30, strike “or”.

On page 12, in line 2, strike **“2 YEARS;”** and substitute **“1 YEAR; OR**

C. FOR A THIRD OR SUBSEQUENT OFFENSE, SUSPEND THE DRIVER'S LICENSE FOR 2 YEARS;".

On page 13, in line 2, strike "or"; in line 3, strike "or subsequent"; and in line 4, strike "**2 YEARS;**" and substitute "**1 YEAR; OR**"

C. FOR A THIRD OR SUBSEQUENT OFFENSE, SUSPEND THE DRIVER'S LICENSE FOR 2 YEARS;".

On page 18, in line 27, strike "**2 YEARS;**" and substitute "**1 YEAR; OR**"

C. FOR A THIRD OR SUBSEQUENT OFFENSE, SUSPEND THE DRIVER'S LICENSE FOR 2 YEARS;".

On page 25, in line 2, strike "or"; in line 4, strike "**2 YEARS**" and substitute "**1 YEAR; OR**"

C. FOR A THIRD OR SUBSEQUENT OFFENSE, SUSPEND THE DRIVER'S LICENSE FOR 2 YEARS".

AMENDMENT NO. 6

On page 13, strike beginning with "**, INCLUDING**" in line 32 down through "**TITLE,**" in line 34.

On pages 13 and 14, strike beginning with "**A**" in line 34 on page 13 down through "**FOR**" in line 1 on page 14.

On page 14, in lines 2, 3, and 8, in each instance, strike the bracket; in line 2, strike "**AND**"; in line 7, strike "and"; in line 11, after "violation" insert "**;AND**"

(VI) ADVISE THE PERSON THAT A COURT SHALL IMPOSE PARTICIPATION IN THE IGNITION INTERLOCK SYSTEM PROGRAM AS PART OF THE SENTENCE IN ACCORDANCE WITH § 27-107.1 OF THIS ARTICLE";

and strike beginning with "**, INCLUDING**" in line 33 down through "**TITLE**" in line 35.

On page 15, in line 7, after the semicolon insert “AND”; strike beginning with “The” in line 8 down through “3.” in line 11; in line 16, strike the brackets; strike beginning with the first “A” in line 16 down through “SUBSECTION” in line 17; and in lines 19 and 20, strike “AS REQUIRED”.

On page 16, in line 3, strike the brackets; in the same line, strike “0.08”; in line 5, strike “under”; and in lines 5 and 6, strike “§ 16-404.1 OF THIS TITLE”.

On page 24, strike beginning with “UNDER” in line 5 down through “PARAGRAPH” in line 6.

On page 25, in line 20, after the semicolon insert “AND”; strike beginning with “THE” in line 21 down through “(3)” in line 25; and strike in their entirety lines 30 through 32, inclusive, and substitute:

“(II) ELECTS IN WRITING TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM FOR 1 YEAR.”

AMENDMENT NO. 7

On page 29, in line 7, after “(L)” insert “(1)”; after line 9, insert:

“(2) THIS SUBSECTION MAY NOT BE CONSTRUED AS LIMITING THE PROVISIONS OF § 16-404.1(M) OF THIS TITLE.”;

in line 20, strike the bracket; in the same line, strike “(n)” and substitute “(O)”; strike beginning with the colon in line 20 down through “Who” in line 21 and substitute “WHO”; in line 22, after “0.15” insert “AND DID NOT ELECT TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM”; and strike beginning with the semicolon in line 22 down through “years” in line 26.

On page 30, in lines 11, 21, and 32, strike “(o)”, “(p)”, and “(O)”, respectively, and substitute “(P)”, “(Q)”, and “(R)”, respectively; in line 12, after the semicolon insert “OR”; strike beginning with the semicolon in line 14 down through “section” in line 17; and in line 31, strike the bracket.

AMENDMENT NO. 8

On page 32, in lines 5, 10, 11, 12, 20, 25, 26, 30, and 32, in each instance, strike the bracket; in line 5, strike “SHALL”; in line 7, strike “§ 21-902(a), (b), or (c)” and substitute

“§ 21-902(B) OR (C)”; in line 8, strike “or (37)”; in line 12, strike “INDIVIDUAL’S LICENSE IS SUSPENDED”; strike beginning with the semicolon in line 13 down through “ARTICLE” in line 19; in line 21, strike “the individual is convicted of a violation of”; in line 22, strike “§ 21-902(a)(1) or (2)” and substitute “THE INDIVIDUAL IS CONVICTED OF A VIOLATION OF § 21-902(A)”; strike beginning with “and” in line 22 down through “more” in line 23; in line 23, strike “or”; in line 24, strike “§ 21-902(a)(3) or (b)(2)” and substitute “THE INDIVIDUAL IS CONVICTED OF A VIOLATION OF § 21-902(B)(2)”; in line 25, strike the period and substitute “;

3. THE INDIVIDUAL’S LICENSE IS SUSPENDED OR REVOKED UNDER § 16-205 OF THIS TITLE OR § 16-402(A)(37) OF THIS SUBTITLE FOR A VIOLATION OF § 21-902(A) OF THIS ARTICLE;

4. THE INDIVIDUAL’S LICENSE IS REVOKED UNDER § 16-205(B) OF THIS TITLE FOR:

A. HOMICIDE BY MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR ALCOHOL PER SE, HOMICIDE BY MOTOR VEHICLE WHILE IMPAIRED BY ALCOHOL, OR HOMICIDE BY MOTOR VEHICLE WHILE IMPAIRED BY A COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL; OR

B. LIFE-THREATENING INJURY BY MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR ALCOHOL PER SE, LIFE-THREATENING INJURY BY MOTOR VEHICLE WHILE IMPAIRED BY ALCOHOL, OR LIFE-THREATENING INJURY BY MOTOR VEHICLE WHILE IMPAIRED BY ONE OR MORE DRUGS AND ALCOHOL; OR

5. THE INDIVIDUAL IS REQUIRED TO BE A PARTICIPANT BY A COURT ORDER UNDER § 27-107.1 OF THIS ARTICLE.”;

in lines 26 and 30, strike “(I)” and “(II)”, respectively; in line 27, strike “SUBSECTION (C) OF THIS SECTION”; in line 32, strike “(P)”; and after line 32, insert:

“(IV) THE ADMINISTRATION SHALL ISSUE A RESTRICTED LICENSE TO AN INDIVIDUAL WHO IS REQUIRED TO PARTICIPATE IN THE PROGRAM UNDER THIS SECTION AND WHO IS OTHERWISE ELIGIBLE.”.

AMENDMENT NO. 9

On page 33, in lines 1 and 19, in each instance, strike the bracket; in line 6, strike “§ 21–902(a) or (b)” and substitute “**§ 21–902(B)**”; in line 13, strike “§ 21–902(a), (b), or (c)” and substitute “**§ 21–902(B) OR (C)**”; in line 19, before “**THE**” insert “**.**”

(IV);

in line 21, after “**SECTION**” insert “**AND WHO IS OTHERWISE ELIGIBLE**”; in line 22, strike “An” and substitute “**EXCEPT AS PROVIDED IN § 16–205 OF THIS TITLE, AN**”; strike beginning with “**THE**” in line 23 down through “**SPECIFIED**” in line 24; in lines 26, 28, and 30, in each instance, strike the brackets; and in lines 26, 28, and 30, in each instance, strike “**SECTION**”.

On page 34, in lines 3 and 10, in each instance, strike the brackets; in line 10, strike “**SHALL**”; in line 17, strike “§ 21–902(a), (b), or (c)” and substitute “**§ 21–902(B) OR (C)**”; in line 18, strike “§ 16–402(a)(37)” and substitute “**§ 16–402(A)(28)**”; in line 19, strike “§ 21–902(a)” and substitute “**§ 21–902(B) OR (C)**”; in line 24, strike “§ 21–902(a), (b), or (c)” and substitute “**§ 21–902(B) OR (C)**”; in line 25, strike “§ 16–402(a)(37)” and substitute “**§ 16–402(A)(28)**”; in line 26, strike “§ 21–902(a)” and substitute “**§ 21–902(B) OR (C)**”; after line 27, insert:

“(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATION SHALL:

(I) MODIFY A SUSPENSION AND ISSUE A RESTRICTED LICENSE TO AN INDIVIDUAL WHO IS A PARTICIPANT IN THE PROGRAM AS PROVIDED UNDER § 16–205 OR § 16–205.1 OF THIS TITLE OR § 16–404 OF THIS SUBTITLE;

(II) REINSTATE THE DRIVER’S LICENSE OF A PARTICIPANT WHOSE LICENSE HAS BEEN REVOKED:

1. FOR A VIOLATION OF § 21–902(A) OF THIS ARTICLE;

2. FOR AN ACCUMULATION OF POINTS UNDER § 16–402(A)(37) OF THIS SUBTITLE FOR A VIOLATION OF § 21–902(A) OF THIS ARTICLE; OR

3. UNDER § 16-205.1(B) OR (F) OF THIS TITLE.

(III) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IMPOSE ON A PARTICIPANT A PERIOD OF SUSPENSION IN ACCORDANCE WITH § 16-404(C)(2) AND (3) OF THIS SUBTITLE IN LIEU OF A LICENSE REVOCATION:

1. FOR A VIOLATION OF § 21-902(A) OF THIS ARTICLE;

2. FOR AN ACCUMULATION OF POINTS UNDER § 16-402(A)(37) OF THIS SUBTITLE FOR A VIOLATION OF § 21-902(A) OF THIS ARTICLE; OR

3. UNDER § 16-205.1(B) OR (F) OF THIS TITLE.”;

and in line 28, strike “(2)” and substitute “**(3)**”.

On page 35, in line 1, strike “(3)” and substitute “**(4)**”; in line 3, strike the brackets; in the same line, strike “§ 27-107(H)”; and in lines 13 and 14, in each instance, strike the bracket.

On page 36, in line 2, strike “REQUIRED” and substitute “**AUTHORIZED**”; in the same line, after “SECTION” insert “**OR AS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION**”; strike in their entirety lines 3 through 19, inclusive; and in lines 20, 23, and 34, strike “(O)”, “(P)”, and “(Q)”, respectively, and substitute “**(N)**”, “**(O)**”, and “**(P)**”, respectively.

On page 37, in line 3, strike “(R)” and substitute “**(Q)**”.

AMENDMENT NO. 10

On page 37, after line 16, insert:

“27-107.1.

(A) IN THIS SECTION, “TEST” HAS THE MEANING STATED IN § 16-205.1 OF THIS ARTICLE.

(B) IF A PERSON IS CONVICTED OF A VIOLATION UNDER § 21-902(B) OR (C) OF THIS ARTICLE AND THE TRIER OF FACT FINDS BEYOND A REASONABLE DOUBT THAT THE PERSON REFUSED TO TAKE A TEST ARISING OUT OF THE SAME CIRCUMSTANCES AS THE VIOLATION, THE COURT SHALL REQUIRE THE PERSON TO PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-404.1 OF THIS ARTICLE FOR 1 YEAR.

(C) THE PENALTY PROVIDED IN THIS SECTION SHALL BE:

(1) IN ADDITION TO ANY OTHER CRIMINAL PENALTY FOR A VIOLATION OF § 21-902(B) OR (C) OF THIS ARTICLE;

(2) CONCURRENT WITH ANY OTHER PARTICIPATION IN THE IGNITION INTERLOCK SYSTEM PROGRAM ORDERED BY THE ADMINISTRATION UNDER ANY OTHER PROVISION OF THIS ARTICLE.

(D) IF A PERSON SUBJECT TO THIS SECTION PARTICIPATES IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16-205.1 OF THIS ARTICLE, THE PERSON SHALL RECEIVE CREDIT TOWARD THE LENGTH OF PARTICIPATION IN THE IGNITION INTERLOCK SYSTEM PROGRAM ARISING OUT OF THE SAME INCIDENT REQUIRED UNDER THIS SECTION.”.

AMENDMENT NO. 11

On page 37, in line 3, strike “convicted of any violation of § 21-902 of this article” and substitute “**REQUIRED TO BE A PARTICIPANT UNDER SUBSECTION (D) OF THIS SECTION**”.

AMENDMENT NO. 12

On pages 38 through 41, strike in their entirety the lines beginning with line 13 on page 38 through line 34 on page 41, inclusive.

The preceding 12 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: **SB0945**
SPONSOR: Senator Raskin, et al
SUBJECT: Drunk Driving Reduction Act of 2016 (Noah's Law)

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 Zirkin, Chair
Senator Raskin
Senator Norman

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.
Secretary

Read and adopted.

THE COMMITTEE ON RULES REPORT #11

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

House Bill 399 – Delegates Afzali and ~~K. Young~~, K. Young, Hammen, Angel, Barron, Bromwell, Cullison, Hayes, Hill, Kelly, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Morhaim, Oaks, Pena-Melnyk, Pendergrass, Rose, Saab, Sample-Hughes, and West

AN ACT concerning

Lyme Disease – Laboratory Test – Required Notice

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

House Bill 429 – Delegates Patterson, Hixson, Afzali, Angel, Atterbeary, Barkley, D. Barnes, Barron, Brooks, Carr, Conaway, Dumais, Ebersole, Fennell, Gilchrist, Hayes, Haynes, Hill, Hornberger, C. Howard, Jackson, Jameson, Jones, Kelly, Long, Luedtke, McComas, McConkey, McCray, McMillan,

Metzgar, A. Miller, Morhaim, O'Donnell, Pena-Melnyk, Platt, Proctor, Reilly, Sample-Hughes, Sanchez, Shoemaker, Simonaire, Smith, Sydnor, Tarlau, Turner, Valentino-Smith, A. Washington, M. Washington, and West

AN ACT concerning

Task Force to Combat Habitual Student Truancy

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 Finance:

House Bill 707 – Delegates Valentino-Smith, Tarlau, Walker, and A. Washington

AN ACT concerning

~~**Horse Racing – Track Winnings – Intercepts for Restitution and Child Support Payments**~~

Study of Intercepting Horse Racing Winnings for Child Support and Restitution

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

House Bill 771 – Delegates D. Barnes, Angel, B. Barnes, Buckel, Fennell, Hornberger, Kelly, Long, Luedtke, Metzgar, Patterson, Platt, Reilly, Shoemaker, Simonaire, Tarlau, Walker, and A. Washington

AN ACT concerning

~~**Public and Nonpublic Schools – Student Diabetes Management Program**~~
Administration of Diabetes Care Services – Guidelines

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:

House Bill 1079 – Montgomery County Delegation

AN ACT concerning

Montgomery County Student Loan Refinancing Authority

MC 27-16

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 Budget and Taxation:

House Bill 1167 – Delegates Buckel, Beitzel, Mautz, and Otto

AN ACT concerning

**Biotechnology Investment Tax Credit – Investment in Qualified Companies in
Low-Income Areas**

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 Budget and Taxation:

House Bill 1168 – Delegates Buckel, Beitzel, Mautz, and Otto

AN ACT concerning

**Cybersecurity Investment Tax Credit – Investment in Qualified Companies in
Low-Income Areas**

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 Budget and Taxation:

**House Bill 1378 – Delegates Frick, Carr, Frush, Hixson, Kaiser, Kelly, Korman,
Krimm, Lisanti, Luedtke, McCray, Morhaim, Patterson, Queen, Reznik,
Shoemaker, Stein, A. Washington, K. Young, Brooks, Clippinger, Glenn,
Valderrama, and Waldstreicher**

AN ACT concerning

Maryland Small Business Retirement Savings Program and Trust

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 Budget and Taxation:

**House Bill 1395 – Delegates Anderton, B. Barnes, Sample-Hughes, and
A. Washington**

AN ACT concerning

Local Government – Disparity Grants – Amounts

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 Budget and Taxation:

House Bill 1636 – Delegate Clippinger

AN ACT concerning

**Baltimore City – South Baltimore Gateway Community ~~Benefits~~ Impact District
and Distribution of Local Impact Grants**

The bill was re-referred to the Committee on Budget and Taxation.

MESSAGE TO THE SENATE

BILL: **HB0192**
SPONSOR: Chair, Judiciary Committee
SUBJECT: Juv Causes – Permanency Plans – Age Rstrctns on Use of Another
 Planned Perm Living Arrangement

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

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

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

Delegate Rosenberg, Chair
 Delegate Proctor
 Delegate Glass

Said Bill is returned herewith.

By Order,

Sylvia Siegert
 Chief Clerk

Read and ordered journalized.

Senator Zirkin moved, duly seconded, that the Senate recede from its position.

The motion was adopted.

HB0192/918673/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 192

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Age”; in line 5, after “age;” insert “requiring a local department of social services to document certain efforts and steps at certain permanency planning hearings, certain permanency plan review hearings, and certain guardianship review hearings, under certain circumstances;”; and in line 9, after “3–823(e)” insert “and (h)”.

AMENDMENT NO. 2

On page 2, after line 22, insert:

“(3) AT A PERMANENCY PLANNING HEARING FOR A CHILD WHOSE RECOMMENDED PERMANENCY PLAN IS ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT THAT MEETS THE REQUIREMENTS OF PARAGRAPH (1)(I)5 OF THIS SUBSECTION, THE LOCAL DEPARTMENT SHALL DOCUMENT:

(I) THE ONGOING EFFORTS TO PLACE THE CHILD PERMANENTLY WITH A PARENT OR RELATIVE OR IN A GUARDIANSHIP OR AN ADOPTIVE PLACEMENT; AND

(II) THE STEPS THAT THE LOCAL DEPARTMENT IS TAKING TO ENSURE THAT:

1. THE CHILD’S RESOURCE PROVIDER IS FOLLOWING THE REASONABLE AND PRUDENT PARENT STANDARD; AND

2. THE CHILD HAS REGULAR OPPORTUNITIES TO ENGAGE IN AGE OR DEVELOPMENTALLY APPROPRIATE ACTIVITIES.

(h) (1) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, the court shall conduct a hearing to review the permanency plan at least every 6 months until commitment is rescinded or a voluntary placement is terminated.

(ii) The court shall conduct a review hearing every 12 months after the court determines that the child shall be continued in out-of-home placement with a specific caregiver who agrees to care for the child on a permanent basis.

(iii) 1. Unless the court finds good cause, a case shall be terminated after the court grants custody and guardianship of the child to a relative or other individual.

2. If the court finds good cause not to terminate a case, the court shall conduct a review hearing every 12 months until the case is terminated.

3. The court may not conclude a review hearing under subparagraph 2 of this subparagraph unless the court has seen the child in person.

(2) At the review hearing, the court shall:

(i) Determine the continuing necessity for and appropriateness of the commitment;

(ii) Determine and document in its order whether reasonable efforts have been made to finalize the permanency plan that is in effect;

(iii) Determine the extent of progress that has been made toward alleviating or mitigating the causes necessitating commitment;

(iv) Project a reasonable date by which a child in placement may be returned home, placed in a preadoptive home, or placed under a legal guardianship;

(v) Evaluate the safety of the child and take necessary measures to protect the child; and

(vi) Change the permanency plan if a change in the permanency plan would be in the child’s best interest.

(3) AT EACH REVIEW HEARING FOR A CHILD WHOSE PERMANENCY PLAN IS ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT THAT MEETS THE REQUIREMENTS OF SUBSECTION (E)(1)(I)5 OF THIS SECTION, THE LOCAL DEPARTMENT SHALL DOCUMENT:

(I) THE ONGOING EFFORTS TO PLACE THE CHILD PERMANENTLY WITH A PARENT OR RELATIVE OR IN A GUARDIANSHIP OR AN ADOPTIVE PLACEMENT; AND

(II) THE STEPS THAT THE LOCAL DEPARTMENT IS TAKING TO ENSURE THAT:

1. THE CHILD’S RESOURCE PROVIDER IS FOLLOWING THE REASONABLE AND PRUDENT PARENT STANDARD; AND

2. THE CHILD HAS REGULAR OPPORTUNITIES TO ENGAGE IN AGE OR DEVELOPMENTALLY APPROPRIATE ACTIVITIES.

[(3)] (4) Every reasonable effort shall be made to effectuate a permanent placement for the child within 24 months after the date of initial placement.”.

On page 5, after line 2, insert:

“(9) AT EACH GUARDIANSHIP REVIEW HEARING FOR A CHILD WHOSE PERMANENCY PLAN IS ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT THAT MEETS THE REQUIREMENTS OF PARAGRAPH (6)(III) OF THIS SUBSECTION, THE LOCAL DEPARTMENT SHALL DOCUMENT:

(I) THE ONGOING EFFORTS TO PLACE THE CHILD PERMANENTLY WITH A PARENT OR RELATIVE OR IN A GUARDIANSHIP OR AN ADOPTIVE PLACEMENT; AND

(II) THE STEPS THAT THE LOCAL DEPARTMENT IS TAKING TO ENSURE THAT:

1. THE CHILD’S RESOURCE PROVIDER IS FOLLOWING THE REASONABLE AND PRUDENT PARENT STANDARD; AND

2. THE CHILD HAS REGULAR OPPORTUNITIES TO ENGAGE IN AGE OR DEVELOPMENTALLY APPROPRIATE ACTIVITIES.”.

and in lines 3 and 6, strike “(9)” and “(10)”, respectively, and substitute “**(10)**” and “**(11)**”, respectively.

Senator Zirkin moved, duly seconded, that the Senate recede on its amendments.

Senate receded and the preceding 2 amendments were removed.

House Bill 192 – Chair, Judiciary Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Juvenile Causes – Permanency Plans – Age Restrictions on Use of Another Planned Permanent Living Arrangement

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1165)

The Bill was then sent to the House of Delegates.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: HB0192
SPONSOR: Chair, Judiciary Committee
**SUBJECT: Juv Causes – Permanency Plans – Age Rstrctns on Use of Another
 Planned Perm Living Arrangement**

The Senate recesses from its position on HB0192.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **HB0274**
SPONSOR: Delegate Dumais
SUBJECT: Family Law – Divorce – Corroboration of Testimony

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

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

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

Delegate Dumais, Chair
Delegate Kittleman
Delegate Moon

Said Bill is returned herewith.

By Order,

Sylvia Siegert
Chief Clerk

Read and ordered journalized.

Senator Zirkin moved, duly seconded, that the Senate recede from its position.

The motion was adopted.

HB0274/678177/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 274
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Testimony” insert “and Filing Procedures”; in line 4, after the semicolon, insert “authorizing parties to jointly file a certain complaint in order to initiate proceedings for an absolute divorce on the grounds of mutual consent; requiring the Court of Appeals to establish a certain joint complaint form and procedures for filing certain joint complaints;”; in line 11, after “7–101” insert “and 7–103(f)”; and after line 13, insert:

“BY repealing and reenacting, without amendments,

Article – Family Law

Section 7–103(a)(8)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY adding to

Article – Family Law

Section 7–103(f)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 6, insert:

“7–103.

(a) The court may decree an absolute divorce on the following grounds:

(8) mutual consent, if:

(i) the parties do not have any minor children in common;

(ii) the parties execute and submit to the court a written settlement agreement signed by both parties that resolves all issues relating to:

1. alimony; and

2. the distribution of property, including the relief provided in §§ 8–205 and 8–208 of this article;

(iii) neither party files a pleading to set aside the settlement agreement prior to the divorce hearing required under the Maryland Rules; and

(iv) both parties appear before the court at the absolute divorce hearing.

(F) (1) TO INITIATE PROCEEDINGS FOR AN ABSOLUTE DIVORCE ON THE GROUNDS OF MUTUAL CONSENT, THE PARTIES MAY JOINTLY FILE A COMPLAINT FOR ABSOLUTE DIVORCE.

(2) THE COURT OF APPEALS SHALL, BY RULE, ESTABLISH A JOINT COMPLAINT FORM AND PROCEDURES FOR FILING JOINT COMPLAINTS UNDER THIS SUBSECTION.

[(f)] (G) If a court decrees an absolute divorce on the grounds of mutual consent under subsection (a)(8) of this section, the court may:

(1) merge or incorporate the settlement agreement into the divorce decree; and

(2) modify or enforce the settlement agreement consistent with Title 8, Subtitle 1 of this article.”.

Senator Zirkin moved, duly seconded, that the Senate recede on its amendments.

Senate receded and the preceding 2 amendments were removed.

House Bill 274 – Delegate Dumais

AN ACT concerning

Family Law – Divorce – Corroboration of Testimony

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

Affirmative – 45 Negative – 1 (See Roll Call No. 1166)

The Bill was then sent to the House of Delegates.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB0274**
SPONSOR: Delegate Dumais
SUBJECT: Family Law – Divorce – Corroboration of Testimony

The Senate recesses from its position on HB0274.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.
Secretary

Read and adopted.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #75**

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

House Bill 55 – Delegate Cluster

AN ACT concerning

Baltimore County – Education – WhyTry Program

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:

House Bill 260 – Delegates Moon, Gutierrez, Kelly, Platt, Smith, and Tarlau

CONSTITUTIONAL AMENDMENT

AN ACT concerning

United States Senator, Attorney General, and Comptroller – Appointments and Special Elections to Fill a Vacancy

Favorable report adopted.

The President moved, duly seconded, to make the Bill a Special Order for the end of today's business.

The motion was adopted.

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:

House Bill 326 – Chair, Environment and Transportation Committee (By Request – Departmental – Housing and Community Development)

AN ACT concerning

Housing and Community Development – Business Lending and Neighborhood Revitalization

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:

House Bill 349 – Delegates Grammer, Adams, Afzali, Anderton, Angel, Arentz, Aumann, Beitzel, Bromwell, Buckel, Carozza, Cassilly, Chang, Ciliberti, Cluster, Cullison, Ebersole, Fennell, Fisher, Flanagan, Fraser-Hidalgo, Gaines, Ghrist, Glass, Glenn, Hammen, Hayes, Hettleman, Hill, Hornberger, S. Howard, Impallaria, Jackson, Jacobs, Jalisi, Kelly, Kipke, Kittleman, Korman, Krebs, Krimm, Lafferty, Lam, Lisanti, Long, Luedtke, Malone, Mautz, McComas, McConkey, McCray, McDonough, McKay, McMillan, Metzgar, Miele, A. Miller, W. Miller, Moon, Morales, Morgan, Otto, Parrott, Platt, Reilly, Rey, B. Robinson, S. Robinson, Rose, Rosenberg, Saab, Shoemaker, Simonaire, Smith, Stein, Sydnor, Szeliga, Tarlau, Vogt, A. Washington, West, C. Wilson, Wivell, K. Young, P. Young, and Zucker

AN ACT concerning

Education – Career Exploration and Development Activities – Caffeinated Beverages (Java Act)

HB0349/884132/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 349
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Education” insert “Baltimore County –”; in lines 2 and 3, strike “Caffeinated Beverages” and substitute “Coffee”; in lines 6 and 8, in each instance, strike “caffeinated beverages” and substitute “coffee”; in line 7, strike “the State” and substitute “Baltimore County”; and in line 10, after “school” insert “in Baltimore County”.

AMENDMENT NO. 2

On page 2, after line 5, insert:

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

in line 6, before “**AN**” insert “**(B)**”; in line 7, strike “**CAFFEINATED BEVERAGES**” and substitute “**COFFEE**”; and in line 8, strike “**IN THE STATE**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 516 – Delegate Glass

AN ACT concerning

Harford County – Archery Hunting – Safety Zone

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:

House Bill 797 – Chair, Environment and Transportation Committee (By Request – Departmental – Environment)

AN ACT concerning

Nontidal Wetlands – Nontidal Wetland Mitigation Banking

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:

House Bill 852 – Delegates Lisanti, Fennell, and Tarlau

AN ACT concerning

Local Government – Municipal Elections – Tie Votes

HB0852/314032/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 852

(Third Reading File Bill)

On page 1, strike beginning with “establish” in line 3 down through “amendment” in line 5 and substitute “fill a vacancy that resulted from a tie vote in an election for a municipal office within a certain number of days after the date of the election”; in line 16, strike “(A)”; and strike beginning with “ESTABLISH” in line 16 down through “OFFICER” in line 17 and substitute “FILL A VACANCY THAT RESULTED FROM A TIE VOTE IN AN ELECTION FOR A MUNICIPAL OFFICE WITHIN 90 DAYS AFTER THE DATE OF THE ELECTION”.

On page 2, strike in their entirety lines 1 and 2.

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:

House Bill 1068 – Delegates Hammen, Clippinger, and Lierman

AN ACT concerning

Baltimore City – Alcoholic Beverages – Pub Crawl Promoter’s Permits**HB1068/724732/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1068

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “permit” insert “and provide a completed application and any other document that the Board requires”; in line 10, strike “and pay a certain fee” and substitute “; requiring the Board to take a certain action within a certain time period”; in line 14, strike “a”; and in the same line, strike “penalty” and substitute “penalties; defining certain terms”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 15 through 18, inclusive, and substitute:

“(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “PUB CRAWL” MEANS AN EVENT IN WHICH:

(I) AN ORGANIZED GROUP OF AT LEAST THREE LICENSE HOLDERS WHOSE PREMISES ARE WITHIN WALKING DISTANCE OF EACH OTHER PARTICIPATES IN A COORDINATED PROMOTION TO SELL OR PROVIDE ALCOHOLIC BEVERAGES DURING A SPECIFIED TIME; AND

(II) AT LEAST 75 INDIVIDUALS ARE REASONABLY ANTICIPATED TO PARTICIPATE.

(3) “PUB CRAWL PROMOTER” MEANS AN INDIVIDUAL, A FOR-PROFIT ORGANIZATION, OR A NONPROFIT ORGANIZATION THAT CONDUCTS A PUB CRAWL.”;

in line 20, strike “FOR-PROFIT ORGANIZATION OR A NONPROFIT ORGANIZATION” and substitute “PUB CRAWL PROMOTER OR A PARTICIPATING LICENSE HOLDER ON BEHALF OF A PUB CRAWL PROMOTER”; in line 21, strike “ORGANIZATION” and substitute “PUB CRAWL PROMOTER”; in line 25, strike “ISSUE” and substitute “GRANT”; in line 28, strike “ISSUED” and substitute “GRANTED”; in line 30, strike “AND”; and strike line 32 in its entirety.

On page 3, strike lines 1 through 4, inclusive, and substitute:

“BOARD; AND

(III) PROVIDE A COMPLETED APPLICATION THAT:

1. IS SIGNED AND DATED BY EACH LICENSE HOLDER THAT WILL PARTICIPATE IN THE PUB CRAWL;

2. LISTS EACH PREMISES FOR WHICH THE PUB CRAWL WILL BE HELD; AND

3. IS ACCOMPANIED BY ANY OTHER DOCUMENT THAT THE BOARD REQUIRES.

(3) AN APPLICATION MAY NOT BE ALTERED WITHIN 30 DAYS BEFORE THE PUB CRAWL IS SCHEDULED TO TAKE PLACE.

(4) WITHIN 14 DAYS AFTER RECEIVING AN APPLICATION, THE BOARD SHALL GRANT OR DENY THE PERMIT OR REQUEST MORE INFORMATION FROM THE APPLICANT.”.

On page 3, in line 5, strike “PERMIT HOLDER” and substitute “PUB CRAWL PROMOTER AND PARTICIPATING LICENSE HOLDERS”; strike in their entirety lines 7 through 9, inclusive; in lines 10 and 13, strike “(G)” and “(H)”, respectively, and substitute “(F)” and “(G)”, respectively; in line 14, after “FOR” insert “:

(1)”;

in line 15, strike “PERMIT HOLDER” and substitute “PUB CRAWL PROMOTER AND PARTICIPATING LICENSE HOLDERS; AND”

(2) PROVIDING PUBLIC NOTICE OF A PUB CRAWL AT THE PREMISES OF PARTICIPATING LICENSE HOLDERS BY THE PUB CRAWL PROMOTER OR PARTICIPATING LICENSE HOLDERS”;

strike in their entirety lines 16 and 17, and substitute:

“(H) (1) THE APPLICATION FEE IS \$50, PAYABLE ON THE SUBMISSION OF THE APPLICATION.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE PERMIT FEE, PAYABLE WHEN THE PERMIT IS GRANTED, IS:

1. \$120; AND

2. \$100 FOR EACH LICENSE HOLDER THAT PARTICIPATES IN THE PUB CRAWL.

(II) ON RECEIPT OF AN APPLICATION, THE BOARD MAY REDUCE THE PERMIT FEE BY NOT MORE THAN 50% IF THE APPLICANT SHOWS THAT THE PROCEEDS FROM THE PUB CRAWL AFTER ADMINISTRATIVE EXPENSES ARE DEDUCTED SHALL BE USED TO BENEFIT AN ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.”.

On page 4, in line 4, after “(C)” insert “(1)”; in line 5, after “PRODUCING,” insert “FACILITATING,”; in lines 5 and 6, strike “WITHOUT OBTAINING” and substitute “WITH THE KNOWLEDGE OR A REASON TO KNOW THAT”; in line 6, strike “AS”; in line 7, after “TITLE” insert “HAS NOT BEEN OBTAINED”; and after line 8, insert:

“(2) A PERSON WHO VIOLATES § 12-1101.1 OF THIS TITLE MAY NOT BE GRANTED A PROMOTER’S PERMIT FOR AT LEAST 1 YEAR.”.

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 #49

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

House Bill 437 – Delegates Barron, Hammen, Jackson, Lisanti, Sample–Hughes, ~~and K. Young~~ K. Young, Angel, Bromwell, Hayes, Kelly, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Oaks, Pena–Melnyk, Pendergrass, Rose, Saab, and West

AN ACT concerning

Department of Health and Mental Hygiene – Prescription Drug Monitoring Program – Modifications

HB0437/877079/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 437

(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, after line 28, insert:

“BY repealing and reenacting, with amendments,

Article – Health – General

Section 21–2A–09(b)(3)

Annotated Code of Maryland

(2015 Replacement Volume)

(As enacted by Section 4 of this Act)”.

AMENDMENT NO. 2

On page 13, after line 19, insert:

“21–2A–09.

(b) (3) A prescriber or pharmacist who violates § 21–2A–04.1 OR § 21–2A–04.2 of this subtitle shall be subject to disciplinary action by the appropriate licensing entity.”.

On page 20, in lines 15 and 16, strike “OR § 21–2A–04.2”.

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:

House Bill 571 – Delegates Barkley and W. Miller

AN ACT concerning

Gas Companies – Rate Regulation – Environmental Remediation Costs

HB0571/827773/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 571

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after the semicolon, insert “requiring certain financial benefit accruing to a gas company to be credited to certain customers under a certain circumstance and in a certain manner; defining a certain term;”.

AMENDMENT NO. 2

On page 2, after line 28, insert:

“(C) (1) IN THIS SUBSECTION, “FINANCIAL BENEFIT” INCLUDES ANY MONETARY GAIN ON THE CONVEYANCE OF REAL PROPERTY, OR ANY PORTION OF REAL PROPERTY THAT WAS SUBJECT TO ENVIRONMENTAL REMEDIATION, TO A THIRD PARTY AND ANY OTHER FINANCIAL BENEFIT OF THE PROPERTY OR PORTION OF THE PROPERTY THAT SUBSEQUENTLY INURES TO THE GAS COMPANY, INCLUDING INCOME FROM RENTALS AND TAX CREDITS, DEDUCTIONS, OR OTHER FINANCIAL BENEFITS, LESS ANY ENVIRONMENTAL REMEDIATION COSTS RELATING TO THE PROPERTY THAT THE GAS COMPANY WAS NOT ALLOWED TO RECOVER FROM THE GAS COMPANY’S CUSTOMERS.

(2) IF A GAS COMPANY IS ALLOWED TO RECOVER ENVIRONMENTAL REMEDIATION COSTS UNDER THIS SECTION, ANY FINANCIAL BENEFIT ACCRUING TO THE GAS COMPANY AS A RESULT OF THE REMEDIATION OF REAL PROPERTY SHALL BE CREDITED TO THE GAS COMPANY'S CUSTOMERS IN A MANNER DETERMINED BY THE COMMISSION."

The preceding 2 amendments were read only.

Senator Middleton moved, duly seconded, to make the Bill and Amendments a Special Order for the end of today's business.

The motion was adopted.

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

House Bill 1385 – ~~Delegate Morhaim~~ Delegates Morhaim, Hammen, Angel, Barron, Bromwell, Cullison, Hayes, Hill, Kelly, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Oaks, Pena-Melnyk, Pendergrass, Rose, Saab, Sample-Hughes, West, and K. Young

AN ACT concerning

Public Health – ~~Electronic Advance Directives – Witness Requirements, Information Sheet, and Repository Services~~ Procedures, Information Sheet, and Use of Electronic Advance Directives

HB1385/697074/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1385

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 19, after "directives;" insert "repealing the Advance Directive Registry in the Department; establishing an Advance Directive Program in the Department; repealing certain powers and duties of the Secretary of Health and Mental Hygiene and the Department relating to the Registry; authorizing the Secretary to adopt certain regulations for the Program; authorizing an individual to register an advance directive with a certain advance directives service; requiring a registrant to provide certain notice to a certain advance directives service under certain circumstances; requiring a health care provider to provide a registrant with certain information under certain

circumstances; providing that an individual is not required to submit an advance directive to a certain advance directives service; requiring the Department to take certain actions before accepting an advance directive into a certain advance directives service; establishing certain immunity for a health care provider for failing to access a certain advance directives service or relying on information provided by a certain advance directives service; altering a certain definition; repealing a certain definition.”; in line 23, strike “Registry” and substitute “Program”; and strike in their entirety lines 42 and 43 and substitute “Section 5–602(a) and (c), 5–615; 5–619 through 5–623, 5–625, and 5–626 to be under the amended part “Part II. Advance Directive Program”; 13–406, and 15–109.1””.

On page 3, strike in their entirety lines 1 through 5, inclusive; and after line 10, insert:

“BY repealing

Article – Health – General

Section 5–624

Annotated Code of Maryland

(2015 Replacement Volume)”.

AMENDMENT NO. 2

On page 4, strike beginning with “USING” in line 22 down through “ESTABLISHED” in line 24; and strike beginning with the semicolon in line 26 down through “COMMISSION” in line 28.

On page 8, after line 1, insert:

“Part II. Advance Directive [Registry] PROGRAM.

5–619.

(a) In this Part II of this subtitle the following words have the meanings indicated.

(b) “Advance directive” has the meaning stated in § 5–601 of this subtitle.

(c) “Registrant” means an individual who registers an advance directive with [the Department] AN ELECTRONIC ADVANCE DIRECTIVES SERVICE RECOGNIZED BY THE MARYLAND HEALTH CARE COMMISSION.

[(d) “Registry” means the repository for advance directives in the Department.];

in line 3, strike “Registry” and substitute “PROGRAM”; after line 3, insert:

“5-621.

The Secretary may adopt regulations to ensure the efficient operation of the [Registry] PROGRAM.”;

strike in their entirety lines 5 through 12, inclusive; in lines 13 and 23, strike “(C)” and “(D)”, respectively, and substitute “(A)” and “(B)”, respectively; and in line 24, strike “the Registry” and substitute “AN ELECTRONIC ADVANCE DIRECTIVES SERVICE RECOGNIZED BY THE MARYLAND HEALTH CARE COMMISSION”.

On page 10, after line 6, insert:

“5-623.

(a) An individual may register AN ADVANCE DIRECTIVE with [the Department an advance directive] AN ELECTRONIC ADVANCE DIRECTIVES SERVICE RECOGNIZED BY THE MARYLAND HEALTH CARE COMMISSION.

(b) (1) The registrant shall notify the [Registry] ELECTRONIC ADVANCE DIRECTIVES SERVICE RECOGNIZED BY THE MARYLAND HEALTH CARE COMMISSION if the registrant has amended or revoked a registered advance directive.

(2) A health care provider that becomes aware that a registrant has amended or revoked a registered advance directive shall, at the request of the registrant, provide the registrant with information on how to notify the [Registry] ELECTRONIC ADVANCE DIRECTIVES SERVICE RECOGNIZED BY THE MARYLAND HEALTH CARE COMMISSION.

(c) An individual is not required to submit an advance directive to [the Registry] AN ELECTRONIC ADVANCE DIRECTIVES SERVICE RECOGNIZED BY THE MARYLAND HEALTH CARE COMMISSION.

(d) Nothing in this Part II of this subtitle affects the validity of an advance directive that is not submitted to [the Registry] AN ELECTRONIC ADVANCE DIRECTIVES SERVICE RECOGNIZED BY THE MARYLAND HEALTH CARE COMMISSION.

[5-624.

(a) The Registry shall consist of a secure, electronic database to which authorized access is available 24 hours per day, 7 days per week.

(b) The Secretary shall specify in regulations the persons who are authorized to access the Registry, including:

(1) The registrant or the registrant’s designee; and

(2) Representatives of a health care facility in which a registrant is receiving health care.

(c) The Secretary shall adopt regulations regarding access to the Registry, including procedures to protect confidential information.

(d) The Department may perform evaluations of the Registry.]

[5–625.] 5–624.

Before accepting an advance directive into [the Registry] AN ELECTRONIC ADVANCE DIRECTIVES SERVICE RECOGNIZED BY THE MARYLAND HEALTH CARE COMMISSION, the Department shall review and verify that the advance directive includes:

(1) The signature of the declarant;

(2) The date on which the advance directive was signed by the declarant;

and

(3) The signature of two witnesses as provided in § 5–602(c) of this subtitle.

[5–626.] 5–625.

A health care provider is not subject to criminal prosecution or civil liability or deemed to have engaged in unprofessional conduct as determined by the appropriate licensing authority for:

(1) Failure to access [the Registry] AN ELECTRONIC ADVANCE DIRECTIVES SERVICE RECOGNIZED BY THE MARYLAND HEALTH CARE COMMISSION; or

(2) Relying on information provided by [the Registry] AN ELECTRONIC ADVANCE DIRECTIVES SERVICE RECOGNIZED BY THE MARYLAND HEALTH CARE COMMISSION.”;

and in line 15, strike "REGISTRY" and substitute "PROGRAM".

On page 12, strike in their entirety lines 20 through 24, inclusive; in line 25, strike "(1)" and substitute "(2)"; in the same line, strike "ESTABLISHED" and substitute "BE ESTABLISHED"; and strike beginning with "AND" in line 27 down through "(4)" in line 30 and substitute "(3)".

On page 13, in line 1, strike "(5)" and substitute "(4)".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #50

CONSENT CALENDAR #69

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

BILL NO.	REPORT	SPONSOR	CONTENT
<u>FAVORABLE</u>			
HB 900	FAV	Del. Frick	Motor Vehicle Insurance – Personal Injury Protection – Rejection of Coverage
HB 912	FAV	Del. Frick	Motor Vehicle Insurance – Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured

Favorable report adopted on all of the preceding bills.

The preceding bills were read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #41

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

House Bill 488 – Delegates Morgan, Adams, Anderson, Arentz, Aumann, Buckel, Cassilly, Folden, Hayes, Kittleman, Krebs, Lierman, Malone, McConkey, McKay, McMillan, W. Miller, Parrott, Rose, Shoemaker, B. Wilson, C. Wilson, and P. Young

AN ACT concerning

Property Tax – Property Transferred to New Owner – Appeals

HB0488/139334/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 488

(Third Reading File Bill)

On page 1, strike beginning with “providing” in line 5 down through “time;” in line 7.

On page 3, strike in their entirety lines 4 through 13, inclusive.

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:

House Bill 1363 – Delegates McMillan, Metzgar, Miele, Reilly, Simonaire, A. Washington, and M. Washington

AN ACT concerning

Property Tax – Appeals – Provision of Information to Taxpayers

HB1363/249134/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 1363

(Third Reading File Bill)

On page 1, strike beginning with “requiring” in line 17 down through “board;” in line 20.

On page 2, strike in their entirety lines 28 through 32, inclusive.

On page 3, in line 1, strike “(3)” and substitute “(2)”.

On page 4, strike in their entirety lines 1 through 5, inclusive; and in line 6, strike “(III)” and substitute “(II)”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1446 – Delegate McComas

AN ACT concerning

**State Department of Assessments and Taxation – Registering Entity Names –
Limitations**

HB1446/409337/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1446

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike “Registering Entity Names – Limitations” and substitute “Recordation of Governing and Charter Documents – Prohibitions”; strike beginning with “certain” in line 4 down through “with” in line 10 and substitute “a person from causing to be recorded a governing document or charter document of an entity that the person knows is not authorized by a certain individual or that otherwise does not conform to State law; authorizing a person who believes that a governing document or charter document was recorded in violation of a certain provision of this Act to submit a”

certain affidavit to the State Department of Assessments and Taxation; requiring the Department to send a certain notice, in a certain manner, to a certain resident agent under certain circumstances; requiring the Department to adopt by regulation and make available forms of certain affidavits; authorizing the Department to void a governing document or charter document under certain circumstances; requiring the Department to send a certain notice to certain persons, in a certain manner, if the Department voids a governing document or charter document and if the Department receives a certain affidavit; authorizing a person who disagrees with a certain determination made by the Department to file a certain petition in a certain circuit court; prohibiting the Department from being joined as a party to a certain proceeding; requiring the prevailing party in a certain proceeding and the Department to take certain actions if the circuit court determines that the governing document or charter document was recorded in violation of a certain provision of this Act; authorizing the circuit court to award certain damages, fees, and costs to the prevailing party in a certain proceeding; prohibiting the Department from charging a certain fee or refunding a certain fee; authorizing the Department to adopt certain regulations; and generally relating to the recordation of governing documents and charter documents by”; and in line 13, strike “1–509” and substitute “1–201.1”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 19 on page 1 through line 10 on page 2, inclusive.

On page 2, after line 14, insert:

“1–201.1.

(A) A PERSON MAY NOT CAUSE TO BE RECORDED UNDER THIS SUBTITLE A GOVERNING DOCUMENT OR CHARTER DOCUMENT OF AN ENTITY THAT THE PERSON KNOWS:

(1) IS NOT AUTHORIZED BY AT LEAST ONE INDIVIDUAL WHOSE NAME IS INCLUDED IN THE ENTITY NAME; OR

(2) DOES NOT OTHERWISE CONFORM TO STATE LAW.

(B) (1) A PERSON WHO BELIEVES THAT A GOVERNING DOCUMENT OR CHARTER DOCUMENT WAS RECORDED IN VIOLATION OF SUBSECTION (A) OF THIS

SECTION MAY SUBMIT TO THE DEPARTMENT AN AFFIDAVIT STATING THE FACTUAL BASIS FOR THE PERSON'S BELIEF.

(2) IF THE DEPARTMENT RECEIVES AN AFFIDAVIT FROM A PERSON UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL SEND TO THE RESIDENT AGENT OF THE ENTITY FOR WHICH THE GOVERNING DOCUMENT OR CHARTER DOCUMENT WAS FILED FOR RECORDATION A NOTICE THAT:

(i) INCLUDES A COPY OF THE GOVERNING DOCUMENT OR CHARTER DOCUMENT;

(ii) INDICATES THE DEPARTMENT IDENTIFICATION NUMBER ASSOCIATED WITH THE ENTITY;

(iii) STATES THE PROHIBITION UNDER SUBSECTION (A) OF THIS SECTION;

(iv) STATES THAT THE DEPARTMENT HAS REASON TO BELIEVE THAT THE GOVERNING DOCUMENT OR CHARTER DOCUMENT HAS BEEN FILED FOR RECORDATION IN VIOLATION OF SUBSECTION (A) OF THIS SECTION AND DESCRIBES THE FACTUAL BASIS FOR THAT BELIEF; AND

(v) ADVISES THAT THE GOVERNING DOCUMENT OR CHARTER DOCUMENT MAY BE VOIDED BY THE DEPARTMENT UNLESS, WITHIN 45 DAYS AFTER THE NOTICE IS SENT BY THE DEPARTMENT, THE RESIDENT AGENT OR OTHER AUTHORIZED PERSON SUBMITS TO THE DEPARTMENT AN AFFIDAVIT THAT:

1. STATES THE RESIDENT AGENT'S OR OTHER AUTHORIZED PERSON'S BELIEF THAT THE GOVERNING DOCUMENT OR CHARTER DOCUMENT DOES NOT VIOLATE SUBSECTION (A) OF THIS SECTION; AND

2. PROVIDES THE FACTUAL BASIS FOR THAT BELIEF.

(3) THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL BE SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND BY FIRST-CLASS MAIL, TO

THE ENTITY'S RESIDENT AGENT AT THE ADDRESS PROVIDED FOR THE RESIDENT AGENT IN THE GOVERNING DOCUMENT OR CHARTER DOCUMENT.

(C) (1) THE DEPARTMENT SHALL ADOPT BY REGULATION AND MAKE AVAILABLE FORMS OF THE AFFIDAVITS THAT MUST BE USED FOR THE PURPOSES DESCRIBED IN SUBSECTION (B)(1) AND (B)(2)(V) OF THIS SECTION.

(2) THE FORMS SHALL REQUIRE THAT THE AFFIDAVITS BE SWORN UNDER THE PENALTIES OF PERJURY.

(D) (1) THE DEPARTMENT MAY VOID A GOVERNING DOCUMENT OR CHARTER DOCUMENT AFTER THE EXPIRATION OF THE 45-DAY PERIOD SPECIFIED IN THE NOTICE REQUIRED UNDER SUBSECTION (B)(2)(V) OF THIS SECTION IF THE DEPARTMENT DOES NOT RECEIVE FROM THE ENTITY'S RESIDENT AGENT OR OTHER AUTHORIZED PERSON AN AFFIDAVIT THAT:

(I) STATES THE RESIDENT AGENT'S OR OTHER AUTHORIZED PERSON'S BELIEF THAT THE GOVERNING DOCUMENT OR CHARTER DOCUMENT DOES NOT VIOLATE SUBSECTION (A) OF THIS SECTION; AND

(II) PROVIDES THE FACTUAL BASIS FOR THAT BELIEF.

(2) IF THE DEPARTMENT VOIDS A GOVERNING DOCUMENT OR CHARTER DOCUMENT UNDER THIS SUBSECTION, THE DEPARTMENT PROMPTLY SHALL SEND NOTICE OF THE VOIDING TO ALL PERSONS WHO SUBMITTED AFFIDAVITS IN ACCORDANCE WITH SUBSECTION (B)(1) OF THIS SECTION.

(E) (1) IF THE DEPARTMENT RECEIVES AN AFFIDAVIT IN RESPONSE TO THE NOTICE SENT BY THE DEPARTMENT UNDER SUBSECTION (B)(2) OF THIS SECTION, THE DEPARTMENT SHALL SEND A NOTICE STATING THAT THE DEPARTMENT WILL TAKE NO FURTHER ACTION UNLESS A COURT OF COMPETENT JURISDICTION ORDERS THE DEPARTMENT TO TAKE FURTHER ACTION.

(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SENT IN THE SAME MANNER REQUIRED FOR THE NOTICE SENT UNDER SUBSECTION (B)(2)(V) OF THIS SECTION TO:

(I) THE PERSON WHO FILED THE AFFIDAVIT DESCRIBED IN SUBSECTION (B)(1) OF THIS SECTION; AND

(II) THE ENTITY'S RESIDENT AGENT.

(F) (1) A PERSON WHO DISAGREES WITH A DETERMINATION MADE BY THE DEPARTMENT UNDER SUBSECTION (E)(1) OF THIS SECTION MAY FILE A PETITION IN THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE PERSON RESIDES OR IN WHICH THE RESIDENT AGENT IS LOCATED, SEEKING A DETERMINATION OF THE VALIDITY OF THE GOVERNING DOCUMENT OR CHARTER DOCUMENT.

(2) THE DEPARTMENT MAY NOT BE JOINED AS A PARTY TO A PROCEEDING UNDER THIS SUBSECTION.

(3) IF THE COURT DETERMINES THAT THE GOVERNING DOCUMENT OR CHARTER DOCUMENT WAS RECORDED IN VIOLATION OF SUBSECTION (A) OF THIS SECTION:

(I) THE COURT SHALL ORDER THAT THE RECORDED GOVERNING DOCUMENT OR CHARTER DOCUMENT BE VOIDED; AND

(II) THE PREVAILING PARTY SHALL PROVIDE A COPY OF THE ORDER TO THE DEPARTMENT.

(4) ON RECEIPT OF A COURT ORDER REQUIRING VOIDING OF A RECORDED GOVERNING DOCUMENT OR CHARTER DOCUMENT, THE DEPARTMENT SHALL:

(I) VOID THE GOVERNING DOCUMENT OR CHARTER DOCUMENT; AND

(II) FILE A RECORD INDICATING THAT THE GOVERNING DOCUMENT OR CHARTER DOCUMENT WAS VOIDED IN ACCORDANCE WITH A COURT ORDER.

(5) THE COURT MAY AWARD TO THE PREVAILING PARTY IN A PROCEEDING UNDER THIS SUBSECTION:

(I) DAMAGES SUSTAINED BY THE PREVAILING PARTY; AND

(II) REASONABLE ATTORNEY’S FEES AND COSTS.

(G) THE DEPARTMENT MAY NOT:

(1) CHARGE A FEE TO CARRY OUT ITS OBLIGATIONS UNDER THIS SECTION, INCLUDING FOR THE SENDING OF ANY NOTICES REQUIRED UNDER THIS SECTION; OR

(2) REFUND ANY FEE PAID FOR RECORDING A GOVERNING DOCUMENT OR CHARTER DOCUMENT VOIDED UNDER THIS SECTION.

(H) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT 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.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #33

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 336 – Delegates Vallario, Anderson, Atterbeary, Carter, Conaway, Dumais, Glass, Kittleman, Moon, Morales, Rosenberg, Sanchez, Smith, Sydnor, Tarlau, and Valentino-Smith

AN ACT concerning

Criminal Procedure – Seizure and Forfeiture

HB0336/708579/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 336

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “altering” in line 3 down through “forfeiture” in line 4 and substitute “authorizing the forfeiture of certain property under certain circumstances; repealing a certain provision authorizing the forfeiture of certain money or weapons relating to possession of a controlled dangerous substance”; strike beginning with “prohibiting” in line 5 down through “replevin” in line 20 and substitute “requiring that a certain seizing authority provide a receipt for property on seizure that includes certain information; requiring that a certain seizing authority mail notice with certain information to the owner of seized property within a certain time; authorizing the owner of certain seized property to make a request for return of the seized property within a certain time; requiring a seizing authority to take certain actions in response to a certain request; altering the circumstances by which a certain law enforcement agency may transfer seized property to a certain federal law enforcement agency; prohibiting the construction of a certain provision of law in a certain manner; altering the time in which a complaint for forfeiture of money must be filed; requiring that a certain forfeiting authority return property to an owner if a complaint for forfeiture is not filed in a certain time under certain circumstances; prohibiting the use of a certain statement regarding seized property from use in a criminal prosecution except under certain circumstances; requiring that a certain amount of forfeiture proceeds be appropriated to the Department of Health and Mental Hygiene to fund certain drug programs”; in line 22, strike “each individual seizure and forfeiture” and substitute “certain seizures and forfeitures”; and in line 23, strike “under State or federal forfeiture law”.

On page 1 in line 21 and on page 2 in lines 1, 2, 8, 12 and 13, and 17, in each instance, strike “law enforcement agency” and substitute “seizing authority”.

On page 2, in lines 10 and 11, strike “law enforcement agencies” and substitute “seizing authorities”; in line 22, after “12-102(a)” insert “12-104, and 12-212”; in line 28, after “12-203” insert “and 12-304”; in line 33, strike beginning with “12-103(f)” through “13-602” and substitute “12-313 and 12-405; and 12-601 and 12-602”; and after line 36, insert:

“BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 12–312

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)

(As enacted by Chapter 5 of the Acts of the General Assembly of 2016)”.

AMENDMENT NO. 2

On page 3, in line 15, strike “money or”; in line 31, strike “directly connected to” and substitute “USED OR INTENDED TO BE USED IN CONNECTION WITH”; in the same line, after “unlawful” insert “MANUFACTURE,”; and in the same line, after “distribution” insert “, OR DISPENSING”.

AMENDMENT NO. 3

On page 4, strike line 10 in its entirety.

On page 5, strike in their entirety lines 22 through 29, inclusive, and substitute:

“12–104.

(a) AT THE TIME OF SEIZURE, THE SEIZING AUTHORITY SHALL PROVIDE A RECEIPT TO THE PERSON FROM WHOM THE PROPERTY WAS SEIZED, THAT INCLUDES:

(1) A DETAILED DESCRIPTION OF THE PROPERTY;

(2) A CASE NUMBER, PROPERTY INVENTORY NUMBER, OR ANY OTHER REFERENCE NUMBER USED BY THE SEIZING AUTHORITY TO CONNECT THE PROPERTY TO THE CIRCUMSTANCES OF THE SEIZURE;

(3) THE NAME AND CONTACT INFORMATION OF AN INDIVIDUAL OR OFFICE WITHIN THE SEIZING AUTHORITY THAT CAN PROVIDE INFORMATION CONCERNING THE SEIZED PROPERTY;

(4) NOTICE THAT THE OWNER OF THE PROPERTY MAY MAKE A WRITTEN REQUEST FOR RETURN OF THE SEIZED PROPERTY; AND

(5) NOTICE THAT WITHIN 60 DAYS AFTER RECEIPT OF A WRITTEN REQUEST FOR RETURN OF THE SEIZED PROPERTY, THE SEIZING AUTHORITY WILL

DECIDE WHETHER TO RETURN THE PROPERTY AND NOTIFY THE OWNER OF THE DECISION.

(B) [Within 30] IF THE PERSON WHO RECEIVED A RECEIPT UNDER SUBSECTION (A) OF THIS SECTION IS NOT THE OWNER OF THE PROPERTY, WITHIN 15 days after the seizure of property by a seizing authority, the seizing authority shall send by first-class mail written information to the owner of the seized property, if known, providing:

(1) the location and description of the seized property; and

(2) the name and contact information of an individual or office within the seizing authority that can provide further information concerning the seized property, including information on how the property may be returned to the owner.

[(b)] (C) The written information DISTRIBUTED BY A SEIZING AUTHORITY AS required under this section shall state: "Seizure and forfeiture of property is a legal matter. Nothing in this document may be construed as legal advice. You may wish to consult an attorney concerning this matter.".

AMENDMENT NO. 4

On page 6, in line 1, after "authority," insert "AND, UNLESS RETURNED TO THE OWNER AS PROVIDED IN SUBSECTION (C) OF THIS SECTION OR § 12-207 OF THIS SUBTITLE, IS"; after line 4, insert:

"(C) (1) THE OWNER OF SEIZED PROPERTY MAY MAKE A WRITTEN REQUEST TO THE SEIZING AUTHORITY FOR THE RETURN OF THE SEIZED PROPERTY.

(2) WITHIN 60 DAYS AFTER RECEIPT OF A WRITTEN REQUEST UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE SEIZING AUTHORITY SHALL MAKE A DECISION AS TO THE DISPOSITION OF THE SEIZED PROPERTY AND SHALL NOTIFY THE OWNER THAT:

(1) THE SEIZING AUTHORITY DOES NOT HAVE CUSTODY OF THE PROPERTY AND SHALL PROVIDE CONTACT INFORMATION FOR THE LAW ENFORCEMENT AGENCY THAT DOES HAVE CUSTODY OF THE PROPERTY;

(II) THE SEIZING AUTHORITY DOES HAVE CUSTODY OF THE PROPERTY AND WILL FILE A COMPLAINT FOR FORFEITURE;

(III) THE SEIZING AUTHORITY DOES HAVE CUSTODY OF THE PROPERTY AND WILL RETAIN IT FOR EVIDENTIARY PURPOSES UNTIL AFTER THE CONCLUSION OF A CRIMINAL CASE; OR

(IV) THE SEIZING AUTHORITY DOES HAVE CUSTODY OF THE PROPERTY AND WILL PROMPTLY RETURN THE PROPERTY TO THE OWNER.”.

AMENDMENT NO. 5

On pages 6 and 7, strike in their entirety the lines beginning with line 5 on page 6 through line 12 on page 7, inclusive, and substitute:

“12–212.

A seizing authority or prosecuting authority may not directly or indirectly transfer seized property to a federal law enforcement authority or agency unless:

(1) a criminal case related to the seizure is prosecuted in the federal court system under federal law; [or]

(2) the owner of the property consents to the forfeiture;

(3) THE PROPERTY IS CASH OF AT LEAST \$50,000; OR

(4) THE SEIZING AUTHORITY TRANSFERS THE PROPERTY TO A FEDERAL AUTHORITY UNDER A FEDERAL SEIZURE WARRANT ISSUED TO TAKE CUSTODY OF ASSETS ORIGINALLY SEIZED UNDER STATE LAW.

12–304.

(a) Except as provided under subsections (b), [and] (c), AND (D) of this section, a complaint seeking forfeiture shall be filed within the earlier of:

(1) 90 days after the seizure; or

(2) 1 year after the final disposition of the criminal charge for the violation giving rise to the forfeiture.

(b) A complaint for the forfeiture of a motor vehicle shall be filed within 45 days after the motor vehicle is seized.

(c) IF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE DOES NOT FILE A TIMELY COMPLAINT SEEKING FORFEITURE UNDER SUBSECTION (A) OR (B) OF THIS SECTION, THE PROPERTY SHALL BE PROMPTLY RELEASED TO THE OWNER, IF KNOWN.

(D) (1) A proceeding about money shall be filed within 90 days after the final disposition of criminal proceedings that arise out of the Controlled Dangerous Substances law.

(2) If the State or a political subdivision does not file proceedings about money within the 90-day period, the money seized under this title shall be returned to the owner on request by the owner.

(3) If the owner fails to ask the return of the money within 1 year after the final disposition of criminal proceedings, as provided under § 12-403 of this title, the money shall revert to:

- (i) the political subdivision in which the money was seized; or
- (ii) the State, if the money was seized by State authorities.

12-312.

(a) Except as provided in subsection (b) of this section, property or part of a property in which a person has an ownership interest is subject to forfeiture as proceeds, if the State establishes by clear and convincing evidence that:

(1) the person has violated §§ 5-602 through 5-609, §§ 5-612 through 5-614, § 5-617, § 5-618, or § 5-628 of the Criminal Law Article or has attempted or conspired to violate Title 5 of the Criminal Law Article;

(2) the property was acquired by the person during the violation or within a reasonable time after the violation; and

(3) there was no other likely source for the property.

(b) Real property used as the principal family residence may not be forfeited under this section unless:

(1) an owner of the real property was convicted of a crime described under subsection (a)(1) of this section; or

(2) the real property is covered by § 12-103(d)(2) of this title.

12-313.

EXCEPT FOR PURPOSES OF IMPEACHMENT, A STATEMENT MADE BY A PERSON REGARDING OWNERSHIP OF SEIZED PROPERTY DURING THE COURSE OF A FORFEITURE PROCEEDING IS NOT ADMISSIBLE IN A RELATED CRIMINAL PROSECUTION.

12-405.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE GOVERNOR SHALL APPROPRIATE 20% OF THE PROCEEDS DEPOSITED IN THE GENERAL FUND OF THE STATE UNDER THIS SUBTITLE TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR THE PURPOSE OF FUNDING DRUG TREATMENT AND EDUCATION PROGRAMS.

AMENDMENT NO. 6

On page 7, in lines 14 and 26, strike “**13-601.**” and “**13-602.**”, respectively, and substitute “**12-601.**” and “**12-602.**”, respectively; strike in their entirety lines 19 through 23, inclusive; in line 24, strike “**(D)**” and substitute “**(C)**”; in line 27, strike “**LAW ENFORCEMENT AGENCY**” and substitute “**SEIZING AUTHORITY IN CONSULTATION WITH THE CORRESPONDING FORFEITING AUTHORITY**”; in line 28, after “**REPORT**” insert “**HOW ANY FUNDS APPROPRIATED TO THE AUTHORITY AS A RESULT OF FORFEITURE WERE SPENT IN THE PRECEDING FISCAL YEAR AND**”; and strike beginning with “**STATE**” in line 29 down through “**LAW**” in line 30 and substitute “**THIS TITLE**”.

On page 8, strike beginning with the first “THE” in line 5 down through “(4)” in line 7; strike in their entirety lines 10 through 18, inclusive, and substitute:

“(4) WHETHER A UNIT OF FEDERAL GOVERNMENT TOOK CUSTODY OF THE SEIZED PROPERTY, AND THE NAME OF THE UNIT;”;

in line 19, strike “(9)” and substitute “(5)”; in the same line, before the first “THE” insert **“FOR PROPERTY OTHER THAN MONEY,”**; and strike in their entirety lines 20 through 29, inclusive, and substitute:

“(6) IF MONEY WAS SEIZED, THE AMOUNT OF MONEY;

“(7) THE AMOUNT THE SEIZING AUTHORITY RECEIVED IN THE PRIOR YEAR FROM THE FEDERAL GOVERNMENT AS PART OF AN EQUITABLE SHARING AGREEMENT;

“(8) THE RACE AND GENDER OF THE PERSON OR PERSONS FROM WHOM THE PROPERTY WAS SEIZED, IF KNOWN; AND

“(9) WHETHER THE PROPERTY WAS RETURNED TO THE OWNER.”

On page 9, in line 5, strike “PROSECUTOR’S OFFICE” and substitute **“FORFEITING AUTHORITY”**; strike beginning with “THE” in line 6 down through “(3)” in line 9; in line 10, after “FORFEITURES” insert **“UNDER THIS TITLE”**; and in lines 14 and 18, in each instance, strike “LAW ENFORCEMENT AGENCIES” and substitute **“SEIZING AUTHORITIES”**; and in line 16, after “FORFEITURES” insert **“UNDER THIS TITLE”**.

On page 9 in lines 1, 3, 4 and 5, 9, 10, 22, and 29, and on page 10 in lines 2, 4, and 12, in each instance, strike “LAW ENFORCEMENT AGENCY” and substitute **“SEIZING AUTHORITY”**.

On page 10, in lines 9 and 10, strike “LAW ENFORCEMENT AGENCIES” and substitute **“EACH SEIZING AUTHORITY”**; and in line 10, strike “ENGAGE” and substitute **“ENGAGES”**.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 525 – Delegates Beidle, Flanagan, Fraser-Hidalgo, Frush, Lam, McCray, Stein, and Szeliga

AN ACT concerning

Vehicle Laws – Manufacturers and Dealers

HB0525/608575/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 525

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “altering the conditions under which a motor vehicle dealer’s failure to comply with certain requirements constitutes grounds for denial of a certain claim or reduction of the amount of certain compensation;”; in line 10, strike “motor vehicle”; in the same line, strike “notice, documents, or”; in line 11, after “persons;” insert “specifying that a dealer may provide certain information only to a certain customer;”; strike beginning with “prohibiting” in line 13 down through “information;” in line 14; in line 16, after “circumstances;” insert “defining a certain term;”; after line 17, insert:

“BY renumbering

Article – Transportation

Section 15–101(c) through (g), respectively

to be Section 15–101(d) through (h), respectively

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)”;

and in line 20, after “Section” insert “15–101(a) and”.

On page 2, in line 3, after “Section” insert “15–101(c) and”; in the same line, after “(13),” insert “and”; in the same line, strike “, and (15)”; in line 8, after “Section” insert “15–212(c)(10) and”; after line 10, insert:

“SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 15–101(c) through (g), respectively, of Article – Transportation of the Annotated Code of Maryland be renumbered to be Section(s) 15–101(d) through (h), respectively.”;

in line 11, strike “1.” and substitute “2. AND”; in the same line, after “IT” insert “FURTHER”; and in the same line, strike “BY THE GENERAL ASSEMBLY OF MARYLAND”.

AMENDMENT NO. 2

On page 2, after line 13, insert:

“15–101.

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

(c) “ADVERSE ACTION” MEANS:

(1) WITHHOLDING ANY CONSIDERATION RECEIVED BY A DEALER FROM A LICENSEE;

(2) WITHHOLDING A CONSUMER BENEFIT THROUGH A DEALER; OR

(3) APPOINTING OR THREATENING TO APPOINT AN ADDITIONAL DEALER WITHIN THE MARKET AREA ASSIGNED TO THE DEALER AGAINST WHOM THE ADVERSE ACTION IS TAKEN WITHOUT A COMPELLING BUSINESS JUSTIFICATION.”;

and after line 24, insert:

“(10) A dealer’s failure to comply with a [specific requirement of the manufacturer] MANUFACTURER’S or [distributor] DISTRIBUTOR’S SPECIFIC REQUIREMENTS FOR PROCESSING A CLAIM may not constitute grounds for denial of the claim or reduction of the amount of compensation paid to the dealer if the dealer presents REASONABLE documentation or other reasonable evidence to substantiate [that the repair and] the claim [were done according to manufacturer warranty guidelines].”.

On page 3, in line 22, strike the colon and substitute “TO A CUSTOMER INFORMATION GIVEN TO THE DEALER BY A MANUFACTURER RELATED TO ANY CONDITION THAT MAY SUBSTANTIALLY AFFECT MOTOR VEHICLE SAFETY, DURABILITY, RELIABILITY, OR PERFORMANCE”.

On pages 3 and 4, strike beginning with “(I)” in line 23 on page 3 down through “WWW.SAFERCAR.GOV” in line 2 on page 4.

On page 4, strike beginning with “PARAGRAPH” in line 3 down through “DEALER” in line 6 and substitute “A DEALER MAY PROVIDE THE INFORMATION SPECIFIED IN PARAGRAPH (12) OF THIS SUBSECTION ONLY TO A CUSTOMER THAT HAS:

(I) PURCHASED THE VEHICLE FOR WHICH THE INFORMATION PERTAINS FROM THE DEALER; OR

(II) HAD THE VEHICLE FOR WHICH THE INFORMATION PERTAINS SERVICED BY THE DEALER”;

and strike in their entirety lines 22 through 26, inclusive.

On page 6, in line 18, strike “2.” and substitute “3.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0525/303625/1

BY: Senator Feldman

AMENDMENTS TO HOUSE BILL 525, AS AMENDED

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Judicial Proceedings Committee Amendments (HB0525/608575/1), in lines 7 and 8 of Amendment No. 1, strike “defining a certain term.”; strike in their entirety lines 9 through 14, inclusive; in line 15, strike “15-101(a) and”; in line 16, strike “15-101(c) and”; and strike in their entirety lines 19 through 22, inclusive.

On page 2 of the Judicial Proceedings Committee Amendments, in line 1 of Amendment No. 1, strike "2. AND" and substitute "1."; and in line 2, strike "FURTHER".

On page 2 of the bill, in line 11, after "ENACTED" insert "BY THE GENERAL ASSEMBLY OF MARYLAND".

AMENDMENT NO. 2

On page 2 of the Judicial Proceedings Committee Amendments, in Amendment No. 2, strike in their entirety lines 2 through 11, inclusive.

On page 3 of the Judicial Proceedings Committee Amendments, in the last line of Amendment No. 2, strike "3." and substitute "2.".

The preceding 2 amendments were read and adopted.

Senator Klausmeier moved, duly seconded, to make the Bill a Special Order for April 9, 2016.

The motion was adopted.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 773 – Delegates Valentino–Smith, Atterbeary, and B. Wilson

AN ACT concerning

Drunk and Drugged Driving – Evidence of Blood Test

HB0773/338076/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 773

(Third Reading File Bill)

AMENDMENT NO.1

On page 1, in line 6, after the second "person" insert "and that the blood was obtained in compliance with certain provisions".

AMENDMENT NO. 2

On page 3, in line 8, after the first “PERSON” insert “AND THAT THE BLOOD WAS OBTAINED IN COMPLIANCE WITH 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 Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 1016 – The Speaker (By Request – Workgroup on Public Safety and Policing) and Delegates Anderson, Atterbeary, Clippinger, Folden, Hayes, Jackson, Oaks, Pena–Melnyk, B. Wilson, and C. Wilson

AN ACT concerning

Public Safety and Policing Workgroup – Recommendations

HB1016/938871/2

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1016

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “adding” in line 3 down through “officer;” in line 4 and substitute “prohibiting certain retaliatory action against a law enforcement officer who discloses certain information; prohibiting a law enforcement officer with knowledge of certain disclosures to undertake an independent investigation;”; in line 10, after “circumstances;” insert “authorizing the appointment to a certain hearing board a member of the public who has received certain training”; strike beginning with “altering” in line 13 down through “member;” in line 15; and in line 16, strike “, with a certain exception” and substitute “except under certain circumstances”.

On page 1 in line 20, and on page 2 in line 1, in each instance, before “Commission” insert “Maryland Police Training and Standards”.

On page 1 in line 23, on page 2 in lines 2, 3, 5, 7, 8, 11, 13, 14, and 29, and on page 3 in line 30, in each instance, before “Commission” insert “Maryland Police Training and Standards”.

On page 2, in line 1, after “Commission” insert “and the Correctional Training Commission”; in lines 9, 10, and 26, in each instance, strike “local”; strike beginning with “on” in line 15 down through “judges” in line 17 and substitute “on the Law Enforcement Officers’ Bill of Rights for certain citizens”; in line 21, strike “ensure that a certain incident report is filed by or on behalf of” and substitute “require”; in line 22, before “at” insert “to file a certain incident report”; in line 24, after “sites;” insert “authorizing a chief to prohibit certain posting of certain information under certain circumstances;”; in line 32, strike “Law Enforcement”; in lines 40 and 41, strike “a local law enforcement” and substitute “an”; and in lines 43 and 44, in each instance, strike “local law enforcement”.

On page 3, in line 1, strike “law enforcement”; strike beginning with “requiring” in line 1 down through “Fund;” in line 3; strike beginning with “prohibiting” in line 5 down through “actions;” in line 25 and substitute “allowing a subtraction modification under the State income tax for certain income earned by certain law enforcement officers in certain political subdivisions under certain circumstances; requiring the Maryland Police Training and Standards Commission on certain dates to certify to the Comptroller the political subdivisions in which the crime rate exceeds the State’s crime rate;”; and strike beginning with “providing” in line 30 down through “report;” in line 33 and substitute “declaring the intent of the General Assembly;”.

AMENDMENT NO. 2

On page 3, in line 37, after “2-201” insert “and 8-206(a)”; after line 39, insert:

“BY repealing and reenacting, without amendments,

Article – Correctional Services

Section 8-201(a) and (c)

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)”;

and in line 42, strike “3-104(b), (c).” and substitute “3-103(d), 3-104(c)”.

On page 4, in lines 8 and 9, strike beginning with “3-801” in line 8 down through the semicolon in line 9; in line 9, strike “4-604” and substitute “4-603”; in line 10, strike “Law Enforcement”; and after line 28, insert:

“BY repealing and reenacting, without amendments,

Article – Tax – General

Section 10-207(a)

Annotated Code of Maryland
(2010 Replacement Volume and 2015 Supplement)

BY adding to

Article – Tax – General
Section 10–207(cc)
Annotated Code of Maryland
(2010 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 3

On page 5, after line 13, insert:

“8–201.

- (a) In this subtitle the following words have the meanings indicated.
- (c) “Commission” means the Correctional Training Commission.

8–206.

- (a) (1) With the approval of the [Secretary] GOVERNOR, the Commission shall appoint an Executive Director.
- (2) The Executive Director shall perform general administrative functions.
- (3) The Executive Director serves at the pleasure of the Commission.”.

AMENDMENT NO. 4

On page 5, after line 14, insert:

“3–103.

(d) (1) A law enforcement officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to the law enforcement officer’s employment or be threatened with that treatment because the law enforcement officer:

[(1)] (I) has exercised or demanded the rights granted by this subtitle;
[or]

[(2)] (II) has lawfully exercised constitutional rights; OR

(III) HAS DISCLOSED INFORMATION THAT EVIDENCES:

1. GROSS MISMANAGEMENT;

2. A GROSS WASTE OF GOVERNMENT RESOURCES;

3. A SUBSTANTIAL AND SPECIFIC DANGER TO PUBLIC HEALTH OR SAFETY; OR

4. A VIOLATION OF LAW COMMITTED BY ANOTHER LAW ENFORCEMENT OFFICER.

(2) A LAW ENFORCEMENT OFFICER MAY NOT UNDERTAKE AN INDEPENDENT INVESTIGATION BASED ON KNOWLEDGE OF DISCLOSURES DESCRIBED IN PARAGRAPH (1)(III) OF THIS SUBSECTION.”;

and strike in their entirety lines 16 through 24, inclusive.

On page 6, in line 8, strike “AN UNALTERED” and substitute “A”; and in line 9, after “INCIDENT” insert “THAT, TO THE BEST OF THE INDIVIDUAL’S KNOWLEDGE, IS UNALTERED”.

On pages 7 through 9, strike in their entirety the lines beginning with line 13 on page 7 through line 23 on page 9, inclusive.

On page 9, after line 31, insert:

“(c) (1) Except as provided in paragraph [(4)] (5) of this subsection and in § 3–111 of this subtitle, the hearing board authorized under this section shall consist of at least three VOTING members who:

(i) are appointed by the chief and chosen from law enforcement officers within that law enforcement agency, or from law enforcement officers of another law enforcement agency with the approval of the chief of the other agency; and

(ii) have had no part in the investigation or interrogation of the law enforcement officer.

(2) At least one member of the hearing board shall be of the same rank as the law enforcement officer against whom the complaint is filed.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A CHIEF MAY APPOINT, AS A NONVOTING MEMBER OF THE HEARING BOARD, ONE MEMBER OF THE PUBLIC WHO HAS RECEIVED TRAINING ADMINISTERED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION ON THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS AND MATTERS RELATING TO POLICE PROCEDURES.

(II) IF AUTHORIZED BY LOCAL LAW, A HEARING BOARD FORMED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY INCLUDE UP TO TWO VOTING OR NONVOTING MEMBERS OF THE PUBLIC WHO HAVE RECEIVED TRAINING ADMINISTERED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION ON THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS AND MATTERS RELATING TO POLICE PROCEDURES.

(4) (i) If the chief is the law enforcement officer under investigation, the chief of another law enforcement agency in the State shall function as the law enforcement officer of the same rank on the hearing board.

(ii) If the chief of a State law enforcement agency is under investigation, the Governor shall appoint the chief of another law enforcement agency to function as the law enforcement officer of the same rank on the hearing board.

(iii) If the chief of a law enforcement agency of a county or municipal corporation is under investigation, the official authorized to appoint the chief's successor shall appoint the chief of another law enforcement agency to function as the law enforcement officer of the same rank on the hearing board.

(iv) If the chief of a State law enforcement agency or the chief of a law enforcement agency of a county or municipal corporation is under investigation, the official authorized to appoint the chief's successor, or that official's designee, shall function as the chief for purposes of this subtitle.

~~[(4)]~~ **(5)** (i) **1.** A law enforcement agency or the agency's superior governmental authority that has recognized and certified an exclusive collective bargaining representative may negotiate with the representative an alternative method of forming a hearing board.

2. **A HEARING BOARD FORMED UNDER THIS PARAGRAPH MAY INCLUDE UP TO TWO VOTING OR NONVOTING MEMBERS OF THE PUBLIC, APPOINTED BY THE CHIEF, WHO HAVE RECEIVED TRAINING ADMINISTERED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION ON THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS AND MATTERS RELATING TO POLICE PROCEDURES.**

(ii) A law enforcement officer may elect the alternative method of forming a hearing board if:

1. the law enforcement officer works in a law enforcement agency described in subparagraph (i) of this paragraph; and

2. the law enforcement officer is included in the collective bargaining unit.

(iii) The law enforcement agency shall notify the law enforcement officer in writing before a hearing board is formed that the law enforcement officer may elect an alternative method of forming a hearing board if one has been negotiated under this paragraph.

(iv) If the law enforcement officer elects the alternative method, that method shall be used to form the hearing board.

(v) An agency or exclusive collective bargaining representative may not require a law enforcement officer to elect an alternative method of forming a hearing board.

(vi) If the law enforcement officer has been offered summary punishment, an alternative method of forming a hearing board may not be used.

(vii) If authorized by local law, this paragraph is subject to binding arbitration."

On page 10, strike in their entirety lines 20 through 23, inclusive, and substitute:

“(e) (1) The hearing shall be:

(I) conducted by a hearing board; AND

(II) OPEN TO THE PUBLIC, UNLESS THE CHIEF FINDS A HEARING MUST BE CLOSED FOR GOOD CAUSE, INCLUDING TO PROTECT A CONFIDENTIAL INFORMANT, AN UNDERCOVER OFFICER, OR A CHILD WITNESS.”

AMENDMENT NO. 5

On page 16, in lines 27 and 28, strike “EXECUTIVE DIRECTOR OF THE MARYLAND MUNICIPAL LEAGUE” and substitute “PRESIDENT OF MARYLAND LAW ENFORCEMENT OFFICERS, INC.”.

On page 17, strike in their entirety lines 1 through 3, inclusive, and substitute:

“(10) THE POLICE COMMISSIONER OF BALTIMORE CITY;

(11) THE PRESIDENT OF THE POLICE CHIEFS’ ASSOCIATION OF PRINCE GEORGE’S COUNTY;

(12) A REPRESENTATIVE FROM THE WOR-WIC PROGRAM ADVISORY COMMITTEE – CRIMINAL JUSTICE;”;

in lines 4, 6, and 8, strike “(12)”, “(13)”, and “(14)”, respectively, and substitute “(13)”, “(14)”, and “(15)”, respectively; in line 10, strike “FIVE” and substitute “THREE”; and in lines 11 and 12, strike “RACIAL, GENDER, GEOGRAPHIC, AND OTHER FORMS OF DIVERSITY” and substitute “DIFFERENT GEOGRAPHIC AREAS OF THE STATE”.

On page 18, in line 10, strike “VOTING”.

On page 21, strike beginning with “REVIEW” in line 24 down through “REGULATION,” in line 25 and substitute “ADOPT AND RECOMMEND”; in line 29, strike “MEDIA”; and in line 32, strike the colon.

On page 22, in line 1, strike “(I)”; in line 2, strike “HAS BEEN” and substitute “WAS ACTIVELY”; in the same line, strike “A TRAUMATIC” and substitute “AN”; in the same line, after “INCIDENT” insert “WHEN ANOTHER PERSON WAS SERIOUSLY INJURED OR KILLED AS A RESULT OF AN ACCIDENT OR A SHOOTING”; strike in their entirety lines 4 through 6, inclusive; in lines 12 and 13, strike “INCLUDING INCIDENTS IN WHICH AN OFFICER IS THE VICTIM,”; in line 17, after “SUMMARY” insert “, EXCLUDING THE NAMES OF OFFICERS AND OTHER INVOLVED PARTIES,”; and strike beginning with the comma in line 29 down through the comma in line 30.

On page 23, in line 18, after “(II)” insert “REQUIRE A COMPLAINANT TO PROVIDE IDENTIFICATION, INCLUDING A TELEPHONE NUMBER OR E-MAIL ADDRESS, TO AN EXTENT SUFFICIENT FOR THE LAW ENFORCEMENT AGENCY IN QUESTION TO CONTACT THE COMPLAINANT TO VERIFY THE LEGITIMACY OF THE COMPLAINT;”; in line 21, before “REQUIRE” insert “(III)”; in the same line, strike “, IF THE COMPLAINANT IS IDENTIFIED,”; in the same line, strike “THE” and substitute “A”; in line 23, after “COMPLAINT” insert “AND ANY DISCIPLINE IMPOSED AS A RESULT”; in line 24, strike “(III)” and substitute “(IV)”; in line 27, before “MATTERS” insert “THE LAW ENFORCEMENT OFFICERS’ BILL OF RIGHTS AND”; in lines 28 and 29, strike “AND ADMINISTRATIVE LAW JUDGES”; and in line 29, before “QUALIFY” insert “INTEND TO”.

On page 23 in line 7, and on page 25 in lines 22, 25, 26, and 29, in each instance, strike “LOCAL”.

On page 24, in line 14, strike “LICENSED”; strike beginning with “ENSURE” in line 27 down through “OF” in line 28 and substitute “REQUIRE”; and in line 30, before “BY” insert “TO FILE AN INCIDENT REPORT REGARDING THE USE OF FORCE”.

On page 25, in line 2, strike “EACH” and substitute “(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EACH”; after line 8, insert:

“(B) A CHIEF MAY PROHIBIT THE POSTING UNDER THIS SECTION OF ADMINISTRATIVE OR OPERATIONAL POLICIES THAT IF DISCLOSED WOULD JEOPARDIZE OPERATIONS OR CREATE A RISK TO PUBLIC OR OFFICER SAFETY, INCLUDING POLICIES RELATED TO HIGH-RISK PRISONER TRANSPORT SECURITY MEASURES, OPERATIONAL RESPONSE TO ACTIVE SHOOTERS, OR THE USE OF CONFIDENTIAL INFORMANTS.”;

strike beginning with “IN” in line 17 down through “B” in line 22; and in line 25, strike “C” and substitute “B”.

On page 26, in lines 7 and 8, strike “, INCLUDING INCIDENTS IN WHICH AN OFFICER IS THE VICTIM”.

AMENDMENT NO. 6

On page 26, in line 23, after “MEANS” insert “:

(1)”;

in lines 25, 27, and 29, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively; and in line 29, after “COMMUNITY” insert “; OR

(2) A VIOLENCE INTERVENTION PROGRAM ESTABLISHED AND SUPPORTED BY A LOCAL LAW ENFORCEMENT AGENCY OR ANOTHER AGENCY OF A LOCAL GOVERNMENT”.

On page 26 in line 19, and on page 27 in lines 3 and 8, in each instance, strike “LAW ENFORCEMENT”.

On page 26 in line 23, and on page 27 in line 10, in each instance, strike “LAW ENFORCEMENT”.

On page 27, in line 9, after “ASSIST” insert “:

(1)”;

and in line 10, after “PROGRAMS” insert “; AND

(2) AGENCIES OF A LOCAL GOVERNMENT IN ESTABLISHING VIOLENCE INTERVENTION PROGRAMS”.

On page 28, in lines 7 and 24, in each instance, strike “LOCAL LAW ENFORCEMENT”; in line 8, strike “A LOCAL LAW ENFORCEMENT” and substitute “AN”; in lines 11, 13, 14 and 15, 22, 26, and 28 and 29, in each instance, strike “LAW ENFORCEMENT”; in line 19, after the first “TO” insert “:

(I);

in the same line, strike the second “LAW”; in line 20, strike “ENFORCEMENT”; and in the same line, after “PROGRAMS” insert “;AND”

(II) AGENCIES OF A LOCAL GOVERNMENT TO SUPPORT VIOLENCE INTERVENTION PROGRAMS”.

On page 29, in lines 3 and 6, in each instance, strike “LAW ENFORCEMENT”; strike in their entirety lines 7 through 11, inclusive; and in line 25, strike “LAW ENFORCEMENT”.

AMENDMENT NO. 7

On page 29, after line 28, insert:

“Article – Tax – General

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.

(CC) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN § 3–201 OF THE PUBLIC SAFETY ARTICLE.

(III) “LAW ENFORCEMENT OFFICER” MEANS AN INDIVIDUAL WHO:

1. IN AN OFFICIAL CAPACITY IS AUTHORIZED BY LAW TO MAKE ARRESTS; AND

2. IS A MEMBER OF A LAW ENFORCEMENT AGENCY, INCLUDING A LAW ENFORCEMENT OFFICER WHO SERVES IN A PROBATIONARY STATUS OR AT THE PLEASURE OF THE APPOINTING AUTHORITY OF A COUNTY OR MUNICIPAL CORPORATION.

(IV) “MARYLAND POLICE TRAINING AND STANDARDS COMMISSION” MEANS THE UNIT ESTABLISHED UNDER § 3-202 OF THE PUBLIC SAFETY ARTICLE.

(2) THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES THE FIRST \$5,000 OF INCOME EARNED BY A LAW ENFORCEMENT OFFICER IF:

(I) THE LAW ENFORCEMENT OFFICER RESIDES IN THE POLITICAL SUBDIVISION IN WHICH THE LAW ENFORCEMENT OFFICER IS EMPLOYED; AND

(II) THE CRIME RATE IN THE POLITICAL SUBDIVISION EXCEEDS THE STATE’S CRIME RATE.

(3) ON OR BEFORE SEPTEMBER 1, 2016, AND EVERY 3 YEARS THEREAFTER, THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION SHALL CERTIFY TO THE COMPTROLLER THE POLITICAL SUBDIVISIONS IN WHICH THE CRIME RATE EXCEEDS THE STATE’S CRIME RATE.”.

On pages 29 through 34, strike in their entirety the lines beginning with line 29 on page 29 through line 1 on page 34, inclusive.

AMENDMENT NO. 8

On page 34, strike beginning with “Section” in line 23 down through “Act” in line 25 and substitute “it is the intent of the General Assembly that, to the extent possible, the Maryland Police Training and Standards Commission and the Correctional Training Commission shall continue to share training and support staff”; strike beginning with “the” in line 26 down through “2018” in line 30 and substitute “Section 2 of this Act shall be applicable to all taxable years beginning after December 31, 2015”; in line 31, after “That” insert “Section 1 of”; and after line 32, insert:

“SECTION 10. AND BE IT FURTHER ENACTED, That, except as provided in Section 9 of this Act, this Act shall take effect July 1, 2016.”.

The preceding 8 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 1502 – Delegate Rosenberg

AN ACT concerning

Child Support Enforcement – Noncustodial Parent Employment Assistance Pilot Program

HB1502/498978/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 1502
(Third Reading File Bill)

On page 3, in line 11, strike “**GOVERNOR’S WORKFORCE INVESTMENT BOARD**” and substitute “**DIVISION OF WORKFORCE DEVELOPMENT AND ADULT LEARNING WITHIN THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION**”.

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 JUDICIAL PROCEEDINGS REPORT #34

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 570 – Senator Lee

AN ACT concerning

Maryland Trust Act – Representation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 571 – Senator Lee

AN ACT concerning

Maryland Trust Act – Nonjudicial Settlement Agreements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 730 – Senator Norman

AN ACT concerning

Vehicle Laws – Manufacturers and Dealers

SB0730/498172/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 730

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “prohibiting” in line 3 down through “manner” in line 8 and substitute “altering the conditions under which a motor vehicle dealer’s failure to comply with certain requirements constitutes grounds for denial of a certain claim or reduction of the amount of certain compensation; prohibiting a motor vehicle manufacturer, distributor, or factory branch from taking certain action against a dealer for the provision of certain information to certain persons; specifying that a dealer may provide certain information only to a certain customer; prohibiting a manufacturer from taking certain action against a dealer for performing certain repairs on a vehicle under certain circumstances; requiring a manufacturer to provide certain compensation to certain dealers

under certain circumstances; defining a certain term; providing for the construction of certain provisions of this Act"; after line 9, insert:

"BY renumbering

Article – Transportation

Section 15–101(c) through (g), respectively

to be Section 15–101(d) through (h), respectively

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)";

in line 12, after "Section" insert "15–101(a) and"; in line 17, after "Section" insert "15–101(c) and"; in the same line, after "15–212(c)(12)" insert ", (13), and (14)"; in line 22, after "Section" insert "15–212(c)(10) and"; after line 24, insert:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 15–101(c) through (g), respectively, of Article – Transportation of the Annotated Code of Maryland be renumbered to be Section(s) 15–101(d) through (h), respectively."

in line 25, strike "1." and substitute "2. AND"; in the same line, after "IT" insert "FURTHER"; and in the same line, strike "BY THE GENERAL ASSEMBLY OF MARYLAND".

AMENDMENT NO. 2

On page 2, after line 1, insert:

"15–101.

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

(c) "ADVERSE ACTION" MEANS:

(1) WITHHOLDING ANY CONSIDERATION RECEIVED BY A DEALER FROM A LICENSEE;

(2) WITHHOLDING A CONSUMER BENEFIT THROUGH A DEALER; OR

(3) APPOINTING OR THREATENING TO APPOINT AN ADDITIONAL DEALER WITHIN THE MARKET AREA ASSIGNED TO THE DEALER AGAINST WHOM THE ADVERSE ACTION IS TAKEN WITHOUT A COMPELLING BUSINESS JUSTIFICATION.”;

and after line 12, insert:

“(10) A dealer’s failure to comply with a [specific requirement of the manufacturer] MANUFACTURER’S or [distributor] DISTRIBUTOR’S SPECIFIC REQUIREMENTS FOR PROCESSING A CLAIM may not constitute grounds for denial of the claim or reduction of the amount of compensation paid to the dealer if the dealer presents REASONABLE documentation or other reasonable evidence to substantiate [that the repair and] the claim [were done according to manufacturer warranty guidelines].”.

On pages 2 and 3, strike in their entirety the lines beginning with line 22 on page 2 through line 8 on page 3, inclusive, and substitute:

“(12) A LICENSEE MAY NOT PROHIBIT A DEALER FROM, OR TAKE ANY ADVERSE ACTION AGAINST A DEALER FOR, PROVIDING TO A CUSTOMER INFORMATION GIVEN TO THE DEALER BY A MANUFACTURER RELATED TO ANY CONDITION THAT MAY SUBSTANTIALLY AFFECT MOTOR VEHICLE SAFETY, DURABILITY, RELIABILITY, OR PERFORMANCE.

(13) A DEALER MAY PROVIDE THE INFORMATION SPECIFIED IN PARAGRAPH (12) OF THIS SUBSECTION ONLY TO A CUSTOMER THAT HAS:

(I) PURCHASED THE VEHICLE FOR WHICH THE INFORMATION PERTAINS FROM THE DEALER; OR

(II) HAD THE VEHICLE FOR WHICH THE INFORMATION PERTAINS SERVICED BY THE DEALER.

(14) (I) A LICENSEE MAY NOT DENY A CLAIM, REDUCE THE AMOUNT OF COMPENSATION TO A DEALER, OR PROCESS A CHARGE BACK TO A DEALER FOR PERFORMING COVERED WARRANTY OR REQUIRED RECALL REPAIRS ON A VEHICLE:

1. FOR RESOLVING A CONDITION COVERED BY THE LICENSEE’S ORIGINAL WARRANTY;

2. FOR REMEDYING A SAFETY-RELATED DEFECT THAT IS SUBJECT TO AN OUTSTANDING RECALL UNDER FEDERAL LAW;

3. IF THE DEALER PROPERLY PERFORMED THE REPAIRS AND SUBMITTED THE CLAIMS; OR

4. IF THE DEALER DISCOVERED THE NEED FOR REPAIRS;

A. DURING THE COURSE OF A SEPARATE REPAIR REQUESTED BY THE CUSTOMER; OR

B. THROUGH NOTICE OF AN OUTSTANDING RECALL UNDER FEDERAL LAW FOR A SAFETY-RELATED DEFECT.”.

On pages 3 and 4, strike beginning with “IN” in line 24 on page 3 down through “AVAILABLE” in line 18 on page 4 and substitute “**IF A LICENSEE ISSUES A STOP SALE DIRECTIVE APPLICABLE TO A USED VEHICLE MANUFACTURED BY THE LICENSEE TO A DEALER THAT HOLDS A FRANCHISE FROM THE LICENSEE AND THERE ARE NO REMEDIES OR PARTS AVAILABLE TO FIX THE MOTOR VEHICLE, THE LICENSEE SHALL COMPENSATE THE DEALER BY:**

(1) PROVIDING PAYMENT TO THE DEALER AT A RATE OF AT LEAST 1% PER MONTH OR PORTION OF A MONTH OF THE VALUE OF THE VEHICLE; OR

(2) COMPENSATING THE DEALER UNDER A NATIONAL PROGRAM THAT IS APPLICABLE TO ALL DEALERS HOLDING A FRANCHISE FROM THE LICENSEE FOR THE DEALER’S COSTS ASSOCIATED WITH THE STOP SALE DIRECTIVE”.

On page 4, in line 25, strike “2.” and substitute “3.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0730/853625/1

BY: Senator Feldman

AMENDMENTS TO SENATE BILL 730, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Judicial Proceedings Committee Amendments (SB0730/498172/1), in line 10 of Amendment No. 1, strike “defining a certain term”; strike in their entirety lines 12 through 17, inclusive; in line 18, strike “15–101(a) and”; in lines 18 and 19, strike “15–101(c) and”; and strike in their entirety lines 21 through 24, inclusive.

On page 2 of the Judicial Proceedings Committee Amendments, in line 1 of Amendment No. 1, strike “2. AND” and substitute “1.”; and in line 2, strike “FURTHER”.

On page 1 of the bill, in line 25, after “ENACTED” insert “BY THE GENERAL ASSEMBLY OF MARYLAND”.

AMENDMENT NO. 2

On page 2 of the Judicial Proceedings Committee Amendments, in Amendment No. 2, strike in their entirety lines 2 through 11, inclusive.

On page 5 of the Judicial Proceedings Committee Amendments, in line 1 of Amendment No. 2, strike “3.” and substitute “2.”.

The preceding 2 amendments were read and adopted.

Senator Klausmeier moved, duly seconded, to make the Bill a Special Order for April 9, 2016.

The motion was adopted.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 816 – Senator Muse

AN ACT concerning

**Real Property – Condominiums and Homeowners Associations – Resales –
Disclosures and Fees**

SB0816/558372/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 816

(First Reading File Bill)

On page 4 in line 34, and on page 8 in line 9, in each instance, strike “**TO THE NEAREST \$50**”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 1156 – Senators Zirkin and Miller

AN ACT concerning

Criminal Procedure – Determination of Eligibility for Services – Office of the Public Defender

SB1156/828978/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 1156

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “transferring” in line 4 down through “date;” in line 21 and substitute “requiring a commissioner to determine the indigence of a certain individual at a certain proceeding under certain circumstances; providing a presumption that a certain individual qualified as indigent by a commissioner at a certain proceeding qualifies for services of the Office of the Public Defender;”; in line 23, after “repealing” insert “and reenacting, with amendments,”; and in line 25, strike “16–204 and”.

On pages 1 and 2, strike in their entirety the lines beginning with line 28 on page 1 through line 4 on page 2, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 8 on page 2 through line 7 on page 3, inclusive.

On pages 4 through 8, strike in their entirety the lines beginning with line 25 on page 4 through line 27 on page 8, inclusive.

AMENDMENT NO. 3

On page 3, in line 8, strike the bracket.

On page 4, in line 24, strike the bracket and substitute:

“(E) IF AN INDIVIDUAL WAIVES THE RIGHT TO AN ATTORNEY AT AN INITIAL APPEARANCE BUT EXPRESSES AN INTENT TO APPLY FOR SERVICES OF THE OFFICE FOR SUBSEQUENT PROCEEDINGS IN THE MATTER, A COMMISSIONER SHALL DETERMINE WHETHER THE INDIVIDUAL QUALIFIES AS INDIGENT.

(F) THERE IS A PRESUMPTION THAT AN INDIVIDUAL WHO WAS QUALIFIED AS INDIGENT BY A COMMISSIONER AT AN INITIAL APPEARANCE QUALIFIES FOR THE SERVICES OF THE OFFICE.”

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 #35

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 887 – Delegate West

AN ACT concerning

Maryland Trust Act – Representation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 888 – Delegate West

AN ACT concerning

Maryland Trust Act – Nonjudicial Settlement Agreements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 1179 – Delegates McMillan, Anderton, Beidle, Carr, Fraser–Hidalgo, Frush, Ghrist, Gilchrist, Holmes, Jacobs, Kipke, McCray, Miele, Moon, Oaks, Otto, Pena–Melnyk, S. Robinson, Stein, and Szeliga

AN ACT concerning

Vehicle Laws – HOV Lanes – Plug–In Electric Drive and Hybrid Vehicles

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 1192 – Delegates McMillan, Davis, and Holmes

AN ACT concerning

Real Property – Condominiums and Homeowners Associations – Resales – Disclosures and Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 1444 – Delegate Aumann

AN ACT concerning

Mary Byrd Wyman Memorial Association of Baltimore City

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

House Bill 610 – Delegates Barve, Stein, Beidle, Carr, Chang, Ebersole, Fraser-Hidalgo, Frick, Frush, Gaines, Healey, Hixson, Holmes, Jalisi, Kaiser, Korman, Lafferty, Lam, Lierman, Luedtke, Morhaim, Pena-Melnyk, Platt, Reznik, S. Robinson, Tarlau, Turner, Valderrama, Vaughn, ~~and Waldstreicher~~ Waldstreicher, Gilchrist, Knotts, Hill, A. Miller, and Smith

AN ACT concerning

Greenhouse Gas Emissions Reduction Act – Reauthorization

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.

House Bill 637 – Delegates Smith, Conaway, Dumais, Moon, Morales, Proctor, Rosenberg, Sanchez, and Sydnor

AN ACT concerning

Local Government Tort Claims Act – Notice Requirement – Exception

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

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

Affirmative – 44 Negative – 0 (See Roll Call No. 1168)

The Bill was then sent to the House of Delegates.

House Bill 260 – Delegates Moon, Gutierrez, Kelly, Platt, Smith, and Tarlau

CONSTITUTIONAL AMENDMENT

AN ACT concerning

United States Senator, Attorney General, and Comptroller – Appointments and Special Elections to Fill a Vacancy

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.

House Bill 571 – Delegates Barkley and W. Miller

AN ACT concerning

Gas Companies – Rate Regulation – Environmental Remediation Costs

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

HB0571/827773/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 571

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after the semicolon, insert “requiring certain financial benefit accruing to a gas company to be credited to certain customers under a certain circumstance and in a certain manner; defining a certain term;”.

AMENDMENT NO. 2

On page 2, after line 28, insert:

“(C) (1) IN THIS SUBSECTION, “FINANCIAL BENEFIT” INCLUDES ANY MONETARY GAIN ON THE CONVEYANCE OF REAL PROPERTY, OR ANY PORTION OF REAL PROPERTY THAT WAS SUBJECT TO ENVIRONMENTAL REMEDIATION, TO A THIRD PARTY AND ANY OTHER FINANCIAL BENEFIT OF THE PROPERTY OR PORTION OF THE PROPERTY THAT SUBSEQUENTLY INURES TO THE GAS COMPANY, INCLUDING INCOME FROM RENTALS AND TAX CREDITS, DEDUCTIONS, OR OTHER FINANCIAL BENEFITS, LESS ANY ENVIRONMENTAL REMEDIATION COSTS RELATING TO THE

PROPERTY THAT THE GAS COMPANY WAS NOT ALLOWED TO RECOVER FROM THE GAS COMPANY'S CUSTOMERS.

(2) IF A GAS COMPANY IS ALLOWED TO RECOVER ENVIRONMENTAL REMEDIATION COSTS UNDER THIS SECTION, ANY FINANCIAL BENEFIT ACCRUING TO THE GAS COMPANY AS A RESULT OF THE REMEDIATION OF REAL PROPERTY SHALL BE CREDITED TO THE GAS COMPANY'S CUSTOMERS IN A MANNER DETERMINED BY THE COMMISSION."

The preceding 2 amendments were read only.

Senator Madaleno moved, duly seconded, to make the Bill and Amendments a Special Order for April 9, 2016.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 1169)

ADJOURNMENT

At 1:30 P.M. on motion of Senator Pugh, seconded, the Senate adjourned until 9:30 A.M. on Legislative Day April 3, 2016, Calendar Day Saturday, April 9, 2016.